

By: Gates

H.B. No. 860

A BILL TO BE ENTITLED

AN ACT

relating to municipal and county permitting requirements to conduct certain repairs on residential buildings.

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

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.908 to read as follows:

Sec. 214.908. EMERGENCY REPAIRS TO RESIDENTIAL BUILDINGS.

(a) A municipality shall allow an owner of a damaged residential building to immediately begin to conduct repairs to the building if:

(1) the repairs are necessary to:

(A) protect public safety;

(B) prevent further damage to the building; or

(C) protect the overall structural integrity of the building; and

(2) the owner applies for an emergency permit as provided by Subsection (b).

(b) An owner of a residential building may apply for an emergency permit to conduct repairs by filing an application not later than the third business day after the later of:

(1) the date the repairs commence; or

(2) the date the municipality is able to accept the application.

(c) This section may not be construed to prohibit a

1 municipality from conducting a code inspection of a residential
2 building for which repairs have been made under this section.

3 (d) The governor may not exempt a municipality from this
4 section by an executive order issued under Chapter 418, Government
5 Code.

6 (e) An owner of a residential building who is prohibited
7 from conducting repairs by a municipality in violation of this
8 section may bring an action against the municipality for damages
9 incurred due to the violation. The owner may recover reasonable
10 attorney's fees and litigation costs if the owner prevails in the
11 action. Governmental immunity of the municipality to suit and from
12 liability is waived to the extent of liability created by this
13 subsection.

14 SECTION 2. Subchapter Z, Chapter 233, Local Government
15 Code, is amended by adding Section 233.902 to read as follows:

16 Sec. 233.902. EMERGENCY REPAIRS TO RESIDENTIAL BUILDINGS.

17 (a) A county shall allow an owner of a damaged residential building
18 to immediately begin to conduct repairs to the building if:

- 19 (1) the repairs are necessary to:
20 (A) protect public safety;
21 (B) prevent further damage to the building; or
22 (C) protect the overall structural integrity of
23 the building; and

24 (2) the owner applies for an emergency permit as
25 provided by Subsection (b).

26 (b) An owner of a residential building may apply for an
27 emergency permit to conduct repairs by filing an application not

1 later than the third business day after the later of:

2 (1) the date the repairs commence; or

3 (2) the date the county is able to accept the
4 application.

5 (c) This section may not be construed to prohibit a county
6 from conducting a code inspection of a residential building for
7 which repairs have been made under this section.

8 (d) The governor may not exempt a county from this section
9 by an executive order issued under Chapter 418, Government Code.

10 (e) An owner of a residential building who is prohibited
11 from conducting repairs by a county in violation of this section may
12 bring an action against the county for damages incurred due to the
13 violation. The owner may recover reasonable attorney's fees and
14 litigation costs if the owner prevails in the action. Governmental
15 immunity of the county to suit and from liability is waived to the
16 extent of liability created by this subsection.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2023.