

1-1 By: Paul (Senate Sponsor - Nichols) H.B. No. 738
 1-2 (In the Senate - Received from the House April 8, 2021;
 1-3 April 12, 2021, read first time and referred to Committee on
 1-4 Business & Commerce; May 10, 2021, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 0; May 10, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 738 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to residential and commercial building requirements of
 1-22 municipalities, counties, and emergency services districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 214.212, Local Government Code, is
 1-25 amended by amending Subsections (a), (c), and (d) and adding
 1-26 Subsection (e) to read as follows:

1-27 (a) To protect the public health, safety, and welfare, the
 1-28 International Residential Code, as it existed on May 1, 2012
 1-29 [~~2001~~], is adopted as a municipal residential building code in this
 1-30 state.

1-31 (c) Subject to Subsection (e), a [A] municipality may
 1-32 establish procedures:

1-33 (1) to adopt local amendments to the International
 1-34 Residential Code that may add, modify, or remove requirements set
 1-35 by the code; and

1-36 (2) for the administration and enforcement of the
 1-37 International Residential Code.

1-38 (d) A municipality may review and consider amendments made
 1-39 by the International Code Council to the International Residential
 1-40 Code after May 1, 2012 [~~2001~~].

1-41 (e) A municipality may not adopt a local amendment under
 1-42 Subsection (c) unless the municipality:

1-43 (1) holds a public hearing on the local amendment
 1-44 before adopting the local amendment; and

1-45 (2) adopts the local amendment by ordinance.

1-46 SECTION 2. Section 214.216, Local Government Code, is
 1-47 amended to read as follows:

1-48 Sec. 214.216. INTERNATIONAL BUILDING CODE. (a) To protect
 1-49 the public health, safety, and welfare, the International Building
 1-50 Code, as it existed on May 1, 2012 [~~2003~~], is adopted as a municipal
 1-51 commercial building code in this state.

1-52 (b) The International Building Code applies to all
 1-53 commercial buildings in a municipality [~~for which construction~~
 1-54 ~~begins on or after January 1, 2006,~~] and to any alteration,
 1-55 remodeling, enlargement, or repair of those commercial buildings.

1-56 (c) Subject to Subsection (f), a [A] municipality may
 1-57 establish procedures:

1-58 (1) to adopt local amendments to the International
 1-59 Building Code that may add, modify, or remove requirements set by
 1-60 the code; and

2-1 (2) for the administration and enforcement of the
2-2 International Building Code.

2-3 (d) A municipality may review and consider amendments made
2-4 by the International Code Council to the International Building
2-5 Code after May 1, 2012 [~~2003~~].

2-6 (e) A municipality that has adopted a more stringent
2-7 commercial building code than a commercial building code required
2-8 by this section [~~before January 1, 2006,~~] is not required to repeal
2-9 that code and may adopt future editions of that code.

2-10 (f) A municipality may not adopt a local amendment under
2-11 Subsection (c) unless the municipality:

2-12 (1) holds a public hearing on the local amendment
2-13 before adopting the local amendment; and

2-14 (2) adopts the local amendment by ordinance.

2-15 SECTION 3. Section 214.217(e), Local Government Code, is
2-16 amended to read as follows:

2-17 (e) On the written request from five or more persons or if
2-18 required by Section 214.212(e) or 214.216(f), the governing body of
2-19 the municipality shall hold a public hearing open to public comment
2-20 on the proposed adoption of or amendment to a national model code
2-21 under this section. The hearing must be held on or before the 14th
2-22 day before the date the governing body adopts the ordinance that
2-23 adopts or amends a national model code under this section.

2-24 SECTION 4. Chapter 250, Local Government Code, is amended
2-25 by adding Section 250.011 to read as follows:

2-26 Sec. 250.011. RESIDENTIAL FIRE PROTECTION SPRINKLER
2-27 SYSTEMS. (a) Notwithstanding any other law and except as provided
2-28 by Subsection (c), a municipality, county, or emergency services
2-29 district may not enact an ordinance, bylaw, order, building code,
2-30 or rule requiring the installation of a multipurpose residential
2-31 fire protection sprinkler system or any other fire protection
2-32 sprinkler system in a new or existing one- or two-family dwelling.

2-33 (b) A municipality, county, or emergency services district
2-34 may adopt an ordinance, bylaw, order, building code, or rule
2-35 allowing a multipurpose residential fire protection sprinkler
2-36 system specialist or other contractor to offer, for a fee, the
2-37 installation of a fire protection sprinkler system in a new one- or
2-38 two-family dwelling.

2-39 (c) Subsection (a) does not apply to:

2-40 (1) a municipality that has enacted an ordinance,
2-41 bylaw, order, building code, or rule requiring the installation of
2-42 a multipurpose residential fire protection sprinkler system or any
2-43 other fire protection sprinkler system in a new or existing one- or
2-44 two-family dwelling on or before January 1, 2009; or

2-45 (2) an emergency services district:

2-46 (A) that before February 1, 2013, has adopted a
2-47 fire code, fire code amendments, or other requirements in conflict
2-48 with Subsection (a); and

2-49 (B) whose territory is located:

2-50 (i) in or adjacent to a general law
2-51 municipality with a population of less than 4,000 that is served by
2-52 a water control and improvement district governed by Chapter 51,
2-53 Water Code; and

2-54 (ii) in a county that has a population of
2-55 more than one million and is adjacent to a county with a population
2-56 of more than 420,000.

2-57 SECTION 5. (a) Sections 214.212 and 214.216, Local
2-58 Government Code, as amended by this Act, apply only to residential
2-59 or commercial construction, remodeling, alteration, enlargement,
2-60 or repair that begins under an agreement made on or after January 1,
2-61 2022, or that begins, in the absence of an agreement, on or after
2-62 that date. Residential or commercial construction, remodeling,
2-63 alteration, enlargement, or repair that begins under an agreement
2-64 made before January 1, 2022, or that begins, in the absence of an
2-65 agreement, before that date is governed by the law in effect when
2-66 the agreement was made or the activity began, as appropriate, and
2-67 that law is continued in effect for that purpose.

2-68 (b) Municipalities shall, before January 1, 2022, establish
2-69 rules and take other necessary actions to implement Sections

3-1 214.212 and 214.216, Local Government Code, as amended by this Act.
3-2 SECTION 6. This Act takes effect January 1, 2022, except
3-3 that Section 5(b) of this Act and this section take effect September
3-4 1, 2021.

3-5

* * * * *