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§19.53. Building Energy Efficiency Performance Standards.

(a) Single-family residential construction. Effective January 1, 2012, the energy efficiency provisions of the International Residential Code as they existed on May 1, 2009, are adopted as the energy code in this state for single-family residential construction as it is defined in Health and Safety Code, §388.002(12).

(b) All other residential, commercial, and industrial construction. Effective April 1, 2011, the International Energy Conservation Code as it existed on May 1, 2009, is adopted as the energy code for use in this state for all residential, commercial, and industrial construction that is not single-family residential construction under subsection (a) of this section.

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TITLE 34. PUBLIC FINANCE

Part 1. COMPTROLLER OF PUBLIC ACCOUNTS

Chapter 19. STATE ENERGY CONSERVATION OFFICE Subchapter E. TEXAS BUILDING ENERGY PERFORMANCE STANDARDS

34 TAC §19.53

The Comptroller of Public Accounts adopts new §19.53, concerning building energy efficiency performance standards, with changes to the proposed text as published in the March 26, 2010, issue of the Texas Register (35 TexReg 2514). The new section is created in compliance with Health and Safety Code, §388.003(b-1), which authorizes the State Energy Conservation Office (SECO) to adopt equivalent or more stringent energy codes than those adopted in Health and Safety Code, §388.003(a) and (b).

New §19.53(a) adopts the energy efficiency provisions of the International Residential Code as they existed on May 1, 2009, as the energy code for single family residential dwellings, as that term is defined in Health and Safety Code, §388.002(12). The agency has concluded that the energy efficiency provisions of the 2009 edition of the International Residential Code (2009 IRC) are more stringent than the same provisions for the 2001 of the International Residential Code. Under the provisions of the American Recovery and Reinvestment Act, Texas has agreed to implement building code standards that are equal to or more stringent than the 2009 edition of the International Energy Conservation Code (IECC), with 90% compliance by 2017. The agency is only authorized by Texas statute to adopt the 2009 edition of the International Residential Code (IRC) for single-family homes, but in some climate zones of Texas, the 2009 IRC is not equivalent to the 2009 edition of the IECC. As part of this adoption, the agency encourages local jurisdictions to evaluate each standard for their particular climate zone and if appropriate adopt the standard, and/or and strengthening amendments that result in the greatest energy savings, in order to assist Texas in making progress towards the goal of 90% compliance with the 2009 edition of the IECC by 2017. The Energy Systems Laboratory at Texas A&M and the U.S. Department of Energy can assist municipalities in evaluating the IRC for local conditions.

New §19.53(b) adopts the International Energy Conservation Code as it existed on May 1, 2009, for all other residential, commercial, and industrial construction in this state. The agency adopts an effective date of April 1, 2011 for this subsection because Health and Safety Code, §388.003(b-1) provides that the amendments made under this statute may be effective no later than nine months from the time the adoption is filed with the Texas Register.