

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED
ACTIVITIES

SUBTITLE C. REGULATORY AUTHORITY APPLYING TO MORE THAN ONE TYPE OF LOCAL
GOVERNMENT

Chapter 247, consisting of Secs. 247.001 to 247.006, was added by Acts
2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1.

For another Chapter 247, consisting of Secs. 247.001 to 247.003, added by
Acts 2023, 88th Leg., R.S., Ch. 19 (S.B. 1017), Sec. 1, see Sec. 247.001 et
seq., post.

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

The following section was amended by the 89th Legislature. Pending
publication of the current statutes, see H.B. 1620, 89th Legislature,
Regular Session, for amendments affecting the following section.

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 212.001.

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620, 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 247.002. THIRD-PARTY REVIEW OR INSPECTION REQUIRED. (a) If a regulatory authority does not approve, conditionally approve, or disapprove a development document by the 15th day after the date prescribed by a provision of this code for the approval, conditional approval, or disapproval of the document, any required review of the document may be performed by a 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 by the regulatory authority to review development documents;

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

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

(b) If a regulatory authority does not conduct a required development inspection by the 15th day after the date prescribed by a provision of this code for conducting the inspection, the inspection may be conducted by a 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 by the regulatory authority as a building inspector;

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620 and S.B. 1202, 89th Legislature, Regular Session, for amendments affecting the following section.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see S.B. 1202, 89th Legislature, Regular Session, for amendments affecting the following section.

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

(1) review the document, conduct the inspection, and take all other related actions in accordance with all applicable provisions of law; and

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.