

## **BILL ANALYSIS**

C.S.H.B. 3089  
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Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Citing recent events, including a fire at a high-rise residential center where several lives were lost, interested parties contend that certain residential high-rise buildings need to be retrofitted with fire protection sprinkler systems to provide safety and prevent such incidents in the future. C.S.H.B. 3089 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3089 amends the Health and Safety Code to require a residential high-rise building used primarily for a residential purpose that extends 75 feet or more from the ground to be equipped with a complete fire protection sprinkler system that is in good working order and is in compliance with the bill's provisions if the building is a residential high-rise building in which at least 50 percent of the residents are elderly individuals, individuals with a disability, or individuals with a mobility impairment; that is located in a county with a population of more than 1.5 million in which more than 75 percent of the population resides in a single municipality; and that is not designated as a historically or archaeologically significant site by the Texas Historical Commission or the governing body of the county or municipality in which the building is located. The bill requires the governing body of a municipality in which a residential high-rise building is located or, if the building is not located in a municipality, the commissioners court of the county in which the building is located to adopt a standard for the installation of fire protection sprinkler systems in a residential high-rise building. The bill requires the adopted standard to be in compliance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems. The bill establishes that, until the municipality's governing body or the county commissioners court, as applicable, adopts a standard, the standard is the Standard for the Installation of Sprinkler Systems of the National Fire Protection Association, as that standard existed on September 1, 2015.

C.S.H.B. 3089 sets out the following temporary provisions, set to expire September 1, 2028, to phase in compliance with the bill's provisions for owners of residential high-rise buildings built before September 1, 2015. The bill requires an owner of a residential high-rise building, not later than September 1, 2018, to provide notice of the owner's intent to comply with the fire protection sprinkler system requirement to the appropriate code official of the municipality in which the

building is located, if the building is located in a municipality, or, if the building is not located in a municipality, the county clerk of the county in which the building is located; to install a water supply on all floors of the building in accordance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems not later than September 1, 2021; to install a fire protection sprinkler system on at least 50 percent of the floors of the building not later than September 1, 2024; and to install a fire protection sprinkler system on all floors of the building not later than September 1, 2027. The bill establishes that, for purposes of an injunction filed against or a criminal penalty imposed on the owner or the person in charge of a noncompliant building, a residential high-rise building is in compliance with the bill's provisions if the owner of the building has met these phase-in requirements.

C.S.H.B. 3089 authorizes the attorney general, the county attorney of a county in which a residential high-rise building is located, or the district attorney of a county in which the building is located to bring an action in the name of the state for an injunction to enforce the bill's provisions against the owner or person in charge of a noncompliant residential high-rise building. The bill requires the action to be brought in the district court of the county in which the residential high-rise building is located and requires the attorney general, county attorney, or district attorney, as applicable, to give the owner or person in charge of the building notice of the time and place of a hearing for the action not later than the 10th day before the date of the hearing. The bill authorizes a district judge to issue a mandatory injunction against the owner or person in charge of a noncompliant residential high-rise building to enforce the bill's provisions. The bill establishes that a violation of an injunction constitutes contempt of court and is punishable in the manner provided for contempt.

C.S.H.B. 3089 makes it an offense punishable by a fine of not more than \$10,000 for a person to be an owner of or to serve as an agent for an owner who is not a Texas resident in the care, management, supervision, control, or rental of a residential high-rise building that is not in compliance with the bill's provisions.

#### **EFFECTIVE DATE**

September 1, 2015.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3089 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

##### INTRODUCED

SECTION 1. Chapter 766, Health and Safety Code, is amended by designating Sections 766.001 through 766.003 as Subchapter A and adding a subchapter heading.

SECTION 2. Chapter 766, Health and Safety Code, is amended by adding Subchapter B to read as follows:

**SUBCHAPTER B. FIRE PROTECTION  
SPRINKLER SYSTEMS IN  
RESIDENTIAL HIGH-RISE BUILDINGS**

**Sec. 766.051. DEFINITIONS.**

##### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 766, Health and Safety Code, is amended by designating Sections 766.001, 766.002, 766.0021, 766.0025, and 766.003 as Subchapter A and adding a subchapter heading.

