

By: Paul

H.B. No. 738

Substitute the following for H.B. No. 738:

By: Deshotel

C.S.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.