While the Lone Star Chapter of the Sierra Club does not oppose the intent of CSHB 2439, we believe the committee substitute includes language that makes the bill far broader and damaging to the ability of local government to require safety, water conservation and energy efficiency measures on new construction. If the intent of HB 2439 is to simply limit vendor driven amendments to favor certain products and materials, Section 3000.002(2) is overly broad and redundant. Sierra Club believes that such broad language could have effects far exceeding the author’s stated intent. **3000.002(2) prohibits local government from enacting strengthening amendments to standards that impact building products, materials or aesthetic aspects of a building.**

There are standards applied by many State Agencies and Municipalities that limit using certain products or materials that are included in the codes, but the intent of those standards is much broader than simply favoring one material over another. HB 2439 as written would make it harder for cities to promote resilience and efficiency building and could leave municipalities in certain areas of the state vulnerable to disasters such as Hurricane Harvey. Further, the exception for “local concerns” in Section 3000.002(b) would never apply to these types of standards because the products or materials examples given is inconsistent with Subsection (a).

**Affected Programs and Standards**

*The General Land Office (GLO)* guidelines for Harvey Reconstruction include a requirement that projects comply with Energy Star, the National Green Building Standard (ICC 700), LEED or the Enterprise Foundation Community Green Standard. Both Harris County and city of Houston have adopted those guidelines as part of their reconstruction programs. We understand that an exception for GLO reconstruction projects has been included in the committee substitute, but Harris County and other counties have these same or very similar requirements for all of their housing programs.

*Energy Star* requires a 15 SEER AC system (among many others requirements) and all of these programs have requirements for products like this. Under the committee substitute

**CSHB 2439 (Phelan): Strike out 3000.002 (2) and return the bill to its original intent**
the city or county could not enforce this requirement.

*City of Lubbock and City of Amarillo* require more stringent codes regarding roofing materials due to frequent hail storms in the Texas panhandle.

*Houston* and other affected cities require the use of FEMA guidelines for flood-proofing for certain flood reconstruction projects where elevating the building is not practical. These guidelines (standards) include materials and products like door seals and garage doors that are covered in the code and would fall under the standards part of the bill and would potentially be void.

Certain cities have required that roofs be built in a way that could easily incorporate solar through solar-ready amendments. Cities like Houston, Seguin, Lewisville and Corinth all include these limitations on where certain products can be placed on roofs for solar development.

### Conclusion

The standards language in Section 3000.002 (2) makes this bill much broader than the stated intent and would have effects far beyond prohibiting the exclusive use of certain products and materials.

The inability of municipalities to amend the code in ways that would ensure their homes are fortified and ready for the next disaster is a dangerous proposition that could result in catastrophic loss for homeowners and business owners alike. It is imperative that municipalities and state agencies have the flexibility to prepare for the next storm and the storm after that.

In conclusion, Sierra Club believes Section 3000.002(2) is inconsistent with the author’s stated intent and the best way to remedy this, while keeping the intent of the bill intact, is to strike Section 3000.002(2) in its entirety.

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