

BILL ANALYSIS

S.B. 736
By: Brimer
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides authority for counties to apply a fire code to commercial and public buildings. As incorporated areas are developed to resemble cities, it has become evident that more attention should be paid to the fire safety standards of multi-family residential dwellings in unincorporated areas of the county.

S.B. 736 adds multi-family residential dwellings to the list of buildings in unincorporated areas to which fire codes and other requirements for such dwellings are applicable.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 233, Local Government Code, by adding Section 233.0615, as follows:

Sec. 233.0615. DEFINITIONS; SUBSTANTIAL IMPROVEMENT;
CONSTRUCTION. (a) Defines "building" and "substantial improvement."

(b) Provides that for purposes of this subchapter, substantial improvement begins on the date that the repair, restoration, reconstruction, improvement, or remodeling or the change in occupancy classification begins or on the date materials are first delivered for that purpose.

(c) Provides that for purposes of this subchapter, construction begins on the date that ground is broken for a building, or if no ground is broken, on the date that certain actions occur.

SECTION 2. Amends Section 233.062, Local Government Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Provides that the fire code applies only to certain buildings constructed in an unincorporated area of the county, including a multi-family residential dwelling consisting of four or more units.

(c) Requires the fire code to conform to certain codes and establish certain protective measures.

(d) Authorizes the commissioners court to adopt later editions of a fire code listed in Subsection (c).

SECTION 3. Amends Sections 233.063(a) and (d), Local Government Code, as follows:

(a) Prohibits a person from constructing or substantially improving a building described by Section 233.062(a) in an unincorporated area of the county unless the person obtains a building permit issued in accordance with this subchapter.

(d) Makes a conforming change.

SECTION 4. Amends Section 233.064, Local Government Code, by amending Subsections (c), (d), and (e) and adding Subsection (g), as follows:

(c) Makes a conforming change.

(d) Makes a conforming change.

(e) Requires a county to begin the inspection of the building within five business days, rather than two business days, after the date of the receipt of the written inspection request.

(g) Provides that if the inspector determines, after an inspection of the completed building, that the building does not comply with the fire code, the county is required to deny the certificate of compliance; and the building may not be occupied.

SECTION 5. Amends Section 233.065, Local Government Code, by adding Subsection (d), to require the fee for a fire code inspection under this subchapter to be reasonable and reflect the approximate cost of the inspection personnel, materials, and administrative overhead.

SECTION 6. Makes application of Section 233.062(c), Local Government Code, as amended by this Act, prospective.

SECTION 7. Effective date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.