Shopping Center Permit Approvals and Delays: The Case of Tallahassee

By
Samuel R. Staley, Ph.D.

Executive Summary

This policy report presents research findings on trends in shopping center permitting times in Tallahassee, Florida, as a preliminary step toward examining the efficiency and effectiveness of local government regulation of the land-development process. Florida has invested substantial public and private resources in the permit approval and permitting process in order to protect public amenities such as environmental quality as well as to improve the efficiency of the land market. This study analyzed records on shopping center permit times from the city of Tallahassee for projects between 1990 and 2012. Twenty seven project files provided sufficient information to examine permit approvals times through building occupancy.

Among the report’s findings:

• Shopping center development began to slow as early as 2006, two years before the Great Recession;

• The average shopping center required 2.6 years to obtain a Certificate of Completion after submitting its site plan for approval;

• The longest project required 6.2 years and the shortest period was one year;

• The size of the shopping center was not related to the length of time needed to obtain a certificate of completion;

• Shopping centers subjected to the streamlined approval process did not appear to obtain approvals faster than those considered under the traditional permitting process;

• The time required to obtain permit approval and the uncertainty associated with approvals appeared to increase in the 2000s compared to the 1990s.

The study concludes with recommendations that local planners consider ways to further streamline and reduce uncertainty in the shopping center approval process.
Shopping Center Permit Approvals: The Case of Tallahassee

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1. Introduction

Efficient land use markets are critical for improving the quality of life and contributing to the economic growth of a community. While residential development receives substantial attention from elected officials and the general public, commercial development often fails to generate similar levels of interest. This is unfortunate because commercial development is a necessary element for balanced and healthy communities. Policies that unnecessarily impede commercial development risk reducing the productivity and economic viability of local communities by limiting access to goods and services desired by local residents and businesses and increasing the costs of the products that are provided.

This policy report presents research findings on trends in shopping center permitting in Tallahassee, Florida, as a first step toward examining the efficiency and effectiveness of local government regulation of the land-development process. Florida has invested substantial public and private resources in the permit-approval process as a means to protect public amenities such as environmental quality as well as improve the efficiency of the land market. These were important values underlying the state’s commitment to statewide growth management in the late 1980s and early 1990s, when every city and county was required to adopt a comprehensive land-use plan consistent with state goals and objectives. While legislative reforms in 2012 reduced the role of the state government in growth management, local governments retained extensive authority to manage land use, including land-development permitting and land-use planning. Determining and understanding what accounts for differences in permit-approval times for shopping centers can convey important information regarding the impact of government regulation on the market for commercial land and the development process. Using Tallahassee as a case study, this policy report provides an initial examination of the permitting process as an indicator of the scope and effects of land-use regulation. The report does not explicitly examine the mechanism by which permitting might delay the land-development process. Rather, it uses original research to provide a broad understanding of the time required to obtain a permit for commercial retail properties.
2. Background

The Tallahassee metropolitan area has experienced substantial growth as the size of the state government has expanded and enrollments at Florida State University, Florida A&M University, and Tallahassee Community College have increased. The population of the city of Tallahassee has more than doubled since 1980 as residential development has swelled in the county and outlying areas (Exhibit 1). Nearly 40,000 people have moved to the region since 2000 alone, creating demand for new, more convenient, and larger scale retail opportunities. All of the shopping center growth since the 1970s has been through the development of small and large scale conventional shopping centers. The city’s two regional malls--Tallahassee Mall and Governor’s Square--were developed in 1971 and 1979. An earlier mall, Northwood Mall, now Northwood Centre, was developed in 1969 and languished with the opening of the Tallahassee Mall a few blocks north. Notably, the Tallahassee Mall is undergoing substantial renovation in an effort to revitalize it as a retail center as The Centre of Tallahassee.

