

## **BILL ANALYSIS**

H.B. 1360  
By: Hernandez  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current statute prohibits a governmental entity from adopting or enforcing certain regulations that prohibit or limit the use or installation of a building product or material in the construction or alteration of a residential or commercial building if the product or material is approved for use by an applicable national model code published within the last three code cycles or that establish a standard for a building product, material, or aesthetic method in the construction or alteration of such a building that is more stringent than a standard under such a model code. The bill author has informed the committee that, while this law was enacted to maintain consumer and builder choice in construction by eliminating the ability of local government entities to adopt overly restricting building regulations, the law also prevents the State Energy Conservation Office (SECO) from adopting new energy efficiency codes.

The author has additionally informed the committee that the 2021 International Energy Conservation Code and the energy efficiency chapter of the 2021 International Residential Code have been shown to be 5-10 percent more efficient than current state codes and that allowing SECO and other state entities to implement these codes would ensure that new state construction is more energy and cost-efficient, saving money while easing demand on the state's electric grid. H.B. 1360 seeks to allow SECO to accomplish this by exempting from the prohibition under current statute against a governmental entity adopting or enforcing certain regulations regarding residential or commercial building products, materials, or methods an energy code adopted by SECO and an energy and water conservation design standard established by SECO, as well as certain high-performance building standards approved by the board of regents of an institution of higher education.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1360 amends the Government Code to exempt the following from the prohibition against a governmental entity adopting or enforcing certain regulations regarding residential or 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.

H.B. 1360 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 makes the procedure established by SECO rule for persons who have an interest in the adoption of energy codes to have an opportunity to comment on the codes under consideration also applicable to the amendment of energy codes.

H.B. 1360 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, 2025.