

By: Harris of Anderson, Toth, et al.

H.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to third-party review of plats and property development plans, permits, and similar documents, and the inspection of an improvement related to such a document.

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

SECTION 1. Subtitle C, Title 7, Local Government Code, is amended by adding Chapter 247 to read as follows:

CHAPTER 247. THIRD-PARTY REVIEW OF DEVELOPMENT DOCUMENTS AND INSPECTION OF IMPROVEMENTS

Sec. 247.001. DEFINITIONS. In this chapter:

(1) "Development document" means a document, including an application for a plat, plan, or development permit, related to the development of or improvement to land that is required by law, ordinance, rule, or other measure to be approved by a regulatory authority in order for a person to initiate, engage in, or complete the development or improvement.

(2) "Development inspection" means the inspection of an improvement to land required by a regulatory authority 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 by a regulatory authority to develop land or construct or improve an improvement to land.

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

1 212.001.

2 (5) "Plat" has the meaning assigned by Section 212.001
3 except that the term includes a development plat under Subchapter
4 B, Chapter 212.

5 (6) "Regulatory authority" means the governing body of
6 a political subdivision, or a department, board, commission, or
7 other entity of the political subdivision, responsible for
8 processing or approving a development document or conducting a
9 development inspection.

10 Sec. 247.002. THIRD-PARTY REVIEW OR INSPECTION REQUIRED.

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

16 (1) other than:

17 (A) the applicant; or

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

20 (2) who is:

21 (A) employed by the regulatory authority to
22 review development documents;

23 (B) employed by another political subdivision to
24 review development documents, if the regulatory authority has
25 approved the person to review development documents; or

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

1 (b) If a regulatory authority does not conduct a required
2 development inspection by the 15th day after the date prescribed by
3 a provision of this code for conducting the inspection, the
4 inspection may be conducted by a person:

5 (1) other than:

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

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

10 (2) who is:

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

13 (B) employed by the regulatory authority as a
14 building inspector;

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

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

20 Sec. 247.003. ADDITIONAL FEE PROHIBITED. A regulatory
21 authority may not impose a fee related to the review of a
22 development document or the inspection of an improvement conducted
23 under Section 247.002.

24 Sec. 247.004. THIRD-PARTY REQUIREMENTS. (a) A person who
25 reviews a development document or conducts a development inspection
26 under Section 247.002 shall:

27 (1) review the document, conduct the inspection, and

1 take all other related actions in accordance with all applicable
2 provisions of law; and

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

6 (b) A regulatory authority may prescribe a reasonable
7 format for the notice required under Subsection (a).

8 Sec. 247.005. WAIVER PROHIBITED. A regulatory authority
9 may not request or require an applicant to waive a deadline or other
10 procedure under this chapter.

11 Sec. 247.006. APPEAL. (a) A person may appeal to the
12 governing body of a political subdivision:

13 (1) a decision to conditionally approve or disapprove
14 a development document made by the regulatory authority for the
15 political subdivision or a person authorized by Section 247.002(a)
16 to perform the review of the document; or

17 (2) a decision regarding a development inspection
18 conducted by the regulatory authority or a person authorized by
19 Section 247.002(b) to perform the inspection.

20 (b) A person must file an appeal under this section not
21 later than the 15th day after the date the decision being appealed
22 is made.

23 (c) If the governing body hearing the appeal does not affirm
24 the decision being appealed by a majority vote on or before the 60th
25 day after the date the appeal is filed:

26 (1) the development document that is the subject of
27 the appeal is considered approved; or

1 (2) the development inspection that is the subject of
2 the appeal is waived.

3 SECTION 2. Chapter 247, Local Government Code, as added by
4 this Act, applies only to a development document or a request for a
5 development inspection, as those terms are defined by Section
6 247.001 of that code, that is submitted to the appropriate
7 regulatory authority on or after the effective date of this Act.

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