# ORDER OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_COUNTY COMMISSIONERS COURT REQUIRING APPLICATION OF SUBTITLE C, CHAPTER 388, TEXAS

**HEALTH AND SAFETY CODE, TO CERTAIN RESIDENTIAL CONSTRUCTION IN UNINCORPORATED AREAS OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY**

***WHEREAS,*** the Texas Legislature in the 77th. Regular Session, codified in Sections 388.001 through 388.004 of the Texas Health and Safety Code, to reduce air pollutant emissions that are affecting the health of residents, moderate future peak electric power demand, assure the reliability of the electrical grid and to control energy costs for residents and businesses in Texas through residential energy efficient construction standards in the unincorporated areas of counties; and

***WHEREAS***, the citizens of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County desire the construction of quality housing and wholesome living environments for its citizens living in unincorporated areas.

***NOW, THEREFORE, BE IT ORDERED AND RESOLVED,*** that the Commissioners Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_County, in accordance with Section 388.004, Texas Health and Safety Code, order that the construction, renovation of, or addition to a single-family house as defined by the Health and Safety Code begun after the effective date of this order in the unincorporated areas of \_\_\_\_\_\_\_\_\_\_\_\_\_\_County must conform to the Building Energy Efficiency Performance Standards as adopted under Section 388.004 of the Texas Health and Safety Code.. This Order shall not apply to a manufactured home constructed in accordance with Chapter 1201 of the Texas Occupations Code or a modular home constructed in accordance with Chapter 1202 of the Texas Occupations Code; and

***FURTHERMORE BE IT ORDERED AND RESOLVED,*** that in accordance with Section 388.004 of the Texas Health and Safety Code, compliance with this order shall be demonstrated by one of the following:

a. Certification by a national, state or local accredited energy efficiency program

b. Documentation of compliance through inspections from private code-certified inspectors using the energy efficiency chapter of the International Residential Code or International Energy Conservation Code

c. A builder who does not have access to either of the above methods shall certify compliance using a form provided by the Energy Systems Laboratory of Texas A&M University, enumerating the code-compliance features of the building.

A builder shall provide a copy of documentation of compliance to the owner of the building and retain the original documentation for a minimum of three years.

***FURTHERMORE, BE IT ORDERED AND RESOLVED***, that in accordance with Section 233.154(b), Texas Local Government Code, a builder performing construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after the effective date of this order in the unincorporated areas of \_\_\_\_\_\_\_\_\_\_\_\_\_\_County must, prior to beginning the construction project, provide notice to the County Engineer’s office. The Commissioners Court prescribes the Notice of Residential Construction in Unincorporated Area attached to this Resolution as the required notice. The notice must include (1) the location of the new residential construction; (2) the approximate date by which the new residential construction will be commenced; and (3) the version of the International Residential Code that will be used by the builder to construct the new residential construction; and

***FURTHERMORE, BE IT ORDERED AND RESOLVED,*** that in accordance with Section 233.154(c), Texas Local Government Code, not later than the 10th day after the date of a final inspection required by this Resolution, a builder performing construction of a new single-family house or duplex or the construction of an addition to an existing single-family house or duplex begun after the effective date of this order in the unincorporated areas of \_\_\_\_\_\_\_\_\_\_\_\_\_ County must submit notice to (1) the County Engineer’s office; and (2) the person for whom the new residential construction is being built, if different from the builder, stating whether or not the inspection showed compliance with the building code standards applicable to that phase of construction. The Commissioners Court prescribes the Notice of Residential Construction Inspection Compliance in Unincorporated Area attached to this Resolution as the required notice.

***FURTHERMORE, BE IT ORDERED AND RESOLVED***, that in accordance with Section 233.157, Texas Local Government Code, (a) A person commits an offense if the person fails to provide proper notice in accordance with Sections 232(b) and (c); (b) An offense under this section is a Class C misdemeanor. (c) An individual is exempted from the Class C misdemeanor referral for failure to provide notice if; (1) the new residential construction is built by the individual or the individual acts as the individual’s own contractor; and; (2) the individual intends to use the residence as the individual’s primary residence.

# PASSED this day of , 20\_\_.

**THE MEETING AT WHICH THIS ORDER WAS ADOPTED WAS NOTICED AND CONDUCTED IN ACCORDANCE WITH CHAPTER 551 OF THE GOVERNMENT CODE.**

County Judge

ATTEST:

County Clerk