

By: Villarreal

H.B. No. 334

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and enforcement of a rehabilitation code and a building code by municipalities and counties.

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

SECTION 1. The heading to Subchapter G, Chapter 214, Local Government Code, is amended to read as follows:

SUBCHAPTER G. BUILDING AND REHABILITATION CODES

SECTION 2. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.215 to read as follows:

Sec. 214.215. ADOPTION OF REHABILITATION AND BUILDING CODES. (a) A municipality shall adopt and enforce a rehabilitation code, to apply to the alteration, remodeling, enlargement, or repair of an existing structure to which the International Residential Code does not apply. The rehabilitation code does not apply to the construction of a new structure. The rehabilitation code must be a code, as it existed on May 1, 2003, adopted by a developer of a national model code or by the American National Standards Institute.

(b) A municipality shall adopt and enforce a building code to apply to the construction of a new structure to which the International Residential Code does not apply. The building code does not apply to the alteration, remodeling, enlargement, or repair of an existing structure. The building code must:

(1) be a code, as it existed on May 1, 2003, adopted by

1 a developer of a national model code or by the American National
2 Standards Institute; and

3 (2) be consistent with the rehabilitation code.

4 (c) A municipality may:

5 (1) amend the rehabilitation code or building code to
6 impose a requirement more stringent than a requirement otherwise
7 imposed by that code; or

8 (2) review an amendment made to the rehabilitation
9 code or building code by the body that developed the code, and adopt
10 that amendment as part of the municipality's rehabilitation or
11 building code.

12 (d) A municipality shall enforce the building code in a
13 manner consistent with the enforcement of the rehabilitation code.

14 SECTION 3. Chapter 233, Local Government Code, is amended
15 by adding Subchapter E to read as follows:

16 SUBCHAPTER E. BUILDING AND REHABILITATION CODES

17 Sec. 233.121. APPLICABILITY OF SUBCHAPTER. This subchapter
18 applies only to a county in which any part of a municipality with a
19 population of 250,000 or more is located.

20 Sec. 233.122. ADOPTION OF REHABILITATION AND BUILDING
21 CODES. (a) A rehabilitation or building code adopted under this
22 section applies only to a structure that is:

23 (1) located in the unincorporated area of a county;
24 and

25 (2) not residential, as defined by Section 214.211.

26 (b) A county shall adopt and enforce a rehabilitation code,
27 to apply to the alteration, remodeling, enlargement, or repair of

1 an existing structure. The rehabilitation code does not apply to
2 the construction of a new structure. The rehabilitation code must
3 be a code, as it existed on May 1, 2003, adopted by a developer of a
4 national model code or by the American National Standards
5 Institute.

6 (c) A county shall adopt and enforce a building code to
7 apply to the construction of a new structure. The building code
8 does not apply to the alteration, remodeling, enlargement, or
9 repair of an existing structure. The building code must:

10 (1) be a code, as it existed on May 1, 2003, adopted by
11 a developer of a national model code, or by the American National
12 Standards Institute; and

13 (2) be consistent with the rehabilitation code.

14 Sec. 233.123. AMENDMENT OF REHABILITATION OR BUILDING CODE.

15 A county may:

16 (1) amend the rehabilitation code or building code to
17 impose a requirement more stringent than a requirement otherwise
18 imposed by that code; or

19 (2) review an amendment made to the rehabilitation
20 code or building code by the body that developed the code, and adopt
21 that amendment as part of the county's rehabilitation or building
22 code.

23 Sec. 233.124. ENFORCEMENT OF BUILDING CODE CONSISTENT WITH
24 REHABILITATION CODE. A county shall enforce the building code in a
25 manner consistent with the enforcement of the rehabilitation code.

26 SECTION 4. A municipality shall adopt a rehabilitation code
27 and a building code, as required by Section 214.215, Local

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1 Government Code, as added by this Act, and a county shall adopt a
2 rehabilitation code and a building code, as required by Section
3 233.122, Local Government Code, as added by this Act, on or before
4 January 1, 2004.

5 SECTION 5. This Act takes effect September 1, 2003.