

BILL ANALYSIS

C.S.H.B. 1878
By: Gates
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that the time it takes to obtain a building or construction permit to initiate repairs to a residential structure is too long and can exacerbate damage to the structure because basic repairs could not begin until permit approval. While some local governments have voluntarily adopted procedures to expedite the permitting process in certain cases, circumstances still persist where building owners are prohibited from immediately making basic repairs to protect the building from further damage. C.S.H.B. 1878 seeks to address this issue by requiring counties and municipalities to allow an owner of a damaged residential building to immediately begin certain repairs of the building if the owner applies for an emergency permit.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1878 amends the Local Government Code to require a county or municipality to allow an owner of a damaged residential building to immediately begin to conduct repairs to the building if the owner applies for an emergency permit to conduct repairs and the repairs are necessary to protect public safety, prevent further damage to the building, or protect the building's overall structural integrity. The owner may apply for an emergency permit by filing an application not later than the third business day after the later of the date the repairs commence or the date the county or municipality is able to accept the application.

C.S.H.B. 1878 prohibits the governor from exempting a county or municipality from the bill's provisions by an executive order issued under the Texas Disaster Act of 1975 and authorizes an owner of a residential building who is prohibited from conducting repairs by a county or municipality in violation of the bill's provisions to bring an action against the violating county or municipality for damages incurred due to the violation. The owner may recover reasonable attorney's fees and litigation costs if the owner prevails in the action, and governmental immunity of the county or municipality to suit and from liability is waived to the extent of liability created by the bill. The bill's provisions may not be construed to prohibit a county or municipality from conducting a code inspection of a residential building for which repairs have been made under the authority of the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1878 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original prohibited a county or municipality from adopting or enforcing an ordinance or other regulation that requires an owner of a vacant residential building to obtain a permit to conduct repairs to the building if the repairs are necessary to protect public safety or prevent further damage to the building. The substitute revises this provision as follows:

- by expanding the owners to whom the bill's provisions apply from only owners of vacant residential buildings to owners of any residential building that is damaged;
- by replacing the prohibition against requiring a permit to conduct qualifying repairs with provisions requiring a county or municipality to allow an owner to immediately begin conducting qualifying repairs if the owner files an application for an emergency permit by a certain deadline; and
- by including repairs necessary to protect a building's overall structural integrity among the qualifying repairs.

The substitute includes a provision not in the original establishing that the bill's provisions may not be construed to prohibit a county or municipality from conducting a code inspection of a residential building for which repairs have been made under the authority of the bill's provisions.