

By: King of Parker

H.B. No. 2040

A BILL TO BE ENTITLED

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

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

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

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

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

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

19 (3) refer the builder for prosecution under Section
20 233.157.

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

1 Subsections (a)(2) and (3).

2 (c) It is an affirmative defense to suit under Subsection
3 (a)(2) for failure to submit proper notice under Section 233.154(c)
4 or documentation of substantial compliance under Subsection (b) if
5 the builder's failure to submit a notice or the documentation is
6 the result of the failure of the person who performed the inspection
7 to provide appropriate documentation to the builder for submission
8 to the county.

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

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

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

15 (2) as provided by Section 233.155(b), the builder
16 does not provide notice under Section 233.154(c) that indicates
17 that the inspection showed substantial compliance with the
18 applicable building code standards.

19 (d) It is an affirmative defense to prosecution for failure
20 to submit proper notice under Section 233.154(c) or documentation
21 of substantial compliance under Section 233.155(b) if the builder's
22 failure to submit a notice or the documentation is the result of the
23 failure of the person who performed the inspection to provide
24 appropriate documentation to the builder for submission to the
25 county.

26 SECTION 3. The changes in law made by this Act apply only to
27 new residential construction that commences on or after September

1 1, 2017. New residential construction that commences before
2 September 1, 2017, is governed by the law in effect immediately
3 before that date, and that law is continued in effect for that
4 purpose.

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