

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: H2/21/23 H3/14/23 S3/30/23*
94th General Assembly **A Bill**
Regular Session, 2023

HOUSE BILL 1207

By: Representative Underwood

By: Senator Gilmore

For An Act To Be Entitled

AN ACT TO CREATE THE FAST-TRACK PERMITS ACT; AND FOR
OTHER PURPOSES.

Subtitle

TO CREATE THE FAST-TRACK PERMITS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 14, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 5 – Fast-Track Permits Act

14-1-501. Title.

This subchapter shall be known and may be cited as the "Fast-Track Permits Act".

14-1-502. Purpose.

The purpose of this subchapter is to:

- (1) Enhance economic growth in local communities;
- (2) Reduce the regulatory burden on entrepreneurs, developers, and homeowners by streamlining the issuance of local permits; and
- (3) Ensure local governments and local government utilities are able to process permit applications in a reasonable manner.

14-1-503. Definitions.



As used in this subchapter:

(1) "Applicant" means a person that submits a request for permit or a person designated to act on the applicant's behalf in submitting a request for permit;

request for permit;

(2) "Local governing body" means a group of persons elected or appointed to make decisions for or recommendations to one (1) or more local government;

(3) "Local government" means a municipality, county, or other political subdivision of this state;

(4) "Local government official" means an employee of a local government who is lawfully authorized to issue a permit;

(5) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization that can sue or be sued; and

(6) "Request for permit" means a request for a local government official's approval of a permit related to the development of a residential, multifamily, commercial, or industrial improvement within the jurisdiction of a local government.

14-1-504. Request for permit – Time period for approval or denial – Notice of denial required.

(a)(1) A local government official shall act by approval, denial, or a request for revision of an applicant's request for permit within sixty (60) days from the date the local government official receives the request for permit.

(2) If the local government official does not approve, deny, or request a revision of an applicant's request for permit within sixty (60) days as required under subdivision (a)(1) of this section, the request for permit is automatically approved.

(3) A local government official shall not deny an applicant's request for permit if the request for permit complies with and includes the requirements related to the request for permit imposed by the local governing body.

(b) A local government official shall not impose additional requirements related to the request for permit if the request for permit is

automatically approved under subdivision (a)(2) of this section.

(c) The automatic approval of a permit under subdivision (a)(2) of this section shall not authorize the permit holder to violate a:

- (1) Federal law or rule;
- (2) State law or rule; or
- (3) Local ordinance or rule.

(d) Unless the applicant waives the automatic approval under subdivision (a)(2) of this section, a local government official may refuse to accept a request for permit submitted by a person who previously submitted a request for permit that has not yet been approved or denied.

(e)(1) The time period for approval or denial of a request for permit shall be extended to accommodate a time period prescribed by state statute, federal law, or court order that prohibits a local government official from approving or denying a request for permit within sixty (60) days.

(2) A local government shall provide an applicant written notice stating the reasons for the extension.

(3) The time period for approval or denial shall be extended sixty (60) days from the date of compliance as required by the state statute, federal law, or court order.

(f) Upon consent of the applicant, a local government official may extend the time period for approval or denial of a request for permit by providing the applicant written notice stating the reasons for the extension.

(g) If a local government official denies a request for permit, the local government official shall provide the applicant written or electronic notice of the denial stating the reasons the request for permit was denied.

14-1-505. Incomplete request for permit – Local government may deny – Notice required.

(a) A local government official may deny an incomplete request for permit for the reasons stated in subsection (b) or subsection (c) of this section.

(b) A request for permit is incomplete if the request for permit does not contain the information required by:

- (1) Law;
- (2) Rule required by law;
- (3) Ordinance of the local government; or

(4) Policy of the local government.

(c) A request for permit is incomplete if the request for permit is not accompanied with the fee:

(1) Required to review the request for permit; and

(2) Established by the local government.

(d) If the local government denies a request for permit for being incomplete or requests a revision of the request for permit, the local government shall provide the applicant written or electronic notice of the finding leading to the denial or request for revision.

(e) The sixty (60) day requirement for action on a request for permit under § 14-1-504 automatically restarts if an applicant resubmits to the local government a completed request for permit or a revised request for permit after notification under subsection (d) of this section that the previously submitted request for permit was denied because it was incomplete or that it required revision.

/s/Underwood