

SUBJECT: Expanding fire code inspections in unincorporated areas of counties

COMMITTEE: Land and Resource Management — favorable, with amendment

VOTE: 6 ayes — Walker, Crabb, Bosse, F. Brown, Hardcastle, Mowery

2 nays — Howard, Krusee

1 absent — B. Turner

SENATE VOTE: On final passage, Local and Uncontested Calendar, April 19 — 30-0

WITNESSES: For — Carl Mixon, Bexar County Commissioners Court

Against — None

BACKGROUND: Local Government Code, chapter 235 allows counties with a population of more than 250,000 and adjacent counties to adopt and enforce a fire code in unincorporated areas of the county. The law allows an initial inspection of new commercial establishments and public buildings to ensure compliance with the fire code.

DIGEST: SB 633, as amended, would apply the fire code in Local Government Code, chapter 235 to all buildings that produce income, including single-unit or multi-unit rental properties, and specifically to office buildings and manufacturing facilities.

The bill would allow the commissioners court of an eligible county to order the periodic inspection of buildings to check for fire code compliance. The court could establish by order the interval between initial and subsequent inspections. A certificate of compliance issued to a building owner after an initial inspection would be valid only until the next inspection under the fire code.

The bill would take effect September 1, 1999, and would apply to buildings on which construction had begun on or after that date.

SUPPORTERS SAY: Periodic inspections are necessary to ensure that new buildings are kept up to code. Current law does not require building owners to keep up with the fire code once they have passed an initial inspection. For example, a building owner would not have to maintain the operation of a sprinkler system after the initial inspection. Counties need the authority for periodic inspections to protect their residents from unsafe buildings.

The current definition of buildings covered by the law is ambiguous. Some builders of commercial rental units have attempted to evade fire code requirements by arguing that they are exempt from the “commercial establishment” provision. This bill would specify that any building that produces income falls within the fire code requirements.

As amended, SB 633 would not apply to buildings under construction before the effective date. The bill would be permissive in allowing, but not requiring, periodic inspections for fire code violations.

OPPONENTS SAY: Periodic inspections would cause unnecessary increases in county expenses. Counties do not need to spend vital resources to inspect every new building periodically for fire code violations.

NOTES: The committee amendment would specify that the bill would apply only to buildings on which construction had begun on or after the effective date.