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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3974

02/19/2024 Authored by Elkins, Kraft, Howard and Jordan The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to state and local government; establishing procedures for review of
1.3 building applications by government entities; amending Minnesota Statutes 2022,
1.4 section 15.99, subdivisions 1, 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 15.99, subdivision 1, is amended to read:

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms shall
1.8 have the meanings given.

1.9 (b) "Agency" means a department, agency, board, commission, or other group in the
1.10 executive branch of state government; a statutory or home rule charter city, county, town,
1.11 or school district; any metropolitan agency or regional entity; and any other political
1.12 subdivision of the state.

1.13 (c) "Request" means a written application for a building permit or a written application
1.14 related to zoning, septic systems, watershed district review, soil and water conservation
1.15 district review, or the expansion of the metropolitan urban service area, for a permit, license,
1.16 or other governmental approval of an action. A request must be submitted in writing to the
1.17 agency on an application form provided by the agency, if one exists. The agency may reject
1.18 as incomplete a request not on a form of the agency if the request does not include
1.19 information required by the agency. A request not on a form of the agency must clearly
1.20 identify on the first page the specific permit, license, or other governmental approval being
1.21 sought. No request shall be deemed made if not in compliance with this paragraph.

1.22 (d) "Applicant" means a person submitting a request under this section. An applicant
1.23 may designate a person to act on the applicant's behalf regarding a request under this section

2.1 and any action taken by or notice given to the applicant's designee related to the request  
2.2 shall be deemed taken by or given to the applicant.

2.3 Sec. 2. Minnesota Statutes 2022, section 15.99, subdivision 2, is amended to read:

2.4 Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section  
2.5 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to  
2.6 the contrary, an agency must approve or deny within 60 days a written request for a building  
2.7 permit or a written request relating to zoning, septic systems, watershed district review, soil  
2.8 and water conservation district review, or expansion of the metropolitan urban service area  
2.9 for a permit, license, or other governmental approval of an action. Except as provided in  
2.10 paragraph (b), failure of an agency to deny a request within 60 days is approval of the  
2.11 request. If an agency denies the request, it must state in writing the reasons for the denial  
2.12 at the time that it denies the request.

2.13 (b) An agency must approve or deny a building application as expeditiously as possible.  
2.14 Failure of an agency to deny a request for a building permit within 60 days is not an approval  
2.15 of the request. An agency that approves or denies a building permit application more than  
2.16 60 days from receipt of the application must refund all relevant permitting fees to the  
2.17 applicant within five business days of the date of the decision on the application.

2.18 ~~(b)~~ (c) When a vote on a resolution or properly made motion to approve a request fails  
2.19 for any reason, the failure shall constitute a denial of the request provided that those voting  
2.20 against the motion state on the record the reasons why they oppose the request. A denial of  
2.21 a request because of a failure to approve a resolution or motion does not preclude an  
2.22 immediate submission of a same or similar request.

2.23 ~~(c)~~ (d) Except as provided in paragraph ~~(b)~~ (c), if an agency, other than a multimember  
2.24 governing body, denies the request, it must state in writing the reasons for the denial at the  
2.25 time that it denies the request. If a multimember governing body denies a request, it must  
2.26 state the reasons for denial on the record and provide the applicant in writing a statement  
2.27 of the reasons for the denial. If the written statement is not adopted at the same time as the  
2.28 denial, it must be adopted at the next meeting following the denial of the request but before  
2.29 the expiration of the time allowed for making a decision under this section. The written  
2.30 statement must be consistent with the reasons stated in the record at the time of the denial.  
2.31 The written statement must be provided to the applicant upon adoption.