

HOUSE BILL No. 2088

AN ACT concerning housing; enacting the fast-track permits act; requiring local governments to meet specified deadlines for issuing building permits for real estate development; requiring the secretary of health and environment to issue a decision within 45 days on an application for an authorization to discharge stormwater runoff from construction activities under the federal national pollutant discharge elimination system general permit or a rainfall erosivity waiver.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The provisions of sections 1 through 3, and amendments thereto, shall be known and may be cited as the fast-track permits act.

(b) The purpose of the fast-track permits act is to enhance economic growth in local communities and reduce the regulatory burden on entrepreneurs, developers and homeowners by streamlining the review process for local building permits.

Sec. 2. For the purposes of the fast-track permits act:

(a) "Act" means the fast-track permits act, sections 1 through 3, and amendments thereto.

(b) "Applicant" means a person that submits an application to a local government, including a person designated to act on the applicant's behalf.

(c) "Application" means a request to the appropriate local governmental authority for a building permit related to the development of a single-family residential improvement upon real estate within the jurisdiction of such local governmental authority. "Application" does not include an appeal to a zoning board of appeals or planning commission designated as a zoning board of appeals.

(d) (1) "Complete application" means an application containing all information and meeting all requirements pursuant to:

(A) A rule, resolution, ordinance or policy of the local government that was adopted prior to the date that the complete application was submitted to the local government by the applicant; or

(B) applicable state or federal law.

(2) A "complete application" shall also include the applicant's mailing address, telephone number, email address, if the applicant has an email address and facsimile number, if the applicant has a fax number.

(e) "Local government" or "local governmental authority" means the applicable governing body, commission, board or other authority of a municipality, city, county, township, district or other political subdivision of this state with jurisdiction over an application.

Sec. 3. (a) (1) (A) Except as provided by subparagraph (B), a local government shall approve or deny an application and provide written notice of such decision to the applicant within 60 days of receipt of a complete application. If an application is not complete, the local government shall provide written notice to the applicant of the reason or reasons that the application is deemed not complete within 15 days of receipt of the application and provide an opportunity for the applicant to submit missing information, make required modifications or cure any other deficiency. If the application is not complete when received by the local government, the date that the applicant completes the application shall constitute the date of receipt of the application, except as provided by paragraph (2).

(B) The requirement that the local government approve or deny an application and provide written notice of such decision to the applicant within 60 days of receipt of a complete application pursuant to the provisions of subsections (a) and (b) shall not apply if an applicant agrees in writing to proceed with phased permitting.

(2) If the local government fails to provide written notice to the applicant that an application is not complete within 15 days of receipt of an incomplete application, the deadline of 60 days for the provision of written notice of approval or denial by the local government pursuant to paragraph (1) shall apply starting from the date that such incomplete application was received. If any deficiency in the application requires resolution prior to a decision by the local

government and such deficiency cannot be cured by the applicant within the period required that the local government may reasonably approve or deny the application, the local government shall deny the application as required by this act, with leave for the applicant to resubmit the application. The provisions of paragraph (1) shall apply to any resubmitted application in the same manner applicable to the initial application. No additional filing fees shall be charged by the local government with respect to such a resubmission of an application following a denial. An application may be denied and resubmitted more than once in the event that the applicant is unable to timely cure a deficiency.

(b) If a local government fails to provide written notice to an applicant of the approval or denial of an application within 60 days from the date that such application is received or deemed received by the local government pursuant to subsection (a)(1) or (2), the application shall be deemed approved by the local government.

(c) (1) The local government shall state the reasons for a denial of an application in the written notice to the applicant. A local government shall not deny an application on the basis of a rule, resolution, ordinance or policy of the local governmental authority or respective municipality, city, county, township, district or other political subdivision of the state that is adopted or amended subsequent to the date the complete application was submitted by the applicant to the local government.

(2) In approving an application, the local government shall not require any conditions or requirements pursuant to a rule, resolution, ordinance or policy of the local governmental authority or respective municipality, city, county, township, district or other political subdivision that was not adopted or amended prior to the date that the complete application was submitted by the applicant to the local government.

(d) For purposes of this act, any required signatures may be electronic. A local government shall provide written notice of a decision on an application or of an incomplete application, and an applicant shall submit an application on the date that the:

(1) Notice is deposited in the United States mail by the local government, addressed to the address provided by the applicant and proof of the date of mailing is obtained;

(2) application of the applicant is received in the United States mail by the local government;

(3) notice or application is written in the body of or in an attachment to an email sent to the email address provided by the applicant or local government. If possible, the email shall be sent with a request for a delivery receipt confirming that the email was delivered to the recipient's email server;

(4) notice or application is faxed to the facsimile number provided by the applicant or local government; or

(5) notice or application is submitted to a private courier for delivery addressed to the address provided by the applicant or local government and proof of the date of submission to such courier is obtained.

(e) For purposes of determining deadlines pursuant to this act, weekends shall be included. Federal or state holidays shall not be included.

(f) The provisions of this section shall not supersede any rule, resolution, ordinance or policy of a municipality, city, county or other political subdivision of this state providing for a shorter period of time for a local governmental authority to issue decisions upon applications or give notice of incomplete applications. The specified deadlines and

provisions of this section shall apply in addition to any such requirements.

Sec. 4. Within 45 days of the submittal by an applicant to the department of health and environment of a complete notice of intent to discharge stormwater runoff from construction activities requesting authorization to discharge stormwater runoff from construction activities under the federal national pollutant discharge elimination system general permit or a rainfall erosivity waiver application and including all supporting documentation pursuant to applicable federal or state law, the secretary of health and environment shall issue an authorization, waiver or denial, as determined by the secretary, to the applicant. The provisions of this section shall not be construed to supersede conflicting federal law.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the House, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.