Exhibit 1
Population Growth in Tallahassee and Leon County, Florida: 1980-2010

<table>
<thead>
<tr>
<th>Year</th>
<th>Tallahassee</th>
<th>Leon County</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>81,548</td>
<td>148,655</td>
</tr>
<tr>
<td>1990</td>
<td>124,773</td>
<td>192,493</td>
</tr>
<tr>
<td>2000</td>
<td>150,624</td>
<td>239,452</td>
</tr>
<tr>
<td>2010</td>
<td>275,487</td>
<td>181,736</td>
</tr>
</tbody>
</table>

[Diagram of population growth from 1980 to 2010 for Tallahassee and Leon County, Florida]
About 60 shopping centers exist within the city and county. Forty-four shopping centers have been approved and permitted by the City of Tallahassee since 1990 based on research conducted for this report from files in the city’s office of growth management. Thus, the expansion of the city’s retail sector has increased with population growth, although the built form of those retail experiences has remained primarily conventional strip development with traditional shopping center design.

The city and metropolitan area, however, are expected to continue to grow, with the city’s population forecast to reach 200,000 by 2025. Tens of thousands of new residents will increase demand for retail development. While the recession reduced demand for commercial development, pressure to issue permits is likely to grow again as the state economy continues to gather strength.

Two local governing bodies issue building permits in the City of Tallahassee. The first is Leon County’s Department of Development Support and Environmental Management and the second is the Planning Department of the City of Tallahassee. Although these two governing bodies follow the same statutes, they differ in their mechanisms and nature of documentation.

Shopping centers are classified by their magnitude and potential impact on the surrounding areas. A shopping center can be categorized as either a Regional Shopping Center or a Community Shopping Center, according to the property appraiser’s office in Tallahassee. By default, shopping centers that do not qualify as Regional Shopping Centers are classified as Community Shopping Centers. Both regional shopping centers currently in Tallahassee were built in the 1970s. Recently, the city and county commissions approved comprehensive plan amendments allowing for the development of an outdoor shopping center, or “lifestyle center,” in April 2012.

In 1976 the Florida Legislature passed a law that would classify some large property developments as Developments of Regional Impact (DRI). Most regional shopping centers of the magnitude similar to the malls mentioned above would be classified as a DRI. Unfortunately, the DRI process has been criticized for its complicated process and lack of transparency. Many developers complain that the DRI process is long, expensive, and uncertain. Many builders and property developers have avoided the DRI process by classifying their projects as a Regional Activity Center (RAC) or by dividing their development project into smaller units that would not meet the DRI thresholds.¹

¹ In an interview related to this research, a government planner said that he believed the DRI process has become easier to navigate over time but continues to be too burdensome for most developers’ liking. Most entrepreneurs would rather buy land in the neighboring states of Alabama and Georgia where a less complicated process exists. He also suggested powerful lobbying interests, particularly lawyers and private planners who profit from the complicated process, do not want the process to be simplified.
3. The Permitting Process

Each shopping center project follows a standard process regardless of type. The developer first goes to the Planning Department of the City of Tallahassee with a proposed use of the land. The planning department issues a Land Use Compliance Certificate (LUCC) if the project is allowed by current land-use regulations and specifies which site plan and/or subdivision review type is required for final project approval. The LUCC includes an issue date, an expiration date for the certificate, required site-plan review information, and briefly describes the proposed use of the land. This is supposed to take, on average, seven to 10 days.

After receiving the LUCC, the developer must file for a concurrency certificate by showing the impact the project will have on public facilities. The developer is also required to prepare a Natural Forest Inventory (NFI) to identify significant environmental features. Every commercial project of more 1,000 square feet requires site-plan approval. Depending on the size of the project, its proposed use, its location, and other factors, the approving authority and process will vary. The site-plan process for a project is stated in the LUCC.

Once all the land-use approvals are obtained, the developer can secure approval for final construction plans in the form of Environmental Management and Building Permits. These permits allow site work to commence. Beyond this there is a building permit process which requires the developer to submit electrical, plumbing, and mechanical plans to eventually obtain a Certificate of Occupancy.

