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**Proposed Implementation of  
Third Party Residential  
Construction Inspection  
Program in  
Fort Bend County**

**As provided by  
House Bill 2833**

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# 81<sup>st</sup> Legislature Sunset the Texas Residential Construction Commission

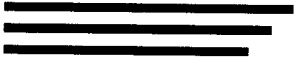
- This action effectively abolished any requirements of the state for residential inspections in unincorporated areas.
  - HB 2833 allows counties with a population of more than 100, some authority to require inspections of new residential and certain additions and remodels on construction begun after September 1, 2009 in unincorporated areas by Commissioners Court adopting a resolution.
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## Provisions of HB 2833, if adopted by the County would require:

- All new residential construction and certain additions and remodels be built to a standard selected by the builder prior to start of construction guided by one of the following:
    - 2006 International Residential Code published as of May 1, 2008 or
    - Version of International Residential Code as amended by the county seat (Richmond)
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**New Residential Construction must have a minimum of one inspection on each of the following phases for code compliance**

- **Foundation Stage before concrete**
  - **Framing and Mechanical before drywall**
  - **Completion**
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**Builder is responsible for  
contracting with one or more  
inspectors qualified as follows:**

- Licensed engineer
  - Registered architect
  - Professional inspector licensed by the Texas Real Estate Commission
  - Plumbing Inspector employed by municipality and licensed by the Texas State Board of Plumbing Examiners
  - A building inspector employed by a political subdivision
  - An individual certified as a residential combination inspector by the International Code Council
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# Advantages to Residents of Fort Bend County

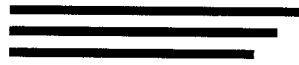
- Continues a process residential home-builders have been following for the last year under State requirements
  - Encourages high-quality residential construction in the unincorporated areas
  - Encourages high-quality residential remodels that add over 50% of the appraised value to the property
  - Protects residential property values in all areas of the county
  - Maintains consistent standards for residential construction
  - Flood plain program will continue to require builder/contractor to inform county before construction begins
  - Requires builder/inspector to inform county 10 days after final inspection completed about the outcome of the inspection
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# Commissioners Court Optional Provision for implementation of the program:

**Notification** - A builder, subject to the provisions of this Order shall provide notice to the county on a form prescribed by the county.

- County currently requires Development Permit Application for all new construction which is submitted to the County Engineer, Permit Division where a permit number is assigned.
  - The current application form has been modified to incorporate the provisions of HB2833 if approved by Commissioners Court.
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# Application Form Additions

**RESIDENTIAL BUILDING CODE FOR CONSTRUCTION (Select only one. Must check for completion of application)**

- International Residential Code       City of Richmond adopted code

Version: \_\_\_\_\_

**RESIDENTIAL CONSTRUCTION TYPE AND DATE (Select only one. Must check for completion of application)**

- New Home Construction with Title Transfer       New Home Construction without Title Transfer

Proposed start: \_\_\_\_\_ Proposed start: \_\_\_\_\_

- Addition to existing residential building by more than 50%<sup>9</sup>

Proposed start: \_\_\_\_\_

I acknowledge that not later than the 10<sup>th</sup> day after the date of final inspection, I shall submit notice of the three required inspections stating whether or not the inspection showed compliance with the building code standards applicable to that phase of construction. I further acknowledge that failure to provide a notice required by Commissioner Court order adopted...is a class C misdemeanor.

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# The Second Optional Provision allowed by HB 2833

**Notification of Inspections** - Not later than the 10th day after the date of the final inspection, the builder shall submit notice of the inspections at each phase stating whether or not the inspection showed compliance to the County and the owner.

- Initially the builder or inspector will mail, email or fax a form to Engineering
  - An on-line, self reporting mechanism will be implemented, with I.T.'s assistance, to reduce need for clerical staff
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# Limitations in the Statute

## FINANCIAL

- **Challenge** – All unincorporated areas of the county will be impacted - cities have not extended building codes into their ETJ's (NOT ALLOWED by LAW)
  - **Solution** – As cities annex into their ETJ's, compliance with the local city building codes and their amendments may create issues
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## Financial Limitations continued:

- **Challenge** - County can not collect a fee for this service
- **Solution** – Public Infrastructure Steering Committee will work together to utilize existing at-site inspections processes to monitor compliance

*(NO AT SITE INSPECTION REQUIRED BY COUNTY)*

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# Enforcement Limitations

- **Challenge** – County has no authority to follow up if an inspection fails
  - **Solution** - Failing or passing inspections can be reported on the County website
  - **Challenge** – Self report by builders that inspections have been completed and passed
  - **Solution** – periodic confirmation of inspector qualifications and accuracy of reported information
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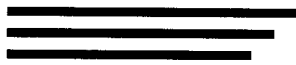
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## Enforcement Limitations continued:

- Challenge – Owner/builders new construction on property not requiring platting could slip through the cracks**
  - Solution – Monitoring through utility companies new service connections applications**
  - Challenge – At-site inspections necessary prior to initiating citation**
  - Solution – Engineering Permitting Division would work with DA office on process of enforcement**
  - Challenge – False reporting by inspectors and or builder**
  - Solution – Notification to licensing agencies**
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# Public Misperceptions

- **Challenges - Public may perceive that the County is responsible for the inspections**
    - **May give homebuyers a false sense of security that the county has approved the construction of their residence**
    - **Citizens may think the County is approving rather than simply receiving notification of the inspection**
    - **Subject the county to lawsuits from homebuyers that could misinterpret the County's authority**
  - **Solution – Public education through a FAQ's brochure, information on the website, working with the Greater Houston Builders Association, City Public Works Departments and local development community**
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## **Actions Required:**

- Adopt the Resolution - effective October 1, 2009, to be requested at September 8<sup>th</sup> Commissioners Court meeting**
  - Develop FAQ, On-line reporting on County Website**
  - Develop Communication Plan**
  - Assign the County Engineers Permitting Division with oversight by the PISC Committee to monitor the program**
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