

Amend CSSB 13 (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 214.904, Local Government Code, is amended to read as follows:

Sec. 214.904. PROCEDURES AND PERIOD [TIME] FOR APPROVAL OR DENIAL [ISSUANCE] OF MUNICIPAL [BUILDING] PERMIT APPLICATIONS; PROHIBITED PERMIT REQUIREMENTS. (a) In this section, "permit" and "project" have the meanings assigned by Section 245.001.

(a-1) This section applies [only] to any [a] permit required by a municipality that relates to any project [to erect or improve a building or other structure in the municipality or its extraterritorial jurisdiction].

(b) Not later than the 30th [45th] day after the date an application for a permit is submitted, the municipality must:

(1) grant or make a preliminary determination to deny the permit;

(2) provide written notice to the applicant stating the reasons why the municipality has been unable to act on [grant or deny] the permit application; or

(3) reach a written agreement with the applicant providing for a deadline not later than the 120th day after the date the application was submitted for granting or denying the permit.

(c) For a permit application for which notice is provided under Subsection (b)(2), the municipality must grant or make a preliminary determination to deny the permit not later than the 15th [30th] day after the date the notice is received. A municipality may extend the period for the municipality to act on an application under this subsection once by an additional 15 days.

(d) If a municipality fails to act on [grant or deny] a permit application within [in] the period [time] required by Subsection (c) or by an agreement under Subsection (b)(3), the permit application is considered approved and the municipality:

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

(2) shall refund to the applicant any permit fees associated with the application that have been collected; and

(3) shall issue the permit.

(e) If a municipality makes a preliminary determination to deny a permit application, the municipality must send written notice of the determination to the applicant not later than the first business day after the date the determination is made stating:

(1) each deficiency that is a reason for the determination, including a citation to the specific ordinance, order, regulation, or policy relevant to the determination;

(2) the specific actions required by the applicant to remedy each specified deficiency; and

(3) a deadline not earlier than the 30th day after the date the notice is sent for the applicant to complete the remedial actions specified in the notice before the denial becomes final.

(f) If the municipality makes a reasonable determination that a new deficiency has arisen from a remedial action taken by the applicant, the municipality must send written notice not later than the first business day after the date the determination is made stating:

(1) each new deficiency, including a citation to the specific ordinance, order, regulation, or policy relevant to the deficiency;

(2) the specific actions required by the applicant to remedy each specified deficiency; and

(3) a new deadline not earlier than the 30th day after the date the notice is sent under this subsection for the applicant to complete all of the remedial actions.

(g) If an applicant substantially completes the remedial actions specified in the notice under Subsection (e) and, if applicable, Subsection (f) within the period required, the applicant may request reconsideration of the determination. The municipality shall grant the permit if the municipality determines the applicant has substantially completed the specified remedial actions. Not later than the 15th day after the date the applicant's request for reconsideration is received, the municipality shall send the applicant written notice of a final determination to grant or deny a permit application. If the municipality fails to send notice of a final determination within the period required by this

subsection, the permit application is considered approved and the municipality shall issue the permit.

(h) Written notice of the municipality's final determination that a permit is denied must include the information required by Subsections (e)(1) and (2) and, if applicable, Subsections (f)(1) and (2) in addition to written findings of the reasons the municipality determined that any remedial actions taken by the applicant were insufficient to correct the deficiencies specified in the notice provided under Subsection (e) or (f).

(i) Any final determination that a permit is denied may not be based on:

(1) a reason or remedial requirement that was not previously disclosed to the applicant in the notice required under Subsection (e) or (f); or

(2) a requirement for the applicant to comply with any ordinance, order, regulation, or policy that is not substantially related to the project for which the permit is required.

(j) A municipality may not adopt or enforce an ordinance, order, regulation, or policy relating to granting or denying a permit that:

(1) restricts or prohibits the right of an applicant to reapply for a permit that was the subject of a denied permit application;

(2) requires a private employer to offer wages higher than the wages required under Chapter 62, Labor Code; or

(3) authorizes on-site monitoring of a private employer by a nongovernmental entity.

(k) The right of a permit applicant to the issuance of a determination or a permit as required by this section may be enforced only through mandamus or declaratory or injunctive relief. A municipality's immunity from suit is waived in regard to an action under this section.

SECTION 2. Section 233.901, Local Government Code, is amended to read as follows:

Sec. 233.901. PROCEDURES AND PERIOD [TIME] FOR APPROVAL OR DENIAL [ISSUANCE] OF COUNTY [BUILDING] PERMIT APPLICATIONS; PROHIBITED PERMIT REQUIREMENTS. (a) In this section, "permit" and

"project" have the meanings assigned by Section 245.001.

(a-1) This section applies [~~only~~] to any [~~a~~] permit required by a county that relates to any project [~~with a population of 3.3 million or more 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 30th [~~45th~~] day after the date an application for a permit is submitted, the county must:

(1) grant or make a preliminary determination to 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 not later than the 120th day after the date the application was submitted 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 make a preliminary determination to deny the permit not later than the 15th [~~30th~~] day after the date the notice is received. A county may extend the period for the county to act on an application under this subsection once by an additional 15 days.

(d) If a county fails to act on a permit application within [~~in~~] the period [~~time~~] required by Subsection (c) or by an agreement under Subsection (b)(3), the permit application is considered approved and the county:

(1) may not collect any permit fees associated with the application; [~~and~~]

(2) shall refund to the applicant any permit fees associated with the application that have been collected; and

(3) shall issue the permit.

(e) If a county makes a preliminary determination to deny a permit application, the county must send written notice of the determination to the applicant not later than the first business day after the date the determination is made stating:

(1) each deficiency that is a reason for the determination, including a citation to the specific ordinance,

order, regulation, or policy relevant to the determination;

(2) the specific actions required by the applicant to remedy each specified deficiency; and

(3) a deadline not earlier than the 30th day after the date the notice is sent for the applicant to complete the remedial actions specified in the notice before the denial becomes final.

(f) If the county makes a reasonable determination that a new deficiency has arisen from a remedial action taken by the applicant, the county must send written notice not later than the first business day after the date the determination is made stating:

(1) each new deficiency, including a citation to the specific ordinance, order, regulation, or policy relevant to the deficiency;

(2) the specific actions required by the applicant to remedy each specified deficiency; and

(3) a new deadline not earlier than the 30th day after the date the notice is sent under this subsection for the applicant to complete all of the remedial actions.

(g) If an applicant substantially completes the remedial actions specified in the notice under Subsection (e) and, if applicable, Subsection (f) within the period required, the applicant may request reconsideration of the determination. The county shall grant the permit if the county determines the applicant has substantially completed the specified remedial actions. Not later than the 15th day after the date the applicant's request for reconsideration is received, the county shall send the applicant written notice of a final determination to grant or deny a permit application. If the county fails to send notice of a final determination within the period required by this subsection, the permit application is considered approved and the county shall issue the permit.

(h) Written notice of the county's final determination that a permit is denied must include the information required by Subsections (e)(1) and (2) and, if applicable, Subsections (f)(1) and (2) in addition to written findings of the reasons the county determined that any remedial actions taken by the applicant were

insufficient to correct the deficiencies specified in the notice provided under Subsection (e) or (f).

(i) Any final determination that a permit is denied may not be based on:

(1) a reason or remedial requirement that was not previously disclosed to the applicant in the notice required under Subsection (e) or (f); or

(2) a requirement for the applicant to comply with any ordinance, order, regulation, or policy that is not substantially related to the project for which the permit is required.

(j) A county may not adopt or enforce an ordinance, order, regulation, or policy relating to granting or denying a permit that:

(1) restricts or prohibits the right of an applicant to reapply for a permit that was the subject of a denied permit application;

(2) requires a private employer to offer wages higher than the wages required under Chapter 62, Labor Code; or

(3) authorizes on-site monitoring of a private employer by a nongovernmental entity.

(k) The right of a permit applicant to the issuance of a determination or a permit as required by this section may be enforced only through mandamus or declaratory or injunctive relief. A county's immunity from suit is waived in regard to an action under this section.

(l) Nothing in this section shall be construed to authorize a county to require a permit to undertake a project in the county.

SECTION 3. Chapter 250, Local Government Code, is amended by adding Section 250.010 to read as follows:

Sec. 250.010. EXPEDITED PERMITTING PROCEDURES. (a) In this section, "permit" and "political subdivision" have the meanings assigned by Section 245.001.

(b) This title does not prohibit a political subdivision from adopting procedures to provide a shorter period than provided by law for the approval of a permit.

(c) Any ordinance, order, regulation, or policy providing procedures for the expedited approval of a permit must comply with

the requirements of other law, other than the period for the approval of a permit.

(d) A procedure authorized by this section may not:

(1) restrict or prohibit the right of an applicant to reapply for a permit that was the subject of a denied expedited permit application; or

(2) include any additional conditions or requirements for the expedited approval of the permit, other than a reasonable fee to offset the increased costs of expediting the permit.

SECTION 4. The changes in law made by this Act apply only to a permit application filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect December 1, 2017.