

AN ACT

relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) for the administration and enforcement of the
19 International Building Code.

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

23 (e) A municipality that has adopted a more stringent
24 commercial building code than a commercial building code required
25 by this section [~~before January 1, 2006,~~] is not required to repeal
26 that code and may adopt future editions of that code.

27 (f) A municipality may not adopt a local amendment under

1 Subsection (c) unless the municipality:

2 (1) holds a public hearing on the local amendment
3 before adopting the local amendment; and

4 (2) adopts the local amendment by ordinance.

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

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

14 SECTION 4. Chapter 250, Local Government Code, is amended
15 by adding Section 250.011 to read as follows:

16 Sec. 250.011. RESIDENTIAL FIRE PROTECTION SPRINKLER
17 SYSTEMS. (a) Notwithstanding any other law and except as provided
18 by Subsection (c), a municipality, county, or emergency services
19 district may not enact an ordinance, bylaw, order, building code,
20 or rule requiring the installation of a multipurpose residential
21 fire protection sprinkler system or any other fire protection
22 sprinkler system in a new or existing one- or two-family dwelling.

23 (b) A municipality, county, or emergency services district
24 may adopt an ordinance, bylaw, order, building code, or rule
25 allowing a multipurpose residential fire protection sprinkler
26 system specialist or other contractor to offer, for a fee, the
27 installation of a fire protection sprinkler system in a new one- or

1 two-family dwelling.

2 (c) Subsection (a) does not apply to:

3 (1) a municipality that has enacted an ordinance,
4 bylaw, order, building code, or rule requiring the installation of
5 a multipurpose residential fire protection sprinkler system or any
6 other fire protection sprinkler system in a new or existing one- or
7 two-family dwelling on or before January 1, 2009; or

8 (2) an emergency services district:

9 (A) that before February 1, 2013, has adopted a
10 fire code, fire code amendments, or other requirements in conflict
11 with Subsection (a); and

12 (B) whose territory is located:

13 (i) in or adjacent to a general law
14 municipality with a population of less than 4,000 that is served by
15 a water control and improvement district governed by Chapter 51,
16 Water Code; and

17 (ii) in a county that has a population of
18 more than one million and is adjacent to a county with a population
19 of more than 420,000.

20 SECTION 5. (a) Sections 214.212 and 214.216, Local
21 Government Code, as amended by this Act, apply only to residential
22 or commercial construction, remodeling, alteration, enlargement,
23 or repair that begins under an agreement made on or after January 1,
24 2022, or that begins, in the absence of an agreement, on or after
25 that date. Residential or commercial construction, remodeling,
26 alteration, enlargement, or repair that begins under an agreement
27 made before January 1, 2022, or that begins, in the absence of an

1 agreement, before that date is governed by the law in effect when
2 the agreement was made or the activity began, as appropriate, and
3 that law is continued in effect for that purpose.

4 (b) Municipalities shall, before January 1, 2022, establish
5 rules and take other necessary actions to implement Sections
6 [214.212](#) and [214.216](#), Local Government Code, as amended by this Act.

7 SECTION 6. This Act takes effect January 1, 2022, except
8 that Section 5(b) of this Act and this section take effect September
9 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 738 was passed by the House on April 8, 2021, by the following vote: Yeas 143, Nays 5, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 738 on May 23, 2021, by the following vote: Yeas 134, Nays 10, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 738 was passed by the Senate, with amendments, on May 19, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor