

## Legislation Text

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**File #:** 19-447, **Version:** 1

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Presenter/Contact  
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### **SUBJECT:**

Approval of the second and final reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to change residential fees from valuation-based calculations to per square-foot calculations and flat fees.

### **BACKGROUND / RATIONALE:**

On May 21, 2019, HB 852 was signed by Texas Governor Abbott and is effective immediately. This new state law requires that in determining a building permit or inspection fee for or associated with a residential dwelling, a city may not consider the value of the dwelling, or the cost of constructing or improving the dwelling. The law also states that a City may not require the disclosure of the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by FEMA (Federal Emergency Management Association) as a part of the National Flood Insurance Program.

To comply with this new state law, staff is proposing a residential fee schedule that would be based on the square footage of a project, as well as flat fees. This proposal was derived from comparing multiple other municipalities that already have flat fees, what other regional cities are doing to comply with this bill, and the average cost of past permits here in our City. Our current inspection fees are not proposed to be changed as such fees are not based upon the value of the dwelling or the cost of constructing or improving the residential dwelling.

### **ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>City Plan/Council Priority:</b>	Ensures that the City is in compliance with State statutes.
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### **FISCAL IMPACT:**

It is anticipated there will be negligible to zero impact. Square-footage based fees align well with New Braunfels' current fees, and proposed flat fees are based on an average of actual permit fees collected.

### **COMMITTEE RECOMMENDATION:**

N/A

### **STAFF RECOMMENDATION:**

Staff recommends approval.