

BILL ANALYSIS

S.B. 560
By: Springer
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Builders such as the Dallas Builders Association have raised concerns that municipalities do not deny or approve residential building permit applications in a timely manner. S.B. 560 seeks to, among other things, prevent a municipality from using a written agreement to delay the approval or denial of a residential building permit by narrowing the provision in statute that provides for such an agreement between a municipality and a permit applicant to commercial building permits only.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 560 amends the Local Government Code to expand the conditions under which a municipality is prohibited from collecting any permit fees associated with a municipal building permit application and is required to refund to the applicant any collected permit fees associated with the application, from the municipality failing to grant or deny certain applications in the required time to the municipality failing to comply with provisions relating to the time for the issuance of a municipal building permit. The bill prohibits a municipality from denying a municipal building permit solely because the municipality is unable to comply with such provisions and from requiring an applicant to waive the requirements of those provisions. The bill restricts to only commercial building permits the permits for which a municipality is required to reach a written agreement with the applicant that provides for a deadline for granting or denying the permit, as an alternative to granting or denying the permit or notifying the applicant of the reasons why it has been unable to grant or deny the application in the required time. The bill defines "commercial" by reference as a building for the use or occupation of people for a public purpose or economic gain or a residence, if the building is a multifamily residence that is not defined as residential by provisions governing municipal building and rehabilitation codes.

S.B. 560 applies only to a municipal building permit application that is submitted on or after the bill's effective date. An application submitted before such date is governed by the law in effect on the date the application was submitted and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2023.