

By: Gates

H.B. No. 189

A BILL TO BE ENTITLED

AN ACT

relating to municipal and county permitting requirements to conduct certain repairs on residential buildings.

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

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.910 to read as follows:

Sec. 214.910. EMERGENCY REPAIRS TO RESIDENTIAL BUILDINGS.

(a) A municipality shall allow an owner of a damaged residential building to immediately begin to conduct repairs to the building if:

(1) the repairs are necessary to:

(A) protect public safety;

(B) prevent further damage to the building; or

(C) protect the overall structural integrity of the building;

(2) the repairs are not new construction or substantial improvements, as those terms are defined by 44 C.F.R. Section 59.1; and

(3) the owner applies for an emergency permit as provided by Subsection (b).

(b) An owner of a residential building may apply for an emergency permit to conduct repairs by filing an application not later than the third business day after the later of:

(1) the date the repairs commence; or

1 (2) the date the municipality is able to accept the
2 application.

3 (c) This section may not be construed to:

4 (1) prohibit a municipality from conducting a code
5 inspection of a residential building for which repairs have been
6 made under this section to ensure compliance with those codes; or

7 (2) exempt an owner from compliance with the
8 requirements of Subchapter I, Chapter 16, Water Code, or other
9 health and safety requirements under state or federal law.

10 (d) The governor may not exempt a municipality from this
11 section by an executive order issued under Chapter 418, Government
12 Code.

13 (e) An owner of a residential building who is prohibited
14 from conducting repairs by a municipality in violation of this
15 section may bring an action against the municipality for damages
16 incurred due to the violation. The owner may recover reasonable
17 attorney's fees and litigation costs if the owner prevails in the
18 action. Governmental immunity of the municipality to suit and from
19 liability is waived to the extent of liability created by this
20 subsection.

21 SECTION 2. Subchapter 2, Chapter 233, Local Government
22 Code, is amended by adding Section 233.902 to read as follows:

23 Sec. 233.902. EMERGENCY REPAIRS TO RESIDENTIAL BUILDINGS.

24 (a) A county shall allow an owner of a damaged residential building
25 to immediately begin to conduct repairs to the building if:

26 (1) the repairs are necessary to:

27 (A) protect public safety;

1 (B) prevent further damage to the building; or
2 (C) protect the overall structural integrity of
3 the building;

4 (2) the repairs are not new construction or
5 substantial improvements, as those terms are defined by 44 C.F.R.
6 Section 59.1; and

7 (3) the owner applies for an emergency permit as
8 provided by Subsection (b).

9 (b) An owner of a residential building may apply for an
10 emergency permit to conduct repairs by filing an application not
11 later than the third business day after the later of:

12 (1) the date the repairs commence; or
13 (2) the date the county is able to accept the
14 application.

15 (c) This section may not be construed to:

16 (1) prohibit a county from conducting a code
17 inspection of a residential building for which repairs have been
18 made under this section to ensure compliance with those codes; or

19 (2) exempt an owner from compliance with the
20 requirements of Subchapter I, Chapter 16, Water Code, or other
21 health and safety requirements under state or federal law.

22 (d) The governor may not exempt a county from this section
23 by an executive order issued under Chapter 418, Government Code.

24 (e) An owner of a residential building who is prohibited
25 from conducting repairs by a county in violation of this section may
26 bring an action against the county for damages incurred due to the
27 violation. The owner may recover reasonable attorney's fees and

1 litigation costs if the owner prevails in the action. Governmental
2 immunity of the county to suit and from liability is waived to the
3 extent of liability created by this subsection.

4 SECTION 3. This Act takes effect on the 91st day after the
5 last day of the legislative session.