

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 820
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Intergovernmental Relations
3/18/2009
Committee Report (Substituted)

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.

C.S.S.B. 820 requires the governing body of a municipality with a population of more than 100,000 to publish notice of and encourage public comment from affected stakeholders before the adoption of or amendment to a national model code. 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. NOTICE REGARDING MODEL CODE ADOPTION OR AMENDMENT IN CERTAIN MUNICIPALITIES. (a) Defines "national model code" (code).

(b) Provides that this section applies only to a municipality with a population of more than 100,000.

(c) Requires the governing body of a municipality, on or before the 21st day before the date the governing body of the municipality takes action to consider, review, and recommend the adoption of or amendment to a code governing the construction, renovation, use, or maintenance of buildings and building systems in the municipality, to publish notice of the proposed action conspicuously on the municipality's website.

(d) 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 code under this section.

(e) Requires the governing body of the municipality, 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 code under this section. Requires that the hearing be held on or before the 14th day before the date the governing body adopts the ordinance that adopts or amends a code under this section.

(f) Provides that if the governing body of the municipality has established an advisory board or substantially similar entity for the purpose of obtaining public comment on the proposed adoption of or amendment to a code, this section does not apply.

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

(b) Requires the governing body of a municipality with a population of more than 100,000 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.