

**INDUSTRIALIZED HOUSING AND BUILDINGS**  
Administrative Rules of the Texas Department of Licensing and Regulation  
16 Texas Administrative Code, Chapter 70

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**70.1. Authority.** (Amended effective November 16, 1993, 18 TexReg 7925; amended effective August 14, 2002, 27 TexReg 7103; amended effective December 1, 2003, 28 TexReg 10458)

These rules are promulgated under the authority of the Texas Occupations Code, Chapters 1202 and 51.

**70.10. Definitions.** (Amended effective November 16, 1993, 18 TexReg 7925; amended effective December 6, 1994, 19 TexReg 9295; amended effective December 20, 2000, 25 TexReg 12385; amended effective May 17, 2004, 29 TexReg 4867; amended effective October 3, 2004, 29 TexReg 9182; amended effective May 1, 2005, 30 TexReg 2504; amended effective June 1, 2006, 31 TexReg 4420; amended effective May 1, 2008, 33 TexReg 3409)

(a) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **Alteration**--Any construction, other than ordinary repairs of the house or building, to an existing industrialized house or building after affixing of the decal by the manufacturer. Industrialized housing or buildings that have not been maintained shall be considered altered.
- (2) **Alteration decal**--The approved form of certification issued by the department to an industrialized builder to be permanently affixed to a module indicating that alterations to the industrialized building module have been constructed to meet or exceed the code requirements and in compliance with this chapter.
- (3) **Building site**--A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are sited.
- (4) **Building system**--The design and/or method of assembly of modules or modular components represented in the plans, specifications, and other documentation which may include structural, electrical, mechanical, plumbing, fire protection, and other systems affecting health and safety.
- (5) **Chapter 1202**--Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings.
- (6) **Closed construction**--That condition where any industrialized housing or building, modular component, or portion thereof is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.
- (7) **Commercial structure**--An industrialized building classified by the mandatory building codes for occupancy and use groups other than residential for one or more families.
- (8) **Compliance Control Program**--The manufacturer's system, documentation, and methods of assuring that industrialized housing, buildings, and modular components, including their manufacture, storage, handling, and transportation conform with Chapter 1202 and this chapter.
- (9) **Construction Documents**--The aggregate of all plans, specifications, calculations, and other documentation required to be submitted to the design review agency for compliance review to the mandatory building code.
- (10) **Component**--A sub-assembly, subsystem, or combination of elements for use as a part of a building system or part of a modular component that is not structurally independent, but may be part of structural, plumbing, mechanical, electrical, fire protection, or other systems affecting life safety.
- (11) **Decal**--The approved form of certification issued by the department to the manufacturer to be permanently affixed to the module indicating that it has been constructed to meet or exceed the code requirements and in compliance with this chapter.
- (12) **Design package**--The aggregate of all plans, designs, specifications, and documentation required by these sections to be submitted by the manufacturer to the design review agency, or required by the design review agency for compliance review, including the compliance control manual and the on-site

construction documentation. Unique or site specific foundation drawings and special on-site construction details prepared for specific projects are not a part of the design package except as expressly set forth in §70.74.

- (13) **Design review agency**--An approved organization, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability to review designs, plans, specifications, and building systems documentation, and to certify compliance to these sections evidenced by affixing the council's stamp. Chapter 1202 designates the department as a design review agency.
- (14) **IAS**--International Accreditation Service.
- (15) **ICC**--International Code Council, Inc.
- (16) **ICC ES**--International Code Council Evaluation Services.
- (17) **Industrialized builder**--A person who is engaged in the assembly, connection, and on-site construction and erection of modules or modular components at the building site or who is engaged in the purchase of industrialized housing or buildings or of modules or modular components from a manufacturer or from another industrialized builder for sale or lease to the public; a subcontractor of an industrialized builder is not a builder for purposes of this chapter.
- (18) **Insignia**--The approved form of certification issued by the department to the manufacturer to be permanently affixed to the modular component indicating that it has been constructed to meet or exceed the code requirements and in compliance with the sections in this chapter.
- (19) **Installation**--On-site construction (see paragraph (29)).
- (20) **Installation permit**--A registration issued by the department to a person who purchases an industrialized house or building for his/her own use and who assumes responsibility for the installation of the industrialized house or building. A person who applies for an installation permit may not be engaged in the purchase of industrialized housing or buildings or of modules or modular components for sale or lease to the public. A subcontractor of an installation permit holder is not an industrialized builder for the purposes of this chapter.
- (21) **Lease, or offer to lease**--A contract or other instrument by which a person grants to another the right to possess and use industrialized housing or buildings for a specified period of time in exchange for payment of a stipulated price.
- (22) **Local building official**--The agency or department of a municipality or other local political subdivision with authority to make inspections and to enforce the laws, ordinances, and regulations applicable to the construction, alteration, or repair of residential and commercial structures.
- (23) **Manufacturer**--A person who constructs or assembles modules or modular components at a manufacturing facility which are offered for sale or lease, sold or leased, or otherwise used.
- (24) **Manufacturing facility**--The place other than the building site, at which machinