

**RULE NO.: R161-24.06**

**NOTICE OF PROPOSED RULE**

**POSTING DATE: 03/28/24**

The Director of the Development Services Department proposes to adopt the following rule after 04/29/24.

**EFFECTIVE DATE OF PROPOSED RULE**

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before 04/30/24 (the 33rd day after the date of this notice) or not after 06/06/24 (the 70th day after the date of this notice).

If a proposed rule is not adopted on or before 06/06/24, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

**REQUEST FOR COMMENTS ON PROPOSED RULES**

The City requests comments from the public with respect to the proposed rules included in this Notice. Comments must be submitted in writing to the contact person below no later than 04/29/24 (the first business day following the 31<sup>st</sup> day after the date of this notice).

**Contact Person:**

Christopher Johnson  
Development Services Department

**U.S. Mail**

City of Austin - PDC  
DSD – Christopher Johnson #2139.09  
PO Box 1088  
Austin, TX 78767 or

**Email:**

Christopher.Johnson@austintexas.gov

**Phone:**

512-974-2769

**TEXT OF PROPOSED RULE**

The text of the proposed rule is attached to this notice.

**BRIEF EXPLANATION OF PROPOSED RULE**

Rule R161-24.06: Proposed revisions to the Building Criteria Manual adding **Section 1.2.11 Building Permit Application - Expiration**. The proposed rule provides clarification on when a building permit application expires and extends the update deadline

by up to 180-days upon building plan approval to allow the general contractor a minimum of 180 days to activate the building permit.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying by contacting Christopher Johnson at christopher.johnson@austintexsa.gov.

#### **AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction requirements is established in Chapter 25-12 of the City Code.

#### **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule R161-24.06 the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

#### **REVIEWED AND APPROVED**

  
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José G. Roig, CBO, CCEA, Director  
Development Services

Date: 03/22/2024

*Anne L. Morgan*  
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Anne L. Morgan  
City Attorney

Date: 3/22/2024

SECTION 1 -  
BUILDING CODE

1.2.11 ~~Reserved~~ Building Permit Application –  
Expiration

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**1.2.11 Building Permit Application – Expiration**

- 1) Approval of the building plans submitted with the building permit application does not constitute final approval of the application. An applicant is still required to activate building permits prior to the building permit application expiration date.
- 2) Except for Subsection (3), a building permit application for any proposed work expires one year after the date the application is filed.
- 3) If building plans are approved before the application expires:
  - a. The update deadline is extended as needed to allow any permits shown as “pending” to expire not earlier than the 181<sup>st</sup> day after the building plans were approved.
  - b. The application, including any permits shown as “pending,” expires one year after the date the application is filed or the 181<sup>st</sup> day after building plan approval, whichever is later.