

By: Chisum

H.B. No. 2454

A BILL TO BE ENTITLED

AN ACT

relating to home and building construction energy conservation standards and programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 388.003, Health and Safety Code, is amended by amending Subsections (d) and (e) and by adding Subsections (i) and (j) to read as follows:

(d) A municipality or county may establish procedures to adopt:

(1) local amendments to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code; or

(2) local building codes that meet or exceed the green building standards under Section 388.010.

(e) Local amendments may not result in less stringent energy efficiency requirements in nonattainment areas and in affected counties than the energy efficiency chapter of the International Residential Code or International Energy Conservation Code. Local amendments must comply with the National Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as amended. The laboratory, at the request of a municipality or county, shall determine the relative impact of proposed local amendments to an energy code, including whether proposed amendments are substantially equal to or less stringent than the unamended

code. For the purpose of establishing uniform requirements throughout a region, and on request of a council of governments, a county, or a municipality, the laboratory may recommend a climatically appropriate modification or a climate zone designation for a county or group of counties that is different from the climate zone designation in the unamended code. The laboratory shall:

(1) report its findings to the council, county, or municipality, including an estimate of any energy savings potential above the base code from local amendments; and

(2) annually submit a report to the commission:

(A) identifying the municipalities and counties:

(i) that have adopted a green building program or an urban heat island program;

(ii) whose codes are more stringent than the unamended code; ~~and~~

(iii) whose codes are equally stringent or less stringent than the unamended code; and

(B) quantifying energy savings and emission reductions from these programs ~~[this program]~~.

(i) As required by Section 389.002, the commission shall report the energy savings identified under Subsection (e)(2) to the United States Environmental Protection Agency and shall periodically revise the state implementation plan to reflect the emissions reductions achieved.

(j) The commission, by rule, shall designate a method by which a municipality, county, builder, or other person can

1 estimate:

2 (1) the energy savings and emissions reductions that
3 would be generated by the adoption of a code, the implementation of
4 a standard under this chapter, or the construction of a project that
5 implements the code or standards; and

6 (2) the emissions reduction credits that the
7 municipality or county could accrue toward attainment under the
8 state implementation plan as reported by the commission under
9 Section 389.002.

10 SECTION 2. Section 388.004, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 388.004. ENFORCEMENT OF ENERGY STANDARDS OUTSIDE OF
13 MUNICIPALITY. (a) For construction outside of the local
14 jurisdiction of a municipality:

15 (1) a building certified by a national, state, or
16 local accredited energy efficiency program shall be considered in
17 compliance;

18 (2) a building with inspections from private
19 code-certified inspectors using the energy efficiency chapter of
20 the International Residential Code or International Energy
21 Conservation Code shall be considered in compliance; and

22 (3) a builder who does not have access to either of the
23 above methods for a building shall certify compliance using a form
24 provided by the laboratory, enumerating the code-compliance
25 features of the building.

26 (b) To ensure that homes and buildings outside a
27 municipality are credited for meeting or exceeding energy

1 efficiency standards, the county or commission shall distribute the
2 form required under Section 388.008 to a builder on request for an
3 on-site sewage disposal system permit under Section 366.051. The
4 completed form shall be filed with the county clerk's office when
5 the deeds for the home or building are filed and shall be forwarded
6 by the county clerk's office to the laboratory for compilation.

7 SECTION 3. Chapter 388, Health and Safety Code, is amended
8 by adding Sections 388.009 through 388.012 to read as follows:

9 Sec. 388.009. GREEN BUILDING PERFORMANCE STANDARDS. As part
10 of the home energy ratings developed under this chapter, the
11 laboratory shall develop a series of green building performance
12 standards that establish guidelines for comparing buildings that:

13 (1) conserve energy and water;

14 (2) reduce waste and the use of toxic substances; and

15 (3) improve indoor air quality.

16 Sec. 388.010. GREEN BUILDING PROGRAM. (a) In this section,
17 "National Housing Act" means Section 203(b), (i), or (k) of the
18 National Housing Act (12 U.S.C. Sections 1709(b), (i), and (k)), as
19 amended.

20 (b) The General Land Office, in consultation with an
21 advisory committee appointed by the General Land Office and
22 composed of experts in various aspects of green building, including
23 mortgage companies and contractors who build according to green
24 building standards, shall develop an accreditation program for
25 buildings that meet green building standards.

26 (c) The General Land Office shall update the program on or
27 before December 1 of each even-numbered year using the best

1 available green building practices.

2 (d) The program shall use a checklist system to produce a
3 green building scorecard to help:

4 (1) home buyers compare potential homes and, by
5 providing a copy of the completed scorecard to a mortgage lender,
6 qualify for energy-efficient mortgages under the National Housing
7 Act; and

8 (2) communities qualify for emissions reduction
9 credits by adopting codes that meet or exceed the green building or
10 energy performance standards established under this chapter.

11 (e) The General Land Office shall base green building
12 standards for commercial buildings on federal agency programs such
13 as the green building program under the Environmental Protection
14 Agency.

15 (f) The General Land Office shall establish a public
16 information program to inform homeowners, sellers, buyers, and
17 others regarding green building ratings.

18 (g) The laboratory shall establish a system to measure the
19 reduction in energy and emissions produced under the green building
20 program.

21 Sec. 388.011. URBAN HEAT ISLAND REDUCTION PROGRAM. A
22 municipality shall require, for the building of new or the
23 remodeling of existing commercial buildings, the use of roofing
24 materials that meet the United States Environmental Protection
25 Agency's energy star standards at an albedo level of 0.65 or higher.

26 Sec. 388.012. OUTREACH TO NEAR-NONATTAINMENT AREAS. The
27 commission shall conduct outreach to near-nonattainment areas and

1 affected counties on the benefits of implementing energy efficiency
2 initiatives, including the promotion of green building programs and
3 urban heat island mitigation techniques, as a way to meet air
4 quality attainment goals under the federal Clean Air Act (42 U.S.C.
5 Section 7401 et seq.).

6 SECTION 4. Chapter 389, Health and Safety Code, is amended
7 by adding Section 389.003 to read as follows:

8 Sec. 389.003. COMPUTING ENERGY EFFICIENCY CREDITS. The
9 commission shall develop a method to use in computing the credits
10 received for emissions reductions obtained through energy
11 efficiency initiatives.

12 SECTION 5. (a) Not later than November 1, 2003, the Energy
13 Systems Laboratory at the Texas Engineering Experiment Station of
14 The Texas A&M University System shall develop an initial set of
15 green building performance standards as required by Section
16 388.009, Health and Safety Code, as added by this Act.

17 (b) Not later than December 1, 2003, the General Land Office
18 shall adopt rules needed to implement the green building program
19 under Section 388.010, Health and Safety Code, as added by this Act.

20 (c) Not later than January 1, 2004, the General Land Office
21 shall implement the green building program under Section 388.010,
22 Health and Safety Code, as added by this Act.

23 (d) Not later than January 1, 2004, all municipalities in
24 this state shall adopt ordinances requiring the use of roofing
25 materials as required by Section 388.011, Health and Safety Code,
26 as added by this Act.

27 (e) Not later than December 1, 2003, the Texas Commission on

1 Environmental Quality:

2 (1) shall adopt rules needed to implement Sections
3 388.012 and 389.003, Health and Safety Code, as added by this Act;
4 and

5 (2) shall develop a method for computing energy
6 efficiency credits, as required by Section 389.003, Health and
7 Safety Code, as added by this Act.

8 (f) Not later than January 1, 2004, the Energy Systems
9 Laboratory at the Texas Engineering Experiment Station of The Texas
10 A&M University System shall develop a system to measure the energy
11 savings and emissions reductions required by Section 388.003(e),
12 Health and Safety Code, as amended by this Act.

13 SECTION 6. This Act takes effect September 1, 2003, and
14 applies only to a request for an on-site sewage disposal permit
15 under Section 366.051, Health and Safety Code, received on or after
16 that date.