

By: Marquez, Munoz, Jr., Gallego

H.B. No. 1649

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to building code standards for new residential  
3 construction in the unincorporated area of a county.

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

5 SECTION 1. Section 233.152, Local Government Code, is  
6 amended to read as follows:

7 Sec. 233.152. APPLICABILITY. (a) Except as provided by  
8 Subsection (b), this [~~This~~] subchapter applies only to new  
9 residential construction in a county that has adopted a resolution  
10 or order requiring the application of the provisions of this  
11 subchapter and that:

12 (1) is located within 50 miles of an international  
13 border; or

14 (2) has a population of more than 100.

15 (b) This subchapter does not apply to new residential  
16 construction if:

17 (1) the property on which the new residential  
18 construction is located is appraised for ad valorem tax purposes as  
19 land for agricultural use or open-space land under Subchapter C or  
20 D, Chapter 23, Tax Code;

21 (2) the new residential construction will not be  
22 located within 1,000 feet of a platted subdivision;

23 (3) the new residential construction is intended to be  
24 used as the primary residence of an individual who is the builder

1 of, or acts as the general contractor for, the construction; and

2 (4) the new residential construction is:

3 (A) the first residential construction, as  
4 described by Section 233.151(a)(1), to be built on the property; or

5 (B) an addition to an existing single-family  
6 house or duplex, as described by Section 233.151(a)(2).

7 SECTION 2. Subchapter F, Chapter 233, Local Government  
8 Code, is amended by adding Section 233.1546 to read as follows:

9 Sec. 233.1546. CERTIFICATION OF COMPLIANCE; CONNECTION OF  
10 UTILITIES. (a) A county may require the issuance of a certificate  
11 of compliance as a precondition to obtaining utility services as  
12 provided by this section.

13 (b) The county shall, not later than the fifth business day  
14 after the date a request is received under this subsection, issue  
15 the requesting party a written certificate of compliance if:

16 (1) the county receives a written request from a  
17 person who builds new residential construction subject to this  
18 section, the person for whom the new residential construction is  
19 built, or an entity that provides utility service; and

20 (2) the requesting party demonstrates that the new  
21 residential construction has complied with all requirements  
22 applicable under this subchapter.

23 (c) An electric, gas, water, or sewer service utility may  
24 not permanently serve or connect new residential construction  
25 subject to this section with electricity, gas, water, sewer, or  
26 other utility service unless the utility receives a certificate  
27 issued by the county that states that compliance with all

1 requirements applicable under this subchapter was demonstrated as  
2 provided by Subsection (b).

3 (d) Subsection (c) does not prevent the temporary use or  
4 connection of utilities necessary to complete new residential  
5 construction, including temporary use or connection of utilities to  
6 pass an inspection under this subchapter.

7 SECTION 3. The changes in law made by this Act apply only to  
8 new residential construction that commences on or after the  
9 effective date of this Act, except that if the county requires  
10 notice under Section 233.154(b), Local Government Code, this Act  
11 applies only to new residential construction for which notice was  
12 given on or after the effective date of this Act.

13 SECTION 4. This Act takes effect September 1, 2011.