

**LUBBOCK COUNTY RESOLUTION APPLYING SUBCHAPTER F,
CHAPTER 233, TEXAS LOCAL GOVERNMENT CODE, TO CERTAIN
RESIDENTIAL CONSTRUCTION BEGUN AFTER SEPTEMBER 1, 2009**

Whereas, Sub-Chapter F of Chapter 233 of the Texas Local Government Code was amended in 2009 by the Texas Legislature to provide for the health, safety and general welfare of all Texans through home construction standards in the unincorporated areas of counties; and

Whereas, the citizens of Lubbock County desire the construction of quality housing and wholesome living environments for its citizens living in unincorporated areas; and

Whereas, home builders and home remodelers understand that the purpose of building codes is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

Now therefore be it resolved, that in accordance with Section 233.153, Texas Local Government Code, the construction of a new single-family house or duplex on a vacant lot begun after September 1, 2009 in the unincorporated areas of Lubbock County shall substantially conform to either the version of the International Residential Code published as of May 1, 2008 or the version of the International Residential Code that is applicable in the county seat of said county;

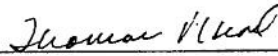
Furthermore be it resolved, that in accordance with Section 233.153, Texas Local Government Code, any construction of an addition to an existing single-family house or duplex, if the addition will increase the square footage or value of the existing residential building by more than 50 percent, begun after September 1, 2009 in the unincorporated areas of Lubbock County shall substantially conform to either the version of the International Residential Code published as of May 1, 2008 or the version of the International Residential Code adopted by the county seat of such county;

Furthermore be it resolved, that in accordance with Section 233.154(a), Texas Local Government Code, a minimum of three inspections shall be performed, as applicable, to ensure substantial building code compliance in the construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after September 1, 2009 in the unincorporated areas of Lubbock County. The three required inspections during the construction project, as applicable, must be performed at (1) the foundation stage, before the placement of concrete; (2) the framing and mechanical systems stage, before covering with drywall or other interior wall covering; and (3) completion of construction of the residence. For remodeling construction to an existing residence in which the structure's square footage or value will increase by more than fifty percent, the inspection requirements shall be performed as necessary based on the scope of work of the construction project. The builder is responsible for contracting to perform the required inspections with (1) a licensed engineer; (2) a registered architect; (3) a professional inspector licensed by the Texas Real Estate Commission; (4) a plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners; (5) a building inspector employed by a political subdivision; or (6) an individual certified as a residential combination inspector by the International Code Council. A builder may use the same inspector for all the required inspections or a different inspector for each required inspection.

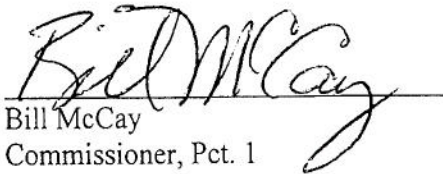
Furthermore be it resolved, that in accordance with Section 233.154(b), Texas Local Government Code, a builder performing construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after September 1, 2009 in the unincorporated areas of Lubbock County shall provide notice to the Lubbock County Clerk prior to beginning the construction project on a form prescribed by the county. The notice must include (1) the location of the new residential construction; (2) the approximate date by which the new residential construction will be commenced; and (3) the version of the International Residential Code that will be used by the builder to construct the new residential construction.

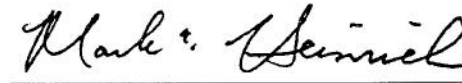
Furthermore be it resolved, that in accordance with Section 233.154(c), Texas Local Government Code, not later than the 10th day after the date of a final inspection required by this Resolution, a builder performing construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after September 1, 2009 in the unincorporated areas of Lubbock County shall submit notice to said county stating whether or not the inspection showed compliance with the building code standards applicable to that phase of construction on a form prescribed by the county to (1) the Lubbock County Clerk; and (2) the person for whom the new residential construction is being built, if different from the builder.

