



Dallas Building Inspection Advisory Examining and Appeals Board
Building Inspection Division
320 E. Jefferson Boulevard, Room 115
Dallas, TX 75203
1-214-948-4347
<https://dallascityhall.com/departments/sustainabledevelopment/Pages/default.aspx>

To: Building Inspection Advisory Examining and Appeals Board

From: Meenal Chauk and David Session, Building Inspection Staff

Date: November 6, 2022

Subject: Proposed Revisions to the 2021 International Energy Conservation Code pursuant to the adoption of the latest edition of the Dallas Energy Conservation Code.

MEMO

A proposed ordinance to become Chapter 59, "Dallas Energy Conservation Code," of the Dallas City Code, was presented with our staff letter dated September 26, 2022. In response to our October 1, 2022, public posting of the subject ordinance, we received the following responses:

1. A letter dated October 25, 2022, from Tim A. Fleming, MCP, with Code Solutions Inc.
2. A letter dated October 25, 2022, from Cyrus Reed, Conservation Director with the Lone Star Chapter of the Sierra Club.
3. A letter dated October 25, 2022, from Todd McAlister, Executive Director, with South-central Partnership for Energy Efficiency as a Resource (SPEER).

In response to the public comments listed above, Dallas Building Inspection has received rebuttal letters from Dallas Builders Association, signed by Phil Crone, Executive Director and from the Texas A&M Engineering Experiment Station-Energy Systems Laboratory (ESL), signed by Bahman Yazdani, P.E., Associate Director. The changes made to the criteria as outlined in the response letter are listed below.

The Public Comments and Rebuttal Comments are posted on the Dallas Building Inspection website at:
<https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/Pages/code-amendment-process.aspx>.

We appreciate the participation and input provided by the letters received. After review of the public comments and rebuttal letters, a revised version of the proposed ordinance, using text in a gray background to denote the revisions, has been prepared and is enclosed with this memo. The proposed revisions to be considered by the Dallas Building Inspection Advisory Examining and Appeals Board are as follows:

I. PUBLIC COMMENTS

A. BI Staff Response to Comments by SPEER

1. Table R402.1.2, IECC 2021
2. Section R408, IECC 2021

Energy Systems Laboratory (ESL) supports Dallas' adoption of the 2021 IECC with the North Central Texas Council of Government Regional Amendments. ESL forwarded details depicting the stringency of the code requirements of the commercial and residential provisions versus the corresponding version of the 2015 IECC.

Role of ESL

In 2001, the 77th Legislature passed Senate Bill 5 (SB5) defining the Texas Emissions Reduction Plan (TERP).

The associated statewide Texas Building Energy Performance Standard (TBEPS) defines the building energy code for all residential and commercial buildings. Any of the changes exceed the current Texas Building Energy Performance Standards, which references the 2015 IECC. In addition to ESL recommendations, we retain the current form of the amendments also for regional uniformity which is one of the prime missions of the Regional Codes Coordinating Committee.

In the same Senate Bill 5 (SB5), ESL was assigned an important role in the implementation of state energy standards. The role of ESL, among others, include the following:

Assist communities to evaluate and quantify above code amendments to the International Residential Code (IRC) and the International Energy Conservation Code (IECC), which define the minimum energy efficiency standards for the State of Texas.

Evaluate Home Energy Rating Software (HERS) packages. The Laboratory will evaluate HERS offerings and assist in defining changes required for the State of Texas.

3. Section R401.2.5, IECC 2021

In addition to the previous comment, as member of NCTCOG, we all agreed that this conflicts with HB 2439, 86 (R) which places restrictions on state and local governments concerning materials and standards allowed by a National Model Code.

According to Texas Local Government Code Section 214.217 “National model codes include the International Residential Code, the National Electrical Code, and the International Building Code.”

Specifically, HB 2439 prohibits a governmental entity from enforcing a regulation prohibiting, directly or indirectly, the use or installation of a product or standard permitted by a National Model Code in the last three code cycles. The bill applies to residential and commercial buildings, new construction, and remodeling. This will encompass all existing or proposed restrictions in base zoning, planned development (PD) districts or any density and zoning incentives that favor the use of a particular product or construction method.

B. BI Staff Response to Comments by Sierra Club Lone Star Chapter

1. Table R402.1.2, IECC 2021

See response to Public Comment 1.

2. Table R402.1.3, IECC 2021

See response to Public Comment 1.

3. Section R401.2.5, IECC 2021

See response to Public Comment 1.

4. Section R408, IECC 2021

See response to Public Comment 1.

C. BI Staff Response to Comments by Code Solutions: Code Consulting

Comments received by Code Solutions, Inc. are not all new comments. They have been raised at the national level as part of the IECC code development processes. Staff's position is that the comments are worthy of continued attention, but these are broader concerns with the writing of the IECC by the national code development community and should continue to be addressed at the national level. The agenda before the Board today is more narrowly prescribed, viz., the proposed local amendments to the IECC. Otherwise, I refer the Board members and the audience to the ESL comments listed at COMMENT 1 for the reminder of staff's position on this item.

II. REBUTTAL COMMENTS

A. BI Staff Response to Rebuttal Comments by Energy Systems Laboratory-Texas A&M Engineering Experiment Station. Energy Systems Laboratory (ESL)

supports Dallas' adoption of the 2021 IECC with the North Central Texas Council of Government Regional Amendments.

Dallas Building Inspection Staff agrees with the rebuttal letter provided by ESL and based on their recommendation and analysis requests that the Board support the adoption of the 2021 IECC commercial and 2021 IECC residential provisions, with NCTCOG Amendments.

B. BI Staff Response to Rebuttal Comments by Dallas Builders Association

The Dallas Builders Association is in support of the proposed amendments to the 2021 IECC.

Dallas Building Inspection Staff agrees with the rebuttal letter provided by the Dallas Builders Association and based on their recommendation and analysis requests that the Board support the adoption of the 2021 IECC commercial and 2021 IECC residential provisions, with NCTCOG Amendments.

III. Additional Comments by BI Staff

The proposed ordinance has been updated to include provisions of HB 3215 87 (R) which allows ANSI/RESNET/ICC 301 to be considered in compliance with state law. This substitution language is in place of the former language deleted from Section R401.2.5. Additional changes necessary, if any, by BI Staff will be communicated during the Board Meeting.