

- SUBJECT:** Adopting statewide uniform municipal residential building code
- COMMITTEE:** Land and Resource Management — committee substitute recommended
- VOTE:** 6 ayes — Walker, F. Brown, Geren, Howard, Mowery, Truitt
- 0 nays
- 3 absent — Crabb, Krusee, B. Turner
- WITNESSES:** For — Charles Bloomberg, City of Southlake; Jack Burleson, Southern Building Code Congress International, Inc.; Tommy Ford, Texas Association of Builders; Doug Garrett, Consultant; Charles J. Hall, Westway Sales, Inc.; Monte Jones, Snapscreen Window Systems; Nancy McNabb, BOCA International; Russ Mower, Building Officials Association of Texas; Carroll Lee Pruitt, ICBO; Harry Savio, Texas Capitol Area Builders Association; Tom “Smitty” Smith, Public Citizen; Tom Utter, City of Corpus Christi
- Against — Janet Ahmed, Home Owners for Better Building; Richard Lord, Texas Pipe Trades; Linden Raimer, IAPMO; Jim Shawn, Texas Windstorm Insurance Association
- BACKGROUND:** Local Government Code, ch. 214 authorizes municipalities to regulate dangerous structures, plumbing and sewers, and swimming pool enclosures. As part of the powers granted by the state through home rule charters, municipalities have the authority to adopt building, electrical, and plumbing codes to regulate the construction and renovation of residential buildings to protect the public health, safety, and welfare.
- Over the course of the 20th century, three nonprofit organizations — the Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and South Building Code Congress International, Inc. — developed separate sets of building codes that are used throughout the United States. In 1994, these three groups formed the International Code Council (ICC) and promulgated a single national model construction code, the International Building Code (IBC). One section of the IBC is the International Residential Code (IRC), which

provides rules for the construction and repair of one- and two-family dwellings.

Insurance Code, art. 21.49, sec. 6 deals with inspections for windstorm and hail insurance of insurable property in the 14 Texas counties contiguous with the Gulf of Mexico and other counties as determined by the commissioner of insurance after notice and hearing. All structures that are constructed, repaired, or to which additions are made on or after January 1, 1988, are to be considered insurable property for windstorm and hail and must be inspected or approved for compliance with the building specifications in the insurance plan approved by the Texas Windstorm Insurance Association.

DIGEST:

CSHB 2411 would require adoption of the IRC, as it exists on May 21, 2001, as the municipal residential building code for the state. The bill would allow municipalities to establish procedures to amend the IRC to include additional local requirements and to administer and enforce the IRC.

CSHB 2411 would require that municipalities review and consider the adoption of changes to the IRC after May 1, 2001. Municipalities would be required to adopt the National Electrical Code for electrical wiring and related components rather than follow the electrical provisions of the IRC.

CSHB 2411 also would amend Insurance Code, art. 21.49, secs. 6a(a) and (d), regulating requirements for windstorm and hail insurance to allow the commissioner of insurance to use the IRC as part of the specifications used to determine if buildings constructed in certain parts of the state can be insured against windstorm and hail damage.

CSHB 2411 would require a property owner to apply for a certificate of compliance with windstorm requirements before beginning to construct, alter, remodel, enlarge, or repair a structure. The bill also would expand the definition of a "qualified inspector" for a windstorm inspection to include a licensed professional engineer meeting insurance department rules on windstorm inspection or a certified ICC, BOCA, ICBO or SBCCI building or coastal construction inspector who also met insurance department requirements.

The bill would be effective January, 1, 2002, and the requirements would apply to residential construction, remodeling, alteration, or repairs begun or under contract on or after January 1, 2002. However, provisions requiring municipalities to adopt rules and take other necessary actions to implement the IRC would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 2411 would provide for a consistent and comprehensive uniform building code for the use of both contractors and city building officials. Some of the larger urban counties such as Harris, Dallas, and Tarrant have dozens of municipalities that enforce different building codes. CSHB 2411 would end confusion caused when a contractor must follow separate codes for buildings on different sides of the street that may be in different municipalities. Adopting a single standard would lower construction costs and encourage more construction of affordable housing.

CSHB 2411 would adopt a code that was the product of seven years of careful study by three different organizations, including representatives of the construction industry as well as government building and code enforcement officials. The IRC represents a consensus document that incorporates the latest information on construction techniques to promote efficiency and safety.