SECTION 2. Chapter 766, Health and Safety Code, is amended by adding Subchapter B to read as follows:

**SUBCHAPTER B. FIRE PROTECTION  
SPRINKLER SYSTEMS IN CERTAIN  
RESIDENTIAL HIGH-RISE BUILDINGS  
IN CERTAIN COUNTIES**

**Sec. 766.051. DEFINITIONS.**

Sec. 766.052. FIRE PROTECTION SPRINKLER SYSTEMS REQUIRED; STANDARD.

Sec. 766.053. PHASE-IN COMPLIANCE FOR OWNERS OF CERTAIN RESIDENTIAL HIGH-RISE BUILDINGS.

(a) This section applies only to an owner of a residential high-rise building built before September 1, 2015.

(b) Not later than September 1, 2016, an owner of a residential high-rise building shall provide notice of the owner's intent to comply with this subchapter to:

(1) if the building is located in a municipality, the appropriate code official of the municipality in which the building is located; or

(2) if the building is not located in a municipality, the county clerk of the county in which the building is located.

(c) Not later than September 1, 2017, the owner of a residential high-rise building shall install a water supply on all floors of the building in accordance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems.

(d) Not later than September 1, 2019, the owner of a residential high-rise building shall install a fire protection sprinkler system in accordance with this subchapter on at least 50 percent of the floors of the building.

(e) Not later than September 1, 2021, the owner of a residential high-rise building shall install a fire protection sprinkler system in accordance with this subchapter on all floors of the building.

(f) For purposes of Sections 766.054 and

Sec. 766.052. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a residential high-rise building:

(1) that is located in a county with a population of more than 1.5 million in which more than 75 percent of the population resides in a single municipality;

(2) in which at least 50 percent of the residents are elderly individuals, individuals with a disability, or individuals with a mobility impairment; and

(3) that is not designated as a historically or archaeologically significant site by the Texas Historical Commission or the governing body of the county or municipality in which the building is located.

Sec. 766.053. FIRE PROTECTION SPRINKLER SYSTEMS REQUIRED; STANDARD.

Sec. 766.054. PHASE-IN COMPLIANCE FOR OWNERS OF CERTAIN RESIDENTIAL HIGH-RISE BUILDINGS.

(a) This section applies only to an owner of a residential high-rise building built before September 1, 2015.

(b) Not later than September 1, 2018, an owner of a residential high-rise building shall provide notice of the owner's intent to comply with this subchapter to:

(1) if the building is located in a municipality, the appropriate code official of the municipality in which the building is located; or

(2) if the building is not located in a municipality, the county clerk of the county in which the building is located.

(c) Not later than September 1, 2021, the owner of a residential high-rise building shall install a water supply on all floors of the building in accordance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems.

(d) Not later than September 1, 2024, the owner of a residential high-rise building shall install a fire protection sprinkler system in accordance with this subchapter on at least 50 percent of the floors of the building.

(e) Not later than September 1, 2027, the owner of a residential high-rise building shall install a fire protection sprinkler system in accordance with this subchapter on all floors of the building.

(f) For purposes of Sections 766.055 and

766.055, a residential high-rise building is in compliance with this subchapter if the owner of the building has met the requirements of this section.

(g) This section expires September 1, 2022.

Sec. 766.054. INJUNCTION.

Sec. 766.055. CRIMINAL PENALTY.

SECTION 3. This Act takes effect September 1, 2015.

766.056, a residential high-rise building is in compliance with this subchapter if the owner of the building has met the requirements of this section.

(g) This section expires September 1, 2028.

Sec. 766.055. INJUNCTION.

Sec. 766.056. CRIMINAL PENALTY.

SECTION 3. Same as introduced version.