

1-1 By: Duncan S.B. No. 820
1-2 (In the Senate - Filed February 12, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 19, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 19, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 820 By: Patrick

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

1-10 relating to the adoption and amendment of model building codes by
1-11 certain municipalities.

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

1-13 SECTION 1. Subchapter G, Chapter 214, Local Government
1-14 Code, is amended by adding Sections 214.217 and 214.218 to read as
1-15 follows:

1-16 Sec. 214.217. NOTICE REGARDING MODEL CODE ADOPTION OR
1-17 AMENDMENT IN CERTAIN MUNICIPALITIES. (a) In this section,
1-18 "national model code" means a publication that is developed,
1-19 promulgated, and periodically updated at a national level by
1-20 organizations consisting of industry and government fire and
1-21 building safety officials through a legislative or consensus
1-22 process and that is intended for consideration by units of
1-23 government as local law. National model codes include the
1-24 International Residential Code, the National Electrical Code, and
1-25 the International Building Code.

1-26 (b) This section applies only to a municipality with a
1-27 population of more than 100,000.

1-28 (c) On or before the 21st day before the date the governing
1-29 body of a municipality takes action to consider, review, and
1-30 recommend the adoption of or amendment to a national model code
1-31 governing the construction, renovation, use, or maintenance of
1-32 buildings and building systems in the municipality, the governing
1-33 body shall publish notice of the proposed action conspicuously on
1-34 the municipality's Internet website.

1-35 (d) The governing body of the municipality shall make a
1-36 reasonable effort to encourage public comment from persons affected
1-37 by the proposed adoption of or amendment to a national model code
1-38 under this section.

1-39 (e) On the written request from five or more persons, the
1-40 governing body of the municipality shall hold a public hearing open
1-41 to public comment on the proposed adoption of or amendment to a
1-42 national model code under this section. The hearing must be held on
1-43 or before the 14th day before the date the governing body adopts the
1-44 ordinance that adopts or amends a national model code under this
1-45 section.

1-46 (f) If the governing body of a municipality has established
1-47 an advisory board or substantially similar entity for the purpose
1-48 of obtaining public comment on the proposed adoption of or
1-49 amendment to a national model code, this section does not apply.

1-50 Sec. 214.218. IMMEDIATE EFFECT OF CERTAIN CODES OR
1-51 PROVISIONS DELAYED. (a) In this section, "national model code"
1-52 has the meaning assigned by Section 214.217.

1-53 (b) Except as provided by Subsection (c), the governing body
1-54 of a municipality with a population of more than 100,000 that adopts
1-55 an ordinance or national model code provision that is intended to
1-56 govern the construction, renovation, use, or maintenance of
1-57 buildings and building systems in the municipality shall delay
1-58 implementing and enforcing the ordinance or code provision for at
1-59 least 30 days after final adoption to permit persons affected to
1-60 comply with the ordinance or code provision.

1-61 (c) If a delay in implementing or enforcing the ordinance or
1-62 code provision would cause imminent harm to the health or safety of
1-63 the public, the municipality may enforce the ordinance or code

2-1 provision immediately on the effective date of the ordinance or
2-2 code provision.

2-3 SECTION 2. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2009.

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