

By: Creighton

S.B. No. 2354

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain persons to obtain third-party
3 review of plats and property development plans, permits, and
4 similar documents, and the inspection of an improvement related to
5 such a document.

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

7 SECTION 1. Section [247.002](#), Local Government Code, as added
8 by Chapter 654 (H.B. 14), Acts of the 88th Legislature, Regular
9 Session, 2023, is amended to read as follows:

10 Sec. 247.002. OPTION FOR THIRD-PARTY REVIEW OR INSPECTION
11 ~~[REQUIRED]~~. (a) Notwithstanding any other law, an applicant for
12 ~~[If a regulatory authority does not approve, conditionally approve,
13 ~~or disapprove a development document by the 15th day after the date
14 ~~prescribed by a provision of this code for the approval,
15 ~~conditional approval, or disapproval of the document,]~~ any required
16 review of a development ~~[the]~~ document may obtain review of the
17 document from ~~[be performed by]~~ a person:~~~~~~

18 (1) other than:
19 (A) the applicant; or
20 (B) a person whose work is the subject of the
21 application; and

22 (2) who is:
23 (A) employed by the regulatory authority to
24 review development documents;

1 (B) employed by another political subdivision to
2 review development documents, if the regulatory authority has
3 approved the person to review development documents; or

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

6 (b) Notwithstanding any other law, an owner of land or an
7 improvement to the land that requires a development [~~If a~~
8 ~~regulatory authority does not conduct a required development~~
9 ~~inspection by the 15th day after the date prescribed by a provision~~
10 ~~of this code for conducting the inspection, the~~] inspection may
11 obtain the inspection from [~~be conducted by~~] a person:

12 (1) other than:

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

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

17 (2) who is:

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

20 (B) employed by the regulatory authority as a
21 building inspector;

22 (C) employed by another political subdivision as
23 a building inspector, if the regulatory authority has approved the
24 person to perform inspections; or

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

27 SECTION 2. Section 247.004(a), Local Government Code, as

1 added by Chapter 654 (H.B. 14), Acts of the 88th Legislature,
2 Regular Session, 2023, is amended to read as follows:

3 (a) A person who reviews a development document or conducts
4 a development inspection under Section 247.002 shall:

5 (1) review the document, conduct the inspection, and
6 take all other related actions in accordance with all applicable
7 provisions of law as if the person is the regulatory authority; and

8 (2) not later than the 15th day after the date the
9 person completes the review or inspection, provide notice to the
10 regulatory authority of the results of the review or inspection.

11 SECTION 3. Section 247.005, Local Government Code, as added
12 by Chapter 654 (H.B. 14), Acts of the 88th Legislature, Regular
13 Session, 2023, is amended to read as follows:

14 Sec. 247.005. WAIVER AND ADDITIONAL APPROVAL PROHIBITED. A
15 regulatory authority may not request or require an applicant to:

16 (1) waive:

17 (A) the applicant's right to obtain third-party
18 review under Section 247.002; or

19 (B) a deadline or other procedure under this
20 chapter; or

21 (2) obtain the regulatory authority's approval for a
22 development document or development inspection that a third-party
23 reviewer has approved.

24 SECTION 4. Chapter 247, Local Government Code, as amended
25 by this Act, applies only to a development document or a request for
26 a development inspection, as those terms are defined by Section
27 247.001 of that chapter, that was not final on the effective date of

1 this Act. A development document or request for a development
2 inspection that was final before the effective date of this Act is
3 governed by the law applicable to the document or inspection
4 immediately before the effective date of this Act, and that law is
5 continued in effect for that purpose.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2025.