

Bill Number: TX81RHB 2833

Date: 06-01-2009

ENROLLED

1 AN ACT
2 relating to certain building code standards applicable to the
3 unincorporated areas of certain counties; providing a penalty.

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

5 SECTION 1. Chapter 233, Local Government Code, is amended
6 by adding Subchapter F to read as follows:

7 SUBCHAPTER F. RESIDENTIAL BUILDING CODE STANDARDS APPLICABLE TO
8 UNINCORPORATED AREAS OF CERTAIN COUNTIES

9 Sec. 233.151. DEFINITIONS. (a) In this subchapter, "new
10 residential construction" includes:

11 (1) residential construction of a single-family house
12 or duplex on a vacant lot; and

13 (2) construction of an addition to an existing
14 single-family house or duplex, if the addition will increase the
15 square footage or value of the existing residential building by
16 more than 50 percent.

17 (b) The term does not include a structure that is
18 constructed in accordance with Chapter 1201, Occupations Code, or a
19 modular home constructed in accordance with Chapter 1202,
20 Occupations Code.

21 Sec. 233.152. APPLICABILITY. This subchapter applies only
22 to a county that has adopted a resolution or order requiring the

23 application of the provisions of this subchapter and that:

24 (1) is located within 50 miles of an international

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1 border; or

2 (2) has a population of more than 100.

3 Sec. 233.153. BUILDING CODE STANDARDS APPLICABLE. (a) New
4 residential construction of a single-family house or duplex in the
5 unincorporated area of a county to which this subchapter applies
6 shall conform to the version of the International Residential Code
7 published as of May 1, 2008, or the version of the International
8 Residential Code that is applicable in the county seat of that
9 county.

10 (b) Standards required under this subchapter apply only to
11 new residential construction that begins after September 1, 2009.

12 (c) If a municipality located within a county to which this
13 subchapter applies has adopted a building code in the
14 municipality's extraterritorial jurisdiction, the building code
15 adopted by the municipality controls and building code standards
16 under this subchapter have no effect in the municipality's
17 extraterritorial jurisdiction.

18 (d) This subchapter may not be construed to:

19 (1) require prior approval by the county before the
20 beginning of new residential construction;

21 (2) authorize the commissioners court of a county to
22 adopt or enforce zoning regulations; or

23 (3) affect the application of the provisions of
24 Subchapter B, Chapter 232, to land development.

25 (e) In the event of a conflict between this subchapter and
26 Subchapter B, Chapter 232, the provisions of Subchapter B, Chapter
27 232, control.

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1 (f) A county may not charge a fee to a person subject to
2 standards under this subchapter to defray the costs of enforcing
3 the standards.

4 Sec. 233.154. INSPECTION AND NOTICE REQUIREMENTS. (a) A
5 person who builds new residential construction described by Section
6 233.153 shall have the construction inspected to ensure building
7 code compliance in accordance with this section as follows:

8 (1) for new residential construction on a vacant lot,
9 a minimum of three inspections must be performed during the
10 construction project to ensure code compliance, as applicable, at
11 the following stages of construction:

12 (A) the foundation stage, before the placement of
13 concrete;

14 (B) the framing and mechanical systems stage,
15 before covering with drywall or other interior wall covering; and

16 (C) on completion of construction of the
17 residence;

18 (2) for new residential construction of an addition to
19 an existing residence as described by Section 233.151(a)(2), the
20 inspections under Subdivision (1) must be performed as necessary
21 based on the scope of work of the construction project; and

22 (3) for new residential construction on a vacant lot
23 and for construction of an addition to an existing residence, the
24 builder;

25 (A) is responsible for contracting to perform the
26 inspections required by this subsection with:
27 (i) a licensed engineer;

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- 1 (ii) a registered architect;
- 2 (iii) a professional inspector licensed by
- 3 the Texas Real Estate Commission;
- 4 (iv) a plumbing inspector employed by a
- 5 municipality and licensed by the Texas State Board of Plumbing
- 6 Examiners;
- 7 (v) a building inspector employed by a
- 8 political subdivision; or
- 9 (vi) an individual certified as a
- 10 residential combination inspector by the International Code
- 11 Council; and
- 12 (B) may use the same inspector for all the
- 13 required inspections or a different inspector for each required
- 14 inspection.
- 15 (b) If required by a county to which this subchapter
- 16 applies, before commencing new residential construction, the
- 17 builder shall provide notice to the county on a form prescribed by
- 18 the county of:
- 19 (1) the location of the new residential construction;
- 20 (2) the approximate date by which the new residential
- 21 construction will be commenced; and
- 22 (3) the version of the International Residential Code
- 23 that will be used to construct the new residential construction
- 24 before commencing construction.

25 (c) If required by the county, not later than the 10th day
26 after the date of the final inspection under this section, the
27 builder shall submit notice of the inspection stating whether or

1 not the inspection showed compliance with the building code
2 standards applicable to that phase of construction in a form
3 required by the county to:
4 (1) the county employee, department, or agency
5 designated by the commissioners court of the county to receive the
6 information; and
7 (2) the person for whom the new residential
8 construction is being built, if different from the builder.

9 Sec. 233.155. ENFORCEMENT OF STANDARDS. If proper notice
10 is not submitted in accordance with Sections 233.154(b) and (c),
11 the county may take any or all of the following actions:

12 (1) refer the inspector to the appropriate regulatory
13 authority for discipline;
14 (2) in a suit brought by the appropriate attorney
15 representing the county in the district court, obtain appropriate
16 injunctive relief to prevent a violation or threatened violation of
17 a standard or notice required under this subchapter from continuing
18 or occurring;
19 (3) refer the builder for prosecution under Section
20 233.157.

21 Sec. 233.156. EXISTING AUTHORITY UNAFFECTED. The authority
22 granted by this subchapter does not affect the authority of a
23 commissioners court to adopt an order under other law.

24 Sec. 233.157. PENALTY. (a) A person commits an offense if

- 25 [the person fails to provide proper notice in accordance with](#)
- 26 [Sections 233.154\(b\) and \(c\).](#)
- 27 [\(b\) An offense under this section is a Class C misdemeanor.](#)

1 (c) An individual who fails to provide proper notice in
2 accordance with Sections 233.154(b) and (c) is not subject to a
3 penalty under this subsection if:

4 (1) the new residential construction is built by the
5 individual or the individual acts as the individual's own
6 contractor; and

7 (2) the individual intends to use the residence as the
8 individual's primary residence.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2833 was passed by the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2833 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2833 on May 31, 2009, by the following vote: Yeas 72, Nays 71, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2833 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2833 on May 31, 2009, by the following vote: Yeas 28, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor