

By: Reynolds

H.B. No. 227

A BILL TO BE ENTITLED

AN ACT

relating to building codes and standards applicable in the unincorporated areas of a county; authorizing a fee.

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

SECTION 1. The heading to Subchapter F, Chapter 233, Local Government Code, is amended to read as follows:

SUBCHAPTER F. ~~[RESIDENTIAL]~~ BUILDING CODE STANDARDS APPLICABLE TO UNINCORPORATED AREAS OF CERTAIN COUNTIES

SECTION 2. Section 233.151, Local Government Code, is amended to read as follows:

Sec. 233.151. DEFINITIONS. (a) In this subchapter:

(1) "New commercial construction" includes:

(A) construction of a commercial building on a vacant lot; and

(B) construction of an addition to or a renovation of an existing commercial building, if the addition or renovation will increase the square footage or value of the existing building by more than 50 percent.

(2) "New construction" means new commercial construction and new residential construction.

(3) "New [~~new~~] residential construction" includes:

(A) [~~(1) residential~~] construction of a single-family house, a [~~or~~] duplex, or other construction defined as a residential building by the International Residential Code on

1 a vacant lot; and

2 (B) ~~[(2)]~~ construction of an addition to or a
3 renovation of an existing single-family house, a ~~[or]~~ duplex, or
4 other construction defined as a residential building by the
5 International Residential Code, if the addition or renovation will
6 increase the square footage or value of the existing residential
7 building by more than 50 percent.

8 (b) The term "new residential construction" does not
9 include a structure that is constructed in accordance with Chapter
10 1201, Occupations Code, or a modular home constructed in accordance
11 with Chapter 1202, Occupations Code.

12 (c) For purposes of this section, "International
13 Residential Code" means the International Residential Code as it
14 existed on January 1, 2018.

15 SECTION 3. Section 233.153, Local Government Code, as
16 effective September 1, 2025, is amended by amending Subsections
17 (a), (b), (d), and (f) and adding Subsections (b-1) and (g) to read
18 as follows:

19 (a) Except as provided by Subsection (b-1), new ~~[New]~~
20 residential construction ~~[of a single-family house or duplex]~~ in
21 the unincorporated area of a county to which this subchapter
22 applies shall conform to the ~~[version of the]~~ International
23 Residential Code as it existed on January 1, 2018 ~~[published as of~~
24 ~~May 1, 2008, or the version of the International Residential Code~~
25 ~~that is applicable in the county seat of that county]~~.

26 (b) Except as provided by Subsection (b-1), new commercial
27 construction in the unincorporated area of a county to which this

1 subchapter applies shall conform to the International Building Code
2 as it existed on January 1, 2018 [~~Standards required under this~~
3 ~~subchapter apply only to new residential construction that begins~~
4 ~~after September 1, 2009~~].

5 (b-1) The commissioners court of a county may:

6 (1) adopt and apply a version of the International
7 Residential Code or the International Building Code published after
8 January 1, 2018, to new construction; or

9 (2) establish standards for new construction that
10 exceed the standards of those codes.

11 (d) This subchapter may not be construed to:

12 (1) [~~require prior approval by the county before the~~
13 ~~beginning of new residential construction;~~

14 [~~(2)~~] authorize the commissioners court of a county to
15 adopt or enforce zoning regulations; or

16 (2) [~~(3)~~] affect the application of the provisions of
17 Subchapter B or G, Chapter 232, to land development.

18 (f) A county may [~~not~~] charge a fee to a person subject to
19 standards under this subchapter to defray the costs of enforcing
20 the standards.

21 (g) The commissioners court of a county may adopt rules
22 necessary to administer and enforce the standards adopted under
23 this subchapter.

24 SECTION 4. Subchapter F, Chapter 233, Local Government
25 Code, is amended by adding Section 233.1535 to read as follows:

26 Sec. 233.1535. NOTICE AND PUBLIC COMMENT. (a) A
27 commissioners court of a county shall publish notice of the

1 proposed adoption of or amendment to a building code under this
2 subchapter in a conspicuous location on the county's Internet
3 website at least 30 days before the date of the adoption of or
4 amendment to the building code.

5 (b) The commissioners court shall:

6 (1) as provided by Section 551.007, Government Code,
7 allow public testimony regarding the adoption of or amendment to a
8 building code under this subchapter before formal action is taken
9 by the commissioners court; and

10 (2) make a reasonable effort to encourage public
11 comment from persons affected by the adoption of or amendment to a
12 building code under this subchapter.

13 (c) On the written request from five or more persons, the
14 commissioners court of the county shall hold a public hearing open
15 to public comment on the proposed adoption of or amendment to a
16 building code under this subchapter. The hearing must be held on or
17 before the 14th day before the date the commissioners court adopts
18 or amends the building code.

