

By: Shapiro, Eltife, Seliger

S.B. No. 848

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the approval of certain permit applications by local
3 governments.

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

5 SECTION 1. Subdivision (1), Section 245.001, Local
6 Government Code, is amended to read as follows:

7 (1) "Permit" means a license, certificate, approval,
8 registration, consent, permit, contract or other agreement for the
9 construction or provision of service from a utility owned,
10 operated, or controlled by the regulatory agency, or other form of
11 authorization required by law, rule, regulation, order, or
12 ordinance that a person must obtain to perform an action or
13 initiate, continue, or complete a project for which the permit is
14 sought.

15 SECTION 2. Section 245.002, Local Government Code, is
16 amended by amending Subsection (a) and adding Subsection (a-1) to
17 read as follows:

18 (a) Each regulatory agency shall consider the approval,
19 disapproval, or conditional approval of an application for a permit
20 solely on the basis of any orders, regulations, ordinances, rules,
21 expiration dates, or other properly adopted requirements in effect
22 at the time:

23 (1) the original application for the permit is filed
24 for review for any purpose, including review for administrative

1 completeness; or

2 (2) a plan for development of real property is filed
3 with a regulatory agency.

4 (a-1) Rights to which a permit applicant is entitled under
5 this chapter accrue on filing of an original application or plan of
6 development that gives the regulatory agency fair notice of the
7 project and the nature of the permit sought. An application or plan
8 is considered filed on the date the applicant delivers the
9 application or plan to the regulatory agency or deposits the
10 application or plan with the United States Postal Service by
11 certified mail addressed to the regulatory agency. A certified
12 mail receipt obtained by the applicant at the time of deposit is
13 prima facie evidence of the date the application or plan was
14 deposited with the United States Postal Service.

15 SECTION 3. This Act shall be construed to provide for the
16 accrual of rights to develop property under regulations in effect
17 at a time certain; provided, however, that nothing in this Act shall
18 be construed to prohibit a regulatory agency from requiring
19 compliance with technical requirements relating to the form and
20 content of an application after the applicant's development rights
21 have accrued pursuant to Subsection (a-1), Section 245.002, Local
22 Government Code, as added by this Act, if such requirements are in
23 effect at the time the application is filed.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.