

## Chapter 80. Residential Construction Standards<sup>1</sup>

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### **80.001 Findings**

The Travis County Commissioners Court makes the following findings:

- (1) Requiring that new residential construction 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 within the corporate limits of the City of Austin would protect the health, safety, and general welfare of Travis County residents and would help prevent construction of substandard housing that would endanger the lives of Travis County residents;
- (2) Requiring inspections of new residential construction would help ensure that new residential construction conforms 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 within the corporate limits of the City of Austin; and
- (3) Requiring inspectors to provide the County notice of their inspections would enable the County to maintain records that would allow potential buyers to research whether a residential structure constructed after September 1, 2009 has been inspected.

### **80.002 Definitions**

- (a) In this chapter, "new residential construction" includes:
  - (1) Residential construction of a single-family house or duplex on a vacant lot; and
  - (2) 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.

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<sup>1</sup> Chapter 80 was adopted by Travis County Commissioners Court on 9/1/2009 (Item 4).

- (b) In this chapter, "new residential construction" does not include a structure that is constructed in accordance with Chapter 1201, Occupations Code, or a modular home constructed in accordance with Chapter 1202, Occupations Code.

**80.003 Applicability**

Except as otherwise provided in Section 80.004(b), this chapter applies to new residential construction that begins after September 1, 2009, in the unincorporated areas of Travis County.

**80.004 Building Code Standards Applicable**

- (a) New residential construction of a single-family house or duplex shall conform to the version of the International Residential Code published as of May 1, 2008, or the version of the International Residential Code that is applicable inside the corporate limits of the City of Austin.
- (b) If a municipality located within the County has adopted a building code in the municipality's extraterritorial jurisdiction, the building code adopted by the municipality controls and building code standards under this chapter have no effect in the municipality's extraterritorial jurisdiction.

**80.005 Inspection Requirements**

- (a) A person who builds new residential construction shall have the construction inspected to ensure building code compliance in accordance with this section as follows:
  - (1) For new residential construction on a vacant lot, a minimum of three inspections must be performed during the construction project to ensure code compliance, as applicable, at the following stages of construction:
    - (A) the foundation stage, before the placement of concrete;
    - (B) the framing and mechanical systems stage, before covering with drywall or other interior wall covering; and
    - (C) on completion of construction of the residence;
  - (2) For new residential construction of an addition to an existing residence the inspections under Subdivision (1) must be performed as necessary based on the scope of work of the construction project.

**80.006 Builders Must Obtain Inspections**

- (a) The builder in charge of the new residential construction is responsible for contracting to perform the inspections required by chapter 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.
- (b) The builder may use the same inspector for all the required inspections or a different inspector for each required inspection as long as the person conducting each inspection is qualified to perform the required inspection.

**80.007 Builder Shall Provide Notice**

- (a) Before commencing new residential construction, a builder shall provide notice to the County on a form prescribed by the County of:
- (1) The location of the new residential construction;
  - (2) The approximate date by which the new residential construction will be commenced;
  - (3) The version of the International Residential Code that will be used to build the new residential construction; and
  - (4) Inspection reports.
- (b) Not later than the 10th day after the date of the final inspection required by this chapter, the builder shall submit an electronic copy of the inspection reports stating whether or not the inspection showed compliance with the building code standards applicable to that phase of construction in a form required by the County to:
- (1) The Travis County Transportation and Natural Resources Department; and
  - (2) The person for whom the new residential construction is being built, if different from the builder.

**80.008 Enforcement of Notice Requirements**

If proper notice is not submitted in accordance with this chapter, the County may take any or all of the following actions:

- (1) Refer the inspector to the appropriate regulatory authority for discipline;
- (2) Acting through the County Attorney, bring suit in district court to, obtain appropriate injunctive relief to prevent a violation or threatened violation of a standard or notice required under this chapter from continuing or occurring; and

- (3) Refer the builder for prosecution pursuant to this chapter and Section 233.157 of the Local Government Code.

**80.009 Penalty**

- (a) A person commits an offense if the person fails to provide proper notice in accordance with this chapter.
- (b) An offense under this section is a Class C misdemeanor.
- (c) An individual who fails to provide proper notice in accordance with this chapter is not subject to a penalty under this section if:
  - (1) The new residential construction is built by the individual or the individual acts as the individual's own contractor; and
  - (2) The individual intends to use the residence as the individual's primary residence.