

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 17, 2026  
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB26-1308 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 6, line 5, strike "AREA;" and substitute "AREA,  
2 AS DEFINED IN SECTION 29-35-103;"

3 Page 6, strike lines 8 through 11 and substitute:

4 "(3) "LIENHOLDER" MEANS THE HOLDER OF AN EVIDENCE OF DEBT.  
5 (4) "LOT SPLIT" MEANS THE PROCESS OF SUBDIVIDING AN  
6 ORIGINAL LOT INTO TWO NEW LOTS."

7 Page 6, line 20, strike "APPROVE THE" and substitute "APPROVE A LOT".

8 Page 6, strike lines 22 and 23 and substitute:

9 "(a) THE LOT SPLIT DOES NOT CREATE A NEW LOT THAT IS SMALLER  
10 THAN ONE THOUSAND TWO HUNDRED SQUARE FEET IN AREA;"

11 Page 6, line 26, strike "FORTY" and substitute "THIRTY".

12 Page 7, after line 3 insert:

13 "(e) IT IS FEASIBLE FOR:  
14 (I) BOTH OF THE NEW LOTS TO BE ACCESSED DUE TO ABUTMENT TO  
15 A PUBLIC OR PRIVATE STREET OR BY USE OF AN ACCESS EASEMENT, WHICH  
16 MAY INCLUDE SHARED COMMON ACCESS;  
17 (II) UTILITY EASEMENTS TO SERVE BOTH NEW LOTS; AND  
18 (III) BOTH NEW LOTS TO MEET THE REQUIREMENTS OF ARTICLES  
19 50, 51, 52, AND 53 OF TITLE 38;"

1 Reletter succeeding paragraphs accordingly.

2 Page 7, after line 7 insert:

3 "(2) IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION, A  
4 SUBJECT JURISDICTION MAY ESTABLISH PROCEDURES TO REVIEW AND  
5 ACCEPT INFORMATION RELATED TO A PROPOSED LOT SPLIT, INCLUDING LOT  
6 INFORMATION RELATED TO:

- 7 (a) PROPERTY OWNERSHIP;
- 8 (b) PHYSICAL CHARACTERISTICS OF THE LOT, INCLUDING GEOLOGY  
9 AND SOILS;
- 10 (c) PROPOSED NEW LOT LINES AND NEW LOT AREAS;
- 11 (d) ADEQUACY OF WATER SUPPLY, SEWER SERVICE, AND DRAINAGE  
12 SYSTEMS TO SERVE THE NEW LOTS;
- 13 (e) ADEQUACY OF ELECTRIC POWER AND NATURAL GAS SERVICE  
14 TO SERVE THE NEW LOTS;
- 15 (f) DEDICATION FOR SCHOOLS, PARKS, STREETS, AND OTHER  
16 PUBLIC AREAS, OR PAYMENT OF MONEY IN LIEU OF SUCH DEDICATION; AND  
17 (g) GUARANTEES OF NECESSARY PUBLIC IMPROVEMENTS."

18 Renumber succeeding subsection accordingly.

19 Page 8, after line 4, insert:

20 "(4) A SUBJECT JURISDICTION:

21 (a) SHALL NOT APPLY A SETBACK STANDARD THAT REQUIRES A  
22 SETBACK FROM THE LOT LINE ADJOINING TWO NEW LOTS CREATED  
23 THROUGH A LOT SPLIT IN ACCORDANCE WITH THIS SECTION IF NO  
24 STRUCTURE EXISTED ON THE ORIGINAL LOT IMMEDIATELY PRECEDING THE  
25 LOT SPLIT; AND

26 (b) MAY APPLY A SETBACK STANDARD THAT REQUIRES A SETBACK  
27 FROM THE LOT LINE ADJOINING TWO NEW LOTS CREATED THROUGH A LOT  
28 SPLIT IN ACCORDANCE WITH THIS SECTION IF A STRUCTURE EXISTED ON  
29 THE ORIGINAL LOT IMMEDIATELY PRECEDING THE LOT SPLIT AND IF THE  
30 SETBACK IS EQUAL TO OR LESS THAN FIVE FEET.

31 (5) NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO SUPERSEDE,  
32 INVALIDATE, OR LIMIT THE ENFORCEABILITY OF PRIVATE COVENANTS,  
33 CONDITIONS, OR RESTRICTIONS RECORDED AGAINST THE ORIGINAL LOT,  
34 EXCEPT AS EXPRESSLY PROVIDED BY LAW."

35 Page 8, lines 5 and 6, strike "**holder of an evidence of debt constituting**  
36 **a residential mortgage loan**" and substitute "**lienholder**".

- 1 Page 8, lines 8 and 9, strike "DEBT CONSTITUTING A RESIDENTIAL  
2 MORTGAGE LOAN," and substitute "DEBT,".
- 3 Page 8, lines 9 and 10, strike "THE SPLIT OF THE ORIGINAL LOT" and  
4 substitute "A LOT SPLIT".
- 5 Page 8, line 14, strike "HOLDER." and substitute "LIENHOLDER.".
- 6 Page 8, strike line 15 and substitute:
- 7       "(2) THE WRITTEN CONSENT OF THE LIENHOLDER MUST BE  
8 EXECUTED IN A FORM THAT IS ELIGIBLE FOR RECORDING IN THE REAL  
9 PROPERTY RECORDS OF THE COUNTY IN WHICH THE ORIGINAL LOT IS  
10 LOCATED AND MUST INCLUDE THE".
- 11 Page 8, line 17, before "SIGNATURE" insert "NOTARIZED".
- 12 Page 8, line 18, strike "HOLDER;" and substitute "LIENHOLDER;".
- 13 Page 8, line 21, strike "AND".
- 14 Page 8, line 23, strike "RECORDS." and substitute "records, including any  
15 easements and encumbrances.".
- 16 Page 9, line 2, after "SPLIT." add "A LOT SPLIT THAT IS APPROVED BEFORE  
17 THE WRITTEN CONSENT OF THE LIENHOLDER HAS BEEN OBTAINED AND  
18 RECORDED IS VOID.".
- 19 Strike "HOLDER" and substitute "LIENHOLDER" on: **Page 8**, lines 11, 13,  
20 17, 24, and 27.

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