

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1791

103RD GENERAL ASSEMBLY

4520H.02P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 321.130, 321.210, and 321.228, RSMo, and to enact in lieu thereof five new sections relating to building permit applications.

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

Section A. Sections 321.130, 321.210, and 321.228, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 67.491, 67.492, 321.130, 321.210, and 321.228, to read as follows:

67.491. 1. A political subdivision that adopts any uniform or model code or standard within such political subdivision's boundaries shall employ or contract with an enforcement inspector who is certified to perform inspections of projects that are subject to such uniform or model code or standard to ensure compliance with such uniform or model code or standard.

2. Such enforcement inspector may be certified by any nationally or state-recognized agency or organization that offers certification in inspecting for compliance with the uniform or model code or standard adopted by such political subdivision.

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

(1) "Level 1 building permit", a permit to perform construction, maintenance, repairs, or replacements related to the following categories on a building structure with less than seven thousand five hundred square feet that is a residential unit, whether a single-family residential unit or a single-family residential dwelling:

(a) An accessory structure;

(b) Alarms;

(c) Electrical;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 9 **(d) Irrigation;**
10 **(e) Landscaping;**
11 **(f) Mechanical;**
12 **(g) Plumbing; or**
13 **(h) Roofing;**
14 **(2) "Level 2 building permit", a permit to perform construction, maintenance,**
15 **repairs, or replacements related to the following categories on a building structure with**
16 **at least seven thousand five hundred square feet that is a residential unit, whether a**
17 **single-family residential unit or a single-family residential dwelling:**
18 **(a) An accessory structure;**
19 **(b) Alarms;**
20 **(c) Electrical;**
21 **(d) Irrigation;**
22 **(e) Landscaping;**
23 **(f) Mechanical;**
24 **(g) Plumbing; or**
25 **(h) Roofing;**
26 **(3) "Level 3 building permit", a permit to perform construction, maintenance,**
27 **repairs, or replacements related to signs or nonresidential buildings with less than**
28 **twenty-five thousand square feet;**
29 **(4) "Level 4 building permit", a permit to perform construction, maintenance,**
30 **repairs, or replacements related to the following categories:**
31 **(a) Multifamily residential property not exceeding fifty units;**
32 **(b) Site-plan approvals and subdivision plats not requiring a public hearing or**
33 **public notice; or**
34 **(c) Lot grading and site alteration;**
35 **(5) "Level 5 building permit", a site-specific building permit obtained under a**
36 **building permit intended for use by builders who expect to construct identical single-**
37 **family or two-family dwellings or townhomes on a repetitive basis;**
38 **(6) "Level 6 building permit", a single-family residential dwelling permit**
39 **applied for by a contractor licensed in this state on behalf of a property owner who**
40 **participates in a federal Community Development Block Grant disaster recovery**
41 **(CDBG-DR) appropriation within this state.**
42 **2. (1) A political subdivision with authority to grant a building permit under**
43 **state law or local orders or ordinances shall approve, approve with conditions, or deny a**
44 **building permit application within the following deadlines after receipt of a completed**
45 **and sufficient application:**