A project can go through a Type-A site-plan review or a Type-B site-plan review. Type-B reviews are required for the more complicated and large projects. There are significant differences between the Type-A review process and the Type-B review process. The Type-A plan is evaluated by a reviewing committee that meets once a week. Type A review does not require signage or direct mail notification to neighboring property holders. This process is designed so that there is a faster turnaround since, in principle, the project’s impacts are not as great on the community as for Type-B plan. A Type-B plan, in contrast, is reviewed by the Development Review Committee that meets two times a month. This review process requires the signage and a direct mail notice to neighboring property holders within 500 feet of the proposed property. Hence, a Type-B review is expected to take longer and requires more documentation because of the project’s impact.
4. Methods and Data

Research for this project was complicated by the lack of transparency and accuracy of publicly available data on shopping centers and permits. The local government’s online permit manager provided incomplete and vague information. The first place a lay person would go to access permits issued to shopping centers would likely be the property appraiser’s website. The Leon County Property Appraiser website has a link to the permits issued to a particular property. The information available on this link, however, is very difficult to interpret because of the excessive use of codes that a typical citizen would not understand unless he or she had investigated all the information available from the records manager. Data collection was further hampered by issues such as:

- Inconsistencies between dates recorded on some permits and the reported official issue dates;
- Inconsistencies between document dates and dates listed on the website;
- Confusion about interpreting old permit listings by some records managers;
- Outdated permit listings.\(^2\)

Compared to other cities such as Orlando, Tallahassee has an outdated and unsophisticated online system.\(^3\)

Data collection required access to public records in the city’s growth management office. The collected data were then analyzed to determine the length of time necessary to obtain permits. This process involved interviews with record managers, planners, and developers to gain insight into the permit process. This study focused only on permits issued by the Growth Management Department of the City of Tallahassee. Data for permitted shopping centers were collected for the period between 1994 and 2014.\(^4\) Prior to 1990, data were unavailable. We identified 57 retail shopping center projects during this period although incomplete and unreliable permit data required narrowing the number of shopping centers significantly for this analysis to 27 projects.

The data on the 57 shopping centers suggested that City of Tallahassee experienced relatively stable shopping center development throughout the 1990s and early 2000s, with a spike of eight centers opening in 2002 and five additional projects completed in 2003 (Exhibit 2). About three

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\(^2\) For instance, prior to 2007, a certificate of occupancy status, which signifies that the building can be occupied, and a complete status, which reflects that the building is complete but cannot yet be occupied, were both listed as “COFO” on the permit. In other words distinguishing between the point when a building received a Certificate of Completion and when it received a Certificate of Occupancy was unclear and would require the researcher to know prior to the search that COFO stands for Certificate of Occupancy.

\(^3\) One government official interviewed during this research suggested that Tallahassee was not an important commercial region and did not have sufficient funding to update its systems compared to larger departments found in cities such as Orlando.

\(^4\) These projects were designated “Community Shopping Centers” with a property use code of 1600 as defined by the Leon County Property Appraiser.
projects were completed each year until 2010. Even after the collapse of the housing market and onset of the steep recession of 2008-2009, three shopping centers opened in 2009 and two each subsequent year.

Some of these projects were very large. Although all the region’s major shopping malls were completed by 1980, several major retail centers came online in the 2000s. Mahan Village Shopping Center opened in 2012 with 124,845 square feet of retail space. Governor’s Marketplace opened in 2001 with 151,614 square feet. Between 1994 and 2012, 1.5 million square feet of shopping center space was added to the city’s retail economy.

Most of these shopping center projects, however, have been smaller in scale (Exhibit 3). The average shopping center size was 26,499 square feet, and some projects were as small as 1,440 square feet. Others were more substantial. Bradford Village Center on Thomasville Road opened in 1996 with 74,272 square feet. Projects opening since the recession have been much smaller, with most projects developing fewer than 10,000 square feet of retail space (with the notable exception of Mahan Village Shopping Center).

Unfortunately, sufficient data did not exist for a complete analysis of all 57 shopping center projects completed. For those with complete and accurate information, the date of approval for
the Land Use Compliance Certificate, or LUCC, is considered the start date of the land development-approval process and receipt of the Certificate of Completion is considered the end date for the approval process.\(^5\)

**Exhibit 3**

*Average Size of Shopping Centers Completed: 1994 to 2012*

\(^{(N=57)}\)

While a substantial number of these shopping centers were started in the late 1990s, Tallahassee appears to have experienced slower retail development throughout the 2000s. The period following the collapse of the housing bubble in 2007 saw lower activity, but a slower pace was already evident during the early-2000s compared to the 1990s (see Exhibit 3 above).

