

- SUBJECT:** Allowing certain immediate repairs on residential buildings
- COMMITTEE:** Land and Resource Management — committee substitute recommended
- VOTE:** 8 ayes — Deshotel, Leman, Biedermann, Burrows, Craddick, Rosenthal, Spiller, Thierry
- 0 nays
- 1 absent — Romero
- WITNESSES:** For — Jean Latsha, Texas Affiliation of Affordable Housing Providers; Keith Alley; Jeff Miller; (*Registered, but did not testify*: David Mintz, Texas Apartment Association; Ned Muñoz, Texas Association of Builders)
- Against — Allison Gray, City of Fort Worth; (*Registered, but did not testify*: Brie Franco, City of Austin; Randy Cain, City of Baytown; Tammy Embrey, City of Corpus Christi; Guadalupe Cuellar, City of El Paso; Sally Bakko, City of Galveston; Andrew Fortune, City of Grand Prairie; Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner; Jon Weist, City of Irving; Christine Wright, City of San Antonio; Rick Ramirez, City of Sugar Land; Brynn Myers, City of Temple; Jim Allison, County Judges and Commissioners Association of Texas; Daniel Collins, El Paso County; Tammy Narvaez, Harris County Commissioners Court; Cyrus Reed, Lone Star Chapter, Sierra Club; Don Allred, Oldham County; Monty Wynn, Texas Municipal League; Julie Wheeler, Travis County Commissioners Court)
- BACKGROUND:** Some suggest that the time it takes to obtain a permit to initiate repairs to a residential structure can be excessive and exacerbate damage to the structure. Calls have been made to require more timely permitting procedures statewide.
- DIGEST:** CSHB 1878 would require a municipality or county to allow an owner of a damaged residential building to immediately begin repairing the

building if:

- the repairs were necessary to protect public safety, prevent further damage, or protect the building's overall structural integrity; and
- the owner applied for an emergency permit as specified by the bill.

A residential building owner could apply for an emergency permit to conduct repairs by filing an application by the third business day after the date repairs commenced or the date the municipality or county was able to accept the application, whichever was later. The governor could not exempt a municipality or county from the bill's provisions by an emergency executive order.

A residential building owner who was prohibited from conducting repairs by a municipality or county in violation of the bill could bring an action against the relevant entity for damages incurred due to the violation. The owner could recover reasonable attorney's fees and litigation costs if the owner prevailed in the action. Governmental immunity to suit and from liability would be waived to the extent of liability created by the bill.

The bill's provisions could not be construed to prohibit a municipality or a county from conducting a code inspection of a residential building for which repairs had been made under the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.