

BILL ANALYSIS

Senate Research Center
83R1974 PAM-D

S.B. 170
By: West
Intergovernmental Relations
2/7/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 81st Legislature, Regular Session, 2009, enacted legislation allowing certain counties to adopt building standards for new residential construction within an unincorporated area. While this legislation required the provision of building inspections as proof of compliance with the statute, counties were not given any means of enforcement. This bill remedies this by making specific changes to Chapter 233 (County Regulation of Housing and Other Structures), Local Government Code, to provide county governments with the ability to ensure compliance with existing law. It authorizes county governments, if they so choose, to require a certificate of compliance with existing statutory inspection requirements prior to the issuance of a certificate to connect utility services.

As proposed, S.B. 170 amends current law relating to building code standards for new residential construction in the unincorporated area of a county.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 233.152, Local Government Code, as follows:

Sec. 233.152. APPLICABILITY. (a) Creates this subsection from existing text. Makes this subchapter, except as provided under Subsection (b), applicable only to new residential construction in a county that has adopted a resolution or order requiring the application of the provisions of this subchapter and that is located within 50 miles of an international border and has a population of more than 100.

(b) Provides that this subchapter does not apply to new residential construction if:

(1) the property on which the new residential construction is located is appraised for ad valorem tax purposes as land for agricultural use or open-space land under Subchapter C (Land Designated for Agricultural Use) or D (Appraisal of Agricultural Land), Chapter 23, Tax Code;

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

(3) the new residential construction is intended to be used as the primary residence of an individual who is the builder of, or acts as the general contractor for, the construction; and

(4) the new residential construction is:

(A) the first residential construction, as described by Section 233.151(a)(1) (relating to the residential construction of a single-

family house or duplex on a vacant lot), to be built on the property;
or

(B) an addition to an existing single-family house or duplex, as described by Section 233.151(a)(2) (relating to the construction of an addition to an existing single-family house or duplex).

SECTION 2. Amends Subchapter F, Chapter 233, Local Government Code, by adding Section 233.1546, as follows:

Sec. 233.1546. CERTIFICATION OF COMPLIANCE; CONNECTION OF UTILITIES.

(a) Authorizes a county to require the issuance of a certificate of compliance as a precondition to obtaining utility services as provided by this section.

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

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

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

(c) Prohibits an electric, gas, water, or sewer service utility from permanently serving or connecting new residential construction subject to this section with electricity, gas, water, sewer, or other utility service unless the utility receives a certificate issued by the county that states that compliance with all requirements applicable under this subchapter was demonstrated as provided by Subsection (b).

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

SECTION 3. Provides that the changes in law made by this Act apply only to new residential construction that commences on or after the effective date of this Act, except that if the county requires notice under Section 233.154(b) (relating to a builder being required to provide notice to the county on a form prescribed by the county), Local Government Code, this Act applies only to new residential construction for which notice was given on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2013.