

By: Goodwin

H.B. No. 152

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain counties to adopt and enforce a
3 wildland-urban interface code.

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

5 SECTION 1. The heading to Subchapter C, Chapter 233, Local
6 Government Code, is amended to read as follows:

7 SUBCHAPTER C. FIRE AND WILDLAND-URBAN INTERFACE CODES [~~CODE~~] IN
8 UNINCORPORATED AREA

9 SECTION 2. Subchapter C, Chapter 233, Local Government
10 Code, is amended by adding Section 233.0611 to read as follows:

11 Sec. 233.0611. AUTHORITY TO ADOPT AND ENFORCE
12 WILDLAND-URBAN INTERFACE CODE. (a) The commissioners court of a
13 county with a population of one million or more may adopt a
14 wildland-urban interface code and rules necessary to administer and
15 enforce the wildland-urban interface code.

16 (b) Except as provided by Subsection (d), a wildland-urban
17 interface code adopted under this section must:

18 (1) conform to the International Wildland-Urban
19 Interface Code, as published by the International Code Council, as
20 the code existed on May 1, 2023; or

21 (2) establish protective measures that exceed the
22 standards of the code described by Subdivision (1).

23 (c) A wildland-urban interface code adopted under this
24 section:

1 (1) may apply only in the unincorporated area of the
2 county; and

3 (2) may apply to only a portion of the unincorporated
4 area of the county.

5 (d) A wildland-urban interface code adopted under this
6 section may not require the use of a building product or material
7 that is not readily available in this state.

8 (e) A commissioners court may adopt:

9 (1) local amendments to a wildland-urban interface
10 code and procedures for adopting those amendments; and

11 (2) later editions of a wildland-urban interface code
12 described by Subsection (b)(1).

13 (f) The commissioners court and any municipality in the
14 county may contract with one another for the administration and
15 enforcement of the county's wildland-urban interface code.

16 (g) To the extent of any conflict between a wildland-urban
17 interface code adopted under this section and a fire code adopted by
18 an emergency services district under Section 775.036, Health and
19 Safety Code, the more stringent provision prevails.

20 (h) A wildland-urban interface code does not apply to an
21 industrial facility having a fire brigade that conforms to
22 requirements of the Occupational Safety and Health Administration.

23 (i) The commissioners court shall:

24 (1) publish notice of the proposed adoption or
25 amendment of a wildland-urban interface code under this section in
26 a conspicuous location on the county's Internet website at least 30
27 days before the date of the adoption of or amendment to the code;

1 (2) as provided by Section 551.007, Government Code,
2 allow public testimony regarding the adoption or amendment of a
3 wildland-urban interface code under this section before formal
4 action by the commissioners court; and

5 (3) make a reasonable effort to encourage public
6 comment from persons affected by the adoption or amendment of a
7 wildland-urban interface code under this section.

8 SECTION 3. Sections 233.063(a) and (c), Local Government
9 Code, are amended to read as follows:

10 (a) A person may not construct or substantially improve a
11 building subject to a code adopted under this subchapter [~~described~~
12 ~~by Section 233.062(a)~~] in an unincorporated area of the county
13 unless the person obtains a building permit issued in accordance
14 with this subchapter.

15 (c) Within 30 days after the date the commissioners court
16 receives an application and fee in accordance with Subsection (b),
17 the commissioners court shall:

18 (1) issue the permit if the plan complies with the
19 applicable codes adopted under this subchapter [~~fire code~~]; or

20 (2) deny the permit if the plan does not comply with
21 the applicable codes adopted under this subchapter [~~fire code~~].

22 SECTION 4. Sections 233.064(a), (d), (f), (g), and (h),
23 Local Government Code, are amended to read as follows:

24 (a) The county shall inspect a building subject to this
25 subchapter to determine whether the building complies with the
26 applicable codes adopted under this subchapter [~~fire code~~].

27 (d) On or before the date that construction or substantial

1 improvement of a building subject to this subchapter is completed,
2 the owner of the building shall request in writing that the county
3 inspect the building for compliance with the applicable codes [~~fire~~
4 ~~code~~].

5 (f) The county shall issue a final certificate of compliance
6 to the owner of a building inspected under this section if the
7 inspector determines, after an inspection of the completed
8 building, that the building complies with the applicable codes
9 [~~fire code~~]. For a building or complex of buildings involving
10 phased completion or build-out, the county may issue a partial
11 certificate of compliance for any portion of the building or
12 complex the inspector determines is in substantial compliance with
13 the applicable codes [~~fire code~~].

14 (g) If the inspector determines, after an inspection of the
15 completed building, that the building does not comply with the
16 applicable codes [~~fire code~~], the county may:

- 17 (1) deny the certificate of compliance; or
18 (2) issue a conditional or partial certificate of
19 compliance and allow the building to be occupied.

20 (h) A county that issues a conditional certificate of
21 compliance under Subsection (g) shall notify the owner of the
22 building of the violations of the applicable codes [~~fire code~~] and
23 establish a reasonable time to remedy the violations. A county may
24 revoke a conditional certificate of compliance if the owner does
25 not remedy the violations within the time specified on the
26 conditional certificate of compliance.

27 SECTION 5. Sections [233.065](#)(c) and (d), Local Government

1 Code, are amended to read as follows:

2 (c) The county shall deposit fees received under this
3 subchapter in a special fund in the county treasury, and money in
4 that fund may be used only for the administration and enforcement of
5 a [~~the fire~~] code adopted under this subchapter.

6 (d) The fee for an [~~a fire code~~] inspection under this
7 subchapter must be reasonable and reflect the approximate cost of
8 the inspection personnel, materials, and administrative overhead.

9 SECTION 6. Section 233.066, Local Government Code, is
10 amended to read as follows:

11 Sec. 233.066. INJUNCTION. The appropriate attorney
12 representing the county in the district court may seek injunctive
13 relief to prevent the violation or threatened violation of a [~~the~~
14 ~~fire~~] code adopted under this subchapter.

15 SECTION 7. Section 233.067(a), Local Government Code, is
16 amended to read as follows:

17 (a) The appropriate attorney representing the county in
18 civil cases may file a civil action in a court of competent
19 jurisdiction to recover from a person who violates a [~~the fire~~]
20 adopted under this subchapter a civil penalty in an amount not to
21 exceed \$200 for each day on which the violation exists. In
22 determining the amount of the penalty, the court shall consider the
23 seriousness of the violation.

24 SECTION 8. This Act takes effect September 1, 2023.