

BILL ANALYSIS

Senate Research Center

H.B. 3089
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Citing recent events, including a fire at a high-rise residential center where several lives were lost, interested parties contend that certain residential high-rise buildings need to be retrofitted with fire protection sprinkler systems to provide safety and prevent such incidents in the future. H.B. 3089 seeks to address this issue.

H.B. 3089 amends current law relating to fire protection sprinkler systems in certain residential high-rise buildings in certain counties and creates a criminal offense.

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 Chapter 766, Health and Safety Code, by designating Sections 766.001, 766.002, 766.0021, 766.0025, and 766.003 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. SMOKE DETECTORS AND FIRE SAFETY INFORMATION

SECTION 2. Amends Chapter 766, Health and Safety Code, by adding Subchapter B, as follows:

SUBCHAPTER B. FIRE PROTECTION SPRINKLER SYSTEMS IN CERTAIN RESIDENTIAL HIGH-RISE BUILDINGS IN CERTAIN COUNTIES

Sec. 766.051. DEFINITIONS. Defines, in this subchapter, "fire protection sprinkler system" and "residential high-rise building."

Sec. 766.052. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a residential high-rise building:

- (1) that is located in a county with a population of more than 1.5 million in which more than 75 percent of the population resides in a single municipality;
- (2) in which at least 50 percent of the residents are elderly individuals, individuals with a disability, or individuals with a mobility impairment; and
- (3) that is not designated as a historically or archaeologically significant site by the Texas Historical Commission or the governing body of the county or municipality in which the building is located.

Sec. 766.053. FIRE PROTECTION SPRINKLER SYSTEMS REQUIRED; STANDARD. (a) Requires that a residential high-rise building be equipped with a complete fire protection sprinkler system that is in good working order and is in compliance with this section.

(b) Requires the governing body of a municipality in which a residential high-rise building subject to this subchapter is located or, if the building is not located in a municipality, the commissioners court of the county in which the building is located to adopt a standard for the installation of fire protection sprinkler systems in a residential high-rise building.

(c) Requires that the standard adopted be in compliance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems. Provides that the standard, until the governing body of the municipality or commissioners court of the county, as applicable, adopts a standard as required by this section, is the Standard for the Installation of Sprinkler Systems of the National Fire Protection Association, as that standard existed on September 1, 2015.

Sec. 766.054. PHASE-IN COMPLIANCE FOR OWNERS OF CERTAIN RESIDENTIAL HIGH-RISE BUILDINGS. (a) Provides that this section applies only to an owner of a residential high-rise building built before September 1, 2015.

(b) Requires an owner of a residential high-rise building, not later than September 1, 2018, to provide notice of the owner's intent to comply with this subchapter to:

(1) if the building is located in a municipality, the appropriate code official of the municipality in which the building is located; or

(2) if the building is not located in a municipality, the county clerk of the county in which the building is located.

(c) Requires the owner of a residential high-rise building, not later than September 1, 2021, to install a water supply on all floors of the building in accordance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems.

(d) Requires the owner of a residential high-rise building, not later than September 1, 2024, to install a fire protection sprinkler system in accordance with this subchapter on at least 50 percent of the floors of the building.

(e) Requires the owner of a residential high-rise building, not later than September 1, 2027, to install a fire protection sprinkler system in accordance with this subchapter on all floors of the building.

(f) Provides that an owner of multiple residential high-rise buildings built before September 1, 2015, notwithstanding Subsections (b), (c), (d), and (e), is considered to have met the requirements of this section if a fire protection sprinkler system is installed on all floors of:

(1) at least 33 percent of the owner's residential high-rise buildings not later than September 1, 2021;

(2) at least 66 percent of the owner's residential high-rise buildings not later than September 1, 2024; and

(3) all of the owner's residential high-rise buildings not later than September 1, 2027.

(g) Authorizes the apartment or unit owners of the condominium, if a residential high-rise building is a condominium as defined by Section 81.002 (Definitions) or 82.003 (Applicability of Local Ordinances and Regulations), Property Code, to

comply with this subchapter by acting jointly through the council of owners or unit owners' association, as applicable, of the condominium.

(h) Provides that a residential high-rise building, for purposes of Sections 766.055 and 766.056, is in compliance with this subchapter if the owner of the building has met the requirements of this section.

(i) Provides that this section expires September 1, 2028.

Sec. 766.055. INJUNCTION. (a) Authorizes the attorney general, the county attorney of a county in which a residential high-rise building is located, or the district attorney of a county in which the building is located to bring an action in the name of the state for an injunction to enforce this subchapter against the owner or person in charge of a residential high-rise building not in compliance with this subchapter.

(b) Requires that the action be brought in the district court of the county in which the residential high-rise building is located.

(c) Requires the attorney general, county attorney of the county in which the residential high-rise building is located, or district attorney of the county in which the building is located, as applicable, to give the owner or person in charge of the building notice of the time and place of a hearing for an action brought under this section not later than the 10th day before the date of the hearing.

(d) Authorizes a district judge to issue a mandatory injunction against the owner or person in charge of a residential high-rise building not in compliance with this subchapter to enforce this subchapter. Provides that violation of an injunction issued under this section constitutes contempt of court and is punishable in the manner provided for contempt.

Sec. 766.056. CRIMINAL PENALTY. (a) Provides that a person commits an offense if the person is the owner of a residential high-rise building that is not in compliance with this subchapter.

(b) Provides that a person commits an offense if the person serves as an agent for an owner who is not a resident of this state in the care, management, supervision, control, or rental of a residential high-rise building not in compliance with this subchapter.

(c) Provides that an offense under this section is punishable by a fine of not more than \$10,000.

SECTION 3. Effective date: September 1, 2015.