

By: Springer

H.B. No. 291

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to issue a building construction permit or final certificate of occupancy for a building or facility required to meet certain accessibility standards; providing an administrative penalty.

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

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

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 to read as follows:

1 (d) A public official of a political subdivision who is
2 legally authorized to issue building construction permits may not
3 accept an application for a building construction permit for a
4 building or facility subject to Section 469.101 unless the
5 applicant submits verification to the official that:

6 (1) [~~official verifies that~~] the building or facility
7 has been registered with the department as provided by rule; and

8 (2) the plans and specifications for the building or
9 facility have been submitted to the department as required by
10 Subsection (c).

11 SECTION 3. Section 469.105, Government Code, is amended by
12 adding Subsection (c) to read as follows:

13 (c) A political subdivision may not issue a final
14 certificate of occupancy to the owner of a building or facility
15 described by Section 469.101 unless the owner provides to the
16 political subdivision a report or letter from a person or entity
17 described by Subsection (b) indicating that the building or
18 facility has been inspected by the person or entity and is in
19 compliance with the requirements of this chapter.

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

1 that purpose.

2 SECTION 5. This Act takes effect September 1, 2019.