

Cracking the Code: Citizen Safety and Protection of Property Values

The building code of 4,000 years ago was simple but brutal. According to an ancient Hammurabi code: “If a builder builds a house and does not make its construction firm, and the house collapses and causes the death of the owner, that builder shall be put to death.”

The first building codes in the United States, established in 1625, addressed fire safety and specified materials for roof coverings. In 1630, Boston outlawed wooden chimneys and thatch roof coverings. In the late 1770s, George Washington recommended height and area limitations on wood frame buildings in his plans for the District of Columbia. In 1788, the nation’s first-known formal building code was written in Winston-Salem, North Carolina. Larger U.S. cities began establishing building codes in the early 1800s.

Today, most cities in Texas have adopted a building code. The professionals enforcing current building codes in Texas maintain the vigilance of the ancient code of Hammurabi, but with a significantly more civilized approach that emphasizes knowledge and education. Building code regulations enforced in Texas cities ensure minimum standards for safe homes, schools, workplaces, and other buildings.

“Safe buildings that save lives don’t happen by chance,” says Randy Childers, TML Board representative of the Building Officials Association of Texas, a TML affiliate. Childers adds that code-compliant structures not only protect the safety of city residents, but also protect property values, because buildings that are constructed to code generally maintain value better than those that are not.

Prior to 2001, Texas had no statewide standard for any residential or commercial buildings. Each city chose which, if any, building codes to adopt for construction within the city limits, and each city amended its code to meet local concerns.

In 2001, the Texas Legislature adopted the International Residential Code and the National Electrical Code as the standard building codes for residential construction in Texas cities. Under the statute, cities are authorized to make amendments to these codes to meet local concerns. The legislature also adopted requirements that homes and buildings meet energy conservation standards.

In 2003, the Legislature created the Texas Residential Construction Commission. The purpose of the Commission is to create standards for home buyer complaints against builders. The International Residential Code is the standard for those complaints. The creation of the Commission does not affect city authority, but current law does mandate that a city verify whether a builder has registered with the Texas Residential Construction Commission.

In 2005, the Texas Legislature adopted the International Building Code for most commercial and multi-family construction, but nothing in the bill prohibits a city from adopting local amendments to the International Building Code.

Uniform building codes can make construction and inspection easier and more cost-effective. However, because Texas is a vast state with many different climates and topographical features, uniform codes serve only as guides, and each city is allowed to amend codes to meet that city’s needs.

Under most cities’ codes, a person who wishes to build a structure must apply for a permit. City officials review the necessary information and issue a permit if the structure complies with that city’s regulations. The amount of time needed to review the permit application varies from city to city and from project to project based on several factors, including the complexity of the city’s code and the project. Because of many issues affecting each individual city and building project, a blanket requirement that a permit be issued in a certain amount of time would place an untenable burden on city building officials.

Similarly, a city is not limited by statute as to the amount the city can charge for building and related permits. Fees vary widely based on several factors, including the number and type of inspections and the sophistication of the city’s permitting process. While some have claimed that city fees are responsible for the rising costs of housing in Texas, a survey commissioned by the Texas Municipal League shows that building and inspection fees constitute only a tiny fraction of a homebuyer’s mortgage payment (Please see Chart 1). ★

