

**SUBJECT:** Adoption of a statewide uniform municipal commercial building code

**COMMITTEE:** State Affairs — committee substitute recommended

**VOTE:** 8 ayes — Swinford, Miller, Gattis, B. Cook, J. Keffer, Martinez Fischer, Villarreal, Wong

0 nays

1 absent — Farrar

**SENATE VOTE:** On final passage, May 11 — 29-2 (Williams, Zaffirini)

**WITNESSES:** *(On House companion bill, HB 1949 by Corte:)*  
For — Tomi Sue Beecham, Texas Building Owners and Managers Association, San Antonio Building Owners and Managers; Charles Bloomberg, City of Southlake; Jack D. Burleson, International Code Council; Yvonne Castillo, Society of Architects

Against — Nancy McNabb, National Fire Protection Association; Stanley J. Briers

**BACKGROUND:** Local Government Code, ch. 214 authorizes municipalities to regulate dangerous structures, plumbing and sewers, and swimming pool enclosures. As part of the powers granted by the state through home rule charters, municipalities have the authority to adopt building, electrical, and plumbing codes to regulate the construction and renovation of buildings to protect the public health, safety, and welfare.

In 2001, SB 365 by Armbrister adopted the International Residential Code (IRC), as it existed on May 21, 2001, as the municipal residential building code for the state. Municipalities may establish procedures to amend the IRC to include additional local requirements and to administer and enforce the IRC. The bill also adopted the National Electrical Code for residential electrical construction applications.

**DIGEST:** CSSB 1458 would require commercial buildings constructed, repaired, or remodeled in a city on or after January 1, 2006, to adhere to the International Building Code (IBC) as it existed on May 1, 2003. A city could establish procedures to amend the IBC to include additional local requirements and to administer and enforce the IBC. A city would be required to establish rules and take other actions necessary to implement the bill's provisions before January 1, 2006.

The bill also would require commercial buildings constructed, repaired, or remodeled in a city on or after January 1, 2006, to adhere to the National Electrical Code.

The bill would take effect January 1, 2006, except the provision requiring cities to establish rules would take effect September 1, 2005.

**SUPPORTERS SAY:** CSSB 1458 would provide for a consistent and comprehensive uniform building code for the use of both contractors and city building officials. Some of the larger urban counties, such as Harris, Dallas, Tarrant, and Bexar, have dozens of municipalities that enforce different building codes. Consequently, builders in those areas must adhere to a plethora of different, and sometimes conflicting, standards. This problem is aggravated when a large building, such as a shopping center, straddles two municipalities and thus is subject to two different building codes, resulting in increased permitting costs and delays. These higher costs ultimately are passed down to the building's renters and through them to the consumer. Adopting a single standard would end confusion caused when a contractor must follow separate codes. It also would lower construction costs and encourage business in the state.

By allowing for local amendments, CSSB 1458 would provide cities the flexibility to impose additional requirements as appropriate. For example, a community that considered the National Fire Protection Association (NFPA) code more stringent could adopt standards contained in the code that it believed would provide greater safety. The bill thus would ensure that all commercial buildings in cities in the state met minimum standards to ensure the safety and health of each city's residents, while still allowing cities to impose regulations to further protect their citizens.

The bill would not be a significant cost to cities and contractors. Many cities already have adopted the IBC. Having a standard building code would allow several municipalities to reduce the cost of code training for

officials by working cooperatively to develop and conduct training programs, as well as implement code revisions. A single building code also would help members of the construction industry, ranging from architects and engineers designing the work to the skilled tradesmen and workers at the job site.

The bill would not apply to counties because counties generally do not have a mechanism for enforcing building codes. Thus, applying the bill to counties either would result in an unenforceable statute or would impose considerable costs on counties to create an enforcement mechanism.

**OPPONENTS  
SAY:**

The construction needs of cities may vary dramatically in different areas of the state. Each city should retain the local control to adopt the standards it believes are most appropriate to its region and best protect the health and safety of its citizens. Moreover, mandating an abrupt change would confuse municipal code officials and contractors who would have to learn a completely different system. The change would be expensive and require the retraining of numerous officials and tradesmen in Texas. This would result in lost construction time and other delays. These costs would represent an unfunded mandate for municipalities and contractors.

The IBC contains less stringent building standards than other codes, such as the National Fire Protection Association (NFPA) code. Because the IBC and NFPA code contain significant differences in certain areas, it might not always be possible for cities to amend the IBC to include these more stringent standards. Cities should have the choice of which code to use.

**OTHER  
OPPONENTS  
SAY:**

All commercial buildings, including those outside of cities, should be subject to the minimum safety standards contained in the IBC. The bill should be amended to require the adoption of the IBC in unincorporated areas of counties.

Allowing local amendments to the IBC could lead over time to significant differences in local codes and could result in the same level of confusion among codes that exists now.

**NOTES:**

The committee substitute differs from the Senate version of the bill by deleting provisions that would have:

- required the adoption of the IBC in the unincorporated areas of counties; and
- prohibited a local amendment resulting in less stringent building requirements than the IBC.