

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 266
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Intergovernmental Relations
5/20/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there are no time limits placed on counties regarding their processing of permits. The time between applying for and the approval of a permit can range from six weeks to seven months.

C.S.H.B. 266 requires certain counties to review a permit application within six weeks of its filing. If the permit is not approved, the county is required to send a letter to the applicant that discusses the problems with the application or to meet with the applicant. If the builder addresses the problems and resubmits the application, the county has one month to approve or reject the application or all permit fees are waived.

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 Chapter 233, Local Government Code, by adding Subchapter Z, as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 233.901. TIME FOR ISSUANCE OF COUNTY BUILDING PERMIT. (a) Provides that this section applies only to a permit required by a county, 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) Requires a county, not later than the 45th day after the date an application for a permit is submitted, to grant or deny the permit, provide written notice to the applicant stating the reasons why the county has been unable to act on the permit application, reach a written agreement with the applicant providing for a deadline for granting or denying the permit.

(c) Requires the county, for a permit application for which notice is provided under Subsection (b)(2), to grant or deny the permit not later than the 30th day after the date the notice is received.

(d) Provides that, if a county fails to act on a permit application in the time required by Subsection (c) or by an agreement under Subsection (b)(3), the county is prohibited from collecting any permit fees associated with the application and is required to refund to the applicant any permit fees associated with the application that have been collected.

Sec. 233.902. TIME FOR ISSUANCE OF CERTAIN COUNTY PERMITS REQUIRED FOR SUBDIVISION OF LAND. Defines "permit." Provides that the time in which a county may require a permit for the subdivision of land is considered to have expired if certain conditions are met.

SECTION 2. Makes application Section 233.901, Local Government Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2005.