

By: Paul

H.B. No. 738

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the residential and commercial building codes of  
3 municipalities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 214.212, Local Government Code, is  
6 amended by amending Subsections (a), (c), and (d) and adding  
7 Subsections (e) and (f) to read as follows:

8 (a) To protect the public health, safety, and welfare, the  
9 International Residential Code, as it existed on May 1, 2012  
10 [~~2001~~], is adopted as a municipal residential building code in this  
11 state.

12 (c) Subject to Subsection (e), a [A] municipality may  
13 establish procedures:

14 (1) to adopt local amendments to the International  
15 Residential Code that may add, modify, or remove requirements set  
16 by the code; and

17 (2) for the administration and enforcement of the  
18 International Residential Code.

19 (d) A municipality may review and consider amendments made  
20 by the International Code Council to the International Residential  
21 Code after May 1, 2012 [~~2001~~].

22 (e) A municipality may not adopt a local amendment under  
23 Subsection (c) unless the municipality:

24 (1) holds a public hearing on the local amendment

1 before adopting the local amendment; and

2 (2) adopts the local amendment by ordinance.

3 (f) This section does not affect provisions regarding the  
4 installation of a fire sprinkler protection system under Section  
5 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health  
6 and Safety Code.

7 SECTION 2. Section 214.216, Local Government Code, is  
8 amended to read as follows:

9 Sec. 214.216. INTERNATIONAL BUILDING CODE. (a) To protect  
10 the public health, safety, and welfare, the International Building  
11 Code, as it existed on May 1, 2012 [~~2003~~], is adopted as a municipal  
12 commercial building code in this state.

13 (b) The International Building Code applies to all  
14 commercial buildings in a municipality [~~for which construction~~  
15 ~~begins on or after January 1, 2006,~~] and to any alteration,  
16 remodeling, enlargement, or repair of those commercial buildings.

17 (c) Subject to Subsection (f), a [A] municipality may  
18 establish procedures:

19 (1) to adopt local amendments to the International  
20 Building Code that may add, modify, or remove requirements set by  
21 the code; and

22 (2) for the administration and enforcement of the  
23 International Building Code.

24 (d) A municipality may review and consider amendments made  
25 by the International Code Council to the International Building  
26 Code after May 1, 2012 [~~2003~~].

27 (e) A municipality that has adopted a more stringent

1 commercial building code than a commercial building code required  
2 by this section [~~before January 1, 2006,~~] is not required to repeal  
3 that code and may adopt future editions of that code.

4 (f) A municipality may not adopt a local amendment under  
5 Subsection (c) unless the municipality:

6 (1) holds a public hearing on the local amendment  
7 before adopting the local amendment; and

8 (2) adopts the local amendment by ordinance.

9 SECTION 3. Section 214.217(e), Local Government Code, is  
10 amended to read as follows:

11 (e) On the written request from five or more persons or if  
12 required by Section 214.212(e) or 214.216(f), the governing body of  
13 the municipality shall hold a public hearing open to public comment  
14 on the proposed adoption of or amendment to a national model code  
15 under this section. The hearing must be held on or before the 14th  
16 day before the date the governing body adopts the ordinance that  
17 adopts or amends a national model code under this section.

18 SECTION 4. (a) Sections 214.212 and 214.216, Local  
19 Government Code, as amended by this Act, apply only to residential  
20 or commercial construction, remodeling, alteration, enlargement,  
21 or repair that begins under an agreement made on or after January 1,  
22 2022, or that begins, in the absence of an agreement, on or after  
23 that date. Residential or commercial construction, remodeling,  
24 alteration, enlargement, or repair that begins under an agreement  
25 made before January 1, 2022, or that begins, in the absence of an  
26 agreement, before that date is governed by the law in effect when  
27 the agreement was made or the activity began, as appropriate, and

1 that law is continued in effect for that purpose.

2 (b) Municipalities shall, before January 1, 2022, establish  
3 rules and take other necessary actions to implement Sections  
4 [214.212](#) and [214.216](#), Local Government Code, as amended by this Act.

5 SECTION 5. This Act takes effect January 1, 2022, except  
6 that Section 4(b) of this Act and this section take effect September  
7 1, 2021.