

HCS HB 2384 -- APPLICATIONS FOR PROPERTY DEVELOPMENTS

SPONSOR: Jones (12)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Commerce by a vote of 7 to 3. 9 to 3.

The following is a summary of the House Committee Substitute for HB 2384.

This bill prohibits any county or municipality from enacting or maintaining any ordinance, regulation, or other policy that requires an owner, builder, or developer to comply with energy efficiency or other energy related standards or requirements that exceed those permitted under this Section in the construction, maintenance, or renovation of townhouses, multiunit apartment buildings, or commercial or industrial buildings, with the intent to improve energy efficiency, and other standards specified in the bill, that threaten the affordability of the construction, maintenance, repair or renovation.

The bill prohibits any county or municipality from enacting or maintaining any ordinance, regulation, or other policy that prohibits a building of less than six stories with a Group R-2 occupancy, or its equivalent, under certain conditions described in the bill.

This bill requires a political subdivision to approve or deny a "request", as that term is defined in the bill, within 30 calendar days. If no response is received by the applicant within 30 days, the request will be deemed approved and the applicant is authorized to proceed with construction.

If the request is approved, the political subdivision cannot later impose additional requirements on the applicant related to the request.

If the request is denied, the political subdivision must state the reason for denial in writing to the applicant. Details that are required to be included in the written denial are provided in the bill.

A request can also be denied as incomplete. In this instance the political subdivision must also state in writing why the request is incomplete, with required details described in the bill. A political subdivision will have 20 days to deny a request as incomplete.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill addresses the current crisis in affordability of homes, provides regulatory stability and return of investment.

Testifying in person for the bill were Representative Jones; St Louis Home Builders Association; Hunt Midwest Real Estate; The Builders' Association/KC Chapter, AGC; Will Ruder, Home Builders Association Of Greater Kansas City; Shawn Woods; and Kevin Klinkenberg.

OPPOSERS: Those who oppose the bill say that it sets a bad precedent in that the State is involved in local matters. This bill does not promote affordability. This bill does not reflect the needs of urban building codes and rural building codes. Many state that the State's energy usage and energy grid will be negatively impacted. This bill will create an inconsistency of what code is being used throughout the state. We need to look at operational costs for the life of the building, along with the safety, welfare, and quality of the environment.

Testifying in person against the bill were Amy Schmidt, Energy Efficient Codes Coalition; Curt Rich, North American Insulation Manufacturers Association; Frank S Zilm; Laura Pastine, AIA Missouri; William Frederick Davies II; City of Springfield; Arnie Dienoff; Carolyn Niswonger, Sierra Club, Missouri Chapter; Missouri Municipal League; David Herron, AIA Missouri/AIA Kansas City; Sheet Metal and Air Conditioning Contractors National Association St. Louis; St. Louis Electrical Connection IBEW/NECA; Marcus Branstad, American Chemistry Council; and City of Kansas City.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.