

BILL ANALYSIS

H.B. 2266
By: Smith, Wayne
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a final fire code certificate of compliance is required before a building that is subject to a county fire code may be occupied. In practice, certain buildings are completed in phases, but a property owner is prohibited from occupying completed phases while other phases are still under construction. Allowing officials to issue partial or conditional certificates of compliance would protect and safeguard the public while allowing property owners to use a building or a portion of a building for its intended use sooner. H.B. 2266 seeks to address these issues by setting out provisions relating to conditional and partial fire code certificates of compliance.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2266 amends the Local Government Code, in provisions relating to county regulation of housing and other structures regarding a fire code in an unincorporated area, to authorize a county to issue, for a building or complex of buildings involving phased completion or build-out, a partial certificate of compliance for any portion of the building or complex an inspector determines is in substantial compliance with the fire code. The bill, if an inspector determines after an inspection of a completed building that the building does not comply with the fire code, authorizes the county to deny the certificate of compliance or issue a conditional or partial certificate of compliance and allow the building to be occupied, rather than requiring the county to deny the certificate of compliance and prohibiting the building from being occupied.

H.B. 2266 requires a county that issues such a conditional certificate of compliance to notify the owner of the building of the violations of the fire code and establish a reasonable time to remedy the violations. The bill authorizes a county to revoke a conditional certificate of compliance if the owner does not remedy the violations within the time specified on the conditional certificate of compliance. The bill prohibits a building from being occupied until a county issues a final, conditional, or partial certificate of compliance for the building.

H.B. 2266 authorizes a county to issue a partial or conditional certificate of compliance on or after the bill's effective date to any building or complex of buildings that qualifies for the partial or conditional certificate of compliance, regardless of whether the building project started before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2011.