

1-1 By: King of Parker (Senate Sponsor - Nichols) H.B. No. 2040
1-2 (In the Senate - Received from the House May 5, 2017;
1-3 May 5, 2017, read first time and referred to Committee on Business
1-4 & Commerce; May 15, 2017, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 15, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the building code standards for new residential
1-20 construction in the unincorporated area of certain counties;
1-21 affecting the prosecution of a criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 233.155, Local Government Code, is
1-24 amended to read as follows:

1-25 Sec. 233.155. ENFORCEMENT OF STANDARDS. (a) If proper
1-26 notice is not submitted in accordance with Sections 233.154(b) and
1-27 (c), the county may take any or all of the following actions:

1-28 (1) refer the inspector to the appropriate regulatory
1-29 authority for discipline;

1-30 (2) in a suit brought by the appropriate attorney
1-31 representing the county in the district court, obtain appropriate
1-32 injunctive relief to prevent a violation or threatened violation of
1-33 a standard or notice required under this subchapter from continuing
1-34 or occurring; or

1-35 (3) refer the builder for prosecution under Section
1-36 233.157.

1-37 (b) If the notice the builder provided to the county under
1-38 Section 233.154(c) does not indicate that the inspection showed
1-39 compliance with the applicable building code standards, the county
1-40 may take either or both of the actions under Subsections (a)(2) and
1-41 (3).

1-42 SECTION 2. Section 233.157, Local Government Code, is
1-43 amended by amending Subsection (a) and adding Subsection (d) to
1-44 read as follows:

1-45 (a) A builder ~~[person]~~ commits an offense if:

1-46 (1) the builder ~~[person]~~ fails to provide proper
1-47 notice in accordance with Sections 233.154(b) and (c); or

1-48 (2) as provided by Section 233.155(b), the builder
1-49 does not provide notice under Section 233.154(c) that indicates
1-50 that the inspection showed compliance with the applicable building
1-51 code standards.

1-52 (d) It is an affirmative defense to prosecution for failure
1-53 to submit proper notice under Section 233.154(c) if the builder's
1-54 failure to submit a notice is the result of the failure of the
1-55 person who performed the inspection to provide appropriate
1-56 documentation to the builder for submission to the county.

1-57 SECTION 3. The changes in law made by this Act apply only to
1-58 new residential construction that commences on or after September
1-59 1, 2017. New residential construction that commences before
1-60 September 1, 2017, is governed by the law in effect immediately
1-61 before that date, and that law is continued in effect for that

2-1 purpose.

2-2 SECTION 4. This Act takes effect September 1, 2017.

2-3 * * * * *