- 46 **(a) For a level 1 building permit, thirty business days;**
47 **(b) For a level 2, level 3, or level 4 building permit, sixty business days;**
48 **(c) For a level 5 building permit, twelve business days; and**
49 **(d) For a level 6 building permit, ten business days, unless the permit application**
50 **fails to satisfy state law or local orders or ordinances relating to single-family residential**
51 **dwelling construction, maintenance, repairs, or replacements.**
- 52 **(2) A deadline listed in subdivision (1) of this subsection shall not apply if the**
53 **building permit applicant waives the deadline in writing.**
- 54 **(3) No political subdivision shall require the waiver of the deadlines in this**
55 **subsection as a condition precedent to reviewing an applicant's building permit**
56 **application.**
- 57 **3. A political subdivision shall meet the deadlines described in this section for**
58 **reviewing building permit applications unless the deadlines set by local orders or**
59 **ordinances are more stringent than the deadlines required in this section.**
- 60 **4. (1) After a building permit applicant submits an application to a political**
61 **subdivision, the political subdivision shall provide written notice to the applicant within**
62 **five business days after receipt of the application advising the applicant what**
63 **information, if any, is needed to deem or determine that the application is properly**
64 **completed in compliance with the filing requirements published by the political**
65 **subdivision.**
- 66 **(2) If the political subdivision does not provide timely written notice that the**
67 **applicant has not submitted the properly completed application, the application shall be**
68 **automatically deemed or determined to be properly completed and accepted.**
- 69 **5. A political subdivision shall maintain on the political subdivision's website a**
70 **policy containing procedures and expectations for expedited processing of building**
71 **permits and development orders required by law to be expedited.**
- 72 **6. (1) If a political subdivision fails to meet a deadline established under this**
73 **section, the political subdivision shall reduce the building permit fee by ten percent for**
74 **each business day that the political subdivision fails to meet the deadline.**
- 75 **(2) Each ten-percent reduction shall be based on the original amount of the**
76 **building permit fee.**
- 77 **(3) No reduction of the fee shall occur under subdivision (1) of this subsection if:**
78 **(a) The political subdivision and the building permit applicant agree, in writing,**
79 **to a reasonable extension of time; or**
80 **(b) The delay is caused by the applicant.**
- 81 **(4) (a) No political subdivision shall be required to reduce the building permit**
82 **fee if the political subdivision provides written notice to the applicant by email or United**

83 **States Postal Service within the respective deadlines established under this section that**
84 **specifically states the reasons the permit application fails to satisfy state law or local**
85 **orders or ordinances.**

86 **(b) The written notice shall state that the applicant has ten business days after**
87 **receiving the written notice to submit revisions to correct the permit application and**
88 **that failure to correct the application within ten business days will result in a denial of**
89 **the application.**

90 **(c) If the applicant submits revisions within ten business days after receiving the**
91 **written notice, the political subdivision shall have ten business days after receiving the**
92 **revisions to approve or deny the building permit unless the applicant agrees, in writing,**
93 **to a longer period.**

94 **(d) If the political subdivision fails to issue or deny the building permit within**
95 **ten business days after receiving the revisions, the political subdivision shall reduce the**
96 **building permit fee by twenty percent for each business day that the political**
97 **subdivision fails to meet the deadline unless the applicant agrees, in writing, to a longer**
98 **period.**

99 **7. If a political subdivision refunds a building permit fee under this section, the**
100 **political subdivision shall recalculate any surcharge related to the permit and fee**
101 **collected by the political subdivision. The recalculation shall be based on the amount of**
102 **the building permit fees after the refund.**

103 **8. (1) As used in this subsection, "rebuilding area" means an area that has been**
104 **destroyed by a natural disaster that results in the governor proclaiming a state of**
105 **emergency for such area as provided in chapter 44.**

106 **(2) If a contractor is performing construction, maintenance, repairs, or**
107 **replacements in a rebuilding area and such construction, maintenance, repairs, or**
108 **replacements would require any level of building permit defined in subsection 1 of this**
109 **section, the contractor may begin such construction, maintenance, repairs, or**
110 **replacements in such rebuilding area without a permit as required under this section,**
111 **provided that the contractor shall apply for the required building permit no later than**
112 **thirty days after beginning such work.**

113 **(3) This subsection shall not be construed to exempt such construction,**
114 **maintenance, repairs, or replacements in a rebuilding area from any other existing state**
115 **law or rule or a local order or ordinance related to safety requirements for such**
116 **construction, maintenance, repairs, or replacements.**

117 **9. Nothing in this section shall be construed to require any political subdivision**
118 **to adopt a nationally or internationally recognized building code.**

321.130. A person, to be qualified to serve as a director, shall be a resident and voter
2 of the district for at least one year before the election or appointment and be over the age of
3 twenty-four years. In the event the person is no longer a resident of the district, the person's
4 office shall be vacated, and the vacancy shall be filled as provided in section 321.200.
5 Nominations and declarations of candidacy shall be filed at the headquarters of the fire
6 protection district by ~~[paying a filing fee equal to the amount of a candidate for county office~~
7 ~~as set forth under section 115.357, and]~~ filing a statement under oath that such person
8 possesses the required qualifications. Thereafter, such candidate shall have the candidate's
9 name placed on the ballot as a candidate for director.

