

HCS HB 483 -- FAIRNESS TO HOMEOWNERS ACT

SPONSOR: Stacy

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Downsizing State Government by a vote of 5 to 2 with 1 present. Voted "Do Pass" by the Standing Committee on Rules-Legislative Oversight by a vote of 6 to 3.

This bill creates the "Fairness to Homeowners Act" and establishes a process and schedule for the submission and approval of building permits and certificates of occupancy in certain political subdivisions.

A political subdivision shall evaluate and approve or deny a building plan, or application or inspection for a certificate of occupancy, not signed and sealed by an engineer or architect licensed in this state within five days of the plan's submission or one day of the application's or inspection's submission. A denial must include the reason therefore, specific citations to the building code, and the actions required to receive approval.

Resubmissions of a denied plan shall be evaluated within five business days of resubmission while resubmission of a denied application or inspection shall be evaluated within one business day. A new plan, application, or inspection shall be approved if it includes changes that remedy all reasons for its original denial. Resubmitted plans cannot be denied for any requirement not stated in the initial denial. If a political subdivision fails to evaluate and approve or deny a plan, application, or inspection within the required time, the plan will be deemed approved and a permit shall be issued within seven business days of submission or resubmission while the application or inspection shall be deemed approved and a certificate of occupancy shall be issued within two business days.

A political subdivision shall approve a residential building plan signed and sealed by an engineer or architect licensed in this state and issue a permit within two days of the plan's submission. An application or inspection for a certificate of occupancy signed and sealed by an engineer or architect licensed in this state shall be approved and a certificate issued within one business day of the application's or inspection's submission.

In lieu of a political subdivision conducting building permit inspections, the recipient of the permit may hire an architect or engineer licensed in this state to inspect the work and report the results to the political subdivision using uniform inspection forms.

A process and schedule for the issuance of a temporary certificate of occupancy are specified in the bill.

Each violation by any member of a political subdivision is a class A misdemeanor and shall make the political subdivision liable to the applicant for a civil penalty of \$5,000 per violation.

PROPOSERS: Supporters say that the bill will make getting permits to build residential homes easier and more uniform. Some cities take four to six weeks to issue permits others can take months.

Testifying for the bill were Representative Stacy; Gary Kerns; Shawn Woods, Home Builders Association of Greater Kansas City; and Thomas Woods.

OPPOSERS: Those who oppose the bill say that the time lines outlined in the bill cannot be met by all municipalities. You have to consider staffing ratios in the different cities. We want to make sure that these builders are building correctly and we care about safety and protecting life so sometimes permitting takes longer depending on the type of building.

Testifying against the bill were Ryan Elam, City of Lee's Summit; Greg Franzen, Kansas City Planning & Development; Fire Service Alliance; Missouri Municipal League; and Jeffrey Williams, Kansas City Planning & Development.

This bill is similar to HB 2451 (2018).