

## State-Level Strategies

Several states around the country take steps to improve the permitting process at the local level by passing state legislation to improve the land development process, creating state-level organizations designed to assist local governments with the land development review and approval process, and providing resources to municipalities.

### Create state-level agencies to provide assistance to local governments

Several states have created state-level regional planning or permitting bodies to provide assistance to municipalities. The specific roles and responsibilities of the agency can vary depending on the priorities and interests of the current governor as well as available funding levels. The resources offered by these bodies are typically voluntary and sometimes also offer assistance to permit applicants.

### Examples of where the practice is being used

- In *Washington*, the Governor's Office of Regulatory Innovation and Assistance (ORIA) was established specifically to work with local governments and applicants to help improve development permitting processes. It works predominantly with developers to obtain environmental permits.
- The *Massachusetts Permit Regulatory Office* (MPRO) was created in 2006 to assist commercial, industrial, mixed-use, and housing development. MPRO's director is an ombudsman for developers with state permitting, licensing, and regulatory processes. The office also oversees a state expedited permitting program and provides infrastructure grants that help to facilitate commercial and housing development. The office primarily focuses on development in designated growth districts.
- *Utah's* Office of the Property Rights Ombudsman is staffed by attorneys who help parties understand and comply with land use and development laws and can help resolve disputes between governments and property owners. The office website also provides links to summaries of relevant land use laws and appellate decisions to citizens, property owners, and local governments.

### Sources of information

- Washington's Office of Regulatory Innovation and Assistance  
[http://www.oria.wa.gov/site/alias\\_oria/368/default.aspx](http://www.oria.wa.gov/site/alias_oria/368/default.aspx)
- Massachusetts Permit Regulatory Office  
<http://www.mass.gov/hed/economic/eohed/pro/>
- Utah's Office of the Property Rights Ombudsman  
<http://propertyrights.utah.gov/>

## Pass state legislation to improve the land development process

Some state legislatures, often at the urging of members of builders' associations, draft and pass legislation that directly affects the land development review and approval process at the local level. This legislation can include requirements that towns and cities report on performance in reviewing permit applications; limits on the length of time local governments have to review an application before a permit is automatically granted; and state rules that consolidate or streamline the public comment process.

### Examples of where the practice is being used

- **Washington State** mandates that local jurisdictions act on permit applications within a specified timeframe and publish annual reports on the number of permits processed within this timeframe.
- **Washington State** also has a vested rights doctrine that states: "a land use application, under the proper conditions, will be considered only under the land use statutes and ordinances in effect at the time of the application's submission."
- The **Washington State** legislature passed statewide "regulatory reform" legislation for the purpose of simplifying and integrating the various state land use and environmental legislations. The legislation directed cities and counties to develop an integrated and consolidated project permit review process that: (i) Combines both procedural and substantive environmental review with project permit review; and (ii) Allows no more than one open record hearing and not more than one closed record appeal hearing on both the permit and environmental review, except for appeals of a SEPA determination of significance.
- The **Massachusetts** legislature passed Massachusetts General Laws 43D and 43E, both expedited permitting programs. 43D is a voluntary local expedited permitting program that offers incentives for local governments to streamline the permitting process in designated development areas, and 43E expedites state permits for development in specific growth districts. The program requires all state agencies, commissions, and departments involved in the Massachusetts Environmental Policy Act review process to take final action on a permit application within 180 - 210 calendar days or the permit is automatically granted.

### Sources of information

- Washington State: Local Government Project Permitting  
<http://mrsc.org/Corporate/media/MediaLibrary/SampleDocuments/GovDocs/W3permitting.pdf>
- Washington State: MSRC Vested Rights  
<http://mrsc.org/Home/Explore-Topics/Legal/Planning/Vested-Rights.aspx>
- Massachusetts 43E

<http://www.mass.gov/hed/economic/eohed/pro/zoning-and-permitting/state-permitting-43e/chapter-43e-expedited-state-permitting.html>

- Massachusetts 43D  
<http://www.mass.gov/hed/economic/eohed/pro/zoning-and-permitting/43d/>

### Provide resources to towns and cities

Several states provide resources to perennially cash-strapped towns and cities to improve the land development review and approval process. Sometimes funding is available to all municipalities requesting assistance; in other cases funding is provided on a competitive basis. This can come in the form of grants to implement new IT solutions, consulting and training on how to streamline the process, and aid to assist with the costs of required reporting on permit processing performance. Funding for infrastructure that helps to facilitate development is sometimes also provided.

### Examples of where the practice is being used

- *Massachusetts* created a permit tracking system and provides it free to Massachusetts towns and cities.
- The *State of Washington's* Local Government Performance Center offers local officials the opportunity to attend the Lean Academy free of charge. During the approximately seven-day training, local government representatives learn principles, methods, and tools to develop a culture that encourages employee creativity and problem-solving skills. They spend the rest of the training mapping and redesigning the entire permitting process to improve efficiency.

Local governments that have participated in the Lean Academy in Washington have experienced substantial reductions in permitting approval times. Whatcom County's average processing time for residential permits dropped from 31 days to 9 days; Clark County's dropped from 45 days to 13 days; and Kitsap County's dropped from 26 days to 6 to 8 days (see case study).

- *Massachusetts'* MassWorks public infrastructure grants are designed to facilitate housing and economic development. Awards are made on a competitive basis, and funding has been provided for roads, sewers, increasing water capacity, and public transit.

### Sources of information

- Massachusetts MassWorks  
<http://www.mass.gov/hed/economic/eohed/pro/infrastructure/massworks/>
- Washington Local Government Performance Center summary document  
<http://www.sao.wa.gov/local/Pages/LeanAcademy.aspx#.Vi-pgpYpDcs>

- Massachusetts' Municipal Permit Tracking System provided free to towns and cities  
<http://www.mass.gov/hed/economic/eohed/pro/tools/municipal-permit-tracking-system.html>

This document is a portion of NAHB's report  
*Development Process Efficiency: Cutting Through the Red Tape.*

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National Association of Home Builders



## Development Process Efficiency: Cutting Through the Red Tape

