

By: Smith of Harris

H.B. No. 266

Substitute the following for H.B. No. 266:

By: Mowery

C.S.H.B. No. 266

A BILL TO BE ENTITLED

AN ACT

relating to the time for processing a county building permit.

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

SECTION 1. Chapter 233, Local Government Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 233.901. TIME FOR ISSUANCE OF COUNTY BUILDING PERMIT.

(a) This section applies only to a permit required by a county to construct or improve a building or other structure in the county, but does not apply to a permit for an on-site sewage disposal system.

(b) Not later than the 45th day after the date an application for a permit is submitted, the county must:

(1) grant or deny the permit;

(2) provide written notice to the applicant stating the reasons why the county has been unable to act on the permit application; or

(3) reach a written agreement with the applicant providing for a deadline for granting or denying the permit.

(c) For a permit application for which notice is provided under Subsection (b)(2), the county must grant or deny the permit not later than the 30th day after the date the notice is received.

(d) If a county fails to act on a permit application in the time required by Subsection (c) or by an agreement under Subsection

1 (b)(3), the county:

2 (1) may not collect any permit fees associated with  
3 the application; and

4 (2) shall refund to the applicant any permit fees  
5 associated with the application that have been collected.

6 SECTION 2. Subchapter Z, Chapter 233, Local Government  
7 Code, as added by this Act, applies only to an application for a  
8 permit submitted on or after September 1, 2005. An application for  
9 a permit submitted before that date is governed by the law in effect  
10 when the application was submitted, and the former law is continued  
11 in effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2005.