



# TEXAS FIRE MARSHALS' ASSOCIATION

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## RE: SB 636 RELATING TO PROCEDURES FOR CERTAIN MUNICIPALITIES TO ADOPT OR AMEND A NATIONAL MODEL BUILDING CODE

Dear Committee Members:

We are writing to express concerns that we have about the State creating laws on how any municipality, but specifically those with a population of 40,000 or more can adopt and amend the model codes they utilize to protect the health, safety and welfare of its citizens.

In 1912 the people of Texas decided centralized government wasn't the way to go and adopted a constitutional amendment affirming Texas' commitment to local decision making.

Over the last several legislative sessions the State has passed laws adopting codes for its municipalities in the name of uniform and cohesive building rules across the state, only to legislate out portions of those codes portrayed as contrary to the financial interests of builders, developers and land speculators doing business in the state.

The State conveniently does not adopt any of these same codes for use in the unincorporated portions of Texas, yet continues to want to legislate what happens within its municipalities, the government closest to "We the People."

SB 636 is yet another attempt to protect the financial interests of builders, developers and land speculators, this time under the guise of "transparency in government." What it effectually does is create additional costly and time consuming code adoption procedures to those already established to give "the people" a voice in the process, to dissuade local governments from amending or adopting codes outside of what the State adopts for them.

Interestingly, during the 84th Legislature, HB 1736 passed, adopting state wide the 2015 International Energy Code, with stringent implementation guidelines for Texas municipalities. Many of the requirements of that code will run up the cost to builders and developers yet there is little they can do about it since its adoption was secondary to a Federal mandate.

Model codes are a compilation of minimum best practices and design criteria that affect the structural and fire safety integrity of buildings and subdivisions and have already undergone cost/benefit analysis and scientific research on their effectiveness prior to being put into the code. Even still, they are not necessarily designed to be the perfect code as written for every jurisdiction that could adopt it. Local government control of the codes is imperative to their ability to address the particular needs within their jurisdiction when it comes to the health, safety and welfare of its citizens and the protection and effectiveness of its first responders.

This organization is concerned that the verbiage of this law will not only hinder the ability of a municipality to adopt local amendments that address specific concerns within that jurisdiction, but hinder the ability of a municipality to adopt a model code as it is written if the date of promulgation is later than what has been adopted by the State. This puts our citizens at risk, our first responders at risk and is contrary to the State Constitution as amended in 1912.

In the name of local government control, we respectfully request your opposition to this bill.

Respectfully submitted,

  
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President  
Texas Fire Marshals' Association