

By: Isaac

H.B. No. 3405

A BILL TO BE ENTITLED

AN ACT

relating to fire protection sprinkler systems in residential high-rise buildings in certain municipalities.

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

SECTION 1. Chapter 766, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. FIRE PROTECTION SPRINKLER SYSTEMS IN RESIDENTIAL HIGH-RISE BUILDINGS IN CERTAIN MUNICIPALITIES

Sec. 766.101. DEFINITIONS. In this subchapter, "fire protection sprinkler system" and "residential high-rise building" have the meanings assigned by Section 766.051.

Sec. 766.102. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a municipality with a population of not less than 750,000 nor more than 850,000.

Sec. 766.103. REQUIREMENT FOR FIRE PROTECTION SPRINKLER SYSTEM PROHIBITED FOR CERTAIN BUILDINGS. (a) Except as provided by Subsection (b), a municipality may not adopt or enforce an ordinance or other measure that requires the installation of a fire protection sprinkler system in a residential high-rise building that:

(1) was not required to have a sprinkler system at the time the building was initially constructed; or

(2) is designated as a historically or archeologically significant site by the Texas Historical Commission or the

1 governing body of the county or municipality in which the building
2 is located.

3 (b) A municipality may adopt or enforce an ordinance or
4 other measure that requires the installation of a fire protection
5 sprinkler system in a residential high-rise building described by
6 Subsection (a)(1) if the building is not a building described by
7 Subsection (a)(2) and:

8 (1) the building qualifies for the housing for older
9 persons exemption to the federal Fair Housing Act under 42 U.S.C.
10 Section 3607; or

11 (2) at least 50 percent of the occupants of the
12 building are individuals with a handicap as defined by 42 U.S.C.
13 Section 3602.

14 SECTION 2. This Act takes effect September 1, 2017.