87R11692 MP-D

By:  Paul H.B. No. 738

Substitute the following for H.B. No. 738:

By:  Deshotel C.S.H.B. No. 738

A BILL TO BE ENTITLED

AN ACT

relating to the residential and commercial building codes of municipalities.

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

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

(a)  To protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2012 [~~2001~~], is adopted as a municipal residential building code in this state.

(c)  Subject to Subsection (e), a [~~A~~] municipality may 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)  for the administration and enforcement of the International Residential Code.

(d)  A municipality may review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2012 [~~2001~~].

(e)  A municipality may not adopt 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)  This section does not affect provisions regarding the installation of a fire sprinkler protection system under Section 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health and Safety Code.

SECTION 2.  Section 214.216, Local Government Code, is amended to read as follows:

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

(b)  The International Building Code applies to all commercial buildings in a municipality [~~for which construction begins on or after January 1, 2006,~~] and to any alteration, remodeling, enlargement, or repair of those commercial buildings.

(c)  Subject to Subsection (f), a [~~A~~] municipality may establish procedures:

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

(2)  for the administration and enforcement of the International Building Code.

(d)  A municipality may review and consider amendments made by the International Code Council to the International Building Code after May 1, 2012 [~~2003~~].

(e)  A municipality that has adopted a more stringent commercial building code than a commercial building code required by this section [~~before January 1, 2006,~~] is not required to repeal that code and may adopt future editions of that code.

(f)  A municipality may not adopt 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.  Section 214.217(e), Local Government Code, is amended to read as follows:

(e)  On the written request from five or more persons or if required by Section 214.212(e) or 214.216(f), the governing body of the municipality shall hold a public hearing open to public comment on the proposed adoption of or amendment to a national model code under this section. The hearing must be held on or before the 14th day before the date the governing body adopts the ordinance that adopts or amends a national model code under this section.

SECTION 4.  (a) Sections 214.212 and 214.216, Local Government Code, as amended by this Act, apply only to residential or commercial construction, remodeling, alteration, enlargement, or repair that begins under an agreement made on or after January 1, 2022, or that begins, in the absence of an agreement, on or after that date. Residential or commercial construction, remodeling, alteration, enlargement, or repair that begins under an agreement made before January 1, 2022, or that begins, in the absence of an agreement, before that date is governed by the law in effect when the agreement was made or the activity began, as appropriate, and that law is continued in effect for that purpose.

(b)  Municipalities shall, before January 1, 2022, 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.  This Act takes effect January 1, 2022, except that Section 4(b) of this Act and this section take effect September 1, 2021.