LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

SUBTITLE C. REGULATORY AUTHORITY APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 247. THIRD-PARTY REVIEW OF DEVELOPMENT DOCUMENTS AND INSPECTION OF IMPROVEMENTS

Sec. 247.001. DEFINITIONS. In this chapter:

(1) "Development document" means a document, including an application for a plat, plan, or development permit, related to the development of or improvement to land that is required by law, ordinance, rule, or other measure to be approved by a regulatory authority in order for a person to initiate, engage in, or complete the development or improvement.

(2) "Development inspection" means the inspection of an improvement to land required by a regulatory authority as part of a project to develop the land or construct or improve an improvement to the land.

(3) "Development permit" means a permit required by a regulatory authority to develop land or construct or improve an improvement to land.

(4) "Plan" has the meaning assigned by Section 212.001.

(5) "Plat" has the meaning assigned by Section 212.001 except that the term includes a development plat under Subchapter B, Chapter 212.

(6) "Regulatory authority" means the governing body of a political subdivision, or a department, board, commission, or other entity of the political subdivision, responsible for processing or approving a development document or conducting a development inspection.

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

Sec. 247.002. THIRD-PARTY REVIEW OR INSPECTION REQUIRED. (a) If a regulatory authority does not approve, conditionally

approve, or disapprove a development document by the 15th day after the date prescribed by a provision of this code for the approval, conditional approval, or disapproval of the document, any required review of the document may be performed by a person:

(1) other than:

(A) the applicant; or

(B) a person whose work is the subject of the application; and

(2) who is:

(A) employed by the regulatory authority to review development documents;

(B) employed by another political subdivision to review development documents, if the regulatory authority has approved the person to review development documents; or

(C) an engineer licensed under Chapter 1001, Occupations Code.

(b) If a regulatory authority does not conduct a required development inspection by the 15th day after the date prescribed by a provision of this code for conducting the inspection, the inspection may be conducted by a person:

(1) other than:

(A) the owner of the land or improvement to the land that is the subject of the inspection; or

(B) a person whose work is the subject of the inspection; and

(2) who is:

(A) certified to inspect buildings by the International Code Council;

(B) employed by the regulatory authority as a building inspector;

(C) employed by another political subdivision as a building inspector, if the regulatory authority has approved the person to perform inspections; or

(D) an engineer licensed under Chapter 1001, Occupations Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

Sec. 247.0025. THIRD-PARTY REVIEW OR INSPECTION FOR HOME BACKUP POWER INSTALLATIONS. (a) In this section, "home backup power installation" means an electric generating facility, an energy storage facility, a standby system, and any associated infrastructure and equipment intended to provide electrical power to a one- or two-family dwelling, regardless of whether the facility or system is capable of participating in a wholesale electric market, that is connected at 600 volts or less.

(b) This section does not limit the authority of:

(1) an electric utility to implement the utility's tariff; or

(2) an electric cooperative or a municipally owned utility to enforce interconnection and service policies.

(c) Notwithstanding Section 247.002:

(1) the following persons, other than a person described by Section 247.002(a)(1), may review a development document required by a regulatory authority to install a home backup power installation without having to submit the document to the authority for review:

(A) a person authorized to review a development document under Section 247.002(a);

(B) an electrical inspector as defined in Section 1305.002, Occupations Code; or

(C) a master electrician described by Section 1305.153, Occupations Code, who is licensed under Subchapter D, Chapter 1305 of that code; and

(2) the following persons, other than a person described by Section 247.002(b)(1), may conduct a development inspection required by a regulatory authority to install a home backup power installation without having to request the inspection from the authority:

(A) a person authorized to conduct a development inspection under Section 247.002(b);

(B) an electrical inspector as defined in Section 1305.002, Occupations Code; or

(C) a master electrician described by Section

1305.153, Occupations Code, who is licensed under Subchapter D, Chapter 1305 of that code.