19 SECTION 5. Section 233.154, Local Government Code, is
20 amended by amending Subsections (a) and (c) and adding Subsections
21 (a-1) and (a-2) to read as follows:

22 (a) A person who builds new ~~[residential]~~ construction
23 ~~[described by Section 233.153]~~ shall have the construction
24 inspected to ensure building code compliance in accordance with
25 this section as follows:

26 (1) for new ~~[residential]~~ construction described by
27 Section 233.151(a)(1)(A) or (3)(A) [on a vacant lot], a minimum of

three inspections must be performed during the construction project to ensure code compliance, as applicable, at the following stages of construction:

(A) the foundation stage, before the placement of concrete;

(B) the framing and mechanical systems stage, before covering with drywall or other interior wall covering; and

(C) on completion of construction of the residence or building; and

(2) for new ~~[residential]~~ construction ~~[of an addition to an existing residence as]~~ described by Section [233.151\(a\)\(1\)\(B\)](#) or (3)(B) ~~[233.151(a)(2)]~~, the inspections under Subdivision (1) must be performed as necessary based on the scope of work of the construction project.

(a-1) A county may employ a building inspector certified by the International Code Council to review construction plans and inspect new construction or shall require~~[, and~~

~~[(3) for new residential construction on a vacant lot and for construction of an addition to an existing residence, the builder]:~~

(1) the builder of new residential construction to contract for inspection ~~[(A) is responsible for contracting to perform the inspections required by this subsection]~~ with:

(A) [(i)] a licensed engineer;

(B) [(ii)] a registered architect;

(C) [(iii)] ~~a professional inspector licensed by the Texas Real Estate Commission,~~

1 ~~[(iv)]~~ a plumbing inspector employed by a
2 municipality and licensed by the Texas State Board of Plumbing
3 Examiners;

4 (D) ~~[(v)]~~ a building inspector employed by a
5 political subdivision; or

6 (E) ~~[(vi)]~~ an individual certified as a
7 residential combination inspector by the International Code
8 Council; or

9 (2) the general contractor for new commercial
10 construction to contract for inspection with:

11 (A) a licensed engineer;

12 (B) a registered architect;

13 (C) a certified building inspector employed by a
14 political subdivision; or

15 (D) an inspector certified by the International
16 Code Council as a commercial building inspector, commercial
17 electrical inspector, commercial mechanical inspector, or
18 commercial plumbing inspector.

19 (a-2) A builder or general contractor ~~and~~

20 ~~[(B)]~~ may use the same inspector for all the
21 required inspections or a different inspector for each required
22 inspection under Subsection (a) if the builder or general
23 contractor contracts for the inspection.

24 (c) If required by the county for new residential
25 construction, not later than the 10th day after the date of the
26 final inspection under this section, the builder shall submit
27 notice of the inspection stating whether or not the inspection

showed compliance with the building code standards applicable to that phase of construction in a form required by the county to:

(1) the county employee, department, or agency designated by the commissioners court of the county to receive the information; and

(2) the person for whom the new residential construction is being built, if different from the builder.

SECTION 6. Section 233.155, Local Government Code, is amended to read as follows:

Sec. 233.155. ENFORCEMENT OF STANDARDS. (a) If proper notice for new residential construction is not submitted in accordance with Section 233.154(c) [~~Sections 233.154(b) and (c)~~], the county may take any or all of the following actions:

(1) [~~refer the inspector to the appropriate regulatory authority for discipline,~~

~~(2)~~] in a suit brought by the appropriate attorney representing the county in the district court, obtain appropriate injunctive relief to prevent a violation or threatened violation of a standard or notice required under this subchapter from continuing or occurring; or

(2) [~~(3)~~] refer the builder for prosecution under Section 233.157.

(b) If the notice the builder provided to the county under Section 233.154(c) does not indicate that the inspection showed compliance with the applicable building code standards, the county may take either or both of the actions under Subsections (a)(1) [~~(a)(2)~~] and (2) [~~(3)~~].

SECTION 7. Sections 233.157(a) and (c), Local Government Code, are amended to read as follows:

(a) A builder commits an offense if:

(1) the builder fails to provide proper notice in accordance with Section 233.154(c) [~~Sections 233.154(b) and (c)~~]; or

(2) as provided by Section 233.155(b), the builder does not provide notice under Section 233.154(c) that indicates that the inspection showed compliance with the applicable building code standards.

(c) An individual who fails to provide proper notice in accordance with Section 233.154(c) [~~Sections 233.154(b) and (c)~~] is not subject to a penalty under this section [~~subsection~~] if:

(1) the new residential construction is built by the individual or the individual acts as the individual's own contractor; and

(2) the individual intends to use the residence as the individual's primary residence.

SECTION 8. Sections 233.154(b) and 233.157(d), Local Government Code, are repealed.

SECTION 9. Subchapter F, Chapter 233, Local Government Code, as amended by this Act, applies only to new construction that commences on or after the effective date of this Act. New construction that commences before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 10. Section 233.157, Local Government Code, as

1 amended by this Act, applies only to an offense committed on or
2 after the effective date of this Act. An offense committed before
3 the effective date of this Act is governed by the law in effect on
4 the date the offense was committed, and the former law is continued
5 in effect for that purpose. For purposes of this section, an
6 offense was committed before the effective date of this Act if any
7 element of the offense occurred before that date.

8 SECTION 11. This Act takes effect September 1, 2026.