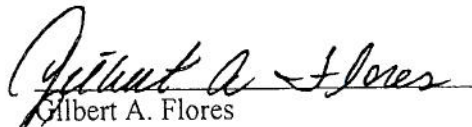
Adopted this 12th day of October, 2009.

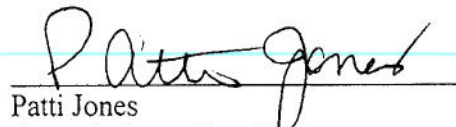


Tom Head
Lubbock County Judge


Bill McCay
Commissioner, Pct. 1


Mark Heinrich
Commissioner, Pct. 2

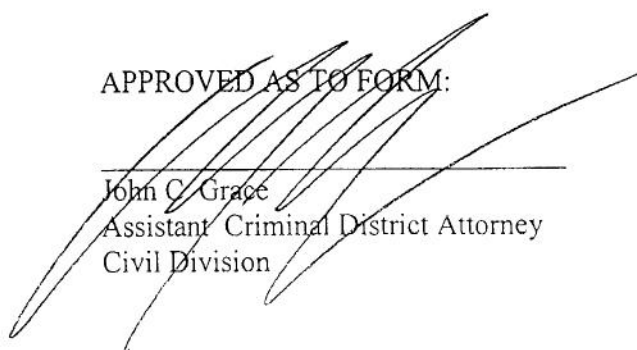

Gilbert A. Flores
Commissioner, Pct. 3


Patti Jones
Commissioner, Pct. 4

ATTEST:


Kelly Pinion, County Clerk

APPROVED AS TO FORM:


John C. Grace
Assistant Criminal District Attorney
Civil Division



Builder/Remodeler Advisory

Contact: Dora Alicia Rivera, Building Programs Manager
877-651-TRCC (8722)

DATE: July 25, 2008

COUNTY INSPECTION PROGRAM BEGINS SOON

Inspections Responsibility of Builders and Remodelers where no City Inspections Conducted

(AUSTIN) — Texas Residential Construction Commission advises all home builders and remodelers to be aware of the new home inspection requirements for their projects starting September 1, 2008.

All homes built or remodeled in unincorporated areas or in cities that do not offer municipal inspections must be inspected at least three times during construction.

The mandatory reviews include a foundation inspection before concrete is poured, a framing and mechanical systems assessment before wallboard is installed and a final sign-off after the entire job is done.

The fee inspector hired by the builder or remodeler may be a licensed engineer, a registered architect, a professional Texas Real Estate Commission inspector or a third-party inspector certified by the Texas Residential Construction Commission.

Builders and remodelers should start contacting inspectors now to arrange inspections for their projects to launch September 1 or later to ensure they are available.

Fines and other administrative penalties will be levied against builders and remodelers that fail to have their projects inspected.

For more information about the county inspections program, or to access a list of fee inspectors registered with the commission, go to www.texasrcc.org.

If you have further questions, please contact the commission's building programs manager, Dora Alicia Rivera, at (877) 651-8722 (TRCC).

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County's new building code changes will benefit everyone with better buildings

1. The Lubbock County Commissioners Court recently unanimously enacted a court order requiring building code compliance and construction notification requirements for homes built in the unincorporated areas of the county. This may have been overlooked by many, but the action taken will benefit all residents of the county.

Building code and inspection requirements were previously under state oversight, but now fall to the individual counties. Without these requirements home buyers could fall prey to unprincipled builders who do not follow code, and that is why the state's professional home builders pushed the Texas Legislature to pass HB 2833, which allows counties to enact building code and notification requirements.

In a display of leadership and desire for quality housing, Lubbock County Commissioners were among the first in Texas to enact the powers given them by HB 2833. With this action, home builders in the unincorporated area must build to a building code, get inspections to ensure compliance with the building code, and provide notice of the project to the county. It is important to note these requirements do not add administrative burdens on the county and will have negligible budget impact.

