

**City of Houston Construction Code Amendment
Council Committee and Public Comment Blackline Draft – 2.1.21**

**This Draft for Discussion Purposes Only
Not yet reviewed by the City Attorney or adopted by City Council**

Houston Amendments to the 2015 International Existing Building Code



Adopted by Ord. No. 201?-____

Passed __/__/201?

Effective ??/??/201?

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{Editorial Note: This page and the disclaimer below are not part of the Houston amended *Existing Building Code* and will be removed prior to adoption.}

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**CHAPTER 1
SCOPE AND ADMINISTRATION**

[A] 101.1 Title. These regulations shall be known as the City of Houston Existing Building Code of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

[A] 101.2 Scope. The provisions of the ~~International~~ Existing Building Code shall apply to the *repair, alteration, change of occupancy, addition* to and relocation of *existing buildings*.

[A] 101.3 Intent. The intent of this code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the *repair, alteration, change of occupancy, addition* and relocation of *existing buildings*. The provisions of this code shall not apply to any activity for which local regulation is preempted by federal or state law.

[A] 101.6 Appendices. The *code official* is authorized to require rehabilitation and retrofit of buildings, structures or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted. Appendices A, B, C, and D, including any amendments thereto adopted by this jurisdiction, are hereby adopted and shall be incorporated into and made part of this code.

[A] 102.1 General. Where this is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case different ~~sections~~ provisions of the *City Code*, the *Building Code*, the *Residential Code*, the *Energy Conservation Code*, the *Electrical Code*, the *Mechanical Code*, the *Plumbing Code*, and of this code specify different materials, method of construction or other requirements, the most restrictive shall govern. Where, in any specific instance, the applicable provisions of this code, the *City Code*, the *Building Code*, the *Residential Code*, the *Energy Conservation Code*, the *Electrical Code*, the *Mechanical Code*, the *Plumbing Code* specify different materials, methods of construction, or other requirements than the *Fire Code*, and the *building official* and the Fire Marshal are unable to mutually reconcile the requirements by issuing a written interpretation, then either of them may refer the matter to the General Appeals Board created under this code, which shall conduct a review of the matter and issue a written code interpretation based upon the apparent intent of the codes involved. Notwithstanding any other provision, interpretations that are issued by the General Appeals Board shall not be subject to further appeal. Wherever in this code reference is made to an appendix, the provisions in the appendix shall not apply unless specifically adopted.

**SECTION 103
DEPARTMENT OF BUILDING SAFETY CODE ENFORCEMENT BRANCH**

[A] 103.1 Creation of enforcement agency. The ~~Department of Building Safety~~ Building Code Enforcement Branch is hereby created within the jurisdiction’s Department of Building and Development Services and the official charge thereof shall be known as the *building official*.

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[A] 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. ~~For application for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building meet the requirements of Section 1612 of the *International Building Code* shall be in accordance with Chapter 19 of the *City Code*.~~

[A] 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, *dangerous*, or hazardous, the *code official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the *code official* shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure of premises and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

When, due to an emergency, immediate entry is necessary to make an inspection to protect life or property, or when the *building official* has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care of control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the *building official* for the purpose of inspection and examination pursuant to this code.

[A] 104.8 Liability. The *code official*, member of the Board of Appeals, or employee charge with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

Except as otherwise provided by law, the *building official* shall not personally be liable in damages for any act or omission arising out of any official action taken to implement and enforce the provisions of this code. Additionally, except as otherwise provided by law, the *building official* shall not personally be liable in damages for any act or omission taken in the course and scope of employment. Where and to the extent consistent with the provisions of Chapter 2, Article X, of the *City Code*, this jurisdiction shall provide legal representation and indemnification for any suit brought against the *building official* because of acts or omissions performed in the enforcement of this code. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or

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property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

[A] 105.1 Required. Any owner or owner’s authorized agent who intends to repair, add to, alter, relocated, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *code official* and obtain the required permit, and no person shall cause, suffer or permit the same such work to be done unless a separate permit for each building or structure has first been obtained.

~~**[A] 105.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of *alterations* made under such annual permit. The *code official* shall have access to such records at all times, or such records shall be filed with the *code official* as designated.~~

[A] 105.2 Work exempt from permit. Exemptions from building permit requirements of this code shall not be deemed to grant exemption from permits required by other codes or ordinances, and shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any codes, laws or ordinances of this jurisdiction. ~~Building permits shall not be required for the following:~~

Building:

1. ~~Sidewalks and driveways~~ Uncovered decks accessory to a one- or two-family dwelling, not more than 30 inches (762 mm) above grade and not over any basement or story below and that are not part of an accessible route.
2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
5. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
6. Movable cases, counters, and partitions not over 69 inches (1753 mm) in height.
7. Other approved exemptions that are located in the *Construction Code*.

Except for exempt work undertaken for, by or on the premises of the state or the federal government, building permits shall be required for work undertaken for, by or on the premises of any political subdivision or unit of government (including, but not limited to, the jurisdiction) in the same manner and to the same extent as for work performed by or for other persons. The fees prescribed in this code shall be applicable to all permits issued to or for governmental agencies.

Counties are required to comply with the provisions of the *Construction Code*. Except as provided by Section 212.903 of the Texas Local Government Code, a county shall notify the *building official* of each work project that is undertaken. The *building official* shall, upon request and demonstration of capacity, allow a county to self-permit and self-inspect work that is

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performed by or for the county on county-owned buildings and facilities for which a permit is required. No fee shall be imposed hereunder for work that a county is authorized to self-permit and self-inspect.

Electrical:

~~**Repairs and maintenance:** Minor *repair* work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~

~~**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers, and antennas.~~

~~**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.~~

Gas:

- ~~1. Portable heating appliance.~~
- ~~2. Replacement of any minor part that does not alter approval of equipment or make such equipment *unsafe*.~~

Mechanical:

- ~~1. Portable heating appliance.~~
- ~~2. Portable ventilation equipment.~~
- ~~3. Portable cooling unit.~~
- ~~4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.~~
- ~~5. Replacement of any part that does not alter its approval or make it unsafe.~~
- ~~6. Portable evaporative cooler.~~
- ~~7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.~~

Plumbing:

- ~~1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.~~
- ~~2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such *repairs* do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.~~

[A] 105.2.1 Emergency repairs. Where equipment replacements and or any other *repairs* for which permits are required must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the *code official*.

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[A] 105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the *code official* from requiring the correction of errors in the construction documents and other data. The *code official* is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

A permit shall be valid only for work performed under the permit holder on the application. A new permit must be obtained if the permit holder is no longer responsible for the work performed. Provided that a refund has not been issued and written authority to transfer the permit from the original permit holder has been given, the cost of the new permit shall be charged at the rate listed for the minimum fee stated in the city fee schedule. In the case of the death of the original permit holder, the permit will be transferred to the new permit holder at no fee except for the administrative fee established in the city fee schedule. Applicants who fail to re-permit any applicable work within the time frames established by this code shall be subject to permit fees in the amount stated in the city fee schedule.

[A] 105.5 Expiration. Every permit issued shall become ~~invalid~~ inactive unless the work ~~on the site~~ authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The *code official* is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

If work is not commenced under a permit within two years after the date of issuance or is abandoned at any time for a period of two years, the permit shall expire. In order to recommence work under an expired permit, the permit holder shall pay the full permit fee applicable and submit plans that comply with this code for the previously uninspected portion of the work.

Exception: For the purpose of issuing a certificate of occupancy or a certificate of compliance, the *building official* may, upon request, reactivate a *permit* and perform a final inspection of work.

[A] 105.6 Suspension or revocation. The *code official* is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information or in violation of any ordinance or regulation or any of the provisions of this code. Prior to taking such action, the *building official* shall provide notice of a right to a hearing on the matter pursuant to Section 117 of the *Building Code*.

[A] 106.5 Retention of construction documents. One set of approved construction documents shall may be retained by the *code official* for a period of not less than the period required for retention of public records.

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[A] 107.3 Temporary power. The *code official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *Electrical Code* NFPA 70.

[A] 108.2 Schedule or permit fees. On buildings, electrical, gas, mechanical, and plumbing systems or *alterations* requirement a permit, a fee for each permit shall be paid as required in accordance with the ~~schedule as established by the applicable governing authority~~ city fee schedule.

[A] 108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work including materials and labor for which the permit is being issues, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the *code official*, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the *code official*. Final building permit valuation shall be set by the *code official*. The value to be used in computing the permit fee for alterations, remodeling or repairs shall be the total value of all construction work for which the permit is issued.

[A] 108.4 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to an ~~additional~~ investigation fee established by the *code official* that shall be in addition to the required permit fees. The investigation fee shall be equal to the amount of the permit fee required by this code.

[A] 108.6 Refunds. ~~The *code official* is authorized to establish a refund policy~~ may authorize refunding of any fee paid hereunder that was erroneously paid or collected due to an error by one of more city employees. This provision shall not be applicable if the error occurred because of incorrect information provided by the applicant.

The *building official* may authorize the refunding of not more than 90 percent of the amount in excess of the minimum permit fee stated in the city fee schedule for the permit fee paid when no work has been done under a permit issued in accordance with this code. If work has been done under the permit, no refund shall be authorized. The originally paid administrative fee and the plan review portion of the permit fee shall be nonrefundable.

The *building official* shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 calendar days after the date of fee payment.

[A] 109.3.3 Reserved. Lowest floor elevation. ~~For additions and substantial improvements to existing buildings in flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation documentation required in the *International Building Code* shall be submitted to the *code official*.~~

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[A] 109.3.5 Lath or gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

[A] 109.3.7 Other inspections. In addition to the inspections specified above, the *code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Department of Building Safety Building Code Enforcement.

109.3.10 Reinspection. A reinspection fee may be assessed for each inspection or reinspection when the portion of work for which inspection is called is not complete or when correction called for are not made.

This section is not to be interpreted as requiring inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the *building official*.

To obtain a reinspection, the applicant shall make a request and pay the reinspection fee in accordance with the city fee schedule.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

[A] 110.1 Altered area use and occupancy classification change. Altered areas of a building and relocated buildings, or portion thereof, such as an individual business lease space, shall not be used or occupied, and change in the existing use or occupancy classification of a building or portion thereof shall not be made until the code official has issued a separate certificate of occupancy for each lease space therefor as provided herein. For purposes of this section, a lease space means a leasehold or tenancy held or occupied by an individual or entity for its sole use and may include one or more rooms. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section 105.2.

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2. One- and two-family dwellings, Group U occupancies, and individual dwelling units or sleeping units do not require a certificate of occupancy.

