

BILL ANALYSIS

Senate Research Center
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H.B. 738
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The statewide municipal residential and commercial building codes have not been updated since 2001.

In the aftermath of Hurricane Harvey, the General Land Office and the Federal Emergency Management Agency published reports describing how buildings built to more modern standards fared better in the storm.

H.B. 738 adopts the 2012 International Residential Code and International Building Code as the municipal residential building code and municipal commercial building codes. As does current law, H.B. 738 allows municipalities to adopt local amendments to the code, but with the added provisions that amendments must be adopted in a public meeting.

H.B. 738 amends current law relating to the residential and commercial building codes of municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

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 May 1, 2001, is adopted as a municipal residential building code in this state.

(c) Authorizes a municipality, subject to Subsection (e), to establish procedures to adopt local amendments to the International Residential Code that are authorized to add, modify, or remove requirements set by the code. Makes a nonsubstantive change.

(d) Makes a conforming change to this subsection.

(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 Section 214.212 (International Residential Code) does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i) (relating to prohibiting a municipality from enacting an ordinance, bylaw, order, building code, or rule requiring installation of certain fire sprinkler systems),

Occupations Code, or Section 775.045(a)(1) (relating to the application of Section 1301.551(i), Occupations Code, to an emergency services district), Health and Safety Code.

SECTION 2. Amends Section 214.216, Local Government Code, as follows:

Sec. 214.216. INTERNATIONAL BUILDING CODE. (a) Provides that, to protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2012, rather than May 1, 2003, is adopted as a municipal commercial building code in this state.

(b) Deletes existing text providing that the International Building Code applies to all commercial buildings in a municipality for which construction begins on or after January 1, 2006.

(c) Authorizes a municipality, subject to Subsection (f), to establish procedures to adopt local amendments to the International Building Code that are authorized to add, modify, or remove requirements set by the code.

(d) Makes a conforming change to this subsection.

(e) Provides that a municipality that has adopted a more stringent commercial building code than a commercial building code required by this section is not required to repeal that code and is authorized to adopt future editions of that code. Deletes existing text providing that a municipality that has adopted a more stringent commercial building code before January 1, 2006, is not required to repeal that code and is authorized to adopt future editions of that code.

(f) 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.

SECTION 3. Amends Section 214.217(e), Local Government Code, to require the governing body of the municipality, on the written request from five or more persons or if required by Section 214.212(e) or 214.216(f), to hold a public hearing open to public comment on the proposed adoption of or amendment to a national model code under Section 214.217 (Notice Regarding Model Code Adoption or Amendment in Certain Municipalities).

SECTION 4. (a) Makes application of Sections 214.212 and 214.216, Local Government Code, as amended by this Act, prospective to January 1, 2022.

(b) Requires municipalities, before January 1, 2022, to establish rules and take other necessary actions to implement Sections 214.212 and 214.216, Local Government Code, as amended by this Act.

SECTION 5. Effective date: January 1, 2022, except that Section 4(b) of this Act and this section take effect September 1, 2021.