

BILL ANALYSIS

C.S.H.B. 1120
By: Springer
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that when a project is built and does not comply with guidelines in the federal Americans with Disabilities Act, owners frequently have to make costly fixes to ensure that buildings that are part of the project are accessible to those with disabilities. C.S.H.B. 1120 seeks to address this issue by prohibiting a political subdivision from issuing a final occupancy certificate to an owner for certain buildings subject to architectural accessibility requirements before receiving documentation indicating the building has been inspected and is compliant with applicable accessibility requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1120 amends the Government Code to require an applicant for a building construction permit for a certain building or facility subject to architectural accessibility requirements, as a condition for acceptance of the application by the appropriate public official, to submit verification to the official that the plans and specifications for the building or facility have been submitted to the Texas Department of Licensing and Regulation (TDLR) as required by law. The bill also changes the manner in which the building's or facility's registration must be verified as a condition of that acceptance from the public official verifying the registration to the applicant submitting verification to the official. The bill prohibits a political subdivision from issuing a final certificate of occupancy to the owner of a certain building or facility subject to architectural accessibility requirements unless the owner provides to the political subdivision a report or letter from an authorized person or entity indicating that the building or facility has been inspected by the person or entity and is in compliance with architectural accessibility requirements.

C.S.H.B. 1120 requires TDLR to conduct a study regarding the effects of the bill's provisions and, in doing so, to compare the effects of the bill's provisions in one municipality selected by TDLR from each of the following categories to the effects of those provisions in the most populous municipality in Texas: a municipality with a population of more than one million that is not the most populous municipality in Texas, a municipality with a population of 250,000 or more but not more than 650,000, and a municipality located in a rural county with a population of less than 50,000. The bill requires TDLR to conduct the study in consultation with the member of the house of representatives who introduced the bill and the chair of the House Committee on Licensing and Administrative Procedures. The bill requires TDLR, not later than

November 1, 2018, to submit to the legislature a written report of the study's results. These bill provisions expire January 1, 2019.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1120 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 469, Government Code, is amended by adding Section 469.0585 to read as follows:

No equivalent provision.

Sec. 469.0585. BUILDING

CONSTRUCTION PERMITS AND FINAL CERTIFICATES OF OCCUPANCY;

ADMINISTRATIVE PENALTY. (a) The commission shall impose an administrative penalty under Subchapter F, Chapter 51, Occupations Code, on a political subdivision that issues a building construction permit or a final certificate of occupancy in violation of Section 469.102 or 469.105.

(b) Notwithstanding Section 51.302, Occupations Code, the total amount of an administrative penalty under this section is the amount calculated by multiplying the population of the political subdivision by one cent.

(c) An administrative penalty collected under this section may be appropriated only to the trustee programs within the office of the governor for the purpose of informing organizations and the general public of disability issues.

SECTION 2. Section 469.102(d), Government Code, is amended.

SECTION 1. Same as introduced version.

SECTION 3. Section 469.105, Government Code, is amended.

SECTION 2. Same as introduced version.

No equivalent provision.

SECTION 3. (a) The Texas Department of Licensing and Regulation shall conduct a study regarding the effects of the changes in law made by Sections 469.102(d) and 469.105, Government Code, as amended by

H.B. 1120, Acts of the 85th Legislature, Regular Session, 2017.

(b) In conducting the study, the department shall compare the effects of the changes in law in one municipality selected by the department from each of the following categories to the effects of those changes in the most populous municipality in this state:

(1) a municipality with a population of more than one million that is not the most populous municipality in the state;

(2) a municipality with a population of 250,000 or more but not more than 650,000; and

(3) a municipality located in a rural county with a population of less than 50,000.

(c) The department must conduct the study in consultation with the member of the house of representatives who introduced H.B. 1120, Acts of the 85th Legislature, Regular Session, 2017, and the chair of the House Committee on Licensing and Administrative Procedures.

(d) Not later than November 1, 2018, the department shall submit to the legislature a written report of the results of the study.

(e) This section of this Act expires January 1, 2019.

SECTION 4. The changes in law made by this Act apply only to a building or facility for which an application for a building construction permit is submitted to a political subdivision on or after the effective date of this Act. A building or facility for which an application for a building construction permit is submitted to a political subdivision before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

SECTION 4. Sections 469.102(d) and 469.105, Government Code, as amended by this Act, apply only to a building or facility for which an application for a building construction permit is submitted to a political subdivision on or after the effective date of this Act. A building or facility for which an application for a building construction permit is submitted to a political subdivision before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. Same as introduced version.