

[(6)] (7) "Setback line" means the distance from a curb or shoulder of a highway, edge of a sidewalk, or property line beyond which any portion of a building or structure may not extend.

[(7)] (8) "Setback line restriction" means a setback line established by:

(i) A law, ordinance, or regulation, including a building or zoning law, ordinance, or regulation; or

(ii) An instrument, however denominated.

(b) (1) [If a building or structure was constructed or reconstructed under a building permit that is otherwise valid except for the failure to comply with the setback line restriction, a person may not initiate an action or proceeding that arises out of a failure of the building or structure to comply with a setback line restriction more than 3 years after the date on which the violation first occurred] A PERSON MAY NOT INITIATE AN ACTION OR PROCEEDING ARISING OUT OF A FAILURE OF A BUILDING OR STRUCTURE TO COMPLY WITH A SETBACK LINE RESTRICTION MORE THAN 3 YEARS AFTER THE DATE ON WHICH THE VIOLATION FIRST OCCURRED IF THE BUILDING OR STRUCTURE WAS CONSTRUCTED OR RECONSTRUCTED:

(I) IN COMPLIANCE WITH AN OTHERWISE VALID BUILDING PERMIT, EXCEPT THAT THE BUILDING PERMIT WRONGFULLY PERMITTED THE BUILDING OR STRUCTURE TO VIOLATE A SETBACK LINE RESTRICTION; OR

(II) UNDER A VALID BUILDING PERMIT, AND THE BUILDING OR STRUCTURE FAILED TO COMPLY WITH A SETBACK LINE RESTRICTION ACCURATELY REFLECTED IN THE PERMIT.

(2) FOR PURPOSES OF PARAGRAPH (1)(I) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF STATE OR LOCAL LAW TO THE CONTRARY, A BUILDING PERMIT THAT WAS OTHERWISE VALIDLY ISSUED, EXCEPT THAT THE PERMIT WRONGFULLY PERMITTED THE BUILDING OR STRUCTURE TO VIOLATE A SETBACK LINE RESTRICTION, SHALL BE CONSIDERED A VALID BUILDING PERMIT.

[(2)] (3) For purposes of this subsection, the date on which the violation first occurred shall be deemed to be the date on which the final building inspection was approved.

(c) Notwithstanding any provision to the contrary in a deed or other written instrument, a failure to comply with a setback line restriction may not cause a forfeiture or reversion of title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to and be interpreted to affect all actions or proceedings initiated on or after July 1, 1989.