

1-1 By: Marquez, et al. (Senate Sponsor - Shapleigh) H.B. No. 2833
1-2 (In the Senate - Received from the House May 1, 2009;
1-3 May 6, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2833 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain building code standards applicable to the
1-11 unincorporated areas of certain counties; providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 233, Local Government Code, is amended
1-14 by adding Subchapter F to read as follows:

1-15 SUBCHAPTER F. RESIDENTIAL BUILDING CODE STANDARDS APPLICABLE TO
1-16 UNINCORPORATED AREAS OF CERTAIN COUNTIES

1-17 Sec. 233.151. DEFINITIONS. In this subchapter:

1-18 (1) "Commission" means the Texas Residential
1-19 Construction Commission.

1-20 (2) "New residential construction" includes:

1-21 (A) residential construction on a vacant lot; and

1-22 (B) construction of an addition to an existing

1-23 residence, if the addition will increase the square footage or

1-24 value of the existing residential building by more than 50 percent.

1-25 Sec. 233.152. APPLICABILITY. This subchapter applies only
1-26 in a county:

1-27 (1) that includes territory located within 50 miles of
1-28 an international border;

1-29 (2) that has a population of 650,000 or more;

1-30 (3) that contains a municipality with a population of
1-31 550,000 or more;

1-32 (4) that contains one or more colonias or other
1-33 developments composed of substandard housing; and

1-34 (5) whose population is expected to rapidly expand as
1-35 a result of the recommendations of the federal Defense Base Closure
1-36 and Realignment Commission.

1-37 Sec. 233.153. BUILDING CODE STANDARDS APPLICABLE. (a) New
1-38 residential construction in the unincorporated area of a county to
1-39 which this subchapter applies shall conform to the standards
1-40 described by Sections 430.001(d)(2) and (e)(2), Property Code, and
1-41 any rules adopted by the commission regarding those standards.

1-42 (b) Standards required under this subchapter apply only to
1-43 new residential construction that begins after September 1, 2009.

1-44 (c) If a municipality located within a county to which this
1-45 subchapter applies has adopted a building code in the
1-46 municipality's extraterritorial jurisdiction, the building code
1-47 adopted by the municipality controls and building code standards
1-48 under this subchapter have no effect in the municipality's
1-49 extraterritorial jurisdiction.

1-50 (d) This subchapter may not be construed to:

1-51 (1) require prior approval by the county before
1-52 beginning new residential construction;

1-53 (2) authorize the commissioners court of a county to
1-54 adopt or enforce zoning regulations; or

1-55 (3) affect the application of the provisions of
1-56 Subchapter B, Chapter 232, to land development.

1-57 (e) In the event of a conflict between this subchapter and
1-58 Subchapter B, Chapter 232, the provisions of Subchapter B, Chapter
1-59 232, control.

1-60 (f) Notwithstanding any other law, including Section
1-61 430.005, Property Code, the commission may take any action with
1-62 regard to a builder or fee inspector that it is authorized to take
1-63 by any other law, including taking disciplinary action under

2-1 Chapter 418, Property Code, or imposing an administrative penalty
2-2 under Chapter 419, Property Code, with regard to new residential
2-3 construction in a county to which this subchapter applies.

2-4 (g) A person who builds new residential construction shall
2-5 have the new residential construction inspected by a fee inspector
2-6 approved by the commission at the time and in the manner prescribed
2-7 by Subtitle F, Title 16, Property Code, and rules adopted by the
2-8 commission under that subtitle.

2-9 SECTION 2. This Act takes effect immediately if it receives
2-10 a vote of two-thirds of all the members elected to each house, as
2-11 provided by Section 39, Article III, Texas Constitution. If this
2-12 Act does not receive the vote necessary for immediate effect, this
2-13 Act takes effect September 1, 2009.

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