[A] 110.2 Certificate issued. After the *code official* inspects the building and does not find violations of the provisions of this code or other laws that are enforced by ~~the Department of Building Safety~~ Building Code Enforcement, the *code official* shall issue a certificate of occupancy that shall contain the following:

1. The building *permit* number or project number.
2. The address of the structure.
3. ~~The name and address of the owner or the owner's authorized agent.~~
4. A description of that portion of the structure for which the certificate is issued.
- ~~5.~~ 4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- ~~6.~~ 5. The name of the *building official*.
- ~~7.~~ 6. The edition of the code under which the *permit* was issued.
- ~~8.~~ 7. The use and occupancy, ~~in accordance with the provisions of Chapter 3~~ of the building or portion thereof.
- ~~9.~~ 8. The type of construction as defined in Chapter 6.
- ~~10.~~ 9. The design *occupant load*.
- ~~11.~~ 10. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
- ~~12.~~ 11. Any special stipulations and conditions of the building *permit*.

[A] 110.4 Revocation. The *code official* is authorized to, in writing, suspend or revoke a certificate of occupancy ~~or completion~~ issued under the provisions of this code after notice of a right to a hearing on the matter pursuant to Section 117 of the *Building Code* wherever the certificate is issued in error or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

110.5 Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

[A] 112.1 General. ~~In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.~~ **Organization.** There is hereby created a General Appeals Board consisting of 10 members. Five members at a meeting shall constitute a quorum.

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112.1.1 Membership. The positions shall be filled as follows:

Position 1 – By an architect registered as such under the laws of the State of Texas who shall be actively engaged in the practice of architecture of heavy construction works.

Position 2 – By an architect registered as such under the laws of the State of Texas who shall be actively engaged in the practice of architecture of residential works.

Position 3 – By a professional engineer registered as such under the laws of the State of Texas who shall be actively engaged in practice as a structural engineer.

Position 4 – By a professional engineer registered as such under the laws of the State of Texas who shall be actively engaged in practice as a mechanical engineer.

Position 5 – By a person who shall be actively engaged in the business of residential construction.

Position 6 – By a person who shall be actively engaged in the business of general contracting of heavy construction work.

Position 7 – By a well-respected citizen of the jurisdiction who shall be chairman of the board.

Position 8 – By the *building official*, who shall also serve as secretary of the board.

Position 9 – By the fire marshal.

Position 10 – By a professional engineer registered as such under the laws of the State of Texas who is actively engaged in practice as an electrical engineer.

The jurisdiction's Legal Department shall have an attorney present for each board meeting. The attorney shall advise the board on legal matters relative to topics under the board's authority.

112.1.2 Authorized representatives. The *building official* and the Fire Marshal, from time to time, may designate in writing a person under the said official's supervision to act as a duly authorized representative of the said official. Said representative shall enjoy all rights and privileges of the position. A copy of such a designation, specifying the dates any such person shall act as representative of the *building official* or of the Fire Marshal, shall be filled with the minutes of the board.

112.1.3 Term of appointment. Other than the members in Positions 8 and 9, who shall serve ex officio, members of the board shall be appointed by the Mayor, with the approval of the City Council, and shall serve for a term of two years. Terms of office for the appointees to Positions 1, 3, 5 and 7 shall expire on the second day of January of each odd numbered year, and terms of office for the appointees to Positions 2, 4, 6 and 10 shall expire on the second day of January of each even-numbered year; however, each

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member shall continue in office until the member's respective successor is appointed and qualified. The adoption of this code shall not terminate the term of office of any person currently serving on the board, and any person who is currently serving on the board shall continue to serve in the position for which the person was appointed and confirmed until a successor is appointed and qualified.

112.1.4 Vacancies. Whenever any appointive position on the board becomes vacant by reason of death, resignation or removal, said vacancy shall be filled for the unexpired term of the member being replaced. Should a vacancy occur on the board, the Mayor shall appoint, subject to confirmation by the City Council, another qualified person to serve the remainder of the term of such vacancy.

112.1.5 Removal. Any member of the board may be removed at any time by the Mayor without consent of the City Council.

112.1.6 Compensation. Each member of the board shall be compensated at the rate of \$50.00 per diem for each meeting the member attends at which a quorum is present; provided, however, no member shall be paid for more than three meetings in any one month. A jurisdiction employee member of the board shall be paid only for those meetings that the employee attends at which a quorum is present that are held outside of or continue beyond the employee's working hours.

112.1.7 Conflict of interest. In each instance where this code provides for a jurisdiction employee to serve as a voting member of any board created by the provisions of this code, such jurisdiction employee member shall not vote as a member of such board on any motion, resolution, decision, interpretation or recommendation by the board concerning a decision or interpretation or an appeal from a decision or interpretation of any provision of this code or related ordinances made by the jurisdiction employee member.

[A] 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code. **Duties of the board.** The duties of the board are to interpret the provisions of this code in appeals from decisions of the *building official*; to settle possible jurisdiction disputes among the Plumbing, Electrical, and Mechanical Review Boards; and to hear appeals from the *building official* as to the suitability of alternate materials or alternate methods of construction other than those relating to air-conditioning, plumbing, and electrical. The board also may make recommendations to the Mayor for amendments to this code.

[A] 112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. **Procedures.** The board shall adopt reasonable rules and regulations for conduct of its duties. Petitions for hearings before the board shall be made in writing and filed with the *building official* and shall be heard by the board within 30 days after the date filed. A majority of the members of the board present shall determine matters presented to the board. All decisions and findings shall be reduced to writing by the secretary, with copies to the petitioner and all other parties to the hearing. Any interested person aggrieved by a decision of the board may appeal to the City Council, provided that written notice to the City Council for

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such appeal is delivered to the City Secretary within 10 days after the date that the written decision of the board is mailed to the appellant by the board secretary.

All appeals to the City Council are subject to the rules of the City Council, which are codified in Section 2-2 of the *City Code*, copies of which are available from the City Secretary. Parties wishing to preserve their right of appeal must comply with the rules of the City Council, including Rule 12.

112.4 Posting of agenda. The secretary of the board shall prepare and post an agenda for each meeting in the manner provided by Chapter 551 of the Texas Government Code.

[A] 113.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to *repair*, alter, extend, add, move, remove, demolish, or change the occupancy of any building or equipment regulated by this code or cause same to be done in conflict with or in violation of any of the provisions of this code.

Where no specific penalty is otherwise provided in this code, the violation of any provision of this code shall constitute a misdemeanor punishable upon conviction by a fine of not less than \$500.00 nor more than \$2,000.00. Each day that any violation continues shall constitute and be punishable as a separate offense. Where any conduct in violation of this code also constitutes a violation of state penal law, the offense shall be punishable as provided in the applicable state law. In prosecutions under this code, the various provisions hereof that are designated as an “exception” or “exceptions” shall not be treated as exceptions within the meaning of Section 2.02 of the Texas Penal Code, and, instead, they shall constitute defenses to prosecution within the meaning of Section 2.03 of the Texas Penal Code.

[A] 113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who *repairs* or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the *code official* or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by ~~law in~~ Section 113.1.

[A] 114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner’s authorized agent or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

At the time a stop work order is issued, the person performing the work and the permit holder shall be given notice of a right to a hearing on the matter by the *building official*, who shall deliver the notice to the persons performing the work, if present at the site, or otherwise conspicuously post the notice at the site. Upon request, a hearing shall be held within three business days unless the permit holder or person who was doing the work requests an extension of time. Any stop work order that has been issued shall remain in effect pending any hearing that has been requested unless the stop work order is withdrawn by the *building official*.

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[A] 115.1 Conditions. Buildings, structures or equipment that are or hereafter become *unsafe*, shall be taken down, removed or made safe as the *code official* deems necessary and as provided for in this code. **Unsafe buildings or structures.** All buildings or structures regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, *unsafe*. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or other unable to sustain the design loads that are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages shall be abated, repaired, rehabilitated, demolished or removed in accordance with the procedures set forth in the *Property Maintenance Code* and Chapter 10, Articles VIII, IX, and X of the *City Code*.

In matters of fire safety design and construction, including, but not limited to, egress (corridors, exit numbers, stairs, fire escapes and fire escape signs), wall and ceiling finish, enclosure of vertical shafts, basement access, standpipes and occupancy separation, a building shall not be deemed to be a fire hazard if it is in compliance with the most restrictive of:

1. The provisions of this code (the *Existing Building Code*);
2. The building code that was applicable when the building was constructed; or
3. If the occupancy classification of the building or a portion thereof has changed since it was constructed, then the applicable building code in effect when the occupancy classification was changed.

Any building not situated within the jurisdiction at the time of its construction or change of occupancy classification shall be governed by the design and construction code and related laws applicable in the jurisdiction in which it was constructed at the time of its construction or change of occupancy and by the provisions of this code. To the extent of any conflict among the requirements of any of the foregoing codes that are applicable to any building, the most restrictive will apply. However, compliance with the aforesaid provisions shall not be deemed to excuse life-threatening defects of maintenance, sanitation, repair of casualty damage, security from unauthorized entry, structural stability, electrical systems, gas systems, plumbing systems, heating or cooling systems or other building systems.

Exception: For a building under construction or contract at the time of its annexation by the jurisdiction, see the Annexation Ordinance (Ordinance No. 78-2672), a copy of which is published in the preamble of this volume.

[A] 115.2 Record. The *code official* shall cause a report to be filed on an *unsafe* condition. The report shall state the occupancy of the structure and the nature of the *unsafe* condition.

[A] 115.3 Notice. If an *unsafe* condition is found, the *code official* shall serve on the owner, the owner's authorized agent or person in control of the structure a written notice that describes the condition deemed *unsafe* and specifies the required *repairs* or improvements to be made to abate the *unsafe* condition, or that requires the *unsafe* building to be demolished within a stipulated

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time. Such notice shall require the person thus notified to declare immediately to the ~~code official~~ acceptance or rejection of the terms of the order.

~~[A] 115.4 Method of service.~~ Such notice shall be deemed properly served if a copy thereof is delivered to the owner of the owner's authorized agent personally; sent by certified or registered mail addressed to the owner or the owner's authorized agent at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's authorized agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

~~[A] 115.5 Restoration.~~ The building or equipment determined to be *unsafe* by the ~~code official~~ is permitted to be restored to a safe condition. To the extent that *repairs, alterations, or additions* are made or a *change of occupancy* occurs during the restoration of the building, such *repairs, alterations, additions, or change of occupancy* shall comply with the requirements of this code.

SECTION 118 **HEARING PROCEDURES**

118.1 Hearing notices. Unless otherwise specifically provided, whenever notice is to be given to any person concerning the right to a hearing, the notice may be given by personal delivery or by certified mail, return receipt requested.

If notice is being given to a building owner or to a tenant therein and the *building official* is unable to determine the name or address of such person after checking the building and the applicable records of the jurisdiction's Department of Public Works, the County Appraisal District, the electrical utility company, the gas utility company, and the water utility provider, notice shall be mailed to the billing addresses of the building as shown on the records of the electrical company and the gas company and shall be posted on or in view of each entrance to the building. Additionally, if any notice is mailed to a building owner or a building tenant and is returned without delivery, notice shall be effective if posted on or in view of each entrance to the building.

