

<b>Building Code Sec. 14.372. License required; exception. (Proposed amendment)</b>	<b>Texas Occupations Code Sec. 1305.003(a)(6) Electrical Work on a Dwelling</b>	<b>Texas Occupations Code Sec. 1302.053 HVAC Work by Homeowner</b>	<b>Texas Occupations Code Sec. 1301.051 Plumbing by Property Owner in Homestead</b>
<p>A <i>property owner</i> may perform construction work with the owner's own hands or use other persons to perform construction work in/on an existing residence owned <del>and occupied</del> by the owner <del>as his homestead</del>. Such other persons performing work for the property owner shall, however, be subject to applicable licensing requirements under state law. All work is subject to permit, inspection and approval in accordance with this chapter.</p>	<p>Under this section, the licensing requirements of the Texas Electrical Safety and Licensing Act do not apply to <u>work not specifically regulated by a municipal ordinance</u> that is performed in or on a dwelling by a person who owns and resides in the dwelling.</p>	<p>This provision creates an exemption from licensing for a person who engages in air conditioning and refrigeration contracting <u>in a building owned solely by the person as the person's home</u>. This exemption applies only to the homeowner and not to others who may attempt to assist the homeowner.</p>	<p>Under this section, a property owner is not required to be licensed under the Plumbing License Law to perform plumbing in the <u>property owner's homestead</u>.</p>
<p>The proposed amendment would allow construction work on residential property owned by the person doing the work, including rental properties or second homes. However, any final amendment would need to yield to state law exemptions as set out in this table for electrical, HVAC and plumbing work.</p>	<p>The above exemption provided applies <u>only when a municipal ordinance does not specifically regulate electrical work</u>. Because city ordinances regulate electrical work, the exemption under state law does not apply. Thus, if the proposed amendment is intended to apply to electrical work, it would be in conflict with state law.</p>	<p>The proposed ordinance amendment is in conflict with state law because it provides a broader exemption than provided by state law. The ordinance would need to clarify that only HVAC work on the owner's residential property that is the person's home is subject to the ordinance exemption. For example, a person could perform HVAC on a second home or vacation home in the city. But, they could not perform HVAC work on a rental property that is not also their home.</p>	<p>The proposed ordinance amendment would be in conflict with state law as to any plumbing work. Thus, the ordinance would need to clarify that, as to plumbing, only work on a homestead may be done without a license.</p>