

By: Minjarez

H.B. No. 2741

A BILL TO BE ENTITLED

AN ACT

relating to the application of the fire code to and the inspection of buildings owned or leased by counties; authorizing a fee.

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

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.907 to read as follows:

Sec. 214.907. INSPECTION OF COUNTY BUILDINGS IN CERTAIN COUNTIES. (a) This section applies only to a county with a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality.

(b) A county fire marshal shall conduct each inspection required by a municipality, including an inspection for building or fire code compliance, for a building wholly owned or wholly leased by the county.

(c) A county fire marshal may, through a memorandum of understanding, delegate authority to conduct an inspection required under this section to the municipality requiring the inspection.

(d) In the event of a conflict between this section and any other law, this section controls.

SECTION 2. The heading to Subchapter C, Chapter 233, Local Government Code, is amended to read as follows:

SUBCHAPTER C. FIRE CODE: ~~[IN]~~ UNINCORPORATED AREA AND COUNTY BUILDINGS

1 SECTION 3. Section 233.062(a), Local Government Code, is  
2 amended to read as follows:

3 (a) The fire code applies only to:

4 (1) the following buildings constructed in an  
5 unincorporated area of the county:

6 (A) [~~(1)~~] a commercial establishment constructed  
7 in the unincorporated area of the county;

8 (B) [~~(2)~~] a public building constructed in the  
9 unincorporated area of the county; and

10 (C) [~~(3)~~] a multifamily residential dwelling  
11 consisting of four or more units constructed in the unincorporated  
12 area of the county; and

13 (2) a building that is wholly owned, wholly leased, or  
14 subject to an agreement to be wholly leased by a county with a  
15 population of more than 1.5 million in which more than 75 percent of  
16 the population lives in a single municipality, regardless of  
17 whether the building is located in an incorporated area or  
18 unincorporated area of the county.

19 SECTION 4. Subchapter B, Chapter 352, Local Government  
20 Code, is amended by adding Section 352.0165 to read as follows:

21 Sec. 352.0165. INSPECTIONS OF COUNTY OWNED OR LEASED  
22 BUILDINGS IN CERTAIN COUNTIES. (a) In this section, "fire or life  
23 safety hazard" has the meaning assigned by Section 352.016.

24 (b) This section applies only to a building that is:

25 (1) wholly owned or wholly leased by a county; and

26 (2) located in a county with a population of more than  
27 1.5 million in which more than 75 percent of the population lives in

1 a single municipality, regardless of whether the building is  
2 located in an incorporated or unincorporated area of the county.

3 (c) The county fire marshal shall conduct a biennial  
4 inspection for fire or life safety hazards of each building to which  
5 this section applies. If the fire marshal determines the presence  
6 of a fire or life safety hazard in a building that is wholly owned by  
7 the county, the county shall correct the hazard. If the fire  
8 marshal determines the presence of a fire or life safety hazard in a  
9 building that is wholly leased by the county, the fire marshal shall  
10 order the owner of the building to correct the hazard. The owner  
11 shall correct the hazard in accordance with the order.

12 (d) The county fire marshal may conduct further inspections  
13 for fire or life safety hazards and take actions necessary to  
14 enforce this section.

15 (e) The county fire marshal shall adopt guidelines for an  
16 inspection under this section.

17 (f) The commissioners court by order may authorize the  
18 county fire marshal to charge a fee to the owner of a building  
19 wholly leased to the county for an inspection conducted under this  
20 section in a reasonable amount determined by the commissioners  
21 court to cover the cost of the inspection.

22 SECTION 5. Section [233.062](#), Local Government Code, as  
23 amended by this Act, applies only to a building for which  
24 construction or substantial improvement begins on or after the  
25 effective date of this Act. A building for which construction or  
26 substantial improvement begins before the effective date of this  
27 Act is governed by the law in effect immediately before the

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1 effective date of this Act, and that law is continued in effect for  
2 that purpose.

3 SECTION 6. This Act takes effect September 1, 2019.