

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1791

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to building permit applications.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.486, to read as follows:

67.486. 1. As used in this section, the following terms mean:

(1) "Political subdivision", a local public body created under the Constitution of Missouri or by the general assembly that exercises governmental functions for purposes of a request made under this section;

(2) "Request", an application for a building permit related to the development of a single-family residential improvement upon real estate within the jurisdiction of such political subdivision. "Request" does not include an appeal to a zoning board of appeals or planning commission designated as a zoning board of appeals.

2. (1) If an applicant submits a request to a political subdivision, the political subdivision shall approve or deny the applicant's request within sixty calendar days.

(2) If no response is received by an applicant within sixty calendar days, the request shall be deemed approved and the applicant is authorized to proceed with the construction as provided in the request.

(3) If the request is approved, the political subdivision shall not impose on the applicant additional requirements related to the request.

(4) (a) If the political subdivision denies the request, the political subdivision shall state in writing to the applicant the reasons for the denial.

(b) The written denial shall consist of the following:

a. If the request relates to work that is stamped by a certified design professional and such request is denied on the basis of the political subdivision's rejection of such work, a detailed description of why the work of the design professional who stamped such work is so inferior or so insufficient that the political subdivision cannot approve the request; or

b. If the request is denied on the basis of a violation of a code provision governing any part of the development or improvement that is the subject of the request, a citation to the code provision the political subdivision determines has been violated.

(5) The time limit in this subsection begins upon the political subdivision's receipt of the applicant's request as indicated by the political subdivision's notification to the applicant that the applicant's electronic submission was received or a receipt provided to the applicant upon the in-person submission of such request.

3. (1) A political subdivision may deny an applicant's request under subsection 2 of this section as incomplete.

(2) The request is incomplete if the political subdivision determines the request fails to contain all information required by law, or by rule, ordinance, or policy of the political subdivision, adopted prior to the submission of the request.

(3) If the political subdivision denies a request as incomplete, the political subdivision shall state in writing to the applicant the reasons for the denial of the request as incomplete and provide the applicant ten calendar days during which such applicant may resubmit the application with the requested information for a review in the application's entirety for approval or denial as provided under subsection 2 of this section.

(4) If an applicant resubmits a subsequent incomplete request after receiving a written denial as incomplete, the political subdivision shall not issue a subsequent denial of the request as incomplete for reasons not included in the denial for incompleteness of the initial request.

(5) Nothing in this subsection prevents a political subdivision from denying any resubmitted incomplete request for a reason related to the merits of the request rather than the completeness of the request as provided under subsection 2 of this section.

4. If an applicant resubmits a request after receiving a written denial as required under subsection 2 of this section, the political subdivision shall not issue a subsequent denial that includes additional unrelated reasons for denial that were unspecified and not included in the denial of the initial request.

5. (1) The time limit in subsection 2 of this section shall reset only if, within twenty calendar days of receipt of the applicant's initial request, the political subdivision sends written notice to the applicant of the denial of the request as incomplete as provided under subsection 3 of this section.

(2) If the denial of the request as incomplete by the political subdivision is after twenty calendar days and before the time limit in subsection 2 of this section and

the applicant resubmits the application with the requested information for a review in the application's entirety, the political subdivision shall have ten calendar days to approve or deny the application based on the merits.