The action taken by Lubbock County will ensure safe living environments are built. The West Texas Home Builders Association applauds the commissioners for protecting all county home buyers. We hope to see the other West Texas counties do the same. WTHBA stands ready to assist any other West Texas county wishing to better understand such actions.

RANDY McGUIRE/Lubbock

President

West Texas Home Builders Association

PROPERTY CODE

TITLE 16. TEXAS RESIDENTIAL CONSTRUCTION COMMISSION ACT

SUBTITLE A. GENERAL PROVISIONS

CHAPTER 401. GENERAL PROVISIONS

§ 401.001. SHORT TITLE. This title may be cited as the Texas Residential Construction Commission Act.

Added by Acts 2003, 78th Leg., ch. 458, § 1.01, eff. Sept. 1, 2003.

§ 401.002. GENERAL DEFINITIONS. In this title:

- (1) "Applicable building and performance standards" means:
 - (A) building and performance standards adopted under Section 430.001; or
 - (B) for homes constructed before the adoption of building and performance standards under Section 430.001, the building and performance standards under any express warranty provided in writing by the builder or, if there is no express warranty, the usual and customary residential construction practices in effect at the time of the construction.
- (2) "Applicable warranty period" means:
 - (A) a warranty period established under Section 430.001; or
 - (B) for construction to which the warranty periods adopted under Section 430.001 do not apply, any other construction warranty period that applies to the construction.
- (3) "Approved architect" means an architect licensed by this state and approved by the commission to provide services to the commission in connection with the state-sponsored inspection and dispute resolution process.
- (4) "Approved structural engineer" means a licensed professional engineer approved by the commission to provide services to the commission in connection with the state-sponsored inspection and dispute resolution process.
- (5) "Commission" means the Texas Residential Construction Commission.
- (6) "Home" means the real property and improvements and appurtenances for a single-family house or duplex.
- (7) "Homeowner" means a person who owns a home or a subrogee or assignee of a person who owns a home.
- (7-a) "Improvement to the interior of an existing home" means any modification to the interior living space of a home, which includes the addition or installation of permanent fixtures inside the home. An improvement to the interior of an existing home does not include improvements to an existing home if the improvements are designed primarily to repair or replace the home's component parts.
- (8) "Limited statutory warranty and building and performance standards" means the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.
- (8-a) "Material improvement" means a modification to an existing home that either increases or decreases the home's total square footage of living space that also modifies the home's foundation, perimeter walls, or roof. A material improvement does not include modifications to an existing home if the modifications are designed primarily to repair or replace the home's component

parts.

(9) "Nonstructural matter" has the meaning assigned by the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(10) "Request" means a request submitted under Section 428.001.

(11) "State inspector" means a person employed by the commission under Section 427.002.

(12) "State-sponsored inspection and dispute resolution process" means the process by which the commission resolves a request.

(13) "Structural" means the load-bearing portion of a home.

(14) "Structural failure" has the meaning assigned by the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(15) "Third-party inspector" means a person appointed by the commission under Section 428.003.

(16) "Warranty of habitability" means a builder's obligation to construct a home or home improvement that is in compliance with the limited statutory warranties and building and performance standards adopted by the commission under Section 430.001 and that is safe, sanitary, and fit for humans to inhabit.

Added by Acts 2003, 78th Leg., ch. 458, § 1.01, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 843, § 6, eff. September 1, 2007.

§ 401.003. DEFINITION OF BUILDER. (a) In this title, "builder" means any person who, for a fixed price, commission, fee, wage, or other compensation, sells, constructs, or supervises or manages the construction of, or contracts for the construction of or the supervision or management of the construction of:

(1) a new home;

(2) a material improvement to a home, other than an improvement solely to replace or repair a roof of an existing home; or

(3) an improvement to the interior of an existing home when the cost of the work exceeds \$10,000.

