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H.B. No. 3089

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to fire protection sprinkler systems in certain  
3 residential high-rise buildings in certain counties; creating a  
4 criminal offense.

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

6 SECTION 1. Chapter 766, Health and Safety Code, is amended  
7 by designating Sections 766.001, 766.002, 766.0021, 766.0025, and  
8 766.003 as Subchapter A and adding a subchapter heading to read as  
9 follows:

10 SUBCHAPTER A. SMOKE DETECTORS AND FIRE SAFETY INFORMATION

11 SECTION 2. Chapter 766, Health and Safety Code, is amended  
12 by adding Subchapter B to read as follows:

13 SUBCHAPTER B. FIRE PROTECTION SPRINKLER SYSTEMS IN CERTAIN

14 RESIDENTIAL HIGH-RISE BUILDINGS IN CERTAIN COUNTIES

15 Sec. 766.051. DEFINITIONS. In this subchapter:

16 (1) "Fire protection sprinkler system" means an  
17 assembly of underground or overhead piping or conduits that conveys  
18 water with or without other agents to dispersal openings or devices  
19 to:

20 (A) extinguish, control, or contain fire; and

21 (B) provide protection from exposure to fire or  
22 the products of combustion.

23 (2) "Residential high-rise building" means a building  
24 used primarily for a residential purpose and that extends 75 feet or

1 more from the ground.

2 Sec. 766.052. APPLICABILITY OF SUBCHAPTER. This subchapter  
3 applies only to a residential high-rise building:

4 (1) that is located in a county with a population of  
5 more than 1.5 million in which more than 75 percent of the  
6 population resides in a single municipality;

7 (2) in which at least 50 percent of the residents are  
8 elderly individuals, individuals with a disability, or individuals  
9 with a mobility impairment; and

10 (3) that is not designated as a historically or  
11 archaeologically significant site by the Texas Historical  
12 Commission or the governing body of the county or municipality in  
13 which the building is located.

14 Sec. 766.053. FIRE PROTECTION SPRINKLER SYSTEMS REQUIRED;  
15 STANDARD. (a) A residential high-rise building must be equipped  
16 with a complete fire protection sprinkler system that is in good  
17 working order and is in compliance with this section.

18 (b) The governing body of a municipality in which a  
19 residential high-rise building subject to this subchapter is  
20 located or, if the building is not located in a municipality, the  
21 commissioners court of the county in which the building is located  
22 shall adopt a standard for the installation of fire protection  
23 sprinkler systems in a residential high-rise building.

24 (c) The standard adopted must be in compliance with National  
25 Fire Protection Association 13: Standard for the Installation of  
26 Sprinkler Systems. Until the governing body of the municipality or  
27 commissioners court of the county, as applicable, adopts a standard

1 as required by this section, the standard is the Standard for the  
2 Installation of Sprinkler Systems of the National Fire Protection  
3 Association, as that standard existed on September 1, 2015.

4 Sec. 766.054. PHASE-IN COMPLIANCE FOR OWNERS OF CERTAIN  
5 RESIDENTIAL HIGH-RISE BUILDINGS. (a) This section applies only to  
6 an owner of a residential high-rise building built before September  
7 1, 2015.

8 (b) Not later than September 1, 2018, an owner of a  
9 residential high-rise building shall provide notice of the owner's  
10 intent to comply with this subchapter to:

11 (1) if the building is located in a municipality, the  
12 appropriate code official of the municipality in which the building  
13 is located; or

14 (2) if the building is not located in a municipality,  
15 the county clerk of the county in which the building is located.

16 (c) Not later than September 1, 2021, the owner of a  
17 residential high-rise building shall install a water supply on all  
18 floors of the building in accordance with National Fire Protection  
19 Association 13: Standard for the Installation of Sprinkler Systems.

20 (d) Not later than September 1, 2024, the owner of a  
21 residential high-rise building shall install a fire protection  
22 sprinkler system in accordance with this subchapter on at least 50  
23 percent of the floors of the building.

24 (e) Not later than September 1, 2027, the owner of a  
25 residential high-rise building shall install a fire protection  
26 sprinkler system in accordance with this subchapter on all floors  
27 of the building.

1       (f) Notwithstanding Subsections (b), (c), (d), and (e), an  
2 owner of multiple residential high-rise buildings built before  
3 September 1, 2015, is considered to have met the requirements of  
4 this section if a fire protection sprinkler system is installed on  
5 all floors of:

6           (1) at least 33 percent of the owner's residential  
7 high-rise buildings not later than September 1, 2021;

8           (2) at least 66 percent of the owner's residential  
9 high-rise buildings not later than September 1, 2024; and

10           (3) all of the owner's residential high-rise buildings  
11 not later than September 1, 2027.

12       (g) If a residential high-rise building is a condominium as  
13 defined by Section 81.002 or 82.003, Property Code, the apartment  
14 or unit owners of the condominium may comply with this subchapter by  
15 acting jointly through the council of owners or unit owners'  
16 association, as applicable, of the condominium.

17       (h) For purposes of Sections 766.055 and 766.056, a  
18 residential high-rise building is in compliance with this  
19 subchapter if the owner of the building has met the requirements of  
20 this section.

21       (i) This section expires September 1, 2028.

22       Sec. 766.055. INJUNCTION. (a) The attorney general, the  
23 county attorney of a county in which a residential high-rise  
24 building is located, or the district attorney of a county in which  
25 the building is located may bring an action in the name of the state  
26 for an injunction to enforce this subchapter against the owner or  
27 person in charge of a residential high-rise building not in

1 compliance with this subchapter.

2 (b) The action must be brought in the district court of the  
3 county in which the residential high-rise building is located.

4 (c) The attorney general, county attorney of the county in  
5 which the residential high-rise building is located, or district  
6 attorney of the county in which the building is located, as  
7 applicable, shall give the owner or person in charge of the building  
8 notice of the time and place of a hearing for an action brought  
9 under this section not later than the 10th day before the date of  
10 the hearing.

11 (d) A district judge may issue a mandatory injunction  
12 against the owner or person in charge of a residential high-rise  
13 building not in compliance with this subchapter to enforce this  
14 subchapter. Violation of an injunction issued under this section  
15 constitutes contempt of court and is punishable in the manner  
16 provided for contempt.

17 Sec. 766.056. CRIMINAL PENALTY. (a) A person commits an  
18 offense if the person is the owner of a residential high-rise  
19 building that is not in compliance with this subchapter.

20 (b) A person commits an offense if the person serves as an  
21 agent for an owner who is not a resident of this state in the care,  
22 management, supervision, control, or rental of a residential  
23 high-rise building not in compliance with this subchapter.

24 (c) An offense under this section is punishable by a fine of  
25 not more than \$10,000.

26 SECTION 3. This Act takes effect September 1, 2015.