

## **Fast-Track Permits Act; HB 2088**

**HB 2088** creates the Fast-Track Permits Act (Act) for single-family residential developments with the stated purpose of enhancing economic growth in local communities and streamlining the building permit review process.

### ***Review Period***

The bill requires a local government or local governmental authority (authority) to approve or deny a building permit for improvement of single-family residential property within its jurisdiction within 60 days of receiving a completed application. If the authority fails to provide written notice of an application's approval or denial, the application is deemed approved by the authority. The 60-day review provision does not apply if an applicant agrees in writing to proceed with phased permitting.

The bill requires the Secretary of Health and Environment to issue an authorization, waiver, or denial within 45 days of receiving from the applicant a notice of intent to:

- Discharge stormwater runoff from construction activities;
- Request authorization to discharge stormwater runoff from construction activities under the federal National Pollutant Discharge Elimination System general permit; or
- Apply for a rainfall erosivity waiver.

### ***Application Determinations***

When approving an application, an authority is prohibited from requiring any conditions or requirements pursuant to a rule, resolution, ordinance, or policy of the authority that is adopted or amended after the complete application was submitted to the authority.

The authority is required to state the reasons for a denial in the written notice of denial. The authority is prohibited from denying an application on the basis of a rule, resolution, ordinance, or policy of the authority that is adopted or amended after the complete application was submitted to the authority.

### ***Incomplete Applications***

If an application does not contain all information and meet requirements pursuant to an authority's rule, resolution, ordinance, or policy adopted prior to the application's submission, or applicable state or federal law, the authority must provide written notice to the applicant within 15 days of receiving the application stating the application is incomplete and provide an opportunity for the applicant to cure any deficiency.

An incomplete application is not considered received by the authority until the application is complete unless the authority fails to provide written notice within 15 days of receiving an incomplete application. If the authority fails to notify of an incomplete application within 15 days, then the 60-day period starts upon receipt of the incomplete application.

### ***Submission and Signatures***

The bill considers a local authority's written notice and the application submission dates to be the date when the:

- Notice is deposited in the U.S. mail by the authority addressed to the address provided by the applicant and proof of the date of mailing is obtained;
- Application is received in the U.S. mail by the authority;
- 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 authority. 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;
- Notice or application is faxed to the facsimile number provided by the applicant or authority; or
- Notice or application is submitted to a private carrier for delivery addressed to the address provided by the applicant or the authority and proof of the date of submission to such carrier is obtained.

The bill includes weekends, but not federal or state holidays, for purposes of determining deadlines.

The bill allows required signatures to be electronic.

### ***Superseding Conflicting Law***

The bill does not supersede any rule, resolution, ordinance, or policy of a municipality, city, county, or other political subdivision of Kansas that provides for a shorter period of time for the authority to issue decisions upon applications or give notice of incomplete applications.