

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1147
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Intergovernmental Relations
3/28/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Current law does not address emergency services' access to multi unit housing projects in unincorporated areas. C.S.S.B. 1147 authorizes counties to regulate vehicular and pedestrian gates to apartment complexes and other multi unit housing projects to ensure access for emergency vehicles. It also authorizes counties to require owners of such housing projects to obtain permits to ensure compliance and provides that noncompliance is a Class C misdemeanor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 352, Local Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. GATED MULTI-UNIT HOUSING PROJECTS

Sec. 352.111. HOUSING PROJECT SUBJECT TO SUBCHAPTER. Provides that this subchapter applies only to a multi-unit housing project located outside municipal boundaries in an area not already subject to municipal regulations regarding vehicular or pedestrian gates.

Sec. 352.112. DEFINITION. Defines "multi-unit housing project."

Sec. 352.113. COUNTY AUTHORITY TO REGULATE VEHICULAR OR PEDESTRIAN GATES TO MULTI-UNIT HOUSING PROJECTS. Authorizes a county to require the owner or the owners association of a multi-unit housing project to comply with this subchapter to assure reasonable access for fire-fighting vehicles and equipment, emergency medical services vehicles, and law enforcement officers.

Sec. 352.114. LOCK BOX REQUIREMENTS. (a) Requires each vehicular gate to the multi-unit housing project must have a lock box within sight of the gate and in close proximity outside the gate. Requires the lock box at all times to contain a key, card, or code to open the gate or a key switch or cable mechanism that overrides the key, card, or code that normally opens the gate and allows the gate to be opened manually.

(b) Requires at least one pedestrian gate to have a lock box within sight of the gate and in close proximity outside the gate if there are one or more pedestrian gates to the multi-unit housing project and no vehicular gate. Requires the lock box at all times to contain a key, card, code, key switch, or cable mechanism to open the gate.

(c) Requires the lock box, if different pedestrian gates are operated by different keys, cards, or codes, to contain: each key, card, or code, properly labeled for its respective gate; or a single master key, card, or code or a key switch or cable mechanism that will

open every gate.

(d) Limits access to a lock box required by this section to a person or agency providing fire-fighting or emergency medical services or law enforcement for the county.

(e) Provides that, if a gate is powered by electricity, it must be possible to open the gate without a key, card, code, or key switch if the gate loses electrical power.

Sec. 352.115. **ADDITIONAL ACCESSIBILITY REQUIREMENTS.** (a) Requires, in a multi-unit housing project that has one or more vehicular gates: at least one vehicular gate to be wide enough for fire-fighting vehicles, fire-fighting equipment, emergency medical services vehicles, or law enforcement vehicles to enter; and at least one driveway apron or entrance from the public right-of-way to be free of permanent obstacles that might impede entry by a vehicle or equipment listed in this section.

(b) Requires the county fire marshal or other authority to waive the vehicular gate width requirements of Subsection (a) for a multi-unit housing project completed before January 1, 2002, if the requirements cannot readily be met because of space limitations or excessive cost. Sets forth what is considered an excessive cost for purposes of this subsection.

(c) Requires a pedestrian gate in a multi-unit housing project to be located so as to provide firefighters, law enforcement officers, and other emergency personnel reasonable access to each building.

(d) Provides that this section does not require a multi-unit housing project to have a vehicular gate or a pedestrian gate.

Sec. 352.116. **BUILDING IDENTIFICATION.** Authorizes a county to require each residential building in a multi-unit housing project to have a number or letter in a contrasting color on the side of the building and placed so that the number or letter can be seen from the vehicular driving areas by a responding emergency agency.

Sec. 352.117. **COUNTY AUTHORITY TO REQUIRE PERMIT.** (a) Authorizes a county to require the owner or the owners association of a multi-unit housing project to obtain a permit from the county fire marshal or other authority with fire-fighting jurisdiction in the county to ensure compliance with this subchapter.

(b) Authorizes a permit to be issued under this subchapter only if the requirements of this subchapter and standards adopted under this subchapter are met.

(c) Authorizes the county, to pay for the cost of administering the permits, to collect a one-time fee not to exceed \$50 from each person to whom a permit is issued under this section.

Sec. 352.118. **SUSPENSION OR REVOCATION OF LICENSE.** (a) Authorizes a permit issued under this subchapter to be suspended or revoked for violation of this subchapter or a regulation adopted under this subchapter after notice and a hearing on a complaint by the county fire marshal or other authority having jurisdiction for fire-fighting, emergency medical service, or law enforcement. Requires the hearing to be held by the commissioners court of the county or by a person or entity designated by the commissioners court.

(b) Authorizes a permit to be reinstated or a new permit issued if each violation that is a ground of the complaint is corrected within the time prescribed by the entity that holds

the hearing.

Sec. 352.119. **LIMITATION ON SPECIFIC COUNTY STANDARDS.** (a) Prohibits a county from imposing under this subchapter specific standards relating to vehicular gate widths, obstacle-free driveway aprons or entrances, pedestrian gate locations, or building numbers that exceed the requirements for new multi-unit housing projects contained in the municipal ordinances of: the municipality within whose extraterritorial jurisdiction the multi-unit housing project is located; or the municipality nearest, on a straight line, to the boundary of the multi-unit housing project, if the project is not within the extraterritorial jurisdiction of a municipality.

(b) Authorizes the county fire marshal or other authority with fire-fighting jurisdiction to adopt reasonable standards relating to vehicular gate width, obstacle-free driveway aprons or entrances, pedestrian gate locations, and building numbers if the appropriate municipality described by Subsection (a) has not adopted applicable standards.

Sec. 352.120. **OFFENSE.** Provides that a person who violates this subchapter or a regulation adopted under this subchapter in a county that requires compliance with this subchapter under Section 352.113 commits an offense. Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2001.

Prohibits a county from requiring the permit authorized by Section 352.117, Local Government Code, as added by this Act, before January 1, 2002.

Makes the requirements imposed by Section 352.115, Local Government Code, as added by this Act, apply beginning on January 1, 2002, to a multi-unit housing project the electricity for the initial construction of which is connected on or after January 1, 2002; and beginning on January 1, 2003, to all other multi-unit housing projects.

SUMMARY OF COMMITTEE CHANGES

SECTION 2 differs from the original by referencing Section 352.117, rather than 352.113, in the prohibition against a county requiring a certain permit before a certain date.