

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/21/23

A Bill

HOUSE BILL 1207

5 By: Representative Underwood
6 By: Senator Gilmore
7

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 approve or deny an
24 applicant's request for permit within sixty (60) days from the date the local
25 government official receives the request for permit.

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

30 (b) A local government official shall not impose additional
31 requirements related to the request for permit if the request for permit is
32 automatically approved under subdivision (a)(2) of this section.

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

35 (1) Federal law or rule;

36 (2) State law or rule; or

1 (3) Local ordinance or rule.

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

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

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

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

15 (f)(1) A local government may extend the time period for approval or
16 denial of a request for permit by providing an applicant written notice
17 stating the reasons for the extension.

18 (2) The time period for approval or denial shall be extended an
19 additional sixty (60) days from the initial sixty (60) days authorized under
20 subdivision (a)(1) of this section.

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

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25 14-1-505. Incomplete request for permit – Local government may deny –
26 Notice required.

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

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

32 (1) Law;

33 (2) Rule required by law;

34 (3) Ordinance of the local government; or

35 (4) Policy of the local government.

36 (c) A request for permit is incomplete if the request for permit is not

1 accompanied with the fee:

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

3 (2) Established by the local government.

4 (d) If the local government denies a request for permit for being
5 incomplete, the local government shall provide the applicant written or
6 electronic notice of the denial stating the reasons the request for permit
7 was incomplete.

8 (e) The sixty (60) days for approval or denial of a request for permit
9 under § 14-1-504 automatically restarts if an incomplete request for permit
10 is resubmitted to the local government.

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15 /s/Underwood
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