

## **BILL ANALYSIS**

Senate Research Center

H.B. 1649  
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Intergovernmental Relations  
5/17/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recent legislation allows certain counties to adopt certain building codes on new residential construction in an unincorporated area and makes a person who does not provide proper notice of compliance with certain standards subject to certain penalties. H.B. 1649 as engrossed seeks to address matters relating to the enforcement of building code standards for new residential construction in an unincorporated area of a county to authorize a fee to defray the costs of administering such enforcement.

H.B. 1649 amends current law relating to building code standards for new residential construction in the unincorporated area of a county.

### **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 Section 233.152, Local Government Code, as follows:

Sec. 233.152. **APPLICABILITY.** (a) Provides that, except as provided by Subsection (b), this subchapter applies only to new residential construction in a county that has adopted a resolution or order requiring the application of the provisions of this subchapter and that is located within 50 miles of an international border, or has a population of more than 100.

(b) Provides that this subchapter does not apply to new residential construction if:

(1) the property on which the new residential construction is located is appraised for ad valorem tax purposes as land for agricultural use or open-space land under Subchapter C (Land Designated for Agricultural Use) or D (Appraisal of Agricultural Land), Chapter 23 (Appraisal Methods and Procedures), Tax Code;

(2) the new residential construction will not be located within 1,000 feet of a platted subdivision;

(3) the new residential construction is intended to be used as the primary residence of an individual who is the builder of, or acts as the general contractor for, the construction; and

(4) the new residential construction is:

(A) the first residential construction, as described by Section 233.151(a)(1) (relating to residential construction of a single-family house or duplex on a vacant lot), to be built on the property; or

(B) an addition to an existing single-family house or duplex, as described by Section 233.151(a)(2) (relating to construction of an addition to an existing single-family house or duplex, if the addition will increase the square footage or value of the existing residential building by more than 50 percent).

SECTION 2. Amends Subchapter F, Chapter 233, Local Government Code, by adding Section 233.1546, as follows:

Sec. 233.1546. CERTIFICATION OF COMPLIANCE; CONNECTION OF UTILITIES. (a) Authorizes a county to require the issuance of a certificate of compliance as a precondition to obtaining utility services as provided by this section.

(b) Requires the county, not later than the fifth business day after the date a request is received under this subsection, to issue the requesting party a written certificate of compliance if:

(1) the county receives a written request from a person who builds new residential construction subject to this section, the person for whom the new residential construction is built, or an entity that provides utility service; and

(2) the requesting party demonstrates that the new residential construction has complied with all requirements applicable under this subchapter.

(c) Prohibits an electric, gas, water, or sewer service utility from permanently serving or connecting new residential construction subject to this section with electricity, gas, water, sewer, or other utility service unless the utility receives a certificate issued by the county that states that compliance with all requirements applicable under this subchapter was demonstrated as provided by Subsection (b).

(d) Provides that Subsection (c) does not prevent the temporary use or connection of utilities necessary to complete new residential construction, including temporary use or connection of utilities to pass an inspection under this subchapter.

SECTION 3. Provides that the changes in law made by this Act apply only to new residential construction that commences on or after the effective date of this Act, except that if the county requires notice under Section 233.154(b) (relating to inspection and notice requirements), Local Government Code, this Act applies only to new residential construction for which notice was given on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2011.