

BILL ANALYSIS

Senate Research Center
86R4553 MP-F

H.B. 2741
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that while state law provides counties with the authority to apply municipal fire code regulations to buildings located in the unincorporated areas of the county, concerns remain regarding the authority for the county to apply these regulations to structures that are owned or leased by a county. Currently, cities will pay county fire marshals to conduct building inspections and permitting in unincorporated areas of a county. This creates an unnecessary step that prevents counties from inspecting their own buildings. This increases the cost of getting an inspection to tax payers and puts at risk the public by slowing down the process by which public buildings are deemed safe. Furthermore, this unnecessary step has forced the City of San Antonio to not conduct additional inspections. The city only conducts inspections of existing buildings when they receive a permit request for renovations or upgrades or when a complaint is filed. H.B. 2741 seeks to address this issue by authorizing the Bexar County fire marshals to conduct inspections required by municipalities for a building wholly owned or wholly leased by the county.

H.B. 2741 amends current law relating to the application of the fire code to and the inspection of buildings owned or leased by counties and authorizes a fee.

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 Subchapter Z, Chapter 214, Local Government Code, by adding Section 214.907, as follows:

Sec. 214.907. INSPECTION OF COUNTY BUILDINGS IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality.

(b) Requires a county fire marshal to conduct each inspection required by a municipality, including an inspection for building or fire code compliance, for a building wholly owned or wholly leased by the county.

(c) Authorizes a county fire marshal to, through a memorandum of understanding, delegate authority to conduct an inspection required under this section to the municipality requiring the inspection.

(d) Provides that, in the event of a conflict between this section and any other law, this section controls.

SECTION 2. Amends the heading to Subchapter C, Chapter 233, Local Government Code, to read as follows:

SUBCHAPTER C. FIRE CODE: UNINCORPORATED AREA AND COUNTY BUILDINGS

SECTION 3. Amends Section 233.062(a), Local Government Code, as follows:

(a) Redesignates existing Subdivisions (1)–(3) as Subdivisions (1)(A)-(C) and makes a nonsubstantive change to this subsection. Provides that the fire code applies only to:

(1) creates this subdivision from existing text and provides that the fire code applies to:

(A) a commercial establishment constructed in the unincorporated area of the county;

(B) a public building constructed in the unincorporated area of the county; and

(C) a multifamily residential dwelling consisting of four or more units constructed in the unincorporated area of the county; and

(2) a building that is wholly owned, wholly leased, or subject to an agreement to be wholly leased by a county with a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality, regardless of whether the building is located in an incorporated area or unincorporated area of the county.

SECTION 4. Amends Subchapter B, Chapter 352, Local Government Code, by adding Section 352.0165, as follows:

Sec. 352.0165. INSPECTIONS OF COUNTY OWNED OR LEASED BUILDINGS IN CERTAIN COUNTIES. (a) Defines "fire or life safety hazard" for purposes of this section.

(b) Provides that this section applies only to a building that is:

(1) wholly owned or wholly leased by a county; and

(2) located in a county with a population of more than 1.5 million in which more than 75 percent of the population lives in a single municipality, regardless of whether the building is located in an incorporated or unincorporated area of the county.

(c) Requires the county fire marshal to conduct a biennial inspection for fire or life safety hazards of each building to which this section applies. Requires the county, if the fire marshal determines the presence of a fire or life safety hazard in a building that is wholly owned by the county, to correct the hazard. Requires the fire marshal, if the fire marshal determines the presence of a fire or life safety hazard in a building that is wholly leased by the county, to order the owner of the building to correct the hazard. Requires the owner to correct the hazard in accordance with the order.

(d) Authorizes the county fire marshal to conduct further inspections for fire or life safety hazards and take actions necessary to enforce this section.

(e) Requires the county fire marshal to adopt guidelines for an inspection under this section.

(f) Authorizes the commissioners court by order to authorize the county fire marshal to charge a fee to the owner of a building wholly leased to the county for an inspection conducted under this section in a reasonable amount determined by the commissioners court to cover the cost of the inspection.

SECTION 5. Makes application of Section 233.062, Local Government Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2019.