

Testimony of Judge Glock in Support of HB 1438.

Thank you Madame Chair and members of the committee.

My name is Judge Glock and I am a former visiting professor of economics and the director of research at the Manhattan Institute. I am here today to testify in support of HB 1438. Any opinions and views expressed are my own.

If there are any two things that inhibit building they are delay and uncertainty. This bill limits both.

Studies have shown that delays in approvals are one of the most important factors reducing homebuilding and can add substantially to the cost of a home.<sup>1</sup> Private review and permitting of building plans to speed approval is not a hypothetical reform at this point in time. For years many cities across the country have allowed developers to hire inspectors and plan reviewers to certify compliance with applicable codes. In more recent years, several states such as Tennessee, Texas, and Florida have expanded independent inspection and permitting across the state and provided developers options to use private providers to approve compliance as long as the providers meet certain basic requirements around certification.<sup>2</sup> These bills have typically passed with large, bipartisan majorities.<sup>3</sup>

Although there have been safety and health concerns about allowing private providers to certify compliance with applicable codes, since cities and states have adopted these reforms there have not been any substantial complaints of safety or other hazards. The certification requirements for such private providers are often higher than those mandated for local building officials in their areas of expertise, as is the case in this bill.

This bill does not punish local building departments but provides a viable alternative when those departments are understaffed or under-resourced. This bill still allows building departments to approve plans and only allows a developer's engineer or architect to certify compliance if the departments have not met the deadlines already approved by the state. The combination of similar deadlines and third-party reviews in Florida have helped substantially speed building approvals in that state.<sup>4</sup>

This bill draws on well-established, bipartisan practice in several states that have shown themselves effective in reducing permitting delays and increasing building, without creating health or other concerns. I would like to thank the committee for its time.

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<sup>1</sup> See Joseph Gyourko and Raven Molloy, "Regulation and Housing Supply," NBER Working Paper No. 20536, October 2014, [https://www.nber.org/system/files/working\\_papers/w20536/w20536.pdf](https://www.nber.org/system/files/working_papers/w20536/w20536.pdf); "Is Your Town Building Enough Housing?" *Trulia*, July 19, 2016. <https://www.trulia.com/research/elasticity-2016/>

<sup>2</sup> See, for example, Texas Local Government Code, Chapter 247. <https://casetext.com/statute/texas-codes/local-government-code>

<sup>3</sup> See Judge Glock, "A Model Bill to Allow Independent Permitting and Inspections: Introduction" *Manhattan Institute*, October 22, 2024. <https://manhattan.institute/article/a-model-bill-to-allow-independent-permitting-and-inspections>

<sup>4</sup> Hayden Dublois, "Fast Track to Success; How Florida Has Streamlined Its Permitting Processes to Cut Red Tape and Expand Housing." *Foundation for Government Accountability*, June 15, 2022.