Data on shopping center starts (rather than completions) tells a similar story although the number of projects analyzed was substantially smaller (27) due to incomplete information (Exhibit 4).\(^6\) Notably, no shopping center projects were initiated in 2006, three were started in 2007, and none began the approval process in 2008, the first year of the Great Recession, according to data

\(^{5}\) Notably, this research does not examine the rezoning process. Thus, several of these projects may have taken substantially longer to approve if the shopping center project required a change in land use (e.g., residential to commercial, or agricultural to commercial).

\(^{6}\) For a project to be included in the analysis of shopping center starts, information on the project’s size (measured in square feet), Certificate of Land Use Compliance, Certificate of Completion, Certificate of Occupancy, parcel numbers, and location information had to be publicly available in the files at the city’s growth management office.
collected from the city’s growth management office. One project started in 2009 and another started in 2010.

### Exhibit 4
**Shopping Center Starts in City of Tallahassee**

5. Trends in Permit Completion Times

Among the shopping center projects examined in this study, the average time required for a project to go from site-plan submission to the issuance of a completion certificate (allowing the center to open) was 942 days, or 2.58 years. The median was 2.29 years, which suggests a few very lengthy approvals may have increased the overall average. Notably, the range between the shortest and longest approval times spanned 5.2 years. The longest project time from the LUCC approval to completion was 6.2 years. The shortest was one year. Based on overall trends and past experience, however, a shopping center developer can expect to spend at least one year and probably three years securing the permits necessary before the retail space will be available for occupancy, and the risk of the project taking substantially longer is significant. In fact, one-third of the projects required three or more years to complete the permit-approval process (Exhibit 5).
Interestingly, the permitting time does not necessarily reflect the complexity of the site or even the variety of the proposed retail stores based on the data culled from public records. The size of the shopping center, for example, is not related to the delay in permitting.\textsuperscript{7} Exhibit 6 provides a list of the eight shopping centers that completed construction more than three years after receiving their land-use compliance certificate (allowing their developers to begin the design, planning, and construction). The two centers experiencing the longest time to receive certificates of completion are small strip centers while the two largest projects experienced shorter permitting periods.\textsuperscript{8} Moreover, when measured by square footage, the smallest shopping centers had the highest average completion time: three years (Exhibit 7). Shopping centers with between 25,000 and 100,000 square feet of proposed retail space had the shortest average completion time (2.1 years).

\textsuperscript{7} The Pearson correlation coefficient for the relationship between square footage and the years needed to obtain a permit was statistically insignificant at -0.069. The results, however, confirm the impression from Exhibit 7 that larger retail centers appear to receive their permits faster (hence the negative relationship). A simple regression between delay (in days) and square footage was also statistically insignificant.

\textsuperscript{8} A question for further research, but beyond the scope of this analysis, is whether experienced developers are more successful at navigating the permit process. They would have advantages in understanding the process and, in theory, would be less likely to make administrative errors that would lead to delay in obtaining the permit.
Exhibit 6: Tallahassee Shopping Centers Completed 3 Years After Initial Application

<table>
<thead>
<tr>
<th>Shopping Center</th>
<th>Square Feet</th>
<th>Completion Year</th>
<th>LUCC issued Year</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Cash Advance</td>
<td>6,600</td>
<td>2007</td>
<td>2001</td>
<td>6.2</td>
</tr>
<tr>
<td>Cellphone Place/ASAP</td>
<td>3,500</td>
<td>2003</td>
<td>1997</td>
<td>5.7</td>
</tr>
<tr>
<td>Mahan Commons Retail Center</td>
<td>17,800</td>
<td>2007</td>
<td>2002</td>
<td>5.5</td>
</tr>
<tr>
<td>Message, Starbucks</td>
<td>8,584</td>
<td>2007</td>
<td>2003</td>
<td>4.4</td>
</tr>
<tr>
<td>JQ Nails</td>
<td>7,980</td>
<td>2002</td>
<td>1999</td>
<td>3.9</td>
</tr>
<tr>
<td>AZ Lucy Ho’s Restaurant</td>
<td>20,332</td>
<td>2007</td>
<td>2003</td>
<td>3.4</td>
</tr>
<tr>
<td>Villages at Maclay</td>
<td>4,452</td>
<td>2003</td>
<td>1999</td>
<td>3.4</td>
</tr>
<tr>
<td>Ocala Corners</td>
<td>97,958</td>
<td>2002</td>
<td>1999</td>
<td>3.1</td>
</tr>
</tbody>
</table>

