

SUBJECT: Modifying city building inspection requirements during declared disasters

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 9 ayes — Cortez, Holland, Bernal, Campos, Gates, Jarvis Johnson,
Minjarez, Morales Shaw, Slaton

0 nays

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing.

DIGEST: CSSB 877 would establish the requirements for a person eligible to conduct municipal building inspections in an area of a municipality subject to a declaration of disaster by the governor or a local declaration of disaster. The owner of the building and any person whose work was the subject of the inspection would not be eligible. Otherwise, the inspection could be performed by a person who was:

- certified to inspect buildings by the International Code Council;
- employed as a building inspector by the municipality in which the building was located;
- employed as a building inspector by any political subdivision, if the municipality in which the building was located had approved the person to perform inspections during a disaster; or
- an engineer licensed with the state.

CSSB 877 would prohibit a municipality from collecting an inspection fee for inspections under the bill's provisions. A person who performed such an inspection would have to:

- to the extent practicable, comply with the municipality's building inspection regulations and policies; and
- no later than 30 days after the inspection, provide notice to the

municipality of the inspection in a format prescribed by the municipality.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSSB 877 would help to avoid inspection delays that can slow economic development by allowing certain third-party inspectors to conduct municipal building inspections during a state of disaster.

During the recent pandemic, multiple city inspection departments were shut down for extended periods, but cities did not use third-party inspectors to carry on the inspection and permitting process, which stalled ongoing commercial and residential real estate projects. CSSB 877 would ensure that these important projects could continue even during a declared disaster, which would lessen the negative economic impacts of such events on communities. The bill would ease the financial and emotional burden on property owners waiting for inspections and permits so they could begin much-needed repairs to property damage.

CSSB 877 would not increase risks to city residents in an area under a declared disaster because the bill would establish strict requirements to ensure that only qualified professionals without conflicts of interest could serve as third-party inspectors, and these individuals would be required to follow city inspection policies to the extent feasible under disaster conditions.

Concerns about the inability of cities to charge fees could be addressed by a floor amendment.

**CRITICS
SAY:**

CSSB 877 could increase safety risks for city residents by allowing non-city inspectors to conduct building inspections during a state of disaster. Cities centralize the inspection process to ensure construction is up to code as necessary to protect the life, health, and safety of residents, which is no less important in a time of stress such as a state of disaster.

The bill would prevent cities from charging a fee for an inspection by a third-party inspector in an area declared to be in a state of disaster, including for buildings not damaged due to the disaster. Such fees help fund essential work inspectors do to protect the welfare of city residents.

NOTES:

The bill sponsor plans to offer a floor amendment specifying that a municipality could not charge an additional fee under the bill's provisions and that a municipality could, but would not have to, prescribe a reasonable format for the notice that would be required by the bill.

The House companion bill, HB 2548 by Morrison, was considered by the House Urban Affairs Committee in a public hearing on April 7 and left pending.