118.2 Hearings. Except where otherwise specifically provided, all hearings held pursuant to this code shall be conducted by the jurisdiction's Director of Public Works or a representative, who shall hereinafter be referred to as the "hearing official." The director shall not designate any person to be a hearing official under this code who has taken any part in the investigation of the matter that is the subject of the hearing or any person who directly supervised the investigation. The hearing official shall consider only the evidence presented at the hearing in rendering a decision. The decision of the hearing official shall be set forth in writing and shall be served on each party in the same manner as a notice of a right to a hearing.

SECTION 119 **PERMIT AND INSPECTION FEES**

119.1 General.

119.1.1 Permit or license. An administrative fee as stated for this provision in the city fee schedule shall be charged upon the preparation of each permit or license issued by the

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building official. The fee shall apply regardless of whether the permit or license is issued pursuant to this code of the City Code, and it shall be payable in addition to all other applicable fees for the permit or license. The foregoing administrative fee shall not be applicable if no other fee is provided by law for the permit of license.

119.1.2 Receipt. An administrative fee as stated for this provision in the city fee schedule shall be charged upon the preparation of each receipt for a fee or deposit issued by the building official. This fee shall apply regardless of whether the fee or deposit is payable pursuant to this code or the City Code. This fee shall be in addition to all other applicable fees or deposits. When paid for a deposit or fee receipt, this fee shall neither constitute nor be refundable as a part of the deposit.

119.1.3 Minimum permit fee. If the fee or fees imposed for any single permit that is issued by the building official, whether issued under this code or the City Code, do not total more than the minimum permit fee stated for this provision in the city fee schedule, then the minimum permit fee as stated for this provision in the city fee schedule shall be charged for the permit. The foregoing minimum permit fee shall not be applicable if no other fee is provided by law for the permit. The administrative fee assessed pursuant to Section 119.1.1 above shall not be included in the foregoing minimum permit fee calculation, and it shall be payable in addition to the minimum permit fee.

119.1.4 Certificate of occupancy or compliance. The fee stated for this provision in the city fee schedule shall be charged for each certificate of occupancy or compliance issued for a building or structure or portion thereof such as an individual business lease space. When authorized, the building official may issue a temporary certificate of occupancy, upon payment of the fee state for this provision in the city fee schedule for each temporary certificate of occupancy, for a period of not more than 30 days each.

119.1.5 Reinspection fee. In case it becomes necessary to make a reinspection of any work because of faulty materials or workmanship or incomplete work, the permittee shall pay the fee stated for this provision in the city fee schedule for each reinspection, except where a greater fee is specifically required under this code.

119.1.6 Specially required inspections during working hours. Whenever a person requests that an inspector be present at a site at a specific time, the jurisdiction shall provide such inspector upon payment of all applicable fees if doing so would not interfere with the regular duties of the inspector and would not cause a delay in the inspection of other work.

The fee, per day, for specially requested inspections conducted during regular working hours is stated for these provisions in the city fee schedule, and is payable in addition to all other fees required by this code.

A full day's fee must be paid unless the building official finds that the request was made as a result of an unforeseeable emergency.

119.1.7 Emergency inspections. Emergency inspections shall be defined as those requested inspections occasioned by virtue of an unforeseeable incident or occurrence that necessitates an immediate inspection. In situations where there is a dispute as to whether an actual emergency occurred, the decision of the building official shall be final.

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The fees for emergency inspections are stated for this provision in the city fee schedule and are payable in addition to all other fees required by this code.

119.1.8 Inspections and plan reviews outside regular working hours. Whenever a person requests that an inspector make an inspection or a plan analyst review plans at times other than during regular working hours, or on jurisdiction-observed holidays or weekends, the *building official* shall provide such plan analyst or inspector upon payment of all applicable fees if such would not interfere with the regular duties of the plan analyst or inspector or create an undue burden on such plan analyst or inspector.

The fees for inspections and plan reviews at times outside regular working hours are stated for this provision in the city fee schedule and are payable in addition to all other fees required by this code.

119.1.9 Inspections outside of jurisdiction. The fee for an inspection outside the jurisdiction shall be the minimum fee stated for this provision in the city fee schedule, per person, plus the current standard mileage rate as published by the Internal Revenue Service per vehicle mile. This fee shall not apply to inspections performed under Section 119.1.11.

119.1.10 Approved fabricators/certifying agent or agency. Permit fees shall apply to an approved fabricator/certifying agent or agency, as follows:

1. An approved certifying agent or agency, as described in Chapter 17 of the *Building Code*, shall pay the fee stated in the city fee schedule for any inspection made for the purpose of approving the agent or agency. The agent or agency shall also reimburse the jurisdiction for travel expenses incurred in performing inspections outside Harris or a contiguous county.
2. An approved fabricator as defined in Chapter 2, shall pay the fee stated in the city fee schedule for each inspection made for the purpose of verifying and approving fabricator's quality control program. The fabricator shall also reimburse the jurisdiction for travel expenses incurred in performing inspections outside Harris or a contiguous county.

119.1.11 Building plan review fee. Plans submitted for a building permit shall be charged a non-refundable plan review fee. This plan review fee shall be charged as a deposit to the building permit fee. The fee shall be calculated at a rate of 25 percent of the estimated building permit fee calculated as provided in Section 119.2.1 and the city fee schedule. This fee shall be paid upon submittal for the initial review of plans. The balance of the building permit fee shall be collected when the permit is issued. In the instance that the building permit is not subsequently issues, the plan review fee deposit remains non-refundable.

119.1.12 Quick start plan review service. Plan review meetings for certain types of construction projects shall be available when approved by the *building official*. The *building official* shall develop guidelines for proper use of this service, determination of qualified projects, and assessment of service fees not specifically noted in this code.

The fee for quick start plan review meetings shall be 65 percent of the building permit fee calculated as provided in the city fee schedule. This fee shall be separate from, and in addition to, the structural permit fee.

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Payment of the quick start plan review fee allows review of the plans in the form presented at the time the fee is paid and one additional review in the event the drawings must be corrected to comply with this code or other applicable laws. The payment shall not entitle the applicant to expedited review of any further revisions to the plans.

119.1.13 Name or address changes and duplicate job cards or certificates. The fees for name or address changes for existing permits or certificates are stated for this provision in the city fee schedule. When a duplicate job card or certificate of occupancy is requested by the applicant, the fee shall be as set forth for this provision in the city fee schedule.

119.1.14 Request for special approval, alternate method, interpretation or modification due to practical difficulty. Requests submitted for review by the *building official* will be classified in one of the following categories for processing, and fees will be assessed according to the city fee schedule. Payment will be required prior to processing.

Standard request. Requests that require a minimal amount of research or consultation to grant or deny the request. Typically, the standard requests are submitted on a form promulgated by the *building official*.

Moderate request. Requests that require a moderate amount of research or consultation to grant or deny the request, typically between 2 – 4 hours of time.

Extensive request. Requests that require extensive research, documentation, and data collection and review to grant or deny the request.

119.1.15 Minimum investigation fee. An investigation fee stated for this provision in the city fee schedule shall be charged when work has commenced prior to the issuance of the proper permits. This fee shall include one follow-up trip; each additional follow-up trip thereafter shall be charged a separate investigation fee.

119.1.16 Annual fee increase. Notwithstanding any maximum fee established pursuant to the *Construction Code*, the fees in this or in any volume of the *Construction Code*, as adjusted according to this section, shall be automatically increased on the first day of each subsequent calendar year as provided in Section 1-13 of the *City Code*.

119.2 Structural. The fees for permits, inspections and licenses established under the *Construction Code* are payable in the amounts set forth in the city fee schedule.

119.2.1 Buildings. Building permit fees shall be required under this code for additions, alterations, remodels, conversions, and repairs and shall be payable in the amounts set forth in the city fee schedule.

Note: A historic building that has been designated by the jurisdiction as a landmark or that is located within a historic district designated by the jurisdiction, or for which designation as a landmark or part of a historic district is pending, shall receive a 50 percent discount on permit fees provided that a certificate of appropriateness approved by the Houston Archaeological and Historical Commission pursuant to Chapter 33 of the *City Code* is submitted with the construction documents.

Permits shall be required for the following items as described in the city fee schedule:

1. Demolition of any building or structure.
2. Stationary and floating piers.

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3. Incinerators (other than domestic outdoor type).
4. Bulkheads.
5. Dredging.
6. Prefabricated fireplaces.
7. Sand blasting or water blasting.
8. Grading permit.
9. Loading docks (uncovered).
10. Barricades for pedestrian walkways.
11. Paint spray booths.
12. Heliports and helistops (interdepartmental inspections—health, structure, fire and aviation safety).

119.2.2 Chemical plants. Permit fees for petroleum processing installations; nuclear reactor complexes and processing facilities; facilities manufacturing, processing, distributing or storing energy; other facilities processing, storing or manufacturing materials or energy, not otherwise covered by a construction permit shall be charged in the same manner as new buildings as set forth in Section 119.2.1 and the city fee schedule.

119.2.3 Occupancy and inspection of existing buildings. Permit and inspection fees in the amounts stated for these provisions in the city fee schedule apply to occupancy and inspection of existing buildings, when required by this code or Chapter 10, Article IX of the City Code.

A certificate of occupancy or a life safety compliance inspection and certificate(s) (for compliance with this code) includes initial compliance inspection, final inspection, and issuance of certificate. It does not include fees for permits where work is required.

Provisions for life safety requirements for existing buildings are located in Appendix D of this code.

119.2.4 Fences. Permit fees for fences shall be as stated for this provision in the city fee schedule.

119.2.5 Fire escapes. Permit fees for fire escapes shall be as stated for this provision in the city fee schedule.

119.2.6 Public sidewalks, driveway approaches, culverts, curbs and gutters located in the right-of-way. Permit fees for sidewalks, driveways, culverts, curbs and gutters covered by this code shall be as stated for this provision in the city fee schedule.

119.2.7 Parking lots and paved areas not associated with a one- or two-family dwelling. Permit fees for parking lots (uncovered) and paved areas shall be as stated for this provision in the city fee schedule.

119.2.8 Plan review fees. Plan review fees, other than the building plan review fee provided for in Section 119.1.12, shall be as stated for this provision in the city fee schedule for review of the following:

- Manufactured home or recreational vehicle parks.
- Residential master plans.

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Reexamination of plans or deferred submittal of plans:

Where deferred plans are submitted or previously approved plans are reexamined or revised, the plan review fee shall be as specified in the city fee schedule or 15 percent of the original building permit fee, whichever is greater. The fee for reexamination of partial plans shall be determined by the *building official* based on the review time involved.

Outside jurisdiction plan review fee:

Plan review for buildings located outside the jurisdiction shall be 65 percent of the building permit fee as calculated in accordance with Section 119.2 and the city fee schedule. This service shall only be provided at the building owner's request and subject to the availability of personnel to render the service.

Paving plan review:

Paving, other than that which is covered under Section 119.2.6 or 119.2.7, shall require a plan review, for which the fee amount is stated in the city fee schedule, but shall not require a permit or inspection or associated fees.

Exception: A separate plan review and fee shall not be required when the paving is associated with a driveway approach or building permit.

