

1 State of Arkansas As Engrossed: H2/21/23 H3/14/23 S3/30/23
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1207

4
5 By: Representative Underwood
6 By: Senator Gilmore

For An Act To Be Entitled

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

Subtitle

14 TO CREATE THE FAST-TRACK PERMITS ACT.

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

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

Subchapter 5 – Fast-Track Permits Act

14-1-501. Title.

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

14-1-502. Purpose.

29 The purpose of this subchapter is to:

30 (1) Enhance economic growth in local communities;

31 (2) Reduce the regulatory burden on entrepreneurs, developers,
32 and homeowners by streamlining the issuance of local permits; and

33 (3) Ensure local governments and local government utilities are
34 able to process permit applications in a reasonable manner.

14-1-503. Definitions.



1 As used in this subchapter:

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

5 request for permit;

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

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

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

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

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

20
21 14-1-504. Request for permit – Time period for approval or denial –
22 Notice of denial required.

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

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

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

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

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

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

4 (1) Federal law or rule;

5 (2) State law or rule; or

6 (3) Local ordinance or rule.

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

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

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

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

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

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

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27 14-1-505. Incomplete request for permit – Local government may deny –
28 Notice required.

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

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

34 (1) Law;

35 (2) Rule required by law;

36 (3) Ordinance of the local government; or

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(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

APPROVED: 4/10/23