

As of September 1, 2021, Texas House Bill (HB) 3215 amended Sections 388.003(i)(j) and (k) of the Health and Energy Safety Code to allow a building utilizing the Home Energy Rating System (HERS Index) to be considered in compliance with the code.

Texas HB3215 updated the state's universal energy code compliance pathway to allow builders to use the HERS Index for energy code compliance across the state, in lieu of the state energy code or any stretch code adopted by municipalities.

Below are some frequently asked questions regarding this new legislation and what it means for the HERS Raters, companies, and builders in the state of Texas.

HB 3215 FAQs

1. Was the State Energy Code changed to 2018 IECC?

ANSWER: No. The State of Texas overlay energy code for single family new construction was not updated or changed by the bill.

2. What was the purpose of HB 3215?

ANSWER: The purpose of the bill was to update the second universal compliance pathway (ENERGY STAR being the first) with ANSI/RESNET/ICC 301-2019 (which is considered to be the gold standard) that shall be accepted across the State in lieu of the state energy code or any stretch code (i.e., 2018, 2021 IECC) adopted in Texas municipalities. The update has the added benefit of “untangling” the statute by moving on from the IECC/IRC versions of the energy rating index (ERI) pathway, which have been inconsistent and caused significant market confusion. The bill provides progressively more stringent targets for this pathway over the next decade.

3. Is a HERS® Index now accepted as a compliance pathway?

ANSWER: Yes. The new language inserted into the statute specifically references a “home energy rating system index”. That verbiage in the law was intended to open the door for a HERS® Index specific pathway, if the home also meets the 2018 IECC backstop provisions listed in that pathway language.

4. The 2018 IECC prerequisites listed in HB 3215 appear to contain conflicting references, specifically the R406.2 mandatory provisions. Are builders allowed a 2009 IECC prescriptive building envelope backstop (per R406.2 reference) or do the 2018 prescriptive building envelope references listed in HB 3215 (Table R402.1.2 or Table R402.1.4) override that option for a builder using the HERS Index - ANSI/RESNET/ICC 301-2019 compliance path?

ANSWER: To ensure full compliance, we recommend that the 2018 IECC prescriptive building envelope references (Table R402.1.2 or Table R402.1.4) listed in HB 3215 should override the building envelope provision embedded in R406.2 of the 2018 IECC. All other mandatory requirements referenced in R406.2 should be upheld.

5. Is the 2018 IECC Prescriptive UA Alternative (R402.1.5) an acceptable prerequisite to the fulfill the 2018 IECC building provisions when utilizing the HERS Index - ANSI/RESNET/ICC 301-2019 compliance path?

ANSWER: Yes. Because the Total UA Alternative is a calculation based on building envelope prescriptive Tables R402.1.2 and R402.1.4, that should meet the intent of HB 3215.

6. Are all municipalities in Texas required to accept a home being built to the new HERS Index - ANSI/RESNET/ICC 301-2019 compliance pathway?

ANSWER: Yes. Identical to how ENERGY STAR® for Homes Certification is hard coded as a universally accepted energy code compliance pathway in the State of Texas (Sec. 388.003(i), Health and Safety Code), the new HERS Index – ANSI/RESNET/ICC 301-2019 compliance pathway shall be treated the same way by all Texas municipalities.

7. Do the updated Energy Rating Index (ERI) scores listed in HB 3215 apply to both the HERS Index - ANSI/RESNET/ICC 301-2019 pathway as well as the IRC/IECC versions of the ERI?

ANSWER: Yes. The amended ERI scores listed as a result of HB 3215 (Sec. 388.003(j) (1-3), Health and Safety Code) apply to both the HERS Index – ANSI/RESNET/ICC 301-2019 pathway, as well as the traditional IRC/IECC versions of the ERI. If a home attains an ERI score within the amended thresholds by using the ANSI/RESNET/ICC 301 standard (which now exists in both the IRC/IECC and HERS), it can be used to demonstrate energy code compliance.