



City of Austin

P.O. Box 1088, Austin, TX 78767-1088

March 22, 2023

Re: Testimony on C.S.H.B. 14

Dear Chairman Burns and members of the House land and Resource Management Committee:

The City of Austin respectfully submits the following comments on the Committee Substitute to House Bill 14 (C.S.H.B. 14) by Representative Harris.

The City of Austin has concerns regarding the trigger of 3rd party reviews & inspections. Not all types engineers are qualified to do this work. Therefore, the City recommends removing or limiting the type of engineers from the list of approved reviewers and inspectors. The bill also leaves the following questions unanswered and of concern to the City: Can the third-party reviewer charge a fee for this work? Will this work be covered by their malpractice insurer? What happens if a third-party reviewer or inspector makes a mistake? Or refuses to review or inspect? What if the developer refuses to correct the deficiency? Is the third-party review for the single development document or all remaining documents? To assist with answering at least a few of these concerns, the City recommends that the bill be amended to clarify what happens if a third-party inspector finds a deficiency and when this project returns back to the municipality.

If engineers or other professionals who are not employed by a regulatory authority are allowed to do this work, the City recommends amending the bill to insulate the city from any form of liability for work reviewed or inspected by a third-party, including ensuring that a city won't be stopped if the third-party approves or inspects something in error. The City also recommends amending the bill to impose ethics/conflict of interest standards upon third-party reviewers/inspections.

C.S.H.B. 14 requires City Councils to consider appeals of any adverse permitting decisions. Depending on how frequently the process was utilized, permit appeals could place a significant burden on cities due to the time required to manage an appeals process and ensure that technical merits of a case are thoroughly presented. Therefore, the City recommends that the bill be amended to allow cities to hire an independent hearings officer with sufficient expertise to act on an appeal. The independent hearings officer option can bring about faster decision-making through hearings that are setup as needed.

Thank you for your time and consideration. We look forward to working with the author to address the concerns which we have presented here. Please do not hesitate to reach out to me should you have any questions.

Sincerely,

Brie Franco

Intergovernmental Relations Officer

City of Austin