89R22374 DRS-D

By:  Talarico H.B. No. 5148

Substitute the following for H.B. No. 5148:

By:  Gates C.S.H.B. No. 5148

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of stairway requirements in certain multifamily residential buildings.

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

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

SUBCHAPTER I. SINGLE STAIRWAY IN CERTAIN MULTIFAMILY RESIDENTIAL BUILDINGS

Sec. 214.301.  DEFINITION. In this subchapter, "multifamily residential building" means a residential building with a Group R-2 occupancy under the International Building Code as adopted under Section 214.216.

Sec. 214.302.  APPLICABILITY OF SUBCHAPTER. This subchapter applies only 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 Chapter 419, Government Code.

Sec. 214.303.  CERTAIN STAIRWAY REQUIREMENTS PROHIBITED. (a) Notwithstanding any other law, a municipality may not adopt or enforce 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:

(1)  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 under Section 214.216;

(2)  does not have more than four dwelling units on any floor;

(3)  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;

(4)  has:

(A)  an exterior stairway; or

(B)  an interior exit stairway for which the doors:

(i)  into the stairway from the interior of the building swing into the stairway regardless of the occupant load served; and

(ii)  from the interior exit stairway to the building exterior swing in the direction of exit travel;

(5)  has interior exit stairway enclosures that have a fire resistance rating of not less than two hours;

(6)  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;

(7)  does not have more than 20 feet between the entry or exit door of a dwelling unit and an exit stairway;

(8)  does not have more than 125 feet of exit access travel distance;

(9)  has an exit serving the portion of the building with a Group R-2 occupancy under the International Building Code as adopted under Section 214.216 that does not discharge through a portion of the building with a different occupancy category, including an accessory parking garage;

(10)  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;

(11)  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;

(12)  has emergency escape and rescue openings that comply with Section 1031 of the International Building Code as adopted under Section 214.216 on each floor served by a single exit;

(13)  does not have an electrical receptacle in an interior exit stairway; and

(14)  has an automatic smoke and fire detection system that activates an occupant notification system that complies with Section 907.5 of the International Building Code as adopted under Section 214.216 installed in each:

(A)  common space outside of a dwelling unit;

(B)  laundry room, mechanical equipment room, and storage room;

(C)  interior corridor serving a dwelling unit; and

(D)  main floor landing or interior or exterior exit stairway.

(b)  This section does 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 Subsection (a).

Sec. 214.304.  NO EFFECT ON PROPERTY OWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit a property owner from enforcing rules or deed restrictions imposed by a property owners' association or by other private agreement.

Sec. 214.305.  AUTHORIZED REGULATION. Except as provided by this subchapter, 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 apply to a multifamily residential building described by this subchapter.

SECTION 2.  This Act takes effect September 1, 2025.