

By: Deshotel

H.B. No. 1537

A BILL TO BE ENTITLED

AN ACT

relating to building code standards for new residential construction in the unincorporated area of a county.

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

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

Sec. 233.152. APPLICABILITY. (a) Except as provided by Subsection (b), this ~~[This]~~ subchapter applies 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:

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

(2) has a population of more than 100.

(b) 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 or D, 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

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. Section 233.154, Local Government Code, is
8 amended by amending Subsection (c) and adding Subsection (c-1) to
9 read as follows:

10 (c) If required by the county, not later than the 10th day
11 after the date of the final inspection under this section, the
12 builder shall submit notice of the inspection stating whether or
13 not the inspection showed compliance with the building code
14 standards applicable to that phase of construction in a form
15 required by the county to:

16 (1) the county employee, department, or agency
17 designated by the commissioners court of the county to receive the
18 information, subject to Subsection (c-1); and

19 (2) the person for whom the new residential
20 construction is being built, if different from the builder.

21 (c-1) The commissioners court of a county may designate the
22 county clerk to receive information as provided by Subsection
23 (c)(1) only if the county clerk consents to the designation.

24 SECTION 3. Subchapter F, Chapter 233, Local Government
25 Code, is amended by adding Section 233.1546 to read as follows:

26 Sec. 233.1546. CERTIFICATION OF COMPLIANCE; CONNECTION OF
27 UTILITIES. (a) A county may require the issuance of a certificate

1 of compliance as a precondition to obtaining utility services as
2 provided by this section.

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

6 (1) the county receives a written request from a
7 person who builds new residential construction, the person for whom
8 the new residential construction is built, or an entity that
9 provides utility service; and

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

13 (c) An electric, gas, water, or sewer service utility may
14 not permanently serve or connect new residential construction with
15 electricity, gas, water, sewer, or other utility service unless the
16 utility receives a certificate issued by the county that states
17 that compliance with all requirements applicable under this
18 subchapter was demonstrated as provided by Subsection (b).

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

23 SECTION 4. The changes in law made by this Act apply only to
24 new residential construction that commences on or after the
25 effective date of this Act, except that if the county requires
26 notice under Section 233.154(b), Local Government Code, this Act
27 applies only to new residential construction for which notice was

1 given on or after the effective date of this Act.

2 SECTION 5. This Act takes effect September 1, 2013.