

SENATE BILL REPORT

SB 5723

As of February 17, 2025

Title: An act relating to covenants, conditions, and restrictions of an airpark.

Brief Description: Concerning covenants, conditions, and restrictions of an airpark.

Sponsors: Senator Cortes.

Brief History:

Committee Activity: Local Government: 2/17/25.

Brief Summary of Bill

- Specifies that property owned by a city or code city is not subject to existing covenants, conditions, and restrictions of an airpark that are more restrictive than the zoning ordinance in the city or code city.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Rohan Bhattacharjee (786-7534)

Background: Classifications and Powers of Cities. There are four classifications for cities and town governments: first-class cities, second-class cities, towns, and code cities. A first-class city is a city with a population of 10,000 or more that has adopted a charter. A second-class city is a city with a population over 1500 that does not have a charter and does not operate as a code city under the Optional Municipal Code (OMC). A town has a population of less than 1500 at the time of its organization and does not operate under the OMC. A code city is any noncharter or charter code city under the OMC.

First-class cities derive their powers and structures from their charters. A code city has broad home rule authority in all matters of local concern. A second-class city or town has the powers expressly or implicitly granted by the Legislature.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Development Regulations. Development regulations are controls placed on development or land use activities by a county or city, including zoning ordinances, critical areas ordinances, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances. A county or city adopts zoning ordinances to designate land in various zones for residential, commercial, and industrial purposes and to protect critical areas and other sensitive areas within the county or city.

Covenants. A property covenant is an agreement between two or more parties regarding certain use of a piece of real property. The covenant will either benefit or burden the landowner. A covenant that burdens the landowner is called a restrictive covenant. In a covenant that runs with the land, the subsequent owner of the property subject to the covenant will continue being burdened or benefited by the covenant.

Covenants, conditions, and restrictions are a set of rules governing the use of real estate in a given community. They are usually enforced by a homeowners' association, neighborhood associations, or the initial developers of the community. They are most frequently seen in planned communities or common interest developments and are usually recorded in the county clerk's office and run with the land.

Summary of Bill: Property owned by a city or code city is not subject to existing covenants, conditions, and restrictions of an airpark that are more restrictive than the zoning ordinance in the city or code city.

Appropriation: None.

Fiscal Note: Requested on February 15, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.