

**BILL #** SB 1385

**TITLE:** county land divisions; rules

**SPONSOR:** Martin

**STATUS:** As Introduced

**REQUESTED BY:** Senate

**PREPARED BY:** Steve Grunig

## **FISCAL ANALYSIS**

### **Description**

This bill would require the State Real Estate Department to adopt rules governing the prohibition on “acting in concert” to avoid state subdivision laws no later than December 31, 2004.

### **Estimated Impact**

The State Real Estate Department estimates that the bill will require \$10,000 from the General Fund to pay an individual outside the department to write the necessary rules.

### **Analysis**

Laws regulating the subdivision process help insure that future land use will occur with proper planning for infrastructure. The board of supervisors in each county regulates subdivision of land, except subdivisions that are regulated by municipalities. Individuals are exempt from these laws if land is divided into 5 or fewer lots or parcels, or if each parcel is 36 acres or more in size. Individuals may attempt to illegally circumvent subdivision laws by engaging in a series of smaller lot splits, which taken as a whole amount to an illegally large subdivision. When a group of individuals collaborate for this purpose they are said to be “acting in concert.” This is prohibited by Arizona statute and the prohibition may be enforced by any county where the division occurred or by the State Real Estate Department. At the current time, the State Real Estate Department has not established rules necessary to enforce the statute and has generally relied on counties to enforce subdivision laws. If the State Real Estate Department believes that the creation of a subdivision was done in a way that circumvents state subdivision laws, it may refer these cases to the Attorney General’s office for investigation and prosecution. The Real Estate Department estimates that writing rules will cost approximately \$10,000 from the General Fund. There is no anticipated additional cost once the rules are in operation.

### **Local Government Impact**

There is no local governmental impact associated with this bill.

2/16/04