

By: Harris of Anderson

H.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to certain approval procedures for property development review by a political subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.014 to read as follows:

Sec. 250.014. REVIEW OF DEVELOPMENT DOCUMENT BY A THIRD PARTY AND RELATED ACTIONS. (a) In this section:

(1) "Development document" includes, without limitation, a plan, plat, or any other document related to the development of or improvement to land that must be approved by a regulatory authority under an applicable law, rule, regulation, order, or ordinance to authorize a person to initiate, continue, perform an action related to, or complete the development of or improvement to land.

(2) "Development inspection" means the inspection of an improvement to land required to be conducted as part of a project to develop the land or construct or improve an improvement to the land.

(3) "Development permit" means a permit required to be obtained to develop land or construct or improve an improvement to land.

(4) "Plan" has the meaning assigned by Section 212.001.

1 (5) "Plat" has the meaning assigned by Section 212.001
2 and includes a development plat under Subchapter B, Chapter 212.

3 (6) "Regulatory authority" means the governing body,
4 or a bureau, department, division, board, commission, or other
5 agency, of a political subdivision acting in its capacity of
6 processing or approving a development document or development
7 permit or conducting a development inspection.

8 (b) If a regulatory authority does not approve,
9 conditionally approve, or disapprove a development document or
10 development permit by the 15th day after the time prescribed by a
11 provision of this code for the approval, conditional approval, or
12 disapproval of the document or permit, any required review of the
13 document or permit may be performed by any person:

14 (1) other than:

15 (A) the applicant; or

16 (B) a person whose work is the subject of the
17 application; and

18 (2) who is:

19 (A) employed as a reviewer by the regulatory
20 authority in which the land subject to the development document or
21 development permit is located;

22 (B) employed as a reviewer by any political
23 subdivision, if the regulatory authority in which the land subject
24 to the development document or development permit is located has
25 approved the person; or

26 (C) an engineer licensed under Chapter 1001,
27 Occupations Code.

1 (c) If a regulatory authority does not conduct a required
2 development inspection by the 15th day after the time prescribed by
3 a provision of this code for conducting the inspection, the
4 required inspection may be conducted by any person:

5 (1) other than:

6 (A) the owner of the land or improvement to the
7 land that is the subject of the inspection; or

8 (B) a person whose work is the subject of the
9 inspection; and

10 (2) who is:

11 (A) certified to inspect buildings by the
12 International Code Council;

13 (B) employed as a building inspector by the
14 regulatory authority in which the improvement is located;

15 (C) employed as a building inspector by any
16 political subdivision, if the regulatory authority in which the
17 land or improvement to land is located has approved the person to
18 perform inspections; or

19 (D) an engineer licensed under Chapter 1001,
20 Occupations Code.

21 (d) A regulatory authority may not collect an additional fee
22 related to a review performed under Subsection (b) or a development
23 inspection conducted under Subsection (c).

24 (e) A person who performs a review or conducts a development
25 inspection under this section must:

26 (1) satisfy all applicable regulations; and

27 (2) not later than the 15th day after the date the

1 review or inspection is completed, provide notice to the regulatory
2 authority of the review or inspection.

3 (f) The regulatory authority may prescribe a reasonable
4 format for the notice required under Subsection (e).

5 (g) A regulatory authority may not request or require an
6 applicant to waive a deadline or other procedure under this
7 section.

8 (h) A decision made by a reviewer employed or approved by a
9 regulatory authority to conditionally approve or disapprove a
10 development document or development permit under this section may
11 be appealed by the applicant to the governing body of the regulatory
12 authority. An appeal must be filed no later than the 15th day after
13 the date of the reviewer's decision. If the governing body of the
14 regulatory authority does not, by majority vote, affirm the
15 reviewer's decision on or before the 60th day after receiving
16 notice of the appeal, the development document or development
17 permit that is the subject of the appeal shall be deemed approved.

18 SECTION 2. Section 250.014, Local Government Code, as
19 amended by this Act, applies only to a development document that is
20 submitted on or after the effective date of this Act. A development
21 document submitted before the effective date of this Act is
22 governed by the law in effect on the date the development document
23 was submitted, and the former law is continued in effect for that
24 purpose.

25 SECTION 3. This Act takes effect September 1, 2023.