

By: Phelan

H.B. No. 2439

A BILL TO BE ENTITLED

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction of residential or commercial structures.

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

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN

GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND

COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law, a governmental entity may not adopt or enforce 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

1 national model code that:

2 (1) is adopted by the governmental entity; and

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

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

8 Sec. 3000.003. INJUNCTION. (a) The attorney general may
9 bring an action in the name of the state to enjoin a violation of
10 this chapter.

11 (b) The attorney general may recover reasonable attorney's
12 fees and costs incurred in bringing an action under this section.

13 SECTION 2. This Act takes effect September 1, 2019.