

## **MEMORANDUM**

**To:** The Senate Committee on Commerce

**From:** The Office of Revisor of Statutes

**Date:** 3/5/2025

**Re:** H.B. 2088, as amended by House Committee of the Whole: Enacting the fast-track permits act to: (1) require local governments to meet specified deadlines for issuing building permits and other required approvals for residential real estate development; and (2) require KDHE to issue a response to a submitted notice of intent within 45 days of submission.

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### **Establishment of the Fast-Track Permits Act**

The bill would establish the fast-track permits act (sections 1 through 3), with the stated aim to enhance economic growth and reduce regulatory burdens by streamlining the review process for local building permits.

### **Definitions**

The bill would define key terms such as "applicant," "application," and "complete application". Specifically, "application" would be defined to mean a request to the appropriate local governmental authority for a building permit or other required local governmental approval of an action related to the development of a single-family residential improvement upon real estate within the jurisdiction of such local governmental authority. The term would expressly not include appeals to a zoning board.

### **Application Process**

The bill would require local governments to approve or deny applications and provide written notice of such a decision within 60 days of receiving a complete application. If an application is incomplete, the local government would need to notify the applicant within 15 days, allowing them to submit missing information or make necessary modifications. If the local government does not notify the applicant within 15 days, the deadline of 60 days would apply starting from

the date that the incomplete application was received. The bill would allow for phased permitting in lieu of the 60-day decision requirement if agreed upon in writing by the applicant.

### **Automatic Approval**

If a local government fails to provide written notice of approval or denial within 60 days, the application would be deemed approved.

### **Denial and Resubmission**

The bill would require local governments to state reasons for denial in writing and prohibit denial based on rules adopted after the application submission. Applicants would be allowed to resubmit applications without additional fees if initially denied due to not being complete. The date that the applicant completes the application would constitute the date of receipt of the application.

### **Communication and Deadlines**

The bill would permit electronic signatures and specify methods for submitting applications and notices, including mail, email, fax and courier. Deadlines would include weekends but exclude federal or state holidays. The bill would not supersede local rules that provide shorter decision or notice periods. The bill's deadlines would otherwise be in addition to existing requirements.

### **Stormwater Runoff Permits**

The federal water pollution control act<sup>1</sup> requires a permit<sup>2</sup> to authorize people to discharge stormwater runoff from construction activities. The EPA has delegated the authority to issue such permits in Kansas to KDHE. The bill would require the secretary of health and environment to issue decisions on such permits within 45 days of receiving a complete notice of intent, without superseding conflicting federal law.

### **Approval of Filed Plats and Land Dedications**

Section 5 amends K.S.A. 12-752, which pertains to the requirements for landowners to have a plat drawn for subdividing land or to dedicate land for public purposes. The applicable governing body would be required to determine if the plat conforms to subdivision regulations or whether

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<sup>1</sup> 33 U.S.C. 1251 et seq

<sup>2</sup> <https://www.kdhe.ks.gov/DocumentCenter/View/6300/Construction-Stormwater-Executive-Summary-PDF>

to accept or refuse a dedication of land within 60 days of the date of receipt by the secretary or clerk of the governing body; otherwise, pursuant to section 3, the plat or dedication would be deemed approved.

H.B. 2088 would become effective upon publication in the statute book.