

By: Anchia

H.B. No. 2783

Substitute the following for H.B. No. 2783:

By: Farabee

C.S.H.B. No. 2783

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of energy efficient building standards.

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

SECTION 1. Section 388.003, Health and Safety Code, as amended by Chapters 262 (S.B. 12) and 939 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

Sec. 388.003. ADOPTION OF BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS. (a) To achieve energy conservation in single-family and duplex residential construction, the energy efficiency provisions [~~chapter~~] of the International Residential Code, as it existed on May 1, 2001, is adopted as the energy code in this state for single-family and duplex residential construction. Beginning January 1, 2012, the energy efficiency provisions of the International Residential Code, as it existed on May 1, 2009, is adopted as the energy code in this state for single-family and duplex residential construction.

(a-1) For the purposes of energy code compliance under the limited statutory warranties and building and performance standards under Section 430.001, Property Code, and inspections of new residential construction required under Subtitle F, Title 16, Property Code, Subsection (a) of this section controls for single-family and duplex residential construction located in unincorporated areas not in the extraterritorial jurisdiction of a

1 municipality. To the extent of any conflict between this
2 subsection and any other law, including Section 430.001, Property
3 Code, this subsection prevails.

4 (b) To achieve energy conservation in all other
5 residential, commercial, and industrial construction, the
6 International Energy Conservation Code as it existed on May 1,
7 2001, is adopted as the energy code for use in this state for all
8 other residential, commercial, and industrial construction.
9 Beginning January 1, 2012, the International Energy Conservation
10 Code, as it existed on May 1, 2009, is adopted as the energy code in
11 this state for all other residential, commercial, and industrial
12 construction.

13 (b-1) If the State Energy Conservation Office determines,
14 based on written recommendations from the laboratory, that the
15 latest published [~~edition of the~~] International Residential Code
16 energy efficiency provisions or the latest published edition of the
17 International Energy Conservation Code will result in residential
18 or commercial sector energy efficiency and air quality impact, on
19 average, that is equivalent to or better than the energy efficiency
20 and air quality achievable under the editions adopted under
21 Subsection (a) or (b), the office may by rule adopt the equivalent
22 or more stringent editions and substitute them for the energy codes
23 described by Subsection (a) or (b). The rule, if adopted, shall
24 establish an effective date for the new energy codes but not earlier
25 than nine months after the date of adoption. The laboratory shall
26 make its recommendations not later than six months after
27 publication of new editions at the end of each three-year code

1 development cycle of the International Residential Code and the
2 International Energy Conservation Code.

3 (b-2) The State Energy Conservation Office by rule shall
4 establish a procedure for persons who have an interest in the
5 adoption of energy codes under Subsection (b-1) to have an
6 opportunity to comment on the codes under consideration. The
7 office shall consider persons who have an interest in adoption of
8 those codes to include:

- 9 (1) commercial and residential builders, architects,
10 and engineers;
11 (2) municipal, county, and other local government
12 authorities; and
13 (3) environmental groups.

14 (b-3) In developing written recommendations under
15 Subsection (b-1), the laboratory shall consider the comments
16 submitted under Subsection (b-2).

17 (c) A municipality shall establish procedures:

- 18 (1) for the administration and enforcement of the
19 codes; and
20 (2) to ensure that code-certified inspectors or
21 approved energy efficiency program verifiers shall perform
22 inspections and enforce the code in the inspectors' jurisdictions.

23 (d) A municipality or county may establish procedures to
24 adopt local amendments to the International Energy Conservation
25 Code and the energy efficiency provisions [~~chapter~~] of the
26 International Residential Code.

27 (e) Local amendments may not result in less stringent

1 overall energy efficiency requirements [~~in nonattainment areas and~~
2 ~~in affected counties~~] than the energy efficiency chapter of the
3 International Residential Code or International Energy
4 Conservation Code. Local amendments must comply with the National
5 Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections
6 6291-6309), as amended. The laboratory, at the request of a
7 municipality or county, shall determine the relative impact of
8 proposed local amendments to an energy code, including whether
9 proposed amendments are substantially equal to or less stringent
10 than the unamended code. [~~For the purpose of establishing uniform~~
11 ~~requirements throughout a region, and on request of a council of~~
12 ~~governments, a county, or a municipality, the laboratory may~~
13 ~~recommend a climatically appropriate modification or a climate zone~~
14 ~~designation for a county or group of counties that is different from~~
15 ~~the climate zone designation in the unamended code.] The
16 laboratory shall:~~

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

20 (2) annually submit a report to the commission:

21 (A) identifying the municipalities and counties
22 whose codes are more stringent than the unamended code, and whose
23 codes are equally stringent or less stringent than the unamended
24 code; and

25 (B) quantifying energy savings and emissions
26 reductions from this program.

27 (f) Each municipality, and each county that has established

1 procedures under Subsection (d), shall periodically review and
2 consider revisions made by the International Code Council to the
3 International Energy Conservation Code and the energy efficiency
4 chapter of the International Residential Code adopted after May 1,
5 2009 [~~2001~~].

6 (g) The laboratory shall have the authority to set and
7 collect fees to perform certain tasks in support of the
8 requirements in Sections 388.004, 388.007, and 388.008.

9 (h) Within the boundaries of an airport operated by a joint
10 board created under Subchapter D, Chapter 22, Transportation Code,
11 the constituent agencies of which are populous home-rule
12 municipalities, the powers of a municipality under this section are
13 exclusively the powers of the joint board.

14 (i) A building certified by a national, state, or local
15 accredited energy efficiency program and determined by the
16 laboratory to be in compliance with the energy efficiency
17 requirements of this section may, at the option of the
18 municipality, be considered in compliance. The United States
19 Environmental Protection Agency's Energy Star Program
20 certification of energy code equivalency shall be considered in
21 compliance.

22 SECTION 2. This Act takes effect September 1, 2009.