

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 170
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Intergovernmental Relations
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Committee Report (Substituted)

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.

C.S.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 Section 233.154, Local Government Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Requires the builder, if required by the county, to submit notice of the inspection stating whether or not the inspection showed compliance with the building code standards applicable to that phase of construction in a form required by the county to a certain entity designated by the commissioners court of the county to receive the information subject to Subsection (c-1), and the person for whom the new residential construction is being built, if different from the builder, not later than the 10th day after the date of the final inspection under this section.

(c-1) Authorizes the commissioners court of a county to designate the county clerk to receive information as provided by Subsection (c)(1) (relating to the entity designated to receive certain information) only if the county clerk consents to the designation.

SECTION 3. Amends Subchapter F, Chapter 233, Local Government Code, by adding Section 233.1545, as follows:

Sec. 233.1545. CERTIFICATION OF COMPLIANCE; CONNECTION OF UTILITIES.

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

(b) Requires the county, not later than the fifth business day after the date a notice of inspection described by Section 233.154(c) stating that the inspection showed compliance with building standards described by Section 233.153 is received, to issue the party submitting the notice a written certificate of compliance.

(c) Prohibits an electric, gas, water, or sewer service utility from permanently serving or connecting new residential construction of a single-family house or duplex as described by Section 233.151(a)(1) (relating to the definition of "new residential construction" including residential construction of a single-family house or duplex on a vacant lot) with electricity, gas, water, sewer, or other utility service unless the utility receives a certificate issued by the county under 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 4. 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 5. Effective date: September 1, 2013.