

BILL ANALYSIS

Senate Research Center
81R35743 E

C.S.H.B. 2833
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Intergovernmental Relations
5/22/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2833 amends current law relating to certain building code standards applicable to the unincorporated areas of certain counties; providing a penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Residential Construction Commission in SECTION 1 (Section 233.153, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

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

SUBCHAPTER F. RESIDENTIAL BUILDING CODE STANDARDS APPLICABLE TO UNINCORPORATED AREAS OF CERTAIN COUNTIES

Sec. 233.151. DEFINITIONS. Defines "commission" and "new residential construction" in this subchapter.

Sec. 233.152. APPLICABILITY. Provides that this subchapter applies only in a county that includes territory located within 50 miles of an international border, has a population of 650,000 or more, contains a municipality with a population of 550,000 or more, contains one or more colonias or other developments composed of substandard housing; and whose population is expected to rapidly expand as a result of the recommendations of the federal Defense Base Closure and Realignment Commission.

Sec. 233.153. BUILDING CODE STANDARDS APPLICABLE. (a) Requires new residential construction in the unincorporated area of a county to which this subchapter applies to conform to the standards described by Sections 430.001(d)(2) (relating to residential construction located in an unincorporated area not in the extraterritorial jurisdiction of a municipality) and (e)(2) (relating to residential construction located in an unincorporated area not in the extraterritorial jurisdiction of a municipality), Property Code, and any rules adopted by the Texas Residential Construction Commission (commission) regarding those standards.

(b) Provides that standards required under this subchapter apply only to new residential construction that begins after September 1, 2009.

(c) Provides that if a municipality located within a county to which this subchapter applies has adopted a building code in the municipality's extraterritorial jurisdiction, the building code adopted by the municipality controls and building code standards under this subchapter have no effect in the municipality's extraterritorial jurisdiction.

(d) Prohibits this subchapter from being construed to require prior approval by the county before beginning new residential construction, authorize the commissioners court of a county to adopt or enforce zoning regulations, or affect the application of the provisions of Subchapter B (Subdivision Platting

Requirements in County Near International Border), Chapter 232 (County Regulation of Subdivisions), to land development.

(e) Provides that in the event of a conflict between this subchapter and Subchapter B, Chapter 232, the provisions of Subchapter B, Chapter 232, control.

(f) Authorizes the commission, notwithstanding any other law, including Section 430.005 (Alternative Standards for Certain Construction), Property Code, to take any action with regard to a builder or fee inspector that it is authorized to take by any other law, including taking disciplinary action under Chapter 418 (Prohibited Practices; Disciplinary Proceedings), Property Code, or imposing an administrative penalty under Chapter 419 (Administrative Penalty), Property Code, with regard to new residential construction in a county to which this subchapter applies.

(g) Requires a person who builds new residential construction to have the new residential construction inspected by a fee inspector approved by the commission at the time and in the manner prescribed by Subtitle F (Inspection of New Residential Construction), Title 16 (Texas Residential Construction Commission Act), Property Code, and rules adopted by the commission under that subtitle.

SECTION 2. Effective date: upon passage or September 1, 2009.