

## **BILL ANALYSIS**

C.S.H.B. 554  
By: Menendez  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

C.S.H.B. 554 relates to the adoption and amendment of model building codes by municipalities with a population of more than 100,000. The bill requires the governing body of a municipality to publish notice of proposed action to review and recommend the adoption of or amendment to a national model code that governs the construction, renovation, use, or maintenance of buildings and building systems in the city and requires the governing body to hold a public hearing under certain circumstances.

C.S.H.B. 554 requires a municipality that adopts an ordinance or national model code provision to delay implementing and enforcing the ordinance or code provision for at least 30 days after final adoption to permit persons affected to comply with the ordinance or code provision unless the delay would cause imminent harm to the health and safety of the public.

### **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**

C.S.H.B. 554 amends the Local Government Code to require the governing body of a municipality with a population of more than 100,000 to publish notice of a proposed action on or before the 21st day before the date the governing body takes action to consider, review, and recommend the adoption of or amendment to a national model code governing the construction, renovation, use, or maintenance of buildings and building systems in the municipality. The bill requires the notice of the proposed action to be published conspicuously on the municipality's Internet website. The bill defines "national model code."

C.S.H.B. 554 requires the governing body of the municipality to make a reasonable effort to encourage public comment from persons affected by the proposed adoption of or amendment to a national model code. The bill requires the governing body, on the written request from five or more persons, to hold a public hearing open to public comment on the proposed adoption of or amendment to a national model code. The bill requires the hearing to be held on or before the 14th day before the date the governing body adopts the ordinance that adopts or amends a national model code. The bill provides that these provisions do not apply if the governing body has established an advisory board or a substantially similar entity for the purpose of obtaining public comment on the proposed adoption of or amendment to a national model code.

C.S.H.B. 554 requires the governing board of a municipality with a population of more than 100,000 that adopts an ordinance or national model code provision that is intended to govern the construction, renovation, use, or maintenance of buildings and building systems in the municipality to delay implementing and enforcing the ordinance or code provision for at least 30 days after final adoption to permit persons affected to comply with the ordinance or code

provision. The bill authorizes the municipality to enforce such an ordinance or code provision immediately on the effective date of the ordinance or code provision if a delay in implementing or enforcing the ordinance or code provision would cause imminent harm to the health or safety of the public.

**EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 554 differs from the original by making its provisions apply only to a municipality with a population of more than 100,000, whereas the original did not specify any population threshold for its provisions to apply. The substitute removes provisions in the original authorizing the governing body of a municipality to establish a model codes advisory board and establishing the board's membership and duties. The substitute requires the governing board of a municipality that has not established an advisory board to publish notice of a proposed action on a national model code conspicuously on the municipality's Internet website on or before the 21st day before the date the governing body takes action, whereas the original required such a governing board to provide notice to each person who registered to receive notice at least 30 days before the date the governing body takes action, authorized the registration of such persons with the city secretary, and provided for an alternative reasonable notice to such persons under certain circumstances. The substitute adds a provision not in the original to require such a governing board to make a reasonable effort to encourage public comment and to hold a public hearing on the proposed adoption or amendment to a national model code on the written request of five or more persons.