

BILL ANALYSIS

C.S.H.B. 2049
By: Smith, Wayne
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, there are no time limits placed on municipalities regarding their processing of building permits. The time between applying for and the approval of a permit can range from six weeks to seven months.

C.S.H.B. 2049 requires municipalities to review a permit application within six weeks of its filing. If the permit is not approved, the municipality is required to send a letter to the applicant that discusses the problems with the application or to meet with the applicant. If the builder addresses the problems and resubmits the application, the municipality has one month to approve or reject the application or all permit fees are waived.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

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

Requires a municipality to grant, deny, inform an applicant of problems with a permit application, or attempt to reach an agreement with the applicant within 45 days of the permit being filed.

Requires a municipality to grant or deny a permit within 30 days of notifying the applicant of problems with the application or of reaching an agreement with him or her. Mandates that all permit fees are waived by the municipality if it fails to act on an application within the 30 day period.

SECTION 2. Effective date.

Act prospective.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. C.S.H.B. 2049 adds a new Subsection 214.904(b)(3), Local Government Code, to allow a third alternative available to a municipality.

C.S.H.B. 2049 makes conforming changes in Subsection 214.904(c), Local Government Code.

C.S.H.B. 2049 mandates that all permit fees are waived if a municipality fails to act within the time limits established. H.B. 2049 required that the permit was granted if the municipality failed to act within the established time limits.