

**TITLE 10
PART 1
CHAPTER 21**

**COMMUNITY DEVELOPMENT
TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS
MINIMUM ENERGY EFFICIENCY REQUIREMENTS FOR SINGLE
FAMILY CONSTRUCTION ACTIVITIES**

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§21.1. Purpose.

- (a) Texas Government Code, §2306.187 requires that the Department develop and adopt rules relating to Minimum Energy Efficiency requirements for new construction, reconstruction, and rehabilitation activities in Single Family Programs.
- (b) This chapter describes the Minimum Energy Efficiency Requirements for all single family construction activities, which includes the Department's HOME Investments Partnership Program (HOME), Housing Trust Fund (HTF), Neighborhood Stabilization Program (NSP), Office of Colonia Initiatives (OCI) Programs, and other single family programs as developed by the Department.
- (c) Single family programs are designed to improve and provide affordable housing opportunities to low-income individuals in Texas and in accordance with Texas Government Code Chapter, 2306, and any applicable statutes and federal regulations.

§21.2. Applicability.

Unless otherwise noted, this chapter only applies to single family programs. Program rules may impose additional requirements related to any provision of this chapter. Where program rules conflict with this chapter, the provisions of this chapter will control program decisions, unless it is a federal requirement.

§21.3. Definitions.

- (a) Any capitalized terms that are defined in Texas Government Code, Chapter 2306, and Chapter 1 of this title (relating to Administration) and Chapter 20 of this title (relating to Single Family Programs Umbrella Rule), or other Department rules have, when capitalized, the meanings ascribed to them therein.
- (b) The following words and terms, when used in this chapter, shall have the following meanings unless the context or the Notice of Funding Availability (NOFA) indicates otherwise.
 - (1) Energy Star Certified Appliances, Equipment, and Products--Labeled appliances, equipment, and products that are independently certified to save energy without sacrificing features or functionality, meeting the US EPA's specifications for energy efficiency and performance.
 - (2) Energy Star Certified Home--A new home that has earned the Energy Star label and has undergone a process of inspections, testing, and verification to meet requirements set forth by the US EPA.
 - (3) RESNET--Residential Energy Services Network. RESNET is an independent, nonprofit organization established in 1995 to help homeowners reduce the cost of their utility bills by making their homes more energy efficient. RESNET-certified Home Energy Systems Raters are required to inspect, test, and verify homes for Energy Star certification.
 - (4) WaterSense Certified Fixtures--Labeled products that are backed by independent, third-party testing and certification, meeting the US EPA's specifications for water efficiency and performance.

- (5) US EPA--United States Environmental Protection Agency.
- (c) Defined terms when not capitalized are to be read in context and construed according to common usage.

§21.4. General Requirements.

The following general requirements shall apply to all single family construction activities.

- (1) This chapter shall go into effect on January 1, 2015. All construction activities permitted or otherwise begun after this date shall comply with this chapter.
- (2) Local residential building codes that exceed some or all parts of this chapter shall take precedence.
- (3) A final inspection conducted by Administrators confirming compliance with this chapter shall be required for release of final payment from the Department.
- (4) All appliances, equipment, and fixtures installed or replaced shall be Energy Star or WaterSense certified products.

§21.5. New Construction and Reconstruction Activities.

Single family detached residential dwellings up to three stories high, including townhouses, that are newly constructed or reconstructed shall comply with this chapter in one of the following two ways:

- (1) Compliance with the energy efficiency provisions of the International Residential Code as they existed on May 1, 2009; or
- (2) Compliance with the Energy Star Certified Homes Program as demonstrated through RESNET'-approved procedures.

§21.6. Housing Rehabilitation Activities.

- (a) Unless otherwise required by federal law or NOFA, this subsection is not applicable to Housing rehabilitation activities that do not exceed \$10,000 in total construction costs.
- (b) A proposed scope of work and awarded construction contract for existing single family residential dwellings that are rehabilitated shall contain, at a minimum, six of the measures described in paragraphs (1) - (16) of this subsection:
 - (1) Airsealing of all penetrations in the building envelope in accordance with Section N1102.4.1 of the 2009 International Residential Code. Exhaust fans in bathrooms and kitchens are required if Airsealing is completed;
 - (2) Airsealing of ductwork located in unconditioned spaces in accordance with Section M1601.4.1 of the 2009 International Residential Code. Ductwork located in unconditioned spaces shall be insulated to R-8;
 - (3) Attic insulation shall be increased to R-30 (R-38 in Climate Zone 4 as defined by Figure N1101.2 of the 2009 International Residential Code), including insulation covering the top plates of exterior walls. Baffles shall be installed in framing bays of existing soffit vents;
 - (4) Attic accesses shall be insulated in accordance with Section N1102.2.3 of the 2009 International Residential Code;
 - (5) Energy Star certified ceiling fans with light(s) shall be installed in each bedroom and in the main living space;
 - (6) Inoperable windows requiring replacement shall be replaced with Energy Star certified windows for southern climates, meeting the U-factor and Solar Heat Gain Coefficient for the climate zone of the dwelling as identified in Table N1101.2 of the 2009 International Residential Code;
 - (7) Windows located on eastern and western facing walls shall have solar shades permanently installed;

(8) South facing windows shall have permanently installed overhangs sized to keep summer sun from entering the home while allowing winter sun to enter the home. Flashing details shall maintain a positive drainage plane;

(9) Exterior doors requiring replacement shall be replaced with Energy Star certified exterior doors;

(10) All incandescent light bulbs in the kitchen, bathrooms, bedrooms, hallways, and the main living area shall be replaced with Energy Star certified compact florescent lamps (CFLs) or light-emitting diodes (LEDs);

(11) All inoperable showerheads requiring replacement shall be WaterSense certified products;

(12) All inoperable faucets requiring replacement shall be WaterSense certified products. If existing faucets are operable and do not need to be replaced, WaterSense certified aerators shall be installed;

(13) Exhaust fans venting to the exterior shall be installed in all bathrooms and the kitchen in accordance with Chapter 15 of the 2009 International Residential Code;

(14) Replacement or installation of central heating and cooling equipment shall be sized as specified in Section M1401.3 of the 2009 International Residential Code;

(15) Weatherstripping existing and operable exterior doors and windows;

(16) Replacement of a 40-gallon natural gas domestic water heater with a new one with a minimum Energy Factor of 0.67. Replacement of a 40-gallon electric domestic water heater with a new one with a minimum Energy Factor of 0.93. Domestic water heaters with different storage capacities shall comply with Energy Star requirements.

(c) If one or more of these measures are existing and in operable condition, they may be counted as a required measure.