



Summary: This policy is designed to increase the production of housing by ensuring timely decisions on permit applications and providing transparency in the permitting process. The policy respects local considerations in the permitting process while establishing firm guidelines to ensure local governments make timely decisions in accord with fundamental fairness. In doing so, this policy addresses statewide housing shortages and promotes affordability by reducing the delays that increase the costs of building and, therefore, make it harder for individuals and families to find homes.

The Permitting Approval Timeliness Act

Section 1: Purpose

- (a) The purpose of this Act is to ensure timely decisions on permit applications, provide transparency in the permitting process, and protect the rights of applicants.

Section 2: Definitions

- (a) For the purposes of this Act:
 - (1) “Permitting Authority” refers to the governmental entity or department responsible for reviewing and issuing permits within the jurisdiction.
 - (2) “Applicant” refers to any individual, organization, or entity submitting a permit application for review and approval.

Section 3: Timeliness of Permitting Approvals

- (a) The permitting authority shall process permit applications in a timely manner and shall issue a decision on each application within 60 days of the submission.
- (b) If the permitting authority fails to issue a decision within 60 days of the filing of a complete application, the permit shall be automatically granted to the applicant.

Section 4: Decision on Permit Application

- (a) If the permitting authority denies a permit application or approves the permit with conditions, the permitting authority shall provide the applicant with specific reasons for the denial and or approval with conditions. The permitting authority need not give reason for its approval of a permit application.



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- (b) The reasons for denial or conditions of approval shall be based on applicable laws and regulations clearly established for the issuance of permits.

Section 5: Appeal Process for Decisions on Permit Applications

- (a) The circuit court has jurisdiction over appeals of permit application decisions by the permit applicant. Other parties do not have standing to appeal the decision. On appeal, the court shall review the decision of the permitting authority de novo. The inquiry in such a case shall extend to the questions of whether the permitting authority has proceeded without, or in excess of jurisdiction; whether there was a fair process; and whether there was any abuse of discretion.
- (b) Abuse of discretion is established if the court determines that the permitting authority's findings are not supported by clear and convincing evidence in the light of the whole record.
- (c) If the court overturns the denial or rejects the conditions of approval, the court shall direct the permitting authority to grant the permit.
- (d) The court retains authority to exercise equitable authority where appropriate and shall award the successful applicant attorney fees and expenses. In no circumstances will attorney fees or expenses be awarded to the government or a third party challenging a permit.

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