119.3 HVAC equipment.

119.3.1 General. Fees for permits and inspections for the installation, alteration and inspection of heating, ventilating, air-conditioning and refrigeration systems shall be as stated for this provision in the city fee schedule for the following:

1. Ventilating systems or heating-only systems (other than boilers). Toiler exhaust, outside air makeup, elevator ventilation, stair pressurization, smoke exhaust or residential ventilation fees shall be included in the air-conditioning tonnage fee. The minimum permit fee shall be as stated for this provision in the city fee schedule. (See Section 119.3.3 for local vent fees.)
2. Repairs or alterations (including cooling tower replacement) to an existing heating, ventilating, air-conditioning or refrigeration system.

Exception: Ducts and grilles in a lease space, where total valuation is less than \$500.00.

3. Air-handline and duct systems for air-conditioning in buildings that have heating and/or cooling fluid from an external source.
4. Air-conditioning cooling equipment (chillers, compressors and/or absorption units with their auxiliaries) located in a building other than the one being cooled (for instance, a central plant to supply one or more buildings).
5. A complete air-conditioning system where the cooling equipment, the air-handling equipment and duct systems are in the same building. For air-conditioning systems that include heating (except boilers), the fee shall be

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included in the tonnage or horsepower fee at no extra cost, provided such heating is included on the original permit application.

6. Commercial, manufacturing and industrial process refrigeration systems.

119.3.2 Temporary operation inspection. For inspection of a heating, ventilation, refrigeration or air-conditioning system to be used on a temporary basis, the fee stated for this provision in the city fee schedule shall be paid to the jurisdiction by a licensed air-conditioning contractor requesting such inspection. If the system is not approved for temporary operation on the first inspection, the usual reinspection fee will be charged for each subsequent inspection for such purpose.

119.3.3 Local vent permit. The fee stated for this provision in the city fee schedule will be charged for local vent permits, central vacuum system permits and permits for ventilation fans up to 2,000 cfm. When a licensed air-conditioning contractor includes local vents in a permit, no additional fee will be required.

119.3.4 Self-contained air-conditioning units. The fee stated for this provision in the city fee schedule shall be paid for buildings using self-contained air-conditioning units.

Exception: Group R-3 occupancies.

119.3.5 Manufactured home inspections. For a manufactured home inspection of heating and ductwork where no state inspection has been made, the fee shall be as stated for this provision in the city fee schedule.

119.3.6 Certificate of approval. In addition to the regular permit fee, the fee stated for this provision in the city fee schedule shall be charged for a certificate of approval of air-conditioning for each permit taken out to add heating and/or air-conditioning to an existing residence. The fee shall be paid for at the time the regular permit fee is paid.

119.4 Boilers. Every person desiring to install, maintain or repair boilers shall file an application for a permit with the *building official*, stating the location and nature of work to be performed, and pay the fees stated in the city fee schedule for the following:

1. For boiler installation based on Btu input and/or HP: base charge plus the fee for each BHP or part thereof. The maximum permit fee for installation of a single boiler in excess of 1,200 BHP is stated for this provision in the city fee schedule

Note: For the purpose of this code, 1 BHP equals 33,000 Btu.

2. Annual fee.
3. Repair permit.

119.5 Plumbing.

119.5.1 General. The fees required for permits for the following are set forth in the city fee schedule, with a minimum amount stated in the city fee schedule, where not otherwise specified:

Opening in street (street cut, for purpose of connection with utilities).

(See Chapter 40, *City Code*, for additional regulations and deposits required.)

Temporary gas inspection.

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Gas permit and inspection (up to 4 openings).

Additional gas openings, each.

Manufactured home inspection fee (where no state inspection has been made).

Fire-protection fee (fire sprinkler system, separate permit required):

For a fire sprinkler system (any head or group of heads up to 25 that is regulated with a valve for any portion of a building), minimum fee.

For each additional head.

Fire sprinkler system plan review, per head.

Standpipe system (1 to 25 hose connections).

Each additional hose connection.

Irrigation system (1 to 200 heads) per head.

Each additional head.

119.5.2 Heating gas appliances. The fees stated for this provision in the city fee schedule shall apply to the following:

Furnace (nonduct type)

Each additional furnace to be installed in same building under same permit

Floor furnace (nonduct type)

Incinerators (gas fired) (complete with two burners or more)

Infrared heaters (one or two)

Each additional infrared heater installed under the same permit

119.5.3 Yard lights or barbecue grills. The fees stated for this provision in the city fee schedule shall apply for the following:

First opening

Each additional opening installed under same permit

119.5.4 Permanent appliances. The fees stated for this provision in the city fee schedule shall apply for the following:

Wall heater (bath heaters exempt)

Each additional heater installed under same permit

Gas steam radiator

Each additional radiator installed under same permit

Commercial oven

Commercial dryer

Plumbing fixtures (one to three)

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Each additional fixture installed under same permit

Warm-air circulators (nonduct), first three

Each additional circulator installed under same permit

Tie to curb inlet-storm sewer

Manholes, each

Roof drain or outside downspout connection to drainage system, one or two

Each additional roof drain or downspout to be installed under the same permit

Catch basin or outside area drain, one or two

Each additional catch basin or outside area drain to be installed under same permit

Sewer connections, each

Ground in plumbing for shell building, 3,000 square feet or less floor area

For each additional 1,000 square feet or part thereof

Septic tanks or individual sewage treatment plants, each

Disconnect and plug main sewer connection

Tanks (not septic tanks). A permit separate from other permits required:

Up to and including 1,000 gallons capacity (including mechanical interceptors)

1,001 through 6,000 gallons

6,001 through 15,000 gallons

15,001 through 30,000 gallons

Over 30,000 gallons

119.6 Electrical. Fees for the following permits and related inspections required by the *Electrical Code* are stated for this provision in the city fee schedule, with a minimum fee also stated for this provision in the city fee schedule where not otherwise specified:

119.6.1 Services.

Meter loop and service

Up to and including 50 kW

51 kW through 250 kW

Over 250 kW

Panels with eight or more circuits, each

Outlets, each

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Note: All light switches and receptacle openings and bell-ringing transformers are classified as outlets.

Electrical vehicle charging outlets

Level 1

Level 2

Level 3

119.6.2 Fixtures and appliances.

Fixtures, each

Note: Any current-consuming device permanently attached to an outlet for illumination purposes shall be classified as a fixture.

Electrical appliances-domestic

Range receptacle, each

Clothes dryer, each

Stove top, each

Oven, each

Garbage disposal, each

Dishwasher, each

Window air-conditioner receptacle, each

119.6.3 Motors.

Motors, permanently installed, each

Up to and including 1 horsepower

Over 1 horsepower through 10 horsepower

Each additional horsepower over 10 horsepower

Motor control equipment is included in the motor fees. Outlets for future motor installation shall be charged for at one-half of the applicable, regular motor rates. The other one-half shall be paid at the time the motors are installed.

Permanent connections of electrical appliances, equipment and transformers of any nature:

Unless another fee is specified in this section for the apparatus to be installed, the fee shall be based on the kW rating of the apparatus. Each kW shall be considered to be one horsepower, and the fees shall be the same as indicated for "motors, permanently installed", above.

119.6.4 Signs.

Shop inspection of incandescent electrical signs and gas or vacuum tube signs, each:

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0 to 5 kVA

Additional for each kVA or fraction thereof exceeding 5 kVA

Installation inspection of incandescent electrical signs and gas or vacuum tube signs, each:

0 to 5 kVA

Additional for each kVA or fraction thereof exceeding 5 kVA

119.6.5 Outdoor and temporary.

Streamers and festoon lighting per circuit, each

Ball park and parking lot light poles (no outlet or fixture charge), 1st pole each

Each additional pole over 1

Temporary installations, such as wood saws, floor surfacing machines, painting/spraying apparatus and the like, per installation

Temporary installation of commercial sound equipment

Temporary lighting installations

Temporary installations such as carnivals or similar installations for amusement show display or similar uses shall be charged for on a kVA basis. For the purpose of this classification, 1 horsepower of motor load shall be considered as one kVA.

0 through 10 kVA

Additional for each kVA or fraction thereof exceeding 10 kVA

Temporary saw poles (per installation)

Temporary cut-in made permanent

Additions to existing work shall be charged for at the same rate as new work.

Reconnection fee

119.7 Elevators.

119.7.1 General. Every person proposing to install elevator, dumbwaiter, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift shall file a written request for a construction permit with the *building official* and pay the installation fees for each unit stated for this provision in the city fee schedule for the following:

New installations and alterations:

Passenger or freight elevator, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift, where the equipment is to be installed in other than a private residence, each:

Up to and including \$40,000 of valuation

Each additional \$1,000.00 of valuation or fraction thereof

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Personnel hoist-manufacturing design permit (required in addition to above fee if the hoist is not already permitted)

Same equipment installed in a private residence, each:

Up to and including \$10,000.00 of valuation

Each additional \$1,000.00 of valuation or fraction thereof

Installation fees for equipment other than personnel hoists include an operating permit for the first year of operation, where applicable.

Installation fees for personnel hoists include a limited permit for the first 90 days of operation.

119.7.2 Inspections. The *building official* shall not be obliged to perform the test or inspection if the *building official* does not then have qualified personnel to perform it. If the jurisdiction provides the inspections, fees shall be payable to the *building official* as stated for this provision in the city fee schedule for all the following:

1. Each personnel hoist:
 - Acceptance load test* (includes two monthly inspections).
 - Periodic test, three months (includes two monthly inspections).
 - Addition to tower plus any test fee, single-cage hoist.
 - Addition to tower plus any test fee, twin-cage hoist.
2. Acceptance inspection for each elevator (new installation and alteration)
3. Acceptance inspection for reach escalator, dumbwaiter, wheelchair lift, manlift or moving walk (new installation or alteration).
4. Annual inspection for each elevator except where lesser fee is provided below:
 - Reinspection fee.
5. Escalator annual inspection, each.
6. Moving walk annual inspection, each.
7. Wheelchair lift annual inspection, each.
8. Dumbwaiter annual inspection, each dumbwaiter:
 - For 2 through 10 landings.
 - For each additional landing.
9. Manlift or inclined stairway chairlift annual inspection, each.
10. Traction elevator maintenance load test*
 - Five-year maintenance load test.
 - Counter-weight safeties, add.
 - With reduced stroke buffer, add.
 - With spring buffer, add.
11. Hydraulic elevator three-year load test*
12. Reschedule of test:
 - Additional fee if owner or elevator company cancels, unless notice is given to the *building official* by at least 1:00 p.m. on the preceding working day.
13. If an elevator test cannot be completed within eight hours because the elevator did not comply with the requirements of this code when the test was begun,

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there shall be charged the additional fee stated for this provision in the city fee schedule for each additional hour or portion thereof.

119.7.3 Reinspection fee. In the event it becomes necessary to make a reinspection of work or equipment due to deficiencies in order to issue an approved inspection report, the applicant shall pay to the *building official* for each reinspection the fee stated for this provision in the city fee schedule.

