

By: King of Parker

H.B. No. 2040

Substitute the following for H.B. No. 2040:

By: Thierry

C.S.H.B. No. 2040

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the building code standards for new residential
3 construction in the unincorporated area of certain counties;
4 affecting the prosecution of a criminal offense.

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

6 SECTION 1. Section 233.155, Local Government Code, is
7 amended to read as follows:

8 Sec. 233.155. ENFORCEMENT OF STANDARDS. (a) If proper
9 notice is not submitted in accordance with Sections 233.154(b) and
10 (c), the county may take any or all of the following actions:

11 (1) refer the inspector to the appropriate regulatory
12 authority for discipline;

13 (2) in a suit brought by the appropriate attorney
14 representing the county in the district court, obtain appropriate
15 injunctive relief to prevent a violation or threatened violation of
16 a standard or notice required under this subchapter from continuing
17 or occurring; or

18 (3) refer the builder for prosecution under Section
19 233.157.

20 (b) If the notice the builder provided to the county under
21 Section 233.154(c) does not indicate that the inspection showed
22 compliance with the applicable building code standards, the county
23 may take either or both of the actions under Subsections (a)(2) and
24 (3).

1 SECTION 2. Section 233.157, Local Government Code, is
2 amended by amending Subsection (a) and adding Subsection (d) to
3 read as follows:

4 (a) A builder [~~person~~] commits an offense if:

5 (1) the builder [~~person~~] fails to provide proper
6 notice in accordance with Sections 233.154(b) and (c); or

7 (2) as provided by Section 233.155(b), the builder
8 does not provide notice under Section 233.154(c) that indicates
9 that the inspection showed compliance with the applicable building
10 code standards.

11 (d) It is an affirmative defense to prosecution for failure
12 to submit proper notice under Section 233.154(c) if the builder's
13 failure to submit a notice is the result of the failure of the
14 person who performed the inspection to provide appropriate
15 documentation to the builder for submission to the county.

16 SECTION 3. The changes in law made by this Act apply only to
17 new residential construction that commences on or after September
18 1, 2017. New residential construction that commences before
19 September 1, 2017, is governed by the law in effect immediately
20 before that date, and that law is continued in effect for that
21 purpose.

22 SECTION 4. This Act takes effect September 1, 2017.