

By: Paul

H.B. No. 738

A BILL TO BE ENTITLED

AN ACT

relating to the residential building codes of municipalities.

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 Subsections (e) and (f) 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 before adopting the local amendment; and

1           (2) adopts the local amendment by ordinance.

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

6           SECTION 2. Section 214.217(e), Local Government Code, is  
7 amended to read as follows:

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

15           SECTION 3. (a) Section 214.212, Local Government Code, as  
16 amended by this Act, applies only to residential construction,  
17 remodeling, alteration, enlargement, or repair that begins under an  
18 agreement made on or after January 1, 2022, or that begins, in the  
19 absence of an agreement, on or after that date. Residential  
20 construction, remodeling, alteration, enlargement, or repair that  
21 begins under an agreement made before January 1, 2022, or that  
22 begins, in the absence of an agreement, before that date is governed  
23 by the law in effect when the agreement was made or the activity  
24 began, as appropriate, and that law is continued in effect for that  
25 purpose.

26           (b) Municipalities shall, before January 1, 2022, establish  
27 rules and take other necessary actions to implement Section

1 [214.212](#), Local Government Code, as amended by this Act.

2 SECTION 4. This Act takes effect January 1, 2022, except  
3 that Section 3(b) and this section take effect September 1, 2021.