

## **BILL ANALYSIS**

Senate Research Center  
87R23779 MP-D

C.S.H.B. 738  
By: Paul (Nichols)  
Business & Commerce  
5/6/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The statewide municipal residential and commercial building codes have not been updated since 2001.

In the aftermath of Hurricane Harvey, the General Land Office and the Federal Emergency Management Agency published reports describing how buildings built to more modern standards fared better in the storm.

H.B. 738 adopts the 2012 International Residential Code and International Building Code as the municipal residential building code and municipal commercial building codes. As does current law, H.B. 738 allows municipalities to adopt local amendments to the code, but with the added provisions that amendments must be adopted in a public meeting.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 738 amends current law relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 214.212, Local Government Code, by amending Subsections (a), (c), and (d) and adding Subsection (e), as follows:

(a) Provides that, to protect the public health, safety, and welfare, the International Residential Code, as it existed on May 1, 2012, rather than May 1, 2001, is adopted as a municipal residential building code in this state.

(c) Authorizes a municipality, subject to Subsection (e), to establish procedures to adopt local amendments to the International Residential Code that are authorized to add, modify, or remove requirements set by the code. Makes a nonsubstantive change.

(d) Makes a conforming change to this subsection.

(e) Prohibits a municipality from adopting a local amendment under Subsection (c) unless the municipality:

(1) holds a public hearing on the local amendment before adopting the local amendment; and

(2) adopts the local amendment by ordinance.

SECTION 2. Amends Section 214.216, Local Government Code, as follows:

Sec. 214.216. INTERNATIONAL BUILDING CODE. (a) Provides that, to protect the public health, safety, and welfare, the International Building Code, as it existed on May 1, 2012, rather than May 1, 2003, is adopted as a municipal commercial building code in this state.

(b) Deletes existing text providing that the International Building Code applies to all commercial buildings in a municipality for which construction begins on or after January 1, 2006.

(c) Authorizes a municipality, subject to Subsection (f), to establish procedures to adopt local amendments to the International Building Code that are authorized to add, modify, or remove requirements set by the code.

(d) Makes a conforming change to this subsection.

(e) Provides that a municipality that has adopted a more stringent commercial building code than a commercial building code required by this section is not required to repeal that code and is authorized to adopt future editions of that code. Deletes existing text providing that a municipality that has adopted a more stringent commercial building code before January 1, 2006, is not required to repeal that code and is authorized to adopt future editions of that code.

(f) Prohibits a municipality from adopting a local amendment under Subsection (c) unless the municipality:

(1) holds a public hearing on the local amendment before adopting the local amendment; and

(2) adopts the local amendment by ordinance.

SECTION 3. Amends Section 214.217(e), Local Government Code, to require the governing body of the municipality, on the written request from five or more persons or if required by Section 214.212(e) or 214.216(f), to hold a public hearing open to public comment on the proposed adoption of or amendment to a national model code under Section 214.217 (Notice Regarding Model Code Adoption or Amendment in Certain Municipalities).

SECTION 4. Amends Chapter 250, Local Government Code, by adding Section 250.011, as follows:

Sec. 250.011. RESIDENTIAL FIRE PROTECTION SPRINKLER SYSTEMS. (a) Prohibits a municipality, county, or emergency services district, notwithstanding any other law and except as provided by Subsection (c), from enacting an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling.

(b) Authorizes a municipality, county, or emergency services district to adopt an ordinance, bylaw, order, building code, or rule allowing a multipurpose residential fire protection sprinkler system specialist or other contractor to offer, for a fee, the installation of a fire protection sprinkler system in a new one- or two-family dwelling.

(c) Provides that Subsection (a) does not apply to:

(1) a municipality that has enacted an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling on or before January 1, 2009; or

(2) an emergency services district:

(A) that before February 1, 2013, has adopted a fire code, fire code amendments, or other requirements in conflict with Subsection (a); and

(B) whose territory is located:

(i) in or adjacent to a general law municipality with a population of less than 4,000 that is served by a water control and improvement district governed by Chapter 51 (Water Control and Improvement Districts), Water Code; and

(ii) in a county that has a population of more than one million and is adjacent to a county with a population of more than 420,000.

SECTION 5. (a) Makes application of Sections 214.212 and 214.216, Local Government Code, as amended by this Act, prospective to January 1, 2022.

(b) Requires municipalities, before January 1, 2022, to establish rules and take other necessary actions to implement Sections 214.212 and 214.216, Local Government Code, as amended by this Act.

SECTION 6. Effective date: January 1, 2022, except that Section 5(b) of this Act and this section take effect September 1, 2021.