

SENATE AMENDMENTS

2nd Printing

By: Paul

H.B. No. 738

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the residential and commercial building codes of
3 municipalities.

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

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

8 (a) To protect the public health, safety, and welfare, the
9 International Residential Code, as it existed on May 1, 2012
10 [~~2001~~], is adopted as a municipal residential building code in this
11 state.

12 (c) Subject to Subsection (e), a [A] municipality may
13 establish procedures:

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

17 (2) for the administration and enforcement of the
18 International Residential Code.

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

22 (e) A municipality may not adopt a local amendment under
23 Subsection (c) unless the municipality:

24 (1) holds a public hearing on the local amendment

1 before adopting the local amendment; and

2 (2) adopts the local amendment by ordinance.

3 (f) This section does not affect provisions regarding the
4 installation of a fire sprinkler protection system under Section
5 1301.551(i), Occupations Code, or Section 775.045(a)(1), Health
6 and Safety Code.

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

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

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

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

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

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

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

27 (e) A municipality that has adopted a more stringent

1 commercial building code than a commercial building code required
2 by this section [~~before January 1, 2006,~~] is not required to repeal
3 that code and may adopt future editions of that code.

4 (f) A municipality may not adopt a local amendment under
5 Subsection (c) unless the municipality:

6 (1) holds a public hearing on the local amendment
7 before adopting the local amendment; and

8 (2) adopts the local amendment by ordinance.

9 SECTION 3. Section 214.217(e), Local Government Code, is
10 amended to read as follows:

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

18 SECTION 4. (a) Sections 214.212 and 214.216, Local
19 Government Code, as amended by this Act, apply only to residential
20 or commercial construction, remodeling, alteration, enlargement,
21 or repair that begins under an agreement made on or after January 1,
22 2022, or that begins, in the absence of an agreement, on or after
23 that date. Residential or commercial construction, remodeling,
24 alteration, enlargement, or repair that begins under an agreement
25 made before January 1, 2022, or that begins, in the absence of an
26 agreement, before that date is governed by the law in effect when
27 the agreement was made or the activity began, as appropriate, and

1 that law is continued in effect for that purpose.

2 (b) Municipalities shall, before January 1, 2022, establish
3 rules and take other necessary actions to implement Sections
4 214.212 and 214.216, Local Government Code, as amended by this Act.

5 SECTION 5. This Act takes effect January 1, 2022, except
6 that Section 4(b) of this Act and this section take effect September
7 1, 2021.

ADOPTED

MAY 19 2021

Latey Spaw
Secretary of the Senate

By: Nichols

H.B. No. 738

Substitute the following for ___B. No. _____:

By: Kelly Harmon

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

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relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.

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 Subsection (e) 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

1 before adopting the local amendment; and

2 (2) adopts the local amendment by ordinance.

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

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

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

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

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

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

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

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

27 (f) A municipality may not adopt a local amendment under

1 Subsection (c) unless the municipality:

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

4 (2) adopts the local amendment by ordinance.

5 SECTION 3. Section 214.217(e), Local Government Code, is
6 amended to read as follows:

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

14 SECTION 4. Chapter 250, Local Government Code, is amended
15 by adding Section 250.011 to read as follows:

16 Sec. 250.011. RESIDENTIAL FIRE PROTECTION SPRINKLER
17 SYSTEMS. (a) Notwithstanding any other law and except as provided
18 by Subsection (c), a municipality, county, or emergency services
19 district may not enact an ordinance, bylaw, order, building code,
20 or rule requiring the installation of a multipurpose residential
21 fire protection sprinkler system or any other fire protection
22 sprinkler system in a new or existing one- or two-family dwelling.

23 (b) A municipality, county, or emergency services district
24 may adopt an ordinance, bylaw, order, building code, or rule
25 allowing a multipurpose residential fire protection sprinkler
26 system specialist or other contractor to offer, for a fee, the
27 installation of a fire protection sprinkler system in a new one- or

1 two-family dwelling.

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

3 (1) a municipality that has enacted an ordinance,
4 bylaw, order, building code, or rule requiring the installation of
5 a multipurpose residential fire protection sprinkler system or any
6 other fire protection sprinkler system in a new or existing one- or
7 two-family dwelling on or before January 1, 2009; or

8 (2) an emergency services district:

9 (A) that before February 1, 2013, has adopted a
10 fire code, fire code amendments, or other requirements in conflict
11 with Subsection (a); and

12 (B) whose territory is located:

13 (i) in or adjacent to a general law
14 municipality with a population of less than 4,000 that is served by
15 a water control and improvement district governed by Chapter 51,
16 Water Code; and

17 (ii) in a county that has a population of
18 more than one million and is adjacent to a county with a population
19 of more than 420,000.

20 SECTION 5. (a) Sections 214.212 and 214.216, Local
21 Government Code, as amended by this Act, apply only to residential
22 or commercial construction, remodeling, alteration, enlargement,
23 or repair that begins under an agreement made on or after January 1,
24 2022, or that begins, in the absence of an agreement, on or after
25 that date. Residential or commercial construction, remodeling,
26 alteration, enlargement, or repair that begins under an agreement
27 made before January 1, 2022, or that begins, in the absence of an

1 agreement, before that date is governed by the law in effect when
2 the agreement was made or the activity began, as appropriate, and
3 that law is continued in effect for that purpose.

4 (b) Municipalities shall, before January 1, 2022, establish
5 rules and take other necessary actions to implement Sections
6 214.212 and 214.216, Local Government Code, as amended by this Act.

7 SECTION 6. This Act takes effect January 1, 2022, except
8 that Section 5(b) of this Act and this section take effect September
9 1, 2021.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB738 by Paul (Relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

According to Tom Green and Fannin Counties, the bill would have no fiscal impact on either county. The fiscal impact to other units of local government cannot be determined due to an absence of additional responses.

Source Agencies: 332 Dept Housing-Comm Affairs

LBB Staff: JMc, LBO, SZ, CMA, DPE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 7, 2021

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB738 by Paul (relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

According to Tom Green and Fannin Counties, the bill would have no fiscal impact on either county. The fiscal impact to other units of local government cannot be determined due to an absence of additional responses.

Source Agencies: 332 Dept Housing-Comm Affairs

LBB Staff: JMc, SZ, CMA, DPE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 3, 2021

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB738 by Paul (Relating to the residential and commercial building codes of municipalities.), As
Engrossed

No fiscal implication to the State is anticipated.

Local Government Impact

According to the Texas Municipal League, no significant fiscal impact to municipalities is anticipated.

Source Agencies: 332 Dept Housing-Comm Affairs

LBB Staff: JMc, SZ, DPE, AJL, CMA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 24, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB738 by Paul (Relating to the residential and commercial building codes of municipalities.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

According to the Texas Municipal League, no significant fiscal impact to municipalities is anticipated.

Source Agencies: 332 Dept Housing-Comm Affairs

LBB Staff: JMc, AJL, CMA, DPE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 14, 2021

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB738 by Paul (Relating to the residential building codes of municipalities.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

According to the Texas Municipal League, no significant fiscal impact to municipalities is anticipated.

Source Agencies: 332 Dept Housing-Comm Affairs

LBB Staff: JMc, AJL, CMa, DPe