

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Construction moratoriums-limitations.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to city, county, state and local powers;  
2 providing requirements and limitations on moratoriums for  
3 construction or land development by counties, cities and  
4 towns; providing definitions; specifying applicability; and  
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 16-13-101 and 16-13-102 are created

10 to read:

11

12

CHAPTER 13

13

BUILDING MORATORIUMS

1

2 \*\*\*\*\*  
3 \*\*\*\*\*

4 STAFF COMMENT

5 This draft is modeled off of Arizona Revised Statute 11-  
6 833. It treats urban land slightly differently from rural  
7 land:

8  
9 Urban land:

- 10 • Requires justification by demonstrating a need to
- 11 prevent a shortage of essential public facilities
- 12 (water, sewer, street improvements) (16-13-102(b) OR a
- 13 demonstration of a compelling need for other public
- 14 facilities (ie police and fire)(16-13-102(c)(i)).
- 15 • Provides a time limit of 120 days on moratoriums
- 16 pursuant to a demonstration of a compelling need.

17  
18 Rural land:

- 19 • Only provides for demonstration of a compelling need
- 20 for other public facilities (16-13-102(c)(ii)).
- 21 • No time limit specified in statute.

22  
23 The Task Force may wish to consider whether there should be  
24 a difference in urban/rural moratoriums, and to what  
25 extent.

26 \*\*\*\*\*  
27 \*\*\*\*\*

28  
29 16-13-101. Definitions.

30  
31 (a) As used in this article:

- 32
- 33 (i) "Compelling need" means a clear and imminent
- 34 danger to the health and safety of the public;

35

1           (ii) "Essential public facilities" means water,  
2 sewer and street improvements and water resources to the  
3 extent that these improvements and water resources are  
4 provided by a county, city, town or private utility;

5  
6           (iii) "Moratorium on construction or land  
7 development" means engaging in a pattern or practice of  
8 delaying or stopping issuance of permits, authorizations or  
9 approvals necessary for the subdivision and partitioning  
10 of, or construction on, any land. It does not include  
11 denial or delay of permits or authorizations because the  
12 permits or authorizations are inconsistent with applicable  
13 statutes, rules or other ordinances;

14  
15           (iv) "Rural land" means all property in the  
16 unincorporated area of a county or in the incorporated area  
17 of a city or town with a population of less than two  
18 thousand nine hundred (2,900) persons;

19  
20           (v) "Urban land or land subject to potential  
21 urbanization" means all property in the incorporated area  
22 of a city or town with a population of two thousand nine  
23 hundred (2,900) persons or more;

1

2           (vi) "Vested right" means a right to develop  
3 property established by the expenditure of substantial sums  
4 of money pursuant to a permit or approval granted by a  
5 county, city or town.

6

7           **16-13-102. Building moratoriums; limitations.**

8

9           (a) Counties, cities and towns shall not adopt a  
10 moratorium on construction or land development unless the  
11 county, city or town first:

12

13           (i) Provides notice of a proposed moratorium on  
14 construction or land development to the public by  
15 publishing once in a newspaper of general circulation in  
16 the county in which the property is located not less than  
17 thirty (30) days before a final public hearing is held to  
18 consider the adoption of the moratorium on construction or  
19 land development;

20

21           (ii) Makes written findings establishing the  
22 need for the moratorium on construction or land development  
23 as required by this section;

1

2 (iii) Holds a public hearing on the adoption of  
3 the moratorium on construction or land development and the  
4 findings that support the moratorium on construction or  
5 land development.

6

7 (b) For urban land or land subject to potential  
8 urbanization, a moratorium on construction or land  
9 development may be established by proof of a need to  
10 prevent a shortage of essential public facilities that  
11 would otherwise occur during the effective period of the  
12 moratorium. The proof shall be based on reasonably  
13 available information and shall include the following:

14

15 (i) A showing of the extent of the need for  
16 essential public facilities beyond the estimated capacity  
17 of existing essential public facilities expected to result  
18 from new land development, including identification of any  
19 essential public facilities currently operating beyond  
20 capacity and the portion of this capacity already committed  
21 to previously approved new development, or in the case of  
22 water resources, a showing that a sufficient water supply  
23 cannot be provided to the new land development, including

1 identification of current water resources and the portion  
2 already committed to development;

3

4 (ii) A showing that the moratorium on  
5 construction or land development is reasonably limited to  
6 those areas of the city or town where a shortage of  
7 essential public facilities would otherwise occur and on  
8 property that has not received development approvals based  
9 on the sufficiency of existing essential public facilities;

10

11 (iii) A showing that the housing and economic  
12 development needs of the area affected have been  
13 accommodated as much as possible in any program for  
14 allocating any remaining essential public facility  
15 capacity.