(d) A regulatory authority shall:

(1) post on the authority's Internet website each law, rule, standard, fee schedule, and other document necessary for a person to review a development document or conduct a development inspection under this section; or

(2) provide on request an electronic copy of the information described by Subdivision (1) not later than the second business day after the date the regulatory authority receives the request.

(e) A person who reviews a development document or conducts a development inspection under this section may:

(1) use software designed to automate the required review without that person performing additional manual review; and

(2) rely on the accuracy and completeness of the information provided by a regulatory authority under Subsection (d).

(f) If a regulatory authority has not posted on the authority's Internet website or provided upon request information as required under Subsection (d), a person reviewing a development document or conducting a development inspection of a home backup power installation under this section may use:

(1) the applicable building code standards under Section 214.212 for a dwelling located in a municipality; or

(2) the applicable building code standards under Section 233.153 for a dwelling located in the unincorporated area of a county.

(g) A regulatory authority that has not posted or provided a fee schedule as required by Subsection (d) may not charge a fee for issuance of an approval, permit, or certification for a home backup power installation under this section.

(h) A person who reviews a development document or conducts a development inspection shall provide to the regulatory authority a copy of any development document or inspection-related note or report the person creates as part of the review or inspection not later than the date the person provides notice to the regulatory

authority under Section 247.004(a)(2).

(i) A regulatory authority shall issue each approval, permit, or certification applicable to a review of a development document or development inspection conducted under this section not later than the third business day after the date the authority receives the notice prescribed by Section 247.004(a) that approves the document or inspection.

(j) A person may begin construction of a home backup power installation on submission of the notice prescribed by Section 247.004(a) that approves the development document.

(k) A regulatory authority is not liable for a review or inspection conducted by a person under this section.

(l) A person reviewing a development document or conducting a development inspection under this section is liable for damages resulting from the person's negligent acts or omissions in conducting the review or inspection.

Added by Acts 2025, 89th Leg., R.S., Ch. 804 (S.B. 1202), Sec. 1, eff. September 1, 2025.

Sec. 247.003. ADDITIONAL FEE PROHIBITED. A regulatory authority may not impose a fee related to the review of a development document or the inspection of an improvement conducted under this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 804 (S.B. 1202), Sec. 2, eff. September 1, 2025.

Sec. 247.004. THIRD-PARTY REQUIREMENTS. (a) A person who reviews a development document or conducts a development inspection under this chapter shall:

(1) review the document, conduct the inspection, and take all other related actions in accordance with all applicable provisions of law; and

(2) not later than the 15th day after the date the person completes the review or inspection, provide notice to the

regulatory authority of the results of the review or inspection.

(b) A regulatory authority may prescribe a reasonable format for the notice required under Subsection (a). If the regulatory authority has not prescribed a format, a person who reviews a development document or conducts a development inspection under this chapter may provide notice by e-mail to the e-mail address of the regulatory authority.

(c) The format prescribed by a regulatory authority under Subsection (b) may not limit a person who reviews a development document or conducts a development inspection under this chapter from using software designed to automate the review or approval process without that person performing additional manual review.

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 804 (S.B. 1202), Sec. 3, eff. September 1, 2025.

Sec. 247.005. WAIVER PROHIBITED. A regulatory authority may not request or require an applicant to waive a deadline or other procedure under this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.

Sec. 247.006. APPEAL. (a) A person may appeal to the governing body of a political subdivision:

(1) a decision to conditionally approve or disapprove a development document made by the regulatory authority for the political subdivision or a person authorized by Section 247.002(a) to perform the review of the document; or

(2) a decision regarding a development inspection conducted by the regulatory authority or a person authorized by Section 247.002(b) to perform the inspection.

(b) A person must file an appeal under this section not later than the 15th day after the date the decision being appealed is made.

(c) If the governing body hearing the appeal does not affirm

the decision being appealed by a majority vote on or before the 60th day after the date the appeal is filed:

(1) the development document that is the subject of the appeal is considered approved; or

(2) the development inspection that is the subject of the appeal is waived.

Added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. 14), Sec. 1, eff. September 1, 2023.