



## Legislation Text

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**File #:** 21-2279, **Version:** 1

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**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality  
**AGENDA DATE:** December 8, 2021  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Development Services  
**EXECUTIVE:** Dr. Eric A. Johnson

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### **SUBJECT**

An ordinance amending Chapter 52 "Administrative Provisions for the Construction Codes," of the Dallas City Code, Sections 102.3, 302.1, and 303.9.2; and adding a new Subchapter 13, to **(1)** add the definition and the authority to establish a Private Provider model; **(2)** allow expiration of incomplete permit applications; and **(3)** provide an exception for refunds related to void permits due to limitation of time under Section 302.1.2. - Financing: No cost consideration to the City (This item was deferred on November 10, 2021)

### **BACKGROUND**

Section 245.002(e) of the Texas Local Government Code says a municipality may provide that a permit application in the pre-screen stage expires on or after the 45<sup>th</sup> day the application is filed if: the applicant fails to provide documents or other information necessary to comply with the agency's technical requirements relating to the form and content of the application, and within 10 business days of application filing, the municipality provides written notice specifying any additional required information as well as the date the application will expire if the information is not provided. The proposed changes to Chapter 52 will (1) Amend Chapter 52 to add a section to mirror the language of Section 245.002(e) of the Texas Local Government Code, to give the building official the authority to expire incomplete applications that are in pre-screen after 45 days, If an applicant does not respond after 45 days to a City staff request for deficient or missing items, the Building Official has the right to expire their application. Thus, the applicant must file a new application, (2) to provide staff with 10 business days to review an application in the pre-screen stage. (3) Allow an application in the pre-screen stage to maintain its place in line unless the applicant does not provide the additional deficient or missing items requested within 10 business days of the Building Official's notice letter of deficiency. If the requested deficient or missing items are not provided within 45 days or any time thereafter, the Building Official has the authority to cancel the application (4) eliminate refunds only for void permits that are under review with no activity for 180 days from the applicant for requested deficient or missing items. The City of Dallas will trigger a process for multiple notifications to the applicant over the course of 180 days. The applicant will be advised they have not responded to a request for deficient or missing items. If the applicant has not responded by the 180th day, the void

permit will be cleared, and the applicant is not eligible for a refund. (5) Authorize the Building Official to allow Private Providers (3rd party vendors not paid by the City of Dallas) to perform plan review and / or inspection functions on behalf of a permit applicant.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Economic Development Committee was briefed on the “Department of Development Services: Transformation and Realignment Strategy - Phase II Assessment and Recommendations” on October 4, 2021.

On November 10, 2021, this item was deferred by Councilmember Tennell Atkins.

**FISCAL INFORMATION**

No cost consideration to the City.