(b) The term includes:

(1) an owner, officer, director, shareholder, partner, affiliate, subsidiary, or employee of the builder;

(2) a risk retention group governed by Article 21.54, Insurance Code, that insures all or any part of a builder's liability for the cost to repair a residential construction defect; and

(3) a third-party warranty company and its administrator.

(c) The term does not include any person who:

(1) has been issued a license by this state or an agency of this state to practice a trade or profession related to or affiliated with residential construction if the work being done by the entity or individual to the home is solely for the purpose for which the license was issued; or

(2) sells a new home and:

(A) does not construct or supervise or manage the construction of the home; and

(B) holds a license issued under Chapter 1101, Occupations Code, or is exempt from that chapter under Section 1101.005, Occupations Code.

(d) The term does not include a nonprofit business entity that is exempt from taxation under Section 501(c)(3), Internal Revenue Code, if:

(1) the construction or supervision or management of the construction of the home, material improvement, or improvement

sold by the nonprofit business entity is performed by a builder registered under this title;

(2) the builder contractually agrees to comply with the provisions of this title;

(3) the builder is contractually liable to the homeowner for the warranties and building and performance standards of this title; and

(4) the nonprofit business entity does not participate directly in the construction of the home, material improvement, or improvement.

Added by Acts 2003, 78th Leg., ch. 458, § 1.01, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 843, § 7, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1082, § 1, eff. September 1, 2007.

§ 401.004. DEFINITION OF CONSTRUCTION DEFECT. (a) In this title, "construction defect" means:

(1) the failure of the design, construction, or repair of a home, an alteration of or a repair, addition, or improvement to an existing home, or an appurtenance to a home to meet the applicable warranty and building and performance standards during the applicable warranty period; and

(2) any physical damage to the home, an appurtenance to the home, or real property on which the home or appurtenance is affixed that is proximately caused by that failure.

(b) The term does not include a defect that arises or any damages that arise wholly or partly from:

(1) the negligence of a person other than the builder or an agent, employee, subcontractor, or supplier of the builder;

(2) failure of a person other than the builder or an agent, employee, subcontractor, or supplier of the builder to:

(A) take reasonable action to mitigate any damages that arise from a defect; or

(B) take reasonable action to maintain the home;

(3) normal wear, tear, or deterioration; or

(4) normal shrinkage due to drying or settlement of construction components within the tolerance of building and performance standards.

Added by Acts 2003, 78th Leg., ch. 458, § 1.01, eff. Sept. 1, 2003.

§ 401.005. EXEMPTIONS. (a) This title does not apply to a home that is:

(1) built by the individual who owns the home, alone or with the assistance of the individual's employees or independent contractors; and

(2) used by the individual as the individual's primary residence for at least one year after the completion or substantial completion of construction of the home.

(b) This title does not apply to a homeowner or to a homeowner's real estate broker, agent, interior designer registered under Chapter 1053, Occupations Code, interior decorator, or property manager who supervises or arranges for the construction of an improvement to a home owned by the homeowner.

(c) An individual who builds a home or a material improvement to a home and sells the home immediately following completion of the building or remodeling and does not live in the home for at least one year following completion of the building or remodeling is responsible as a builder under the warranty obligation created by this title for work completed by the individual. Responsibility under this subsection does not

automatically require an individual to register under Section 416.001.

Added by Acts 2003, 78th Leg., ch. 458, § 1.01, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 843, § 8, eff. September 1, 2007.

§ 401.006. SUNSET PROVISION. The Texas Residential Construction Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this title expires September 1, 2009.

Added by Acts 2003, 78th Leg., ch. 458, § 1.01, eff. Sept. 1, 2003.

§ 401.007. INJUNCTION; APPEAL. (a) If the commission has reasonable cause to believe that a person is violating a statute to which this chapter applies, the commission, in addition to any other authorized action, may issue an order to cease and desist from the violation or an order to take affirmative action, or both, to enforce compliance. A person may appeal the order directly to district court in accordance with Chapter 2001, Government Code.

