

Energy Codes in Unincorporated Areas

Only a few counties have enforced building codes as there are limits on their authority to inspect or collect fees. With new legislation and utilizing third-party inspection services, enforcing the residential code is clearly within a county's authority. Since September 1, 2017, under Section 233.155 of the Local Government Code, Texas law provides counties with the authority to enforce compliance with building codes and establishes penalties for non-compliance.



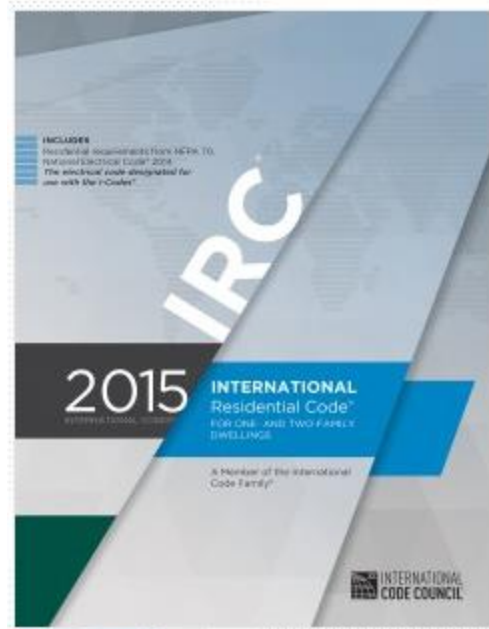
Texas Law also identifies an energy code under Section 388 of the Health and Safety Code, which applies to all buildings in the state and sets the minimum energy performance standard for all residential and commercial construction. By law, all builders are required to meet this standard for affordable, durable and comfortable construction. However, the enforcement falls on the local governments as Texas is a home rule state.

Cities, or incorporated jurisdictions of the state have adopted and are enforcing current building codes (2012 or 2015 IRC). Adopting current building codes, and ensuring that builders and contractors comply with these codes will protect homebuyers in your county.

Texans who live in the incorporated areas of cities and towns who buy homes have a reasonable expectation that those homes will be built to up to date standards for efficiency, durability and comfort. Those who live in the unincorporated areas of counties should be able to have the same expectations.

County Action:

1. Counties may require new residential buildings comply with the energy code, through adoption of a county order.
2. Counties may require a permit application for new homes or substantial additions.
3. Counties may require a builder to provide third-party inspection on any new home.
4. Counties may require a builder to submit third-party inspection documentation that a new home complies with the energy code.
5. Counties may establish penalties for non-compliance with this order.





Resources:

SPEER, the Regional Energy Efficiency Organization serving Texas and Oklahoma is an educational based non-profit organization. We have been providing energy code training and support to code officials, builders and contractors since 2011.

SPEER offers support to counties in adopting and implementing building codes:

- Sample County Order adopting the IRC for residential construction.
- Sample forms for County Permit Applications.
- Sample Inspection and Compliance Document.

SPEER also provides free code books and training on energy code compliance and enforcement for county code officials, builders, contractors and third-party inspectors. We are available to provide guidance on energy code questions from all building professionals. (link to energy code – Training and Resources)

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