

By: Duncan

S.B. No. 820

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and amendment of model building codes by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Sec. 214.217. NOTICE REGARDING MODEL CODE ADOPTION OR AMENDMENT IN CERTAIN MUNICIPALITIES. (a) In this section, "national model code" means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. National model codes include the International Residential Code, the National Electrical Code, and the International Building Code.

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

(c) On or before the 21st day before the date the governing body of a municipality 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 governing

1 body shall publish notice of the proposed action conspicuously on  
2 the municipality's Internet website.

3 (d) The governing body of the municipality shall make a  
4 reasonable effort to encourage public comment from persons affected  
5 by the proposed adoption of or amendment to a national model code  
6 under this section.

7 (e) On the written request from five or more persons, the  
8 governing body of the municipality shall hold a public hearing open  
9 to public comment on the proposed adoption of or amendment to a  
10 national model code under this section. The hearing must be held on  
11 or before the 14th day before the date the governing body adopts the  
12 ordinance that adopts or amends a national model code under this  
13 section.

14 (f) If the governing body of a municipality has established  
15 an advisory board or substantially similar entity for the purpose  
16 of obtaining public comment on the proposed adoption of or  
17 amendment to a national model code, this section does not apply.

18 Sec. 214.218. IMMEDIATE EFFECT OF CERTAIN CODES OR  
19 PROVISIONS DELAYED. (a) In this section, "national model code"  
20 has the meaning assigned by Section 214.217.

21 (b) Except as provided by Subsection (c), the governing body  
22 of a municipality with a population of more than 100,000 that adopts  
23 an ordinance or national model code provision that is intended to  
24 govern the construction, renovation, use, or maintenance of  
25 buildings and building systems in the municipality shall delay  
26 implementing and enforcing the ordinance or code provision for at  
27 least 30 days after final adoption to permit persons affected to

1 comply with the ordinance or code provision.

2 (c) If a delay in implementing or enforcing the ordinance or  
3 code provision would cause imminent harm to the health or safety of  
4 the public, the municipality may enforce the ordinance or code  
5 provision immediately on the effective date of the ordinance or  
6 code provision.

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