119.7.4 Operating permit or limited permit. An operating permit or limited permit shall be required for each elevator, dumbwaiter, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift. An operating permit shall be valid for one year, and a limited permit shall be valid for 90 days. Fee stated for this provision in the city fee schedule shall be charged for the following operating permits and limited permits:

Each elevator

Each escalator or moving walk

Each dumbwaiter

Each personnel hoist

Each wheelchair lift

Each manlift

Each inclined stairway chairlift

Each escalator or moving walk unit powered by one motor shall be considered as a separate unit.

119.8 Signs. Fees stated for this provision in the city fee schedule shall be charged for all signs covered by the *Sign Code* as follows:

1. Site inspections.
2. Electrical inspections – install and final.
3. Reinspection fee:
 - Site, hole and electrical, (all).
4. Construction or reconstruction permit:
 - For the first 32 square feet of one sign face or fraction thereof.
 - Each square foot or fraction thereof of one sign face exceeding 32 square feet.
5. Operating permit—on-premise signs. An operating permit for on-premises shall be issued as renewable permit on an annual basis upon payment of the following fees:
 - For the first 32 square feet of sign face or fraction thereof.
 - Each square foot of sign face or fraction thereof exceeding 32 square feet.
6. Operating permit—off-premise signs. An operating permit for off-premise signs that advertise the sale or rental of real property or direct persons to the location of real property for sale or rent, which signs are limited to 40 square feet in sign

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- face area shall be a nonrenewable one-year permit as authorized in Section 412 (b) of the *Sign Code*.
7. Operating permit. An off-premise operating permit for a sign other than as provided above shall be issued as a renewable permit on an annual basis.
 8. New registration for changeable message signs/high technology signs (per face).
 9. Replacement of lost or damaged operating tag.
 10. Plan examination fee.
 11. Plan reexamination due to alteration of approved plan.
 12. Ground sign exceeding 14'.

All other fees required by Section 119 shall be paid in addition to the fees in Section 119.8.

119.9 Medical gas permits. Fees stated for this provision in the city fee schedule shall be charged for each gas outlet, with a minimum fee stated for this provision in the city fee schedule.

119.10 Alarms, detectors, electronic locks, central station security and testing. Fees stated for this provision in the city fee schedule shall be charged for alarms, detectors, central station security and testing.

119.11 High piled storage review and inspection. The fees stated for this provision in the city fee schedule shall be charged for the plan review and inspection of high piled storage buildings.

Onsite reinspection fee. If a third onsite reinspection is necessary, the permittee shall pay the fee stated for this provision in the city fee schedule.

Revisions. The fee stated for this provision in the city fee schedule shall be charged for revisions to plans.

119.12 H Occupancy or tank storage review and inspection. The fees stated for this provision in the city fee schedule shall be charged for the plan review and inspection of H occupancy buildings or buildings with tank storage.

Onsite reinspection fee. If a third onsite reinspection is necessary, the permittee shall pay the fee stated for this provision in the city fee schedule.

Revisions. The fee stated for this provision in the city fee schedule shall be charged for revisions to plans.

**SECTION 120
PRIVATE PLAN REVIEW AND INSPECTION SERVICES**

120.1 Applicability. The application of this section is limited to those Group R-3 occupancy structures that constitute dwellings within the definitions of this code and to those Group U occupancies, such as garages, carports, fences and other structures that are associated with dwellings.

120.2 Scope. This section applies to any permit required under this code, the *Electrical Code*, *Plumbing Code*, or the *Mechanical Code* for the construction, repair, or renovation of a structure to which this section applies.

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120.3 Program established. The *building official* may establish a private plan review and inspection program under which qualified persons who are not city employees may review plans, conduct certain building inspections, and provide related services for structures to which this section applies to assure compliance with all applicable construction codes. The program shall be conducted in accordance with the regulations and forms promulgated by the *building official*, which shall, without limitation, address the following:

1. Qualifications of the firms and individuals authorized to perform plan reviews, conduct inspections, and provide other related permit services. The qualifications shall include licensing in accordance with any applicable laws and regulations and certification in accordance with state or federally recognized standards.
2. Requirement of appropriate liability coverage in an amount of not less than \$1,000,000, per occurrence, with indemnity agreements and coverage of the jurisdiction, as an additional insured, for the protection of the jurisdiction and other persons who may be affected by the performance of any services under the program.
3. Provisions to ensure that the firms and individuals participating in the program will act independently of building owners, contractors, and others so as to avoid conflicts of interest.
4. Provisions for any non-building-code-related review of plans and issuance of permits to applicants who utilize plan review, inspection, and other related services under the program.
5. Provisions regarding the keeping of records and filing of reports with the *building official*.
6. Administrative provisions for the acceptance, suspension, and revocation of the right of a firm or individual to participate in the program, which shall include elements of due process, including a right of appeal to a hearing officer designated by the jurisdiction's Director of Public Works, whose decision, notwithstanding any other provision of this code, shall be final and not appealable to the General Appeals Board or City Council.
7. Provisions to ensure that no firm or individual may be certified to participate in the program unless qualified to conduct plan reviews and inspections under the codes currently enforced by the jurisdiction and/or a nationally recognized uniform or international code.
8. Provisions relating to fees charged by any firm or individual for services rendered under the program, including any fees required by law to be paid directly to the jurisdiction and remitted by the *building official* to a firm or individual.
9. Provisions prohibiting any private developer, builder, or contractor from employing any firm or individual, including subcontractors, to perform more than 25% of that developer's, builder's or contractor's services under the program in any one calendar year unless a greater amount is approved by the *building official*.
10. Provisions requiring any private developer, builder or contractor utilizing any services under the program and the *building official* to file a report as set forth below:
 - a. Each private developer, builder or contractor utilizes any services under the program shall file a report with the *building official*, supported by affidavit, containing the following information:
 - 1) The total number of permits received during the preceding calendar year for the construction of any residential structure in connection with which services under the program were rendered;

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- 2) The name of each firm or individual utilized under the program on each residential structure during the reporting period; and
- 3) A statement certifying that the developer, builder or contractor has fully complied with all rules and regulations under the program during the reporting period, including, but not limited to, all rules governing the maximum number of plan reviews and inspections permitted to be performed by any firm or individual, including subcontractors, rendering any services under the program.

The report shall be filed with the *building official* not later than the last day of January and July in each calendar year and shall cover the preceding 6-month period ending on the last day of December and June, respectively, in each year.

- b. The *building official* shall file a report with the Mayor and City Council containing the following information:
 - 1) A listing of the names of all companies or contractors that utilized individuals or firms for services under the program and the name of each firm or individual so utilized;
 - 2) Names of all firms and individuals approved to perform services under the program;
 - 3) Total number of plan reviews and inspections performed by firms and individuals for each private developer, builder or contractor operating under the program;
 - 4) Number of plan rechecks and oversight inspections conducted by the jurisdiction for each firm or individual utilized under the program and the percentage of that firm and individual's work, including subcontractors, so inspected;
 - 5) The number of code violations found through plan rechecks and oversight inspections, including the name of the firm or individual, including subcontractors, who performed such services;
 - 6) A list of any firms or individuals removed from the program by the *building official*; and
 - 7) An assessment of program effectiveness as demonstrated by available data, including comments and complaints received by the jurisdiction regarding the program pertaining to work performed by a participating developer, builder or contractor, or any firm or individual, including subcontractors, providing private plan review or inspection services under the program.

The *building official's* report shall be filed with the Mayor and City Council not later than the last day of August and February in each calendar year and shall cover the preceding 6-month period ending on the last day of July and January, respectively, in each year and may include such additional information relating to the program as he may deem appropriate.

11. Provisions prohibiting any private plan reviewer or inspector from being related to building owners, contractors, and other similarly situated individuals or entities within the third degree of consanguinity or within the second degree of affinity.

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120.4 Oversight inspections. The provisions of this section do not affect the jurisdiction of the *building official* over any work or preclude oversight inspections by the *building official* of structures that are subject to the provision of services under the program. For purposes of quality assurance, the *building official* shall be authorized to recheck plans, perform inspections or reinspections, issue stop work orders, and take any and all actions that are authorized to be taken under this code, the *Electrical Code*, the *Plumbing Code*, or the *Mechanical Code*. No prior notice need be provided to any program firm or individual contractor, or owner, unless otherwise required by law.

120.5 Fees. To cover administrative costs, including registration of firms and individuals, management of the program, and oversight inspections, the *building official* shall assess fees equal to 25 percent of the amount otherwise payable under this code for any permit, but not less than the minimum fee as required in the city fee schedule. In addition to the reduced permit fees charged in connection with the program, an additional fee as stated in the city fee schedule per payment voucher issues shall be assessed to cover the jurisdiction's costs in connection with any fee required to be paid to and remitted by the jurisdiction. If any contractor or owner requests an inspection by the *building official* of any structure that is subject to private inspection under this section, then the *building official* may perform the same for the fee stated for this provision in the city fee schedule. The administrative fee that is payable under this code shall be collected in addition to the fees otherwise provided under this section.

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**CHAPTER 2
DEFINITIONS**

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the ~~other~~ *International Construction Codes*, such terms shall have the meanings ascribed to them in those codes.

**SECTION 202
GENERAL DEFINITIONS**

{EDITORIAL NOTE: ALL PORTIONS OF SECTION 202 NOT SHOWN REMAIN AS SET FORTH IN THE 2015 IEBC.}

BUILDING CODE. The City of Houston Building Code, as adopted by this jurisdiction.

BUILDING OFFICIAL. The director of Houston Public Works or the duly authorized representative designated to act as the chief construction code enforcement official of the city; also known as Chief Building Official. The term relates primarily to those Houston Public Works employees who are engaged in the administration and enforcement of the City of Houston Construction Code and related laws.

CHIEF BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code. The Chief Building Official may authorize the appointment of a representative, or representatives, to Deputy Building Official.

CITY CODE. The Code of Ordinances, Houston, Texas.

CITY FEE SCHEDULE. The schedule of fees charged by the city for various permits, licenses, authorizations and services, which schedule is maintained on the city's website.

COMMERCIAL ENERGY CONSERVATION CODE. The City of Houston Commercial Energy Conservation Code, as adopted by this jurisdiction.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains facilities for living, sleeping and sanitation, as required by this code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate living facility may be a shelter, convent, monastery, dormitory, fraternity house, or sorority house, but does not include jails, hospitals, nursing homes, hotels or boarding houses.

CONSTRUCTION CODE. The City of Houston Construction Code, consisting of the Building Code, Fire Code, Electrical Code, Mechanical Code, Plumbing Code, Residential Code, Commercial Energy Conservation Code, Residential Energy Conservation Code, Existing Building Code, Property Maintenance Code, and Chapter 10 of the City Code.

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DEPUTY BUILDING OFFICIAL. A duly authorized representative appointed by the Chief *Building Official* to act on behalf of, and in the absence of, the Chief *Building Official*.

ELECTRICAL CODE. The *National Electrical Code*, based on NFPA 70 and promulgated by the National Fire Protection Association, as adopted by this jurisdiction, and the *City of Houston Electrical Code*.

EXISTING BUILDING CODE. The *City of Houston Existing Building Code*, as adopted by this jurisdiction.