321.210. On the first Tuesday in April after the expiration of at least two full calendar
2 years from the date of the election of the first board of directors, and on the first Tuesday in
3 April every two years thereafter, an election for members of the board of directors shall be
4 held in the district. Nominations shall be filed at the headquarters of the fire protection
5 district in which a majority of the district is located by ~~[paying a filing fee equal to the amount~~
6 ~~of a candidate for county office as set forth under section 115.357 and]~~ filing a statement
7 under oath that the candidate possesses the required qualifications. The candidate receiving
8 the most votes shall be elected. Any new member of the board shall qualify in the same
9 manner as the members of the first board qualify.

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

2 (1) "Residential construction", new construction and erection of detached single-
3 family or two-family dwellings or the development of land to be used for detached single-
4 family or two-family dwellings;
5 (2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or
6 regulation adopted, implemented, or enforced by any city, town, village, or county that
7 pertains to residential construction, to any permitting system, or program relating to
8 residential construction, including but not limited to the use or occupancy by the initial
9 occupant thereof, or to any system or program for the inspection of residential construction.
10 Residential construction regulatory system also includes the whole or any part of a nationally
11 recognized model code, with or without amendments specific to such city, town, village, or
12 county.

13 2. Notwithstanding the provisions of any other law to the contrary, if a city, town,
14 village, or county adopts or has adopted, implements, and enforces a residential construction
15 regulatory system applicable to residential construction within its jurisdiction, any fire
16 protection districts wholly or partly located within such city, town, village, or county shall be
17 without power, authority, or privilege to enforce or implement a residential construction
18 regulatory system purporting to be applicable to any residential construction within such city,
19 town, village, or county. **Notwithstanding the provisions of any other law to the contrary,**

20 any such residential construction regulatory system adopted by a fire protection district or its
21 board shall be treated as advisory only and shall not be enforced by such fire protection
22 district or its board.

23 3. Notwithstanding the provisions of any other law to the contrary, fire protection
24 districts:

25 (1) Shall have final regulatory authority regarding the location and specifications of
26 fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction.
27 Nothing in this subdivision shall be construed to require the political subdivision supplying
28 water to incur any costs to modify its water supply infrastructure; and

29 (2) May inspect the alteration, enlargement, replacement or repair of a detached
30 single-family or two-family dwelling; and

31 (3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this
32 subsection.

33 **4. In no event shall a fire protection district or its board enact, adopt, or**
34 **implement any bylaws, ordinances, orders, rules, or regulations that pertain, in any**
35 **manner, to either the subdivision of land for the purpose of residential construction or to**
36 **the construction, installation, and erection of any improvements, infrastructure, and**
37 **utility facilities related to or for the purpose of serving residential construction.**

38 **5. Notwithstanding any provision of this section to the contrary, a fire protection**
39 **district may enter into a contract with a county, city, town, or village to assist in the**
40 **implementation of the residential construction regulatory system of such county, city,**
41 **town, or village as it relates to fire protection issues as long as the county, city, town, or**
42 **village retains jurisdiction over the implementation and enforcement of such system.**

43 **6. If any city, town, village, or county has not adopted a building code or other**
44 **residential construction regulatory system and the city, town, village, or county is under**
45 **the jurisdiction of a fire protection district with a fire code, notwithstanding any fire**
46 **code provision to the contrary, the fire protection district shall issue only permits related**
47 **directly to fire protection.**

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