(b) Before issuing an order under this section, the commission shall set and give notice of a hearing before a hearings officer. The hearing is governed by Chapter 2001, Government Code. Based on the findings of fact, conclusions of law, and recommendations of the hearings officer, the commission by order may find whether a violation has occurred.

(c) The commission, after providing notice and an opportunity to appear for a hearing, may impose against a person who violates a cease and desist order an administrative penalty in an amount not to exceed \$1,000 for each day of violation. In addition to any other remedy provided by law, the attorney general or the commission may institute in district court a suit for injunctive relief and to collect an administrative penalty. A bond is not required of the commission with respect to injunctive relief granted under this section. In the action, the court may enter as proper an order awarding a preliminary or final injunction.

(d) A suit by the attorney general under this section must be brought in Travis County.

(e) The attorney general and the commission may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(f) If a party seeks review of the order by the commission, the party shall file a petition initiating judicial review not later than the 30th day after the date of the issuance of the decision.

Added by Acts 2007, 80th Leg., R.S., Ch. 843, § 9, eff. September 1, 2007.

LUBBOCK COUNTY

**NOTICE OF RESIDENTIAL CONSTRUCTION
IN UNINCORPORATED AREA**

INSPECTOR INFORMATION

NAME: _____

BUSINESS ADDRESS: _____

MAILING ADDRESS (if different from above): _____

PHONE NUMBER: _____ FAX NUMBER: _____

EMAIL ADDRESS: _____

PROFESSIONAL REGISTRATION: _____

PROJECT INFORMATION

DATE OF INSPECTION: _____

TYPE OF CONSTRUCTION: (Check One)

1) New Residential Construction on a vacant lot ☐

2) Addition to an Existing Residential Unit ☐

LOCATION:

Address - _____ Zip _____

OR Lot and Block # - _____ Subdivision - _____

Survey _____ Tract _____

PLANNED DATE TO BEGIN CONSTRUCTION: _____

RESIDENTIAL CODE USED IN CONSTRUCTION: (Check One)

1) INTERNATIONAL RESIDENTIAL CODE - published May 1, 2008 ☐

2) INTERNATIONAL RESIDENTIAL CODE - applicable in Lubbock County ☐

CONSTRUCTION PHASE: (Check One)

1) FOUNDATION STAGE (before placement of concrete) ☐

2) FRAMING AND MECHANICAL SYSTEMS STAGE ☐

3) COMPLETION

☐

INSPECTION CONCLUSION:

At the indicated stage of construction the project indicated above is: (Check One)

1) IN COMPLIANCE ☐

2) NOT IN COMPLIANCE ☐

with the residential code used in construction.

COMMENTS:

SIGNATURE OF INSPECTOR:

Signature

Date

LUBBOCK COUNTY

**NOTICE OF RESIDENTIAL CONSTRUCTION
IN UNINCORPORATED AREA**

BUILDER/CONTRACTOR INFORMATION

COMPANY NAME: _____

BUSINESS ADDRESS: _____

MAILING ADDRESS (if different from above:) _____

PHONE NUMBER: _____ FAX NUMBER: _____

CONTACT PERSON: _____

PROJECT INFORMATION

TYPE OF CONSTRUCTION: (Check One)

1) New Residential Construction on a vacant lot ☐

2) Addition to an Existing Residential Unit ☐

LOCATION:

Address - _____ Zip _____

OR Lot and Block # - _____ Subdivision - _____

Survey _____ Tract _____

PLANNED DATE TO BEGIN CONSTRUCTION: _____

RESIDENTIAL CODE TO BE USED IN CONSTRUCTION: (Check One)

1) INTERNATIONAL RESIDENTIAL CODE - published May 1, 2008 ☐

2) INTERNATIONAL RESIDENTIAL CODE - applicable in Lubbock County ☐

Authorized Representative Signature

Printed Name