16

17 (c) A moratorium on construction or land development  
18 not based on a shortage of essential public facilities  
19 under subsection (b) of this section shall be established  
20 by proof of a compelling need for other public facilities,  
21 including police and fire facilities. The proof shall be  
22 based on reasonably available information and shall include  
23 the following:

1

2 (i) For urban land or land subject to potential  
3 urbanization:

4

5 (A) A showing that application of existing  
6 development laws, rules or ordinances is inadequate to  
7 prevent irrevocable public harm from development in  
8 affected geographical areas;

9

10 (B) A showing that the moratorium on  
11 construction or land development  
12 is sufficiently limited to ensure that a needed supply of  
13 affected housing types and the supply of commercial and  
14 industrial facilities within or in proximity to the city or  
15 town are not unreasonably restricted by the adoption of the  
16 moratorium on construction or land development;

17

18 (C) An explanation of the reasons that  
19 alternative methods of achieving the objectives of the  
20 moratorium on construction or land development are  
21 unsatisfactory;

22

1                   (D)    A showing that a city or town has  
2 determined that the public harm that would be caused by a  
3 failure to impose a moratorium on construction or land  
4 development outweighs the adverse effects of the moratorium  
5 on affected local governments, including shifts in demand  
6 for housing or economic development, public facilities and  
7 services and the overall impact of the moratorium on  
8 construction or land development on population  
9 distribution;

10

11                   (E) A showing that a city or town proposing  
12 the moratorium on construction or land development has  
13 developed a work plan and time schedule for achieving the  
14 objectives of the moratorium on construction or land  
15 development.

16

17                   (ii) For rural land:

18

19                   (A) A showing that application of existing  
20 development laws, rules or ordinances is inadequate to  
21 prevent irrevocable public harm from development in  
22 affected geographical areas;

23



1                   (B)     An explanation of the reasons that  
2 alternative methods of achieving the objectives of the  
3 moratorium on construction or land development are  
4 unsatisfactory;

5

6                   (C)     A showing that the moratorium on  
7 construction or land development is sufficiently limited to  
8 ensure that lots or parcels outside the affected  
9 geographical areas are not unreasonably restricted by the  
10 adoption of the moratorium;

11

12                   (D)     A showing that a county, city or town  
13 proposing the moratorium on construction or land  
14 development has developed a work plan and time schedule for  
15 achieving the objectives of the moratorium on construction  
16 or land development.

17

18                   (d)     Any moratorium on construction or land  
19 development adopted under this section shall provide a  
20 procedure to allow a landowner to apply for a waiver of the  
21 moratorium's applicability to his property by claiming  
22 rights obtained under a development agreement, a protected  
23 development right or any vested right or by providing the

1 essential public facilities that are the subject of the  
2 moratorium at the landowner's cost.

3

4 (e) A moratorium on construction or land development  
5 adopted under paragraph (c)(i) of this section shall not  
6 remain in effect for more than one hundred twenty (120)  
7 days, but the moratorium may be extended for additional  
8 periods of time not to exceed a total time of one hundred  
9 twenty (120) days if a county, city or town adopting the  
10 moratorium holds a public hearing on a proposed time  
11 extension and adopts written findings that:

12

13 (i) Verify the problem requiring the need for  
14 the moratorium on construction or land development to be  
15 extended;

16

17 (ii) Demonstrate that reasonable progress is  
18 being made to alleviate the problems that justified  
19 imposition of the moratorium on construction or land  
20 development; and

21

22 (iii) Set a specific duration for the renewal of  
23 the moratorium on construction or land development.

1

2 (f) A city or town considering an extension of a  
3 moratorium on construction or land development under  
4 subsection (e) of this section shall provide notice of the  
5 proposed extension to the general public published once in  
6 a newspaper of general circulation in the county in which  
7 the property is located at least thirty (30) days before a  
8 final hearing is held to consider an extension of a  
9 moratorium.

10

11 (g) This section shall not prevent a county, city or  
12 town from complying with any state or federal law,  
13 regulation or order.

14

15 **Section 2.** This act applies to moratoriums on  
16 construction or land development adopted on and after July  
17 1, 2025.

18

19 **Section 3.** This act is effective July 1, 2025.

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21

(END)