

BILL ANALYSIS

C.S.H.B. 738
By: Paul
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the aftermath of several major natural disasters, most notably Hurricane Harvey, both the General Land Office and FEMA published reports stating that homes built to more modern standards fare better during and after storms. The state's current standard municipal residential building code and municipal commercial building code reflect older versions of the International Residential Code and the International Building Code. C.S.H.B. 738 seeks to update the state's municipal building codes in order to better protect the public health and safety.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 738 amends the Local Government Code to update the International Residential Code and the International Building Code that the state adopts as a municipal residential building code and as a municipal commercial building code, respectively, to the versions of the codes as they existed on May 1, 2012. The bill specifies that the local amendments to the codes that a municipality may adopt are those that add, modify, or remove requirements set by the codes. The bill prohibits a municipality from adopting a local amendment unless the municipality does the following:

- holds a public hearing on the local amendment before adopting the local amendment; and
- adopts the local amendment by ordinance.

C.S.H.B. 738 removes the specification that the International Building Code only applies with respect to buildings for which construction begins on or after January 1, 2006. The bill clarifies the ability of a municipality that has adopted a more stringent commercial building code than the one required by the bill to keep using that more stringent code.

C.S.H.B. 738 establishes that statutory provisions relating to the International Residential Code, as amended by the bill, do not affect certain state law regarding the installation of a fire sprinkler protection system.

C.S.H.B. 738 applies only to residential or commercial construction, remodeling, alteration, enlargement, or repair that begins under an agreement made on or after January 1, 2022, or that begins, in the absence of an agreement, on or after that date. The bill requires municipalities,

before January 1, 2022, to establish rules and take other necessary actions to implement the bill's provisions. That requirement takes effect September 1, 2021.

EFFECTIVE DATE

Except as otherwise provided, January 1, 2022.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 738 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions relating to the International Building Code.