

1-1 By: Harris of Anderson, et al. H.B. No. 14
 1-2 (Senate Sponsor - Bettencourt)
 1-3 (In the Senate - Received from the House April 17, 2023;
 1-4 April 19, 2023, read first time and referred to Committee on Local
 1-5 Government; May 19, 2023, reported favorably by the following
 1-6 vote: Yeas 7, Nays 1; May 19, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Bettencourt	X			
1-9 Springer	X			
1-10 Eckhardt		X		
1-11 Gutierrez			X	
1-12 Hall	X			
1-13 Nichols	X			
1-14 Parker	X			
1-15 Paxton	X			
1-16 West	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to third-party review of plats and property development
 1-21 plans, permits, and similar documents, and the inspection of an
 1-22 improvement related to such a document.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle C, Title 7, Local Government Code, is
 1-25 amended by adding Chapter 247 to read as follows:

1-26 CHAPTER 247. THIRD-PARTY REVIEW OF DEVELOPMENT DOCUMENTS AND
 1-27 INSPECTION OF IMPROVEMENTS

1-28 Sec. 247.001. DEFINITIONS. In this chapter:

1-29 (1) "Development document" means a document,
 1-30 including an application for a plat, plan, or development permit,
 1-31 related to the development of or improvement to land that is
 1-32 required by law, ordinance, rule, or other measure to be approved by
 1-33 a regulatory authority in order for a person to initiate, engage in,
 1-34 or complete the development or improvement.

1-35 (2) "Development inspection" means the inspection of
 1-36 an improvement to land required by a regulatory authority as part of
 1-37 a project to develop the land or construct or improve an improvement
 1-38 to the land.

1-39 (3) "Development permit" means a permit required by a
 1-40 regulatory authority to develop land or construct or improve an
 1-41 improvement to land.

1-42 (4) "Plan" has the meaning assigned by Section
 1-43 212.001.

1-44 (5) "Plat" has the meaning assigned by Section 212.001
 1-45 except that the term includes a development plat under Subchapter
 1-46 B, Chapter 212.

1-47 (6) "Regulatory authority" means the governing body of
 1-48 a political subdivision, or a department, board, commission, or
 1-49 other entity of the political subdivision, responsible for
 1-50 processing or approving a development document or conducting a
 1-51 development inspection.

1-52 Sec. 247.002. THIRD-PARTY REVIEW OR INSPECTION REQUIRED.

1-53 (a) If a regulatory authority does not approve, conditionally
 1-54 approve, or disapprove a development document by the 15th day after
 1-55 the date prescribed by a provision of this code for the approval,
 1-56 conditional approval, or disapproval of the document, any required
 1-57 review of the document may be performed by a person:

1-58 (1) other than:

1-59 (A) the applicant; or

1-60 (B) a person whose work is the subject of the
 1-61 application; and

2-1 (2) who is:
 2-2 (A) employed by the regulatory authority to
 2-3 review development documents;
 2-4 (B) employed by another political subdivision to
 2-5 review development documents, if the regulatory authority has
 2-6 approved the person to review development documents; or
 2-7 (C) an engineer licensed under Chapter 1001,
 2-8 Occupations Code.
 2-9 (b) If a regulatory authority does not conduct a required
 2-10 development inspection by the 15th day after the date prescribed by
 2-11 a provision of this code for conducting the inspection, the
 2-12 inspection may be conducted by a person:
 2-13 (1) other than:
 2-14 (A) the owner of the land or improvement to the
 2-15 land that is the subject of the inspection; or
 2-16 (B) a person whose work is the subject of the
 2-17 inspection; and
 2-18 (2) who is:
 2-19 (A) certified to inspect buildings by the
 2-20 International Code Council;
 2-21 (B) employed by the regulatory authority as a
 2-22 building inspector;
 2-23 (C) employed by another political subdivision as
 2-24 a building inspector, if the regulatory authority has approved the
 2-25 person to perform inspections; or
 2-26 (D) an engineer licensed under Chapter 1001,
 2-27 Occupations Code.
 2-28 Sec. 247.003. ADDITIONAL FEE PROHIBITED. A regulatory
 2-29 authority may not impose a fee related to the review of a
 2-30 development document or the inspection of an improvement conducted
 2-31 under Section 247.002.
 2-32 Sec. 247.004. THIRD-PARTY REQUIREMENTS. (a) A person who
 2-33 reviews a development document or conducts a development inspection
 2-34 under Section 247.002 shall:
 2-35 (1) review the document, conduct the inspection, and
 2-36 take all other related actions in accordance with all applicable
 2-37 provisions of law; and
 2-38 (2) not later than the 15th day after the date the
 2-39 person completes the review or inspection, provide notice to the
 2-40 regulatory authority of the results of the review or inspection.
 2-41 (b) A regulatory authority may prescribe a reasonable
 2-42 format for the notice required under Subsection (a).
 2-43 Sec. 247.005. WAIVER PROHIBITED. A regulatory authority
 2-44 may not request or require an applicant to waive a deadline or other
 2-45 procedure under this chapter.
 2-46 Sec. 247.006. APPEAL. (a) A person may appeal to the
 2-47 governing body of a political subdivision:
 2-48 (1) a decision to conditionally approve or disapprove
 2-49 a development document made by the regulatory authority for the
 2-50 political subdivision or a person authorized by Section 247.002(a)
 2-51 to perform the review of the document; or
 2-52 (2) a decision regarding a development inspection
 2-53 conducted by the regulatory authority or a person authorized by
 2-54 Section 247.002(b) to perform the inspection.
 2-55 (b) A person must file an appeal under this section not
 2-56 later than the 15th day after the date the decision being appealed
 2-57 is made.
 2-58 (c) If the governing body hearing the appeal does not affirm
 2-59 the decision being appealed by a majority vote on or before the 60th
 2-60 day after the date the appeal is filed:
 2-61 (1) the development document that is the subject of
 2-62 the appeal is considered approved; or
 2-63 (2) the development inspection that is the subject of
 2-64 the appeal is waived.
 2-65 SECTION 2. Chapter 247, Local Government Code, as added by
 2-66 this Act, applies only to a development document or a request for a
 2-67 development inspection, as those terms are defined by Section
 2-68 247.001 of that code, that is submitted to the appropriate
 2-69 regulatory authority on or after the effective date of this Act.

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

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