FAMILY. An individual or two or more persons related by blood or marriage or a group of not more than 10 persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FIRE CODE OFFICIAL. The fire marshal or a duly authorized representative charged with the administration and enforcement of the code.

INTERNATIONAL BUILDING CODE. The *City of Houston Building Code*, as adopted by this jurisdiction.

INTERNATIONAL ENERGY CONSERVATION CODE. The *City of Houston Residential Energy Conservation Code* or the *City of Houston Commercial Energy Conservation Code*, both based on the *International Energy Conservation Code*, as adopted by the State of Texas, or on an alternate code that has been determined to be more stringent than the *International Energy Conservation Code*, as provided in Chapter 388 of the Texas Health & Safety Code, both as adopted and amended by this jurisdiction.

INTERNATIONAL EXISTING BUILDING CODE. The *City of Houston Existing Building Code*, as adopted by this jurisdiction.

INTERNATIONAL MECHANICAL CODE. The *City of Houston Mechanical Code*, as adopted by this jurisdiction.

INTERNATIONAL PLUMBING CODE. The *City of Houston Plumbing Code*, as adopted by this jurisdiction.

INTERNATIONAL RESIDENTIAL CODE. The *City of Houston Residential Code*, based on the *International Residential Code for One- and Two-Family Dwellings*, as adopted by the State of Texas in Subchapter G of Chapter 214 of the Texas Local Government Code, with amendments adopted by this jurisdiction.

INTERNATIONAL SWIMMING POOL AND SPA CODE. The *City of Houston Swimming Pool and Spa Code*, as adopted by this jurisdiction.

JURISDICTION. The City of Houston.

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MECHANICAL CODE. *The City of Houston Mechanical Code, as adopted by this jurisdiction.*

PLUMBING CODE. *The City of Houston Plumbing Code, as adopted by this jurisdiction.*

RESIDENTIAL CODE. *The City of Houston Residential Code, based on the International Residential Code of One- and Two-family Dwellings, as adopted by the State of Texas in Subchapter G of Chapter 214 of the Texas Local Government Code, including amendments adopted by this jurisdiction.*

RESIDENTIAL ENERGY CONSERVATION CODE. *The City of Houston Residential Energy Conservation Code, as adopted by this jurisdiction.*

SWIMMING POOL AND SPA CODE. *The City of Houston Swimming Pool and Spa Code, based on the International Swimming Pool and Spa Code, as adopted by this jurisdiction.*

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**CHAPTER 3
PROVISIONS FOR ALL COMPLIANCE METHODS**

[BS] 301.1.4 Seismic evaluation and design procedures. The seismic evaluation and design shall be based on the procedures specified in Chapter 16 of the ~~International Building Code~~ or ASCE 41. ~~The procedures contained in Appendix A of this code shall be permitted to be used as specified in Section 301.1.4.2.~~

302.6 Airport sound attenuation. All alterations, repairs, additions, relocations of structures and changes of occupancy.

302.7 Lake Houston structures. All alterations, repairs, additions, relocations of structures and changes of occupancy.

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**CHAPTER 4
PRESCRIPTIVE COMPLIANCE METHOD**

[BS] 402.2 Flood hazard areas. See Chapter 19 of the City Code. For buildings and structures in *flood hazard* areas established in Section 1612.3 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable, any *addition* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable, any *additions* that do not constitute *substantial improvement* of the existing structure are not required to comply with the flood design requirements for new construction.

[BS] 403.2 Flood hazard areas. See Chapter 19 of the City Code. For buildings and structures in *flood hazard* areas established in Section 1612.3 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable, any *alteration* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in Section 1612.3 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable, any *alterations* that do not constitute *substantial improvement* of the existing structure are not required to comply with the flood design requirements for new construction.

[BS] 403.8 Roof diaphragms resisting wind loads in high-wind regions. Where the intended alteration requires a permit for reroofing and involves removal of roofing decking materials from more than 50 percent of the roof diaphragm of a building or section of a building located where the ultimate design wind speed is greater than 115 mph (51 m/s) in accordance with Figure 1609.3(4) of the *International Building Code* or in a special wind region as defined in Section 1609 of the *International Building Code*, roof diaphragms, connections of the roof diaphragm to roof framing members, and roof-to-wall connections shall be evaluated for the wind loads specified in Section 1609 of the *International Building Code*, including wind uplift. If the diaphragms and connections in their current condition are not capable of resisting at least 75 percent of those wind loads, they shall be replaced or strengthened in accordance with the loads specified in Section 1609 of the *International Building Code*.

[BS] 404.5 Flood hazard areas. See Chapter 19 of the City Code. For buildings and structures in *flood hazard* areas established in Section 1612.3 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable, any repair that constitutes *substantial*

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~~improvement or repair of substantial damage of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.~~

~~For buildings and structures in flood hazard areas established in Section 1612.3 of the International Building Code, or Section R322 of the International Residential Code, as applicable, any repairs that do not constitute substantial improvement or repair of substantial damage of the existing structure are not required to comply with the flood design requirements for new construction.~~

[BS] 408.3 Flood hazard areas. ~~See Chapter 19 of the City Code. Within flood hazard areas established in accordance with Section 1612.3 of the International Building Code, or Section R322 of the International Residential Code, as applicable, where the work proposed constitutes substantial improvement, the building shall be brought into compliance with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable:~~

~~**Exception:** Historic buildings need not be brought into compliance that are:~~

- ~~1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places;~~
- ~~2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or~~
- ~~3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.~~

410.1 Scope. ~~The Accessibility provisions for the of Sections 410.1 through 410.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings, shall be in accordance with Chapter 11 of the Building Code.~~

~~**{EDITORIAL NOTE: THE REMAINDER OF THIS SECTION REMAINS AS IS AND IS NOT ADOPTED BY THIS JURISDICTION.}**~~

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**CHAPTER 6
REPAIRS**

[BS] 601.3 Flood hazard areas. ~~See Chapter 19 of the *City Code*. In flood hazard areas, repairs that constitute *substantial improvement* shall require that the building comply with Section 1612 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable.~~

605.1 General. Repairs shall be done in a manner that maintains the level of accessibility provided in accordance with the Texas Accessibility Standards.

[BS] 606.2.4 Flood hazard areas. ~~See Chapter 19 of the *City Code*. In *flood hazard areas*, buildings that have sustained *substantial damage* shall be brought into compliance with Section 1612 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable.~~

609.2 Water closet replacement. The maximum water consumption flow rates and quantities for all replaced water closets shall be 4.6 1.28 gallons (64.85L) per flushing cycle.

Exception: Blowout design water closets [3.5 gallons (13L) per flushing cycle].

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**CHAPTER 7
ALTERATIONS—LEVEL 1**

[BS] 701.3 Flood hazard areas. ~~See Chapter 19 of the City Code. In flood hazard areas, alterations that constitute substantial improvement shall require that the building comply with Section 1612 of the International Building Code, or Section R322 of the International Residential Code, as applicable.~~

705.1 General. ~~A facility that is altered shall comply with the applicable provisions in Section 705.1.1 through 705.1.14, and Chapter 11 of the International Building Code unless it is technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent that is technically feasible.~~

{EDITORIAL NOTE: REMAINDER OF SECTION 705 SHALL REMAIN AS SET FORTH IN THE 2015 IEBC AND IS NOT ADOPTED BY THIS JURISDICTION.}

[BS] 707.3.2 Roof diaphragms resisting wind loads in high-wind regions. ~~Where roofing decking materials are removed from more than 50 percent of the roof diaphragm or section of a building located where the ultimate design wind speed, V_{ult} , determined in accordance with Figure 1609.3(4) of the International Building Code, is greater than 115 mph (51 m/s) or in a special wind region, as defined in Section 1609 of the International Building Code, roof diaphragms, connections of the roof diaphragm to roof framing members, and roof-to-wall connections shall be evaluated for the wind loads specified in the International Building Code, including wind uplift. If the diaphragms and connections in their current condition are not capable of resisting at least 75 percent of those wind loads, they shall be replaced or strengthened in accordance with the loads specified in the International Building Code.~~

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**CHAPTER 8
ALTERATIONS—LEVEL 2**

803.6 Fire-resistance rating. Where approved by the code official, buildings where an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the *International Building Code* has been added, and the building is now sprinklered throughout, the required fire-resistance ratings of building elements and materials shall be permitted to meet the automatic sprinkler system requirements of the current building code. The building is required to meet the other applicable requirements of the *International Building Code*.

Plans, investigation and evaluation reports, and other data shall be submitted indicating which building elements and materials the applicant is requesting the code official to review and approve for determination of applying the current building code fire-resistance ratings. Any special construction features, including fire-resistance-rated assemblies and smoke-resistive assemblies, conditions of occupancy, means-of-egress conditions, fire code deficiencies, approved modifications or approved alternative materials, design and methods of construction, and equipment applying to the building that impact required fire-resistance ratings shall be identified in the evaluation reports submitted.

804.2.1.1 Supplemental automatic sprinkler system requirements. Where the *work area* on any floor exceeds 50 percent of that floor area, Section 804.2.1 shall apply to the entire floor on which the *work area* is located.

Exception: ~~Occupied tenant spaces that are entirely outside the work area.~~

805.6 Dead-end corridors. Dead-end corridors in any *work area* shall not exceed ~~35~~ 20 feet (40 ~~670~~ 6960 mm).

Exceptions:

1. Where dead-end corridors of greater length are permitted by the *International Building Code*.
- ~~2. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 50 feet (15 240 mm) in buildings equipped throughout with an automatic fire alarm system installed in accordance with the *International Building Code*.~~
2. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be ~~70~~ 50 feet (21 356 mm) in buildings equipped throughout with an automatic sprinkler system installed in accordance with the *International Building Code*.
3. In other than Group A and H occupancies, the maximum length of an existing, newly constructed, or extended dead-end corridor shall not exceed 50 feet (15 240 mm) on floors equipped with an automatic sprinkler system installed in accordance with the *International Building Code*.

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805.12 Stair construction. All required stairs shall have a minimum run of 9 inches (229 mm) and a maximum rise of 8 inches (203 mm) and shall have a minimum width of 30 inches (762 mm) exclusive of handrails. Every stairway shall have at least one handrail. A landing having a minimum 30-inch (762 mm) run in the direction of travel shall be provided at each point of access to the stairway.

Exception: Fire escapes as provided for in this section.

Exterior stairs shall be of noncombustible construction.

Exception: On buildings of Types III, IV and V construction, provided the exterior stairs are constructed of wood of not less than 2-inch (51 mm) nominal thickness.

806.2 Stairways and escalators in existing buildings. In *alterations* where an escalator or stairway is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5 of the *International Building Code*.

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**CHAPTER 9
ALTERATIONS—LEVEL 3**

902.1.2 Elevators. Where there is an elevator or elevators for public use, at least one elevator serving the *work area* shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building ~~and intended to serve the needs of emergency personnel for fire fighting or rescue purposes~~ shall be provided with emergency operation in accordance with ASME A17.3. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.

