

BILL ANALYSIS

Senate Research Center
86R22385 JCG-F

H.B. 3810
By: Paul (Buckingham)
Business & Commerce
5/20/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3810 amends current law relating to the residential building codes of municipalities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to municipalities in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 214.212, Local Government Code, by amending Subsections (a), (c), and (d) and adding Subsections (e) and (f), as follows:

(a) Provides that to protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2012, rather than 2001, is adopted as a municipal residential building code in this state.

(c) Authorizes a municipality, subject to Subsection (e), to establish procedures:

(1) to adopt local amendments to the International Residential Code that may add, modify, or remove requirements set by the code; and

(2) makes no changes to this subdivision

(d) Makes a conforming change.

(e) Prohibits a municipality from adopting a local amendment under Subsection (c) unless the municipality:

(1) holds a public hearing on the local amendment before adopting the local amendment; and

(2) adopts the local amendment by ordinance.

(f) Provides that this section does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i) (relating to the prohibition against a municipality enacting an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling), Occupations Code, or Section 775.045(a)(1) (relating to the application of Section 1301.551(i), Occupations Code to a district as if the district were a municipality), Health and Safety Code.

SECTION 2. Amends Section 214.217(e), Local Government Code, as follows:

(e) Requires the governing body of the municipality, on the written request from five or more persons or if required by Section 214.212(e), to hold a public hearing open to public comment on the proposed adoption of or amendment to a national model code under this section. Makes no other changes to this subsection.

SECTION 3. (a) Makes application of Section 214.212, Local Government Code, as amended by this Act, prospective to January 1, 2020.

(b) Requires municipalities to, before January 1, 2020, establish rules and take other necessary actions to implement Section 214.212 (International Residential Code), Local Government Code, as amended by this Act.

SECTION 4. Effective date: except Section 3(b) and this section: January 1, 2020.

Effective date, Section 3(b) and this section: September 1, 2019.