More than 120 representatives of governmental agencies and the construction industry spent thousands of hours in the 2000 Code Partnership Committee to address concerns about fire and other safety issues. These changes were endorsed by the Federal Emergency Management Agency and the Insurance Services Organization (ISO). Adopting the IRC would help improve a jurisdiction's rating through the ISO's Building Code Effectiveness Grading System.

More than 40 Texas cities already have adopted the IRC, and some groups such as the North Central Texas Council of Governments have worked for more than four decades to promote standardization of model construction codes. Municipalities could reduce the costs of code training for officials by adopting a standard building code and by working cooperatively to develop training programs. A single building code also would help members of the construction industry ranging from architects and engineers designing the work to the skilled tradesmen and workers at the job site.

Adopting the IRC would standardize a code that will continue to be updated and improved. No other unified code exists. The *Uniform Building Code* has not been updated since 1997. The International Association of Plumbing and Mechanical Officials (IAPMO) has published its 2000 *Uniform Plumbing Code* and 2000 *Uniform Mechanical Code* but has not integrated them into a comprehensive building code. The dispute between ICC and IAPMO may be little more than a turf battle or a contest over sale and use of copyrighted code books.

CSHB 2411 would allow for flexibility so that the IRC could be adapted by local communities and could be made compatible with other codes, such as the National Fire Protection Association (NFPA) codes. It also would allow for local amendments, such as Austin's "Green Builder" program. These changes would not alter fundamentally the major components of the IRC.

Cities would have until January 1, 2002, to institute the program. Many already have adopted the program, and all municipalities would have to make arrangements for ongoing improvements in building codes and in construction techniques. Municipalities would have to pay for these changes, and standardization would allow for many municipalities to share the costs of training and code revisions.

Texas should be cautious of following the policy lead of California, especially after that state decided not to adopt the IBC. California's decision to study the issue until 2003 would leave that state governed by some building codes that would be six years out of date.

CSHB 2411 would represent a policy decision to limit the changes only to the one- and two-family residential codes. It is not intended to serve as a gateway to the adoption of the ICC standards for multifamily and commercial construction. The Legislature should consider these other changes on their respective merits should they arise in other legislation.

The IRC would incorporate new techniques for energy conservation in the construction of one- and two-family homes. A small initial investment would result in future energy bill savings for the homeowner. Construction of more energy efficient homes also would reduce the demand for electricity. Energy efficiency will also help create less pollution.

OPPONENTS
SAY:

CSHB 2411 would replace proven building codes with a less stringent code that could endanger the public. This decision should be delayed until another legislative session so that additional study and review can be completed.

Mandating an abrupt change would confuse municipal code officials and contractors who would have to learn a completely different system. The change would be expensive and require the retraining of more than 12,000 tradesmen in Texas. This would result in lost construction time and other delays. These costs would represent an unfunded mandate for municipalities and contractors.

The California Building Standards Commission carefully studied the IRC before its October 2000 decision rejecting the new code in favor of additional study. California is reviewing the IRC as well as updated versions of the *Uniform Plumbing Code*, *NFPA Uniform Fire Code* and *NFPA Building Code*. Unlike Texas, California must consider more stringent building codes that make buildings earthquake-resistant and must ensure that any building code meet a higher standard of review.

Allowing local amendments to IRC could lead over time to significant differences in local codes and could result in the same level of confusion among codes that exists now.

OTHER
OPPONENTS
SAY:

CSHB 2411 would not go far enough in adopting new building codes. If these standards would represent the best protection for one- and two-family homes, the rest of the code for multifamily and commercial construction also should be revised.

NOTES:

The companion bill, SB 365 by Armbrister, passed the Senate on April 2 by f 29-0-2 (Lucio and Ratliff present, not voting). The House Land and Resource Management Committee reported SB 365 favorably, as substituted, on April 10, making it eligible to be considered in lieu of HB 2411.

The committee substitute would adopt the National Electrical Code and would not require the IRC to apply to the installation and maintenance of electrical wiring and related components as in the original bill. The substitute also would change the description of a one- or two-family dwelling

and would not change the current law's reference the eligibility of structures constructed or repaired after January 1, 1988, for windstorm and hail insurance.