

BILL ANALYSIS

Senate Research Center

H.B. 265
By: Smith, Wayne (Eltife)
Intergovernmental Relations
5/13/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, there are no time limits placed on municipalities regarding the processing of building permits.

H.B. 265 requires municipalities to review a permit application within six weeks of its filing. If the permit is not approved, the municipality is required to meet with the applicant or send a letter to the applicant that outlines the problems with the application. If the applicant resubmits the application with necessary corrections, the municipality has one month to approve or reject the application or all permit fees are waived.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 214, Local Government Code, by adding Section 214.904, as follows:

Sec. 214.904. TIME FOR ISSUANCE OF MUNICIPAL BUILDING PERMIT. (a) Provides that this section applies only to a permit require by a municipality for certain purposes.

(b) Requires the municipality to take certain actions, within a specified period of time.

(c) Requires the municipality to grant or deny a permit application for which notice is provided under Subsection (b)(2), within a specified period of time.

(d) Prohibits the municipality from collecting any permit fees associated with the application and requires the municipality to refund the applicant any permit fees associated with the application that have been collected, under specific circumstances.

SECTION 2. Amends the heading to Subchapter Z, Chapter 214, Local Government Code to read as follows:

SUBCHAPTER Z. MISCELLANEOUS POWERS AND DUTIES

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.

AMENDMENTS

Committee Amendment No. 1

On page 1, lines 18-21 strike 214.904(c) and substitute with a new Subsection 214.904(c) to read,

(c) Requires the applicant, for a permit application for which notice is provided under Subsection (b)(2), to provide the missing information or correct the permit application as stated in the notice provided under Subsection (b)(2) within 30 days. Requires a municipality to then grant or deny the permit not later than the 30th day after the date all the missing and/or corrected information is received.