

80R2882 MSE-D

By: Quintanilla

H.B. No. 617

A BILL TO BE ENTITLED

AN ACT

relating to requiring counties to adopt residential building codes;  
providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 320, Tax Code, is amended by designating  
Section 320.001 as Subchapter A and adding a subchapter heading to  
read as follows:

SUBCHAPTER A. SAVING PROVISION

SECTION 2. Chapter 320, Tax Code, is amended by adding  
Subchapter B to read as follows:

SUBCHAPTER B. BUILDING CODES IN COUNTIES

Sec. 320.021. BUILDING CODE. The commissioners court of a  
county by order shall adopt and enforce a building code to promote  
safe and uniform standards, including plumbing and electrical  
standards, for the construction, alteration, remodeling,  
enlargement, and repair of single-family dwellings in the  
unincorporated area of the county.

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Sec. 320.022. FEE. The commissioners court of a county may impose a fee for any inspection to be performed or any permit or other authorization to be issued under the building code.

Sec. 320.023. OTHER PROVISIONS THAT PREVAIL OVER COUNTY ORDER. (a) If an order adopted under this subchapter conflicts with an ordinance of a municipality, the municipal ordinance prevails within the municipality's jurisdiction to the extent of the conflict.

(b) If an order adopted under this subchapter conflicts with a building-related code adopted by state statute, including the energy code adopted by Chapter 388, Health and Safety Code, the code adopted by state statute prevails to the extent of the conflict.

Sec. 320.024. EXISTING COUNTY AUTHORITY UNAFFECTED. The authority granted by this subchapter does not affect the authority of the commissioners court of a county to adopt an order or ordinance under other law.

Sec. 320.025. INJUNCTION. The county, in a suit brought by the county attorney or other prosecuting attorney representing the county in the district court, is entitled to appropriate injunctive relief to prevent the violation or threatened violation of an order

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adopted under this subchapter from continuing or occurring.

Sec. 320.026. PENALTY. (a) A person commits an offense if the person violates a restriction or prohibition imposed by an order adopted under this subchapter.

(b) An offense under this section is a Class C misdemeanor.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.