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**CHAPTER 10
CHANGE OF OCCUPANCY**

1001.3 Certificate of occupancy required. A certificate of occupancy shall be issued where a *change of occupancy* occurs that results in a different occupancy classification as determined by the *International Building Code*.

1012.8 Accessibility. *Existing buildings* that undergo a change of group or occupancy classification shall comply with Chapter 11 of the *Building Code* ~~this section~~.

Exception: ~~Type B dwelling or sleeping units required by Section 1107 of the *International Building Code* are not required to be provided in existing buildings and facilities undergoing a *change of occupancy* in conjunction with less than a Level 3 *alteration*.~~

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**CHAPTER 11
ADDITIONS**

**SECTION 1107
AIRPORT SOUND ATTENUATION**

1107.1 Minimum requirements. *Additions to existing buildings* required to comply with airport sound attenuation requirements shall conform to Chapter 9, Article VI, of the *City Code* and the *Building Code* to achieve an interior sound level of 45 dBA.

**SECTION 1108
LAKE HOUSTON STRUCTURES**

1107.1 Minimum requirements. *Additions to existing buildings* constructed in or on Lake Houston shall conform to the Chapter 23 of the *City Code*.

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**CHAPTER 12
HISTORIC BUILDINGS**

1201.1 Scope. It is the intent of this chapter to provide means for the preservation of *historic buildings*. Historical buildings shall comply with the provisions of this chapter relating to their *repair, alteration, relocation and change of occupancy*. Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made with conformance to all the requirements of this code when authorized by the building official, provided:

1. The building or structure has been designated as having special historical or architectural significance by the City Council of this jurisdiction as a landmark or is a contributing structure within a historic district as designated by the City Council of this jurisdiction. The foregoing designations shall be as provided in Chapter 33, Article VII, of the City Code.
2. Any unsafe conditions described in this code are corrected.
3. The restored building or structure will be no more hazardous based on life safety, fire safety, and sanitation than the existing building.

[BS] 1201.4 Flood hazard areas. See Chapter 19 of the City Code. In flood *hazard areas*, if all proposed work, including repairs, work required because of a *change of occupancy*, and *alterations*, constitutes *substantial improvement*, then the *existing building* shall comply with Section 1612 of the *International Building Code*, or Section R322 of the *International Residential Code*, as applicable.

Exception: If an *historic building* will continue to be an *historic building* after the proposed work is completed, then the proposed work is not considered a *substantial improvement*. For the purposes of this exception, an *historic building* is:

- ~~1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places;~~
- ~~2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or~~
- ~~3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.~~

1205.2 Building area. The allowable floor area for *historic buildings* undergoing a *change of occupancy* shall be permitted to exceed by 20 percent the allowable areas specified in comply with Chapter 5 of the *International Building Code*.

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**CHAPTER 13
RELOCATED OR MOVED BUILDINGS**

1301.2 Conformance. ~~The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Property Maintenance Code*. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable. Relocated or moved housing shall comply with Chapter 10, Article III of the *City Code* and be brought into compliance with all applicable Construction Code requirements as for new construction for the designated occupancy within 150 calendar days, and the issuance of any permit by the city shall not be construed to extend the time to repair the building beyond 150 calendar days after the building was moved onto the property.~~

Relocated or moved buildings and housing outside the scope of the *Houston Residential Code* shall comply with the *Building Code* for new construction.

Exception: Relocated or moved buildings complying with Chapter 10, Article IV of the *City Code* and constructed under the Texas Department of Licensing and Regulation (TDLR) Industrialized Housing and Buildings (IHB) Program.

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**CHAPTER 14
PERFORMANCE COMPLIANCE METHODS**

{EDITORIAL NOTE: THIS CHAPTER IS NOT ADOPTED BY THIS JURISDICTION AND REMAINS AS SET FORTH IN 2015 IEBC.}

DRAFT

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**CHAPTER 15
CONSTRUCTION SAFEGUARDS**

[BG] 1501.1 Scope. The provisions for construction safeguards shall comply with Chapter 33 of the *Building Code*. The provisions of this chapter shall govern safety during construction that is under the jurisdiction of this code and the protection of adjacent public and private properties.

{EDITORIAL NOTE: THE REMAINDER OF THIS CHAPTER REMAINS AS SET FORTH IN 2015 IEBC AND IS NOT ADOPTED BY THIS JURISDICTION.}

DRAFT

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**CHAPTER 16
REFERENCED STANDARDS**

{EDITORIAL NOTE: PORTIONS OF THIS CHAPTER NOT SHOWN SHALL REMAIN AS SET FORTH IN THE 2015 IEBC.}

ASME

American Society of Mechanical Engineers
3 Park Avenue
New York, NY 10016

Standard Reference number	Title	Referenced in code section number
A17.3— 2012 <u>08</u>	Safety Code for Existing Elevators and Escalator	902.1.2

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471

Standard Reference number	Title	Referenced in code section number
70— <u>1744</u>	National Electrical Code	108.3, 415.11.1.8, 904.3.1, 907.6.1, 909.12.2, 909.16.3, 1205.4.1, 2701.1, 2702.1.2, G501.4, G1001.6, H106.1, H106.2, K101, K111.1

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APPENDIX D
LIFE-SAFETY REQUIREMENTS FOR EXISTING
BUILDINGS

SECTION D101
GENERAL

D101.1 Purpose. The purpose of this appendix chapter is to provide a reasonable degree of safety to persons occupying existing buildings by providing for alterations to such existing buildings that do not conform with the minimum requirements of this code. This appendix chapter shall apply to and the term “existing building” shall be construed to mean any building existing within the corporate limits of the City on January 1, 1986, and any building annexed into the corporate limits after that date.

D101.2 Compliance program. The owners of existing buildings shall apply for inspection by December 31, 1991, or one year from the date of annexation of the building into the jurisdiction, whichever is later. The *building official* shall determine the relative hazard category of each application and shall schedule inspections starting with the highest hazard category.

In situations where the jurisdiction or any other regulatory authority requires a valid certificate of occupancy prior to licensing a use and no certificate of occupancy was issued at the time of construction, a Life-Safety Compliance Certificate shall satisfy the requirements for an existing building. Inspections that are required for permitting or licensing shall be given priority over other inspections provided that the applicant advises the *building official* of the need. An application for inspection under this appendix chapter shall be regarded as an application for a certificate of occupancy for purpose of Sections 10-3.1 of the *City Code*, and each application must be accompanied by the affidavit specified therein.

Hazard categories (from highest to lowest group):

1. Group A, Divisions 1 and 2; Group E; Group I; Group H; Divisions 1 and 2.
2. Group A, Divisions 3, 4, and 5.
3. Group R, Divisions 1 and 2; Group B, dining and drinking establishments; Group H other than Divisions 1 and 2.
4. Group B other than dining and drinking establishments and Groups F, M, and S.

The *building official* shall notify the building owner or the owner’s agent of the scheduled inspections at least 30 days in advance. Within 15 days following notification of the inspection date, the owner or agent shall pay the applicable fees established in the city fee schedule. Following the inspection, the *building official* shall issue a Life-Safety Compliance Certificate if there are no deficiencies. Where deficiencies are found, the owner or agent shall be advised in writing of the nature of the observed deficiencies that require correction. Such written notice shall not be construed to excuse compliance with any defects that may not have been observed or noted by the inspectors, and it shall be the duty of the owner to determine and correct all violations of this appendix chapter. It shall be the duty of the owner or agent to bring the building into full compliance with this appendix chapter within six months from the date that notice is given of

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deficiencies of inspection except to the extent that an extension of time has been granted as provided in Section D109.

Promptly after the *building official's* receipt of notice from the owner that the building is in full compliance with this appendix chapter, the *building official* shall inspect the building. Upon confirmation that the building is in full compliance with this appendix chapter, the *building official* shall issue a Life-Safety Compliance Certificate for the building.

D101.3 Unsafe or hazardous conditions. Any condition in a building or building system, including, but not limited to; electrical, mechanical, and plumbing systems, that is found to be unsafe, unsanitary or hazardous during a life-safety compliance inspection shall be corrected as a part of the owner's compliance plan.

D101.4 Alternate materials and methods. Alternate materials and methods may be used, provided such materials or methods are found by the *building official* to be, for the purpose intended, at least the equivalent of that prescribed in this chapter in suitability, strength, effectiveness, fire resistance, durability and safety. The *building official* may permit alternates in conformance with Section 104.11.

D101.5 Dangerous buildings. The provisions of this appendix chapter shall not be construed to authorize the maintenance, use, or keeping of any building in such condition that it constitutes a dangerous building under the *Houston Building Standards Code*, or to excuse or extend time given for compliance with any order issued thereunder by the hearing officer.

SECTION D102 **EXITS**

D102.1 Number of means of egress. Every floor above the first story used for human occupancy shall have at least two separate means of egress, one of which may be an exterior fire escape complying with Section D102.4. Subject to the approval of the *building official*, an approved exit ladder device may be used in lieu of a fire escape when the construction feature or location of the building on the property makes the installation of a fire escape impracticable.

Exception: In all occupancies, second stories with an occupant load of 10 or less may have one means of egress.

An exit ladder device, when used in lieu of a fire escape, shall conform to the provisions in D102.7. The use of an exit ladder device shall be permitted under the following conditions:

1. The device shall serve an occupant load of 10 or fewer, a single dwelling, or guest room.
2. The building does not exceed three stories in height.
3. Access to the device is adjacent to an opening as specified for emergency egress or rescue from a balcony.
4. The device, when operated, shall not pass in front of any building opening below the unit being served.
5. The means of activating the device for the ladder is accessible only from the opening or balcony served.

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6. The device shall be installed so that it will not cause a person using it to be within 6 feet (1829 mm) of exposed electrical wiring.

D102.2 Stair construction. All required stairs shall have a minimum run of 9 inches (229 mm) and a maximum rise of 8 inches (203 mm) and shall have a minimum width of 30 inches (762 mm) exclusive of handrails. Every stairway shall have at least one handrail. A landing having a minimum 30-inch (762 mm) run in the direction of travel shall be provided at each point of access to the stairway.

Exception: Fire escapes as provided for in this section.

Exterior stairs shall be of noncombustible construction.

Exception: On buildings of Type III, IV and V construction, provided the exterior stairs are constructed of wood not less than 2-inch (51 mm) nominal thickness.

D102.3 Corridors. Corridors serving as an exit for an occupant load of 30 or more shall have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lath and plaster in good condition or ½-inch (12.7 mm) gypsum wallboard or openings with fixed wired glass set in metal frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1¾-inches (45 mm) thick. Where the existing frame will not accommodate a 1¾-inch thick (45 mm) door, a 1⅝-inch thick (35 mm) solid bonded wood-core door or equivalent insulated steel door shall be permitted. Except for Group I occupancy patient rooms, treatment rooms, and emergency rooms, doors shall be self-closing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with Section 714 or be covered with a minimum of ½-inch (12.7 mm) gypsum wallboard or equivalent material on the room side.

Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout the floor or when such existing corridors are at least 10 feet (3048 mm) or more in width.