Source: DeVoe L. Moore Center, Florida State University

Notably, the shopping center projects requiring the longest permitting times also appear to be older ones. This is confirmed in Exhibit 8, where the years required to complete the permitting process is compared to the year in which the project was started. The projects requiring the
longest period began in the mid and late 1990s (although the project requiring the longest time to completed started in 2001). No projects initiated after 2003 required more than three years to finish the process. Unfortunately, the notes provided in the files did not allow for a more finely grained analysis of these projects. In addition, while the time required to complete the permitting process seemed to shorten, the number of projects entering the development-approval process dropped dramatically in the mid-2000s. The steep economic recession likely had a significant impact on retail investment decisions.

Average permit completion times were longer for Type-A permits compared to Type-B although the difference appears small: just 22 days less during a process that averages nearly two years (Exhibits 9). The median suggests the Type-A process is faster than Type-B for most shopping centers entering the regulatory system. Type-A permits required a little more than a year to process while Type-B permits required more than two years. Nevertheless, the standard deviation for Type-B permits—a measure of the variation in permit approval times—is significantly smaller than for Type-A permits, suggesting that developers have more certainty in the Type-B approval process compared to the standard regulatory system. The complexity of Type-B projects may make the tradeoffs between lengthier approval times and reduced uncertainty preferable for some developers.
Exhibit 9: Approval Times for Type-A & Type-B Permits

<table>
<thead>
<tr>
<th>Review Process</th>
<th>Type-A</th>
<th>Type-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>661 days</td>
<td>639 days</td>
</tr>
<tr>
<td>Median</td>
<td>417 days</td>
<td>737 days</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>541 days</td>
<td>224 days</td>
</tr>
<tr>
<td>Range</td>
<td>1,711 days</td>
<td>568 days</td>
</tr>
<tr>
<td>Minimum</td>
<td>165 days</td>
<td>293 days</td>
</tr>
<tr>
<td>Maximum</td>
<td>1,876 days</td>
<td>861 days</td>
</tr>
</tbody>
</table>

Source: DeVoe L. Moore Center

Most of these delays, however, appear to be tied to Type-B approvals. When Type-A approvals were examined, projects going through the permitting process experienced small declines in average completion times from the 1990s to the 2000s (Exhibit 10). Although the median time for review increased—the average number of days for the “middle” project when organized from lengthiest to shortest processing time—the standard deviation fell over time, suggesting a more predictable process. Thus, most of the increase in delay and uncertainty seems to be in the larger, more complex shopping centers.

Exhibit 10
Days to Approval of Completion Permit: Type A by Decade

Days to Completion Permit Approval

- Type A-1990s
  - Mean: 680 days
  - Median: 623 days
  - Standard Deviation: 417 days
- Type A-2000s
  - Mean: 650 days
  - Median: 516 days
  - Standard Deviation: 462 days
Differences by Decade

The 1990s were a period of substantial growth in Florida and the nation while the 2000s were more economically tempered. Although a shallow national recession slowed economic growth in 2001, the most visible part of the housing boom and crash occurred at the end of the decade. In Florida, the housing market began to soften as early as 2005. These economic conditions likely explain a significant part of the slower pace of retail development during this period.

Despite the economic slowdown and reduced volume of projects, the average completion time increased by nearly one month from the 1990s to the 2000s (Exhibit 11). The uncertainty in the approval process also appears to have increased, as the standard deviation for the time necessary to complete the permitting process rose by 10.9 percent. Moreover, the number of shopping centers taking four or more years to complete the process was three in the 2000s compared to just one in the 1990s (Exhibit 12). While fewer projects fell into the 3-4 year completion window in the 2000s, substantially more projects required 2-3 years to secure completion permits and none required less than one year.
City planners could argue that longer permit approval times lead to superior projects.9 Unfortunately, this study does not examine whether the lengthier permit completion times resulted in better quality projects, or what criteria would be used to determine levels of quality. This should be considered in future research on commercial permit approval times and delays.

