

## **BILL ANALYSIS**

Senate Research Center  
81R3544 PAM-F

S.B. 820  
By: Duncan  
Intergovernmental Relations  
3/16/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the processes that Texas municipal authorities and citizens rely on for adopting new or modifying existing model codes lack sufficient transparency to minimize costs and ensure compliance by affected parties.

As proposed, S.B. 820 increases public notice and involvement of affected stakeholders as municipalities develop and adopt model code changes. This bill also delays the effective date of adopted or amended codes in order to allow sufficient time for compliance by the affected parties as long as the delay would not cause imminent harm to the public's health or safety.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter G, Chapter 214, Local Government Code, by adding Sections 214.217 and 214.218, as follows:

Sec. 214.217. MODEL CODES ADVISORY BOARD. (a) Defines "advisory board" and "national model codes"(codes).

(b) Authorizes the governing body of a municipality to establish a Model Codes Advisory Board (advisory board) to review and recommend the adoption of and amendment and addition to codes to govern the construction, renovation, use, or maintenance of buildings and building systems in the municipality.

(c) Sets forth the membership of the advisory board to be appointed by the governing body of the municipality.

(d) Requires the advisory board to review the technical provisions of a code proposed for adoption or proposed amendments or additions to a code proposed for adoption by the municipality and make recommendations to the governing body of the municipality.

(e) Authorizes a person, if the governing body of a municipality does not establish an advisory board under this section or has not established a substantially similar advisory body for the purpose described by Subsection (b) before the effective date of the legislation enacting this section, to register with the city secretary to receive written notice from the municipality when the municipality considers the adoption of or amendment or addition to an ordinance or a code that is intended to govern the construction, renovation, use, or maintenance of buildings and building systems in the municipality.

(f) Requires the municipality, except as provided by Subsection (g), to provide notice to each person who registers under Subsection (e) at least 30 days before the date the governing body takes action to consider the adoption of or amendment or addition to an ordinance or code provision described by this section.

(g) Authorizes the municipality, if a delay in the adoption of or amendment or addition to an ordinance or code provision would cause imminent harm to the health or safety of the public, to provide alternative reasonable notice to each person who registers under Subsection (e).

Sec. 214.218. IMMEDIATE EFFECT OF CERTAIN CODES OR PROVISIONS DELAYED. (a) Defines "national model code."

(b) Requires the governing body of a municipality that adopts an ordinance or code provision that is intended to govern the construction, renovation, use, or maintenance of buildings and building systems in the municipality, except as provided by Subsection (c), to delay implementing and enforcing the ordinance or code provision for at least 30 days after the final adoption to permit persons affected to comply with the ordinance or code provision.

(c) Authorizes the municipality to enforce the ordinance or code provision immediately on the effective date of the ordinance or code provision if a delay in implementation or enforcing the ordinance or code provision would cause imminent harm to the health or safety of the public.

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