

BILL ANALYSIS

C.S.S.B. 877
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the pandemic, several city inspection departments were shut down for extended periods. Throughout the duration of the closure, cities did not use third-party inspectors to proceed on the inspection and permitting process, which caused commercial and residential real estate projects to come to a halt. These delays ultimately increased costs, stretched project timelines, and decelerated economic development. C.S.S.B. 877 seeks to address this issue by requiring cities to accept independent third-party inspections by qualified professionals during a declared disaster.

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.S.B. 877 amends the Local Government Code to authorize a building inspection for compliance with municipal building and rehabilitation codes or related municipal regulations in an area of a municipality that is subject to a declaration of disaster by the governor under the Texas Disaster Act of 1975 or a declaration of local disaster under the act while the applicable declaration is in effect to be performed by a person who meets the following criteria:

- the person is not the owner of the building or a person whose work is the subject of the inspection; and
- the person is:
 - certified to inspect buildings by the International Code Council;
 - employed as a building inspector by the municipality in which the building is located;
 - employed as a building inspector by any political subdivision, if the municipality in which the building is located has approved the person to perform inspections during a disaster; or
 - a licensed engineer.

The bill prohibits a municipality from collecting an inspection fee related to the inspection of a building performed under the bill's provisions.

C.S.S.B. 877 requires a person who performs the inspection to do the following:

- to the extent practicable, comply with the municipality's building inspection regulations and policies; and

- not later than the 30th day after the date of the inspection, provide notice to the municipality of the inspection in a format prescribed by the municipality.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 877 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The engrossed authorized certain individuals to perform an inspection during a declared disaster. The substitute includes a licensed engineer among those individuals and clarifies that the authorization for the individuals to perform the inspection does not apply to a person who is the owner of the building or a person whose work is the subject of the inspection.

The substitute includes a requirement absent from the engrossed for a person who performs the inspection to comply with municipal building inspection regulations and policies and to provide notice to the municipality of the inspection.