D102.4 Fire escapes.

D102.4.1 Use as required exit. Existing fire escapes that, in the opinion of the *building official*, comply with the intent of this section may be used as one of the required exits. The location and anchorage of fire escapes shall be of approved design and construction.

D102.4.2 General requirements. Fire escapes shall comply with the following:

1. Access from a corridor shall not be through an intervening room.
2. All openings within 10 feet (3048 mm) shall be protected by ¾ hour fire assemblies. When located within a recess or vestibule, adjacent enclosure walls shall be of not less than one-hour fire-resistive construction.
3. Egress from the building shall be by a clear opening having a minimum dimension of not less than 29 inches (737 mm). Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of an opening giving access shall not be more than 30 inches (762 mm) above the floor of the building or balcony.

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4. Fire escape stairways and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot (4.79 kN/m²) and shall be provided with a top and intermediate handrail on each side. The pitch of the stairway shall not exceed 60 degrees with a minimum width of 18 inches (457 mm). Treads shall be not less than 4 inches (102 mm) in width and the rise between treads shall not exceed 10 inches (254 mm). All stair and balcony railings shall support a horizontal force of not less than 50 pounds per lineal foot (729.5 N/m) of railing.
5. Balconies shall be not less than 44 inches (1118 mm) in width with no floor opening, other than the stairway opening, greater than 5/8-inch (16 mm) in width. Stairway openings in such balconies shall be not less than 22 inches by 44 inches (559 mm by 1118 mm). The balustrade of each balcony shall be not less than 36 inches (914 mm) high with not more than 9 inches (229 mm) between balusters.
6. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with a slope of less than 4 units vertical in 12 units horizontal (33.3% slope). Fire escape ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m); each rung shall support a concentrated load of 500 pounds (2224 N) placed anywhere on the rung. All ladders shall be at least 15 inches (381 mm) wide, located within 12 inches (305 mm) of the building and shall be placed flatwise relative to the face of the building. Ladder rungs shall be 3/4-inch (19 mm) in diameter and shall be located 12 inches (305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm).
7. The lowest balcony shall be not more than 18 feet (5486 mm) from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.
8. Fire escapes shall not take the place of stairways required by the codes under which the building was constructed.
9. Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.

D102.5 Exit and fire escape signs. Exit signs shall be provided as required by this code.

Exception: The use of existing exit signs may be continued when found by the *building official* to provide adequate direction to the exits in emergency situations.

All doors or windows providing access to a fire escape shall be provided with fire escape signs.

D102.6 Exit illumination. Exits shall be illuminated as required by Section 1006.

D102.7 Exit ladder devices.

D102.7.1 General. Where permitted by this appendix chapter, exit ladder devices shall be installed and maintained in accordance with the manufacturer's instructions and Section L102.1. Instructions shall be illustrated and shall include directions and information adequate for attaining proper and safe installation of the product. Where exit ladder devices are

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intended for mounting on different support surfaces, specific instructions shall be provided for each surface.

D102.7.2 Design. All load-bearing surfaces and supporting hardware shall be of non-combustible materials. Exit ladder devices shall have a minimum width of 12 inches (305 mm) when in the position intended for use. The design load shall not be less than 400 pounds (1780 N) for 16-foot (4877 mm) length and 600 pounds (2669 N) for 25-foot (7620 mm) length. Exit ladder devices shall be capable of withstanding an applied load of four times the design load when installed in the manner intended for use.

D102.7.3 Testing. Exit ladder devices of the retractable type shall, in addition to the static load requirements of Section D102.7.2, be capable of withstanding the following tests:

1. Rung strength.
2. Rung-to-side-rail shear strength.
3. Release mechanism.
4. Low temperature.

Test loads shall be applied for a period of one hour.

D102.7.3.1 Rung-strength test. Rungs of retractable exit ladder devices shall be capable of withstanding a load of 1,000 pounds (4448 N) when applied to a 3½-inch wide (89 mm) block resting at the center of the rung. The test load shall be applied for a period of one hour. The ladder shall remain operational following this test.

D102.7.3.2 Rung-to-side-rail shear test. Rungs of retractable exit ladder devices shall be capable of withstanding a load of 1,000 pounds (4448 N) when applied to a 3½-inch wide (89 mm) block resting on the center rung as near the side rail as possible. The test load shall be applied for a period of one hour. Upon removal of the test load, the fasteners attaching the rung to the side rail shall show no evidence of failure. The ladder shall remain operational following this test.

D102.7.3.3 Release mechanism test. The release mechanism or retractable exit ladder devices shall operate with an average applied force of not more than 5 pounds (22.2 N) for hand-operated releasing mechanisms and an average applied force of not more than 25 pounds (111 N) for foot-pedal types of releasing mechanisms. For these tests, a force gauge shall be applied to the release mechanism, and the average of three consecutive readings shall be computed.

D102.7.3.4 Low temperature operation test. Representative samples of the exit ladder device shall be subjected to a temperature of -40°C in an environmental chamber for a period of 24 hours. The release mechanism shall be operated immediately upon removal from the chamber. The ladder device shall function as intended without any restriction of operation.

**SECTION D103
ENCLOSURE OF VERTICAL SHAFTS**

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D103.1 Enclosure of vertical shafts. Interior vertical shafts, including but not limited to: stairways, elevator hoistways, and service and utility shafts, shall be enclosed by a minimum one-hour fire-resistive construction. All openings into such shafts shall be protected with one-hour fire assemblies that shall be maintained self-closing or be automatic closing by smoke detection. All other openings shall be fire protected in an approved manner. Existing fusible link-type automatic door closing devices may be permitted if the fusible link rating does not exceed 135°F (57.2°C).

Exceptions:

1. In other than Group I occupancies, an enclosure will not be required for openings serving only one adjacent floor.
2. Stairways need not be enclosed in a continuous vertical shaft if each story is separated from other stories by one-hour fire-resistive construction or approved wire-glass set in steel frames. In addition, all exit corridors shall be sprinklered, and each opening between the corridor and any occupant space shall have at least one sprinkler head above the opening on the tenant side. The sprinkler system may be supplied from the domestic water supply if its of adequate volume and pressure.
3. Vertical openings need not be protected if the building is protected by an approved automatic sprinkler system.

SECTION D104
BUILDING ACCESS OR SPRINKLER PROTECTION

D104.1 Building access or sprinkler protection. An approved automatic sprinkler system shall be provided throughout a basement or a story that:

1. Exceeds 1,500 square feet (139.3 m²) in area; and
2. Does not have a minimum of 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15240 mm), or fraction thereof, of exterior wall on at least one side of the building. Openings shall have a minimum clear dimension of 30 inches (762 mm).

Additionally, and notwithstanding the application of the foregoing criteria, if any portion of a basement is located more than 75 feet (22860 mm) from required openings, the basement shall be provided with an approved automatic sprinkler system throughout. The distance of 75 feet shall be measured in a straight line without regard to intervening walls or other objects.

Exception: Existing parking garages with no other occupancies may substitute an automatic fire alarm system utilizing “rate-of-rise” detectors when coupled with a smoke-removal system capable of six air changes per hour.

SECTION D105
STANDPIPES

D105.1 Standpipes. Any building over four stories in height shall be provided with an approved Class I or Class III standpipe system.

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**SECTION D106
SMOKE DETECTORS**

D106.1 General. Day-care centers, dwelling units, and guest rooms in hotels or lodging houses that are used for sleeping purposes shall be provided with smoke detectors installed in accordance with the requirements of the *Fire Code*.

D106.2 Power source. Smoke detectors may be battery operated or may receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without disconnecting switches other than those required for over current protection.

D106.3 Location within dwelling units. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area. Where sleeping units are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. Detectors shall also be installed in the basements of dwelling units having stairways that open from the basement into the dwelling. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

D106.4 Location in efficiency dwelling units and hotels. In efficiency dwelling units, hotel suites and hotel sleeping units, detectors shall be located on the ceiling or wall of the main room or hotel sleeping unit. When sleeping units within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall sound an alarm audible within the sleeping area of the dwelling unit, hotel suite, or sleeping unit in which it is located.

**SECTION D107
SEPARATION OF OCCUPANCIES**

D107.1 General. Occupancy separations shall be provided as specified in Section 508 of the *Building Code*. When approved by the *building official*, existing wood lath and plaster in good condition or ½-inch (12.7 mm) gypsum wallboard may be acceptable where one-hour occupancy separations are required.

**SECTION D108
FIRE ALARMS**

D108.1 General. High-rise buildings as defined in the *Building Code* shall be equipped with an approved manual fire alarm system that will provide an audible signal at a constantly attended location within the building.

Exception: Systems that are connected to a central, proprietary, or remote station service.

**SECTION D109
EXTENSION OF TIME**

D109.1 Application. The owner of a building may apply to the *building official* for an extension of time to comply with any requirement of this appendix chapter. The owner of the building shall set forth the following information on such an application:

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1. The specific requirements of this appendix chapter for which the owner is seeking an extension of time;
2. The period of time the owner believes is necessary to meet the requirements; and,
3. The reasons why the owner believes such an extension of time is necessary.

The application shall be accompanied by documents (examples of which include affidavits, photographs, receipts, loan applications, and contracts with third parties) demonstrating that the owner has made substantial and timely attempts to bring the building into full compliance with this appendix chapter.

The owner of the building shall swear to the accuracy of all facts stated in the application.

D109.2 Approval. No request for an extension of time shall be granted unless the *building official* finds that such an extension of time is reasonably necessary to perform the work and that granting such an extension of time will not result in an unreasonable risk to the safety of the occupants of the building or to others.

D109.3 Denial. If the *building official* denies any request for an extension of time under this section, the owner of the building may appeal such a decision to the General Appeals Board. If the General Appeals Board upholds the decision of the *building official* on the matter, the board's decisions may be appealed to City Council, if notice of appeal, addressed to City Council, is delivered to the office of the City Secretary within 10 days of the date of the board's decision. Appeals shall be subject to City Council Rule 12 (see Section 2-2 of the *City Code*).

SECTION D110 **EXCEPTIONS**

D110.1 Application. The owner of a building may apply to the General Appeals Board for an exception from any requirement of this appendix chapter. The owner of the building shall set forth the following information on such application:

1. The specific requirements for which the owner is seeking an exception; and,
2. The reasons the owner believes that an exception should be granted.

An application shall be sworn to by the owner of the building.

D110.2 Approval. No request for an exception shall be granted under this section unless the General Appeals Board finds that:

1. The application of certain requirements of this chapter is not reasonably necessary to protect the safety of the occupants of the building or other persons; or,
2. Literal application of certain requirements of this chapter would have an unduly harsh impact so as to substantially destroy the value of the property to its owner after considering the totality of the circumstances.

D110.3 Denial. If the General Appeals Board denies any request for an exception under this section, the owner of the building may appeal such a decision to the City Council, if notice of the appeal, addressed to City Council, is delivered to the office of the City Secretary within 10 days of the date of the board's decision. Appeals shall be subject to City Council Rule 12 (see Section 2-2 of the *City Code*).