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| BILL ANALYSIS |

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| C.S.H.B. 5148 |
| By: Talarico |
| Land & Resource Management |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** The bill author has informed the committee that local-level staircase regulations are contributing to the rising cost of housing in Texas, as currently any building over three stories tall must have at least two separate staircases accessible from all points on each floor, which has resulted in increased construction costs, limited the range of floor plans available in the housing market, and raised the cost of multifamily housing in particular. C.S.H.B. 5148 seeks to address this situation by prohibiting certain municipalities from adopting or enforcing an ordinance, rule, or other regulation requiring a multifamily residential building to have more than one stairway if the building meets certain criteria. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** C.S.H.B. 5148 amends the Local Government Code to prohibit a municipality that has a fire department that employs firefighters who have met the requirements for certification by the Texas Commission on Fire Protection under applicable state law from adopting or enforcing an ordinance, rule, or other regulation requiring a multifamily residential building to have more than one stairway if the building meets all other applicable provisions of the adopted local building codes and:* does not have more than six stories above grade plane and is not a high-rise as defined by the International Building Code as adopted for municipal commercial building code purposes;
* does not have more than four dwelling units on any floor;
* has automatic sprinkler locations in each interior exit stairway, regardless of the type of stairway construction, that comply with the requirements prescribed by National Fire Protection Association Standard 13 for combustible stairways;
* has either an exterior stairway or an interior exit stairway for which the doors:
	+ into the stairway from the interior of the building swing into the stairway regardless of the occupant load served; and
	+ from the interior exit stairway to the building exterior swing in the direction of exit travel;
* has interior exit stairway enclosures that have a fire resistance rating of not less than two hours;
* has on each floor a corridor from each dwelling unit entry or exit door to an interior exit stairway, including any related exit passageway, that has a fire resistance rating of at least one hour;
* does not have more than 20 feet between the entry or exit door of a dwelling unit and an exit stairway;
* does not have more than 125 feet of exit access travel distance;
* has an exit serving the portion of the building with a Group R-2 occupancy under the adopted International Building Code that does not discharge through a portion of the building with a different occupancy category, including an accessory parking garage;
* has an exit that terminates in an egress court for which the court depth does not exceed the court width, unless it is possible to exit the egress court to the public way in either direction;
* does not have an opening within 10 feet of an unprotected opening into an exit stairway other than a required exit door that has a fire resistance rating of at least one hour;
* has emergency escape and rescue openings that comply with Section 1031 of the adopted International Building Code on each floor served by a single exit;
* does not have an electrical receptacle in an interior exit stairway; and
* has an automatic smoke and fire detection system that activates an occupant notification system that complies with Section 907.5 of the adopted International Building Code installed in each:
	+ common space outside of a dwelling unit;
	+ laundry room, mechanical equipment room, and storage room;
	+ interior corridor serving a dwelling unit; and
	+ main floor landing or interior or exterior exit stairway.

These provisions of the bill expressly do not prohibit a municipality from adopting an ordinance, rule, or other regulation that authorizes a single stairway for a multifamily residential building that does not comply with such provisions. The bill defines "multifamily residential building" as a residential building with a Group R-2 occupancy under the adopted International Building Code.C.S.H.B. 5148 expressly does not prohibit a property owner from enforcing rules or deed restrictions imposed by a property owners' association or by other private agreement. The bill makes a municipality's height limitations, front setback requirements, site plan review requirements, and other zoning requirements that generally apply to the construction of a multifamily residential building in the area in which the building is built applicable to a multifamily residential building described by the bill's provisions, except as otherwise provided by the bill. |
| **EFFECTIVE DATE** September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 5148 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.Whereas the introduced applied to a municipality that employs a professional fire department, the substitute applies to a municipality that has a fire department that employs firefighters who have met the requirements for certification by the Texas Commission on Fire Protection under applicable state law.Both versions of the bill prohibit an applicable municipality from adopting or enforcing an ordinance, rule, or other regulation requiring a multifamily residential building to have more than one stairway if the building meets certain criteria. However, the introduced included the following among the criteria that must be met, whereas the substitute does not:* openings to the interior exit stairway enclosure are limited to those required for exit access into the enclosure from normally occupied spaces, those required for egress from the enclosure, and openings to the exterior, and elevators do not open into the interior exit stairway enclosure; and
* the building has dwelling unit doors that do not open directly into an interior exit stairway.

The substitute revises the introduced version's criterion that the building has an exit serving the Group R occupancy that does not discharge through any other occupancy by replacing the reference to Group R with a reference to Group R-2, among other clarifying changes. The substitute expands the introduced version's provision establishing that the bill expressly does not prohibit a property owner from enforcing rules or deed restrictions imposed by a property owners' association to include rules or deed restrictions imposed by other private agreement.  |
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