6. Policy Implications

In sum, the average shopping center developer required about 2.8 years to navigate the approval process and secure a completion permit. A shopping center project going through a Type-A site-plan review process takes about the same time to complete the permitting process as a shopping center project going through a Type-B review process even though the latter process was adopted

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9 This position, of course, implies that projects entering the permit-approval process are lower quality than would be achieved without the permit process. Shopping center developments require approval before they can move forward, making negotiations and modifications likely since developers and land owners do not have a legal entitlement to develop their projects. Whether the net effect is positive or negative would depend on whether the delays in approval were necessary to incorporate meaningful improvements. The research for this project was unable to explore the types and characters of the changes made to each of the projects as a result of negotiations implicit in seeking approval.
to reduce uncertainty and improve the efficiency of the permitting process for complex projects. Type-B approvals are also harder to predict, but this outcome is expected given the larger and more complex projects the process was designed to address.

Whether these trends reflect inefficiency in the Tallahassee permitting process is difficult to determine from these results. We were unable to obtain data on all shopping center projects, and each project has characteristics that make the site and land development challenges unique. This report attempted to control for some of this variation by examining the relative size of projects, the timing of the application process, and how the Type-A and Type-B processes seemed to influence outcomes. The professional competence of both planners and developers is also a factor in permit processing speeds. For example, an experienced developer may cooperate better with government authorities and get back faster on requested revisions than an inexperienced developer.

In addition, the City of Tallahassee’s Growth Management Department underwent a review of the permitting process in 2009 with the intent of streamlining the process further. Staff identified 25 improvements that they report could shave more than 50 days off the time needed to secure an environmental permit, nearly a month off the time to obtain site-plan approvals (Type-A and Type-B).10 Unfortunately, we were unable to obtain reports or analysis evaluating the effectiveness of these reforms prior to going to press.

The fact that the average shopping center requires nearly three years to complete the permitting process, regardless of the size of the project or its complexity, strongly suggests opportunities exist to streamline and reduce uncertainty in the regulatory process. The variation in approval rates creates substantial investor uncertainty. Complexity, at least measured as scale and center size, does not appear to influence the length of time a project moves through the permitting process. Many of these project approvals span well beyond the business cycle peaks and troughs. The difficulty in accessing and interpreting publicly available data also suggests the city’s system of tracking and inventorying permits and projects needs to be improved if transparency and public accountability are important goals of the city administration. Too much information is cloistered in hard copy forms and virtually impossible to access by the layperson and difficult for researchers. These problems were compounded by numerous cases of missing and incorrect information in the files.

Nevertheless, the city’s willingness to examine its permitting process and consider mechanisms for streamlining approvals suggests opportunities for further improvement. Future research should examine specific cases to more fully understand the complexity of the approval process and identify areas for shortening permitting times and reducing uncertainty in public decisionmaking while protecting necessary public interests.

10 Summaries of these reforms can be found on the city’s Growth Management “City Fast Tracking Initiative” page, http://www.talgov.com/growth/growth-fasttracking.aspx, last access March 6, 2015.
About the Author

Samuel R. Staley, Ph.D. is director of the DeVoe L. Moore Center at Florida State University where he also teaches courses in urban economics, urban policy and economic development planning. He is the author of five books on urban policy, and his research and policy analysis has appeared in leading academic journals including *The Journal of the American Planning Association, Town Planning Review, Housing Policy Debate*, the *Journal of Urban Planning and Development, Transportation Research Part A*, and the *Journal of Transportation Engineering*.

About the DeVoe L. Moore Center

The DeVoe L. Moore Center is an academic and applied policy research center in the College of Social Sciences and Public Policy at Florida State University focusing on state and local government, land use, growth management, and regulation. Since its founding in 1998, the Center has sponsored research leading to 25 conferences, ten books, and nine special issues in leading academic journals, nurtured more than 60 business plans for social enterprises, helped establish social enterprises in Florida, Africa, Asia, and the Caribbean, and funded more than 30 dissertation research fellows. The Center’s programming has established nationally recognized research programs on topics such as impact fees, housing foreclosures, and housing affordability.

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