

House Bill 738
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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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 before adopting the local amendment; and

(2) adopts the local amendment by ordinance.

SECTION 2. Same as House version.

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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

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SECTION 3. Same as House version.

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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.

No equivalent provision.

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

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

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

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

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

(2) an emergency services district:

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(A) that before February 1, 2013, has adopted a fire code, fire code amendments, or other requirements in conflict with Subsection (a); and
(B) whose territory is located:
(i) in or adjacent to a general law municipality with a population of less than 4,000 that is served by a water control and improvement district governed by Chapter 51, Water Code; and
(ii) in a county that has a population of more than one million and is adjacent to a county with a population of more than 420,000.

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. Same as House version.

SECTION 5. This Act takes effect January 1, 2022, except

SECTION 6. Substantially the same as House version.

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that Section 4(b) of this Act and this section take effect September 1, 2021.

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