

SECOND REGULAR SESSION

# HOUSE BILL NO. 2291

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CASTEEL.

5780H.01I

JOSEPH ENGLER, Chief Clerk

### AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to applications for property developments.

*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 permit or any other kind of prior approval from a political subdivision for a permit related to the construction of a new residential, commercial, or industrial building or the repair or renovation of any such existing building.

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

(2) If no response is received by an applicant within thirty 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.

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.

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

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

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

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

32           3. (1) A political subdivision may deny an applicant's request under subsection 2  
33 of this section as incomplete.

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

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

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

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

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

54           **5. (1) The time limit in subsection 2 of this section shall reset only if, within**  
55 **twenty calendar days of receipt of the applicant's initial request, the political subdivision**  
56 **sends written notice to the applicant of the denial of the request as incomplete as**  
57 **provided under subsection 3 of this section.**

58           **(2) If the denial of the request as incomplete by the political subdivision is after**  
59 **twenty calendar days and before the time limit in subsection 2 of this section and the**  
60 **applicant resubmits the application with the requested information for a review in the**  
61 **application's entirety, the political subdivision shall have ten calendar days to approve**  
62 **or deny the application based on the merits.**

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