

BILL ANALYSIS

Senate Research Center
86R4252 JCG-F

S.B. 1266
By: Buckingham
Business & Commerce
3/15/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1266 helps to ensure Texas families have access to safe and affordable housing options by ensuring local building ordinances are clear, consistent, and reflective of nationally recognized building codes and standards.

Texas law requires that all building codes meet certain national and international safety standards. By doing so, the state protects the public by ensuring homes are built with materials that meet or exceed the most up-to-date safety standards. Local governments have the ability to adopt amendments to these codes when appropriate, but a number of these entities have begun to utilize this authority to adopt local ordinances that mandate the use of vendor-specific products while intentionally placing arbitrary limitations on the use of materials that meet or exceed the safety code standards set by the state.

Not only do these type of regulations restrict consumer choice, but they also directly contribute to rising housing costs and cut off access to affordable housing options for Texas families. The impact of these ordinances is significant, resulting directly in unnecessary cost increases and project delays. Given that the Texas A&M University Real Estate Center's research has shown that for every \$1,000 added to the cost of a new home, about 22,000 Texans are priced out of the housing market, mandating the use of more expensive building materials at the behest of special interest groups puts more families at risk of being priced out of homeownership.

In order to prevent cities from utilizing local codes to pick winners and losers, S.B. 1266 prohibits local governments from adopting a code or ordinance that prevents the use of building materials that meet or exceed national building codes and standards.

As proposed, S.B. 1266 amends current law relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction of residential or commercial structures.

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 Title 10, Government Code, by adding Subtitle Z, as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. Defines "national model code" and "governmental entity" for purposes of this chapter.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Prohibits a governmental entity, notwithstanding any other law, from adopting or enforcing a rule, charter provision, ordinance, order, or other regulation that prohibits, directly or indirectly, the use of a building product, material, or method in the construction, renovation, maintenance, or other alteration of a residential or commercial structure if the building product, material, or method is approved for use by a national model code that:

(1) is adopted by the governmental entity; and

(2) governs the construction, renovation, use, or maintenance of buildings and building systems.

(b) Provides that a rule, charter provision, ordinance, order, or other regulation adopted by a governmental entity that conflicts with this section is void.

Sec. 3000.003. INJUNCTION, (a) Authorizes the Texas attorney general (attorney general) to bring an action in the name of the state to enjoin a violation of this chapter.

(b) Authorizes the attorney general to recover reasonable attorney's fees and costs incurred in bringing an action under this section.

SECTION 2. Effective date: September 1, 2019.