

By: Workman

H.B. No. 3090

A BILL TO BE ENTITLED

AN ACT

relating to uniformity of requirements of certain municipal regulations to local permits.

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

SECTION 1. Section 245.002, Local Government Code, is amended to read as follows:

Section 245.002, Local Government Code, is amended to read as follows:

(1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or

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

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

1 (b) If a series of permits is required for a project, the
2 orders, regulations, ordinances, rules, expiration dates, or other
3 properly adopted requirements in effect at the time the original
4 application for the first permit in that series is filed shall be
5 the sole basis for consideration of all subsequent permits required
6 for the completion of the project. All permits, and any revisions
7 or modifications thereto, required for the project are considered
8 to be a single series of permits. Preliminary plans and related
9 subdivision plats, site plans, and all other development permits
10 for land covered by the preliminary plans or subdivision plats are
11 considered collectively to be one series of permits for a project.

12 (c) After an application for a project is filed, a
13 regulatory agency may not shorten the duration of any permit
14 required for the project.

15 (d) Notwithstanding any provision of this chapter to the
16 contrary, a permit holder may take advantage of recorded
17 subdivision plat notes, recorded restrictive covenants required by
18 a regulatory agency, ~~or~~ a change to the laws, rules, regulations,
19 or ordinances of a regulatory agency that enhance or protect the
20 project, or a change to the zoning or property classification that
21 adds or alters allowable uses of the property related to the
22 project, including changes that lengthen the effective life of the
23 permit after the date the application for the permit was made,
24 without forfeiting any rights under this chapter.

25 (e) A regulatory agency may provide that a permit
26 application expires on or after the 45th day after the date the
27 application is filed if:

1 (1) the applicant fails to provide documents or other
2 information necessary to comply with the agency's technical
3 requirements relating to the form and content of the permit
4 application;

5 (2) the agency provides to the applicant not later
6 than the 10th business day after the date the application is filed
7 written notice of the failure that specifies the necessary
8 documents or other information and the date the application will
9 expire if the documents or other information is not provided; and

10 (3) the applicant fails to provide the specified
11 documents or other information within the time provided in the
12 notice.

13 (f) This chapter does not prohibit a regulatory agency from
14 requiring compliance with technical requirements relating to the
15 form and content of an application in effect at the time the
16 application was filed even though the application is filed after
17 the date an applicant accrues rights under Subsection (a-1).

18 (g) Notwithstanding Section 245.003, the change in law made
19 to Subsection (a) and the addition of Subsections (a-1), (e), and
20 (f) by S.B. No. 848, Acts of the 79th Legislature, Regular Session,
21 2005, apply only to a project commenced on or after the effective
22 date of that Act.

23 SECTION 2. The change in law made by this act applies to any
24 project in progress before or commenced after the effective date of
25 this Act.

26 SECTION 3. This Act takes effect September 1, 2013.