By:  Harris of Anderson H.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to certain approval procedures for property development review by a political subdivision.

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

SECTION 1.  Chapter 250, Local Government Code, is amended by adding Section 250.014 to read as follows:

Sec. 250.014.  REVIEW OF DEVELOPMENT DOCUMENT BY A THIRD PARTY AND RELATED ACTIONS. (a) In this section:

(1)  "Development document" includes, without limitation, a plan, plat, or any other document related to the development of or improvement to land that must be approved by a regulatory authority under an applicable law, rule, regulation, order, or ordinance to authorize a person to initiate, continue, perform an action related to, or complete the development of or improvement to land.

(2)  "Development inspection" means the inspection of an improvement to land required to be conducted as part of a project to develop the land or construct or improve an improvement to the land.

(3)  "Development permit" means a permit required to be obtained to develop land or construct or improve an improvement to land.

(4)  "Plan" has the meaning assigned by Section 212.001.

(5)  "Plat" has the meaning assigned by Section 212.001 and includes a development plat under Subchapter B, Chapter 212.

(6)  "Regulatory authority" means the governing body, or a bureau, department, division, board, commission, or other agency, of a political subdivision acting in its capacity of processing or approving a development document or development permit or conducting a development inspection.

(b)  If a regulatory authority does not approve, conditionally approve, or disapprove a development document or development permit by the 15th day after the time prescribed by a provision of this code for the approval, conditional approval, or disapproval of the document or permit, any required review of the document or permit may be performed by any person:

(1)  other than:

(A)  the applicant; or

(B)  a person whose work is the subject of the application; and

(2)  who is:

(A)  employed as a reviewer by the regulatory authority in which the land subject to the development document or development permit is located;

(B)  employed as a reviewer by any political subdivision, if the regulatory authority in which the land subject to the development document or development permit is located has approved the person; or

(C)  an engineer licensed under Chapter 1001, Occupations Code.

(c)  If a regulatory authority does not conduct a required development inspection by the 15th day after the time prescribed by a provision of this code for conducting the inspection, the required inspection may be conducted by any person:

(1)  other than:

(A)  the owner of the land or improvement to the land that is the subject of the inspection; or

(B) a person whose work is the subject of the inspection; and

(2)  who is:

(A) certified to inspect buildings by the International Code Council;

(B)  employed as a building inspector by the regulatory authority in which the improvement is located;

(C)  employed as a building inspector by any political subdivision, if the regulatory authority in which the land or improvement to land is located has approved the person to perform inspections; or

(D)  an engineer licensed under Chapter 1001, Occupations Code.

(d)  A regulatory authority may not collect an additional fee related to a review performed under Subsection (b) or a development inspection conducted under Subsection (c).

(e)  A person who performs a review or conducts a development inspection under this section must:

(1)  satisfy all applicable regulations; and

(2)  not later than the 15th day after the date the review or inspection is completed, provide notice to the regulatory authority of the review or inspection.

(f)  The regulatory authority may prescribe a reasonable format for the notice required under Subsection (e).

(g)  A regulatory authority may not request or require an applicant to waive a deadline or other procedure under this section.

(h)  A decision made by a reviewer employed or approved by a regulatory authority to conditionally approve or disapprove a development document or development permit under this section may be appealed by the applicant to the governing body of the regulatory authority. An appeal must be filed no later than the 15th day after the date of the reviewer's decision. If the governing body of the regulatory authority does not, by majority vote, affirm the reviewer's decision on or before the 60th day after receiving notice of the appeal, the development document or development permit that is the subject of the appeal shall be deemed approved.

SECTION 2.  Section 250.014, Local Government Code, as amended by this Act, applies only to a development document that is submitted on or after the effective date of this Act. A development document submitted before the effective date of this Act is governed by the law in effect on the date the development document was submitted, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.