

BILL ANALYSIS

Senate Research Center
87R7863 SGM-D

S.B. 1947
By: Springer
Local Government
4/30/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, municipalities are able to prolong permit approval with no reasoning. This creates large delays in construction and master planning for communities. The current law allows for 45 days from submission for the municipality to approve the permit application, but does not prevent a municipality from leaving permits in pending limbo.

Section 214.904(b)(3), Local Government Code, allows for a municipality to reach a written agreement with applicants for a deadline, but there is little to no enforcement on extended delays past these deadlines.

S.B. 1947 will amend Local Government Code Section 214.904 by requiring a municipality to approve the application within the 45-day period, striking Subsection (b)(3), and stating that a municipality may not deny an application solely because the municipality is unable to comply within the 45-day time period and may not require an applicant to waive the 45-day compliance.

As proposed, S.B. 1947 amends current law relating to the time for the issuance of municipal building permits.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 214.904, Local Government Code, by amending Subsections (b) and (d) and adding Subsection (e), as follows:

(b) Requires a municipality, not later than the 45th day after the date an application for a permit is submitted, to take certain actions, including providing written notice to the applicant stating the reasons why the municipality has been unable to grant or deny the permit application in the time required by this subsection. Deletes existing text requiring a municipality, not later than the 45th day after the date an application for a permit is submitted, to take certain actions, including reaching a written agreement with the applicant providing for a deadline for granting or denying the permit. Makes nonsubstantive changes.

(d) Provides that if a municipality fails to comply with Section 214.904 (Time for Issuance of Municipal Building Permit), rather than if the municipality fails to grant or deny a permit application in the time required by Subsection (c) (relating to a permit application with notice under Subsection (b)(2) being granted or denied not later than 30 days after receiving the notice) or by an agreement under Subsection (b)(3) (relating to a written agreement for a deadline for granting or denying a certain permit), the municipality:

(1) is prohibited from collecting any permit fees associated with the application;
and

(2) is required to refund to the applicant any permit fees associated with the application that have been collected.

(e) Prohibits a municipality from:

(1) denying a permit solely because the municipality is unable to comply with Section 214.904; or

(2) requiring an applicant to waive the requirements of Section 214.904.

SECTION 2. Makes application of Section 214.904, Local Government Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.