

BILL ANALYSIS

S.B. 2453
By: Menéndez
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 3000.002, Government Code, prohibits a governmental entity from adopting or enforcing a rule, charter provision, ordinance, order, building code, or other regulation that, as follows:

- prohibits or limits the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or
- establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under such a national model code.

The legislature has established various exemptions from that prohibition, including restrictions necessary to comply with state agency programs, necessary for windstorm and hail insurance coverage eligibility, or related to historical landmarks or dark-sky protections.

The 2021 International Energy Conservation Code and the Energy Chapter of the 2021 International Residential Code have been shown by the Energy Systems Laboratory to be 5-10 percent more efficient than current state code. Allowing the State Energy Conservation Office (SECO) to implement these new codes would ensure that new construction is more energy and cost efficient. S.B. 2453 seeks to allow SECO to do so by exempting from the prohibition established under Section 3000.002 an energy code adopted by SECO and an energy and water conservation design standard established by SECO.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Energy Conservation Office in SECTION 2 of this bill.

ANALYSIS

S.B. 2453 amends the Government Code to exempt the following from the prohibition against a governmental entity adopting or enforcing certain regulations regarding commercial building products, materials, or methods:

- an energy code adopted by the State Energy Conservation Office (SECO);
- an energy and water conservation design standard established by SECO; and

- a high-performance building standard approved by the board of regents of an applicable public institution of higher education that is applicable to the construction of an institution building, structure, or other facility, or the renovation of a building, structure, or other facility, the cost of which is more than \$2 million, or, if less than \$2 million, more than 50 percent of the value of the building, structure, or other facility, if any part of the construction or renovation is financed by revenue bonds.

S.B. 2453 amends the Health and Safety Code to authorize SECO to amend an adopted edition of the energy efficiency chapter of the International Residential Code and to amend an adopted edition of the International Energy Conservation Code. The bill prohibits SECO from amending an adopted edition of the energy efficiency chapter of the International Residential Code more often than once every six years. The bill requires SECO by rule to establish a procedure for persons who have an interest in the amendment of energy codes to have an opportunity to comment on the codes under consideration.

S.B. 2453 requires SECO, before amending or adopting an edition of the energy efficiency chapter of the International Residential Code, to conduct an analysis that measures the impact of the amendment or adoption on housing attainability in Texas and quantifies the incremental construction cost and energy use cost savings associated with construction to evaluate the cost-effectiveness of the proposed amendment or adoption. The bill requires the analysis of the costs and savings to calculate the payback period for any required products or minimum standards or requirements that are more stringent than the energy code in effect on the date immediately before the date the amendment or adoption would take effect.

EFFECTIVE DATE

September 1, 2023.