

- SUBJECT:** Deadlines for counties to act on permit applications
- COMMITTEE:** Land and Resource Management — committee substitute recommended
- VOTE:** 8 ayes — Mowery, Harper-Brown, Blake, R. Cook, Leibowitz, Miller, Orr, Pickett
- 0 nays
- 1 absent — Escobar
- WITNESSES:** *Registered but did not testify:*
For — Daniel Gonzalez, Texas Association of Realtors; Scott Norman, Texas Association of Builders; David Mintz, Texas Apartment Association
- Against — None
- On — Scheleen Walker, Travis County, Transportation and Natural Resources Dept.
- BACKGROUND:** Among other provisions, Local Government Code, Title 7, authorizes local government entities, including counties, to issue building permits. Permit applications and review processes vary among counties to ensure that construction and improvement plans comply with local policies and standards.
- DIGEST:** CSHB 266 would set deadlines for counties to act on permits for constructing or improving buildings or other structures within their jurisdictions. Upon receipt of a building permit application, a county would have to:
- grant or deny the permit to the applicant within 45 days;
 - provide written notice to the applicant explaining why the county had not acted on the application, which would add 30 days from the date notice was received to the county's deadline for reaching a decision; or

- reach a written agreement with the applicant establishing a deadline for reaching a decision.

If the county failed to act within these deadlines and/or agreements, the county could not collect any application fees and would have to refund any fees collected to the applicant.

The deadlines would not apply to permits for an on-site sewage disposal system.

The bill would take effect September 1, 2005, and would apply only to permit applications submitted after that date.

**SUPPORTERS
SAY:**

CSHB 266 would assist developers in efficiently managing their projects by establishing clear uniform deadlines for granting or denying permit applications. It would develop notification standards that are responsive and predictable and create a clear and transparent permit process through which a county and a project manager could communicate effectively.

The permit procedure set forth in CSHB 266 would allow for the timely identification and rectification of application errors. Rather than letting projects stall over incoherent deadlines or flaws detected late in the permit process, as under the current system, the bill would help counties quickly identify a sound project and resolve application flaws to speed the commencement of construction or improvements. By allowing for a more timely project initiation date, CSHB 266 also would assist a county in incorporating new property value into its tax roll.

Variation among counties' particular permit requirements would not be affected by the bill. Written agreements between a county and a developer could cover any steps required to obtain a permit while clearly delineating the responsibilities of both parties.

**OPPONENTS
SAY:**

By requiring written agreements between counties and building permit applicants in order to avoid inflexible processing deadlines and resolve application flaws, this bill would slow the permit process, not expedite it. Counties today manage to ensure efficient regulatory processes by communicating verbally with applicants, and additional paperwork requirements would do nothing to improve this system. By mandating additional administrative duties, the bill could require some counties to

increase permit fees to cover the increased processing costs of written agreements, including the possible need for additional personnel.

The changes proposed in this bill are unnecessary. Counties already are expediting the permit process quickly enough. The current system, in which a county has the authority to guide the permit process according to its specific policies, works well. In fact, many counties already act on permits well within 45 days of receiving applications.

Because most building permits are issued by municipalities, rather than counties, this bill would place unnecessary and costly demands on counties while doing little to change the overall permitting process from the point of view of most developers.

NOTES:

The committee substitute would not apply to the permit process for on-site sewage disposal systems.