



# CITY OF HOUSTON

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The Honorable Gary Gates  
Chair, Committee on House Land and Resource Management  
PO Box 2910, Room E2.322  
Austin, Texas 78768

Re: *House Bill 1228—Relating to Municipal and County Permitting Requirements to Conduct Certain Repairs on Residential Buildings*

Dear Chairman Gates and Members of the Committee:

The City of Houston ("Houston" or the "City") appreciates the opportunity to submit written testimony on House Bill 1228 (H.B. 1228). While we understand natural disasters and other such events may result in the need for emergency repairs to residential properties, this bill raises issues related to both Houston's permitting process and dangerous building hearing process. The bill limits Houston's ability to enforce safety codes for residential structures without setting forth sufficient limitations on construction activity when emergencies occur. The City appreciates the consideration of the following amendments.

**Amend to limit these emergency repairs to buildings located in an area cleared as a disaster area pursuant to Chapter 418 of the Government Code.**

H.B. 1228 fails to set forth sufficient factors to justify alteration of the permitting process which municipalities and counties promulgate for the safety of their citizens. The bill does not require any finding of an emergency situation, such as those declared by the governor pursuant to Chapter 418 of the Government Code. In fact, the bill seeks to remove emergency management power of the governor pursuant to the Government Code even if the governor were to consider an exemption to this bill. The bill leaves the justifying factors to the owners of buildings who may unjustly use this bill as a way to act without reasonable oversight.

**Amend to allow municipalities to require the submission of buildings plans for review and inspections during construction.**

H.B. 1228 does not incorporate vital components of Houston's permitting process. Review and inspections certify that proposed repairs and/or construction align with the City's building code requirements. The primary purpose of the building code is to protect public health and safety. The

building code establishes minimum standards for the design and construction of buildings to ensure they are structurally sound. Without these components of the process, repairs conducted under an “emergency permit” could result in additional hazards and public safety issues.

**Amend to limit these emergency repair permit to provide special safety considerations like the City’s Floodplain Ordinance.**

The bill would allow owners to conduct activity before the City could advise that repairs would not be allowed or are unsafe. For example, buildings located within certain floodplain locations must undergo special repair provisions when damaged to certain levels. If enacted, this bill would not allow the City sufficient time to deal with these special circumstances. The City’s Floodplain Ordinance was enacted to provide special safety considerations for the community.

**Amend to provide additional clarity on what would be considered as an “emergency repair,” set a limit on the degree of repairs to be made, and set a standard for when owners exceed repairs which are necessary to meet the objectives of this bill.**

There lacks clarity on the extent of repairs conducted as “emergency repairs” shall be limited to repairs absolutely necessary to meet the factors noted in proposed Sec. 214.909(a)(1). The extent of construction should be limited to a degree that still enables Houston to properly inspect construction for compliance with building codes. Without clear limiting language, owners very likely will conduct repairs to an extent that restricts, or even prevents, inspectors from properly evaluating construction methods or safety. The bill also fails to set forth penalties for owners who exceed repairs which are necessary to meet the objectives of proposed Sec. 214.909(a)(1).

Overall, we appreciate that this legislation is drafted with the intent to protect property owners and the public from dangerous buildings. However, the contemplated emergency repair permit could lead to further public safety issues and hazardous construction. We look forward to the opportunity to work with the Committee in the future on addressing these issues.

Respectfully,

*/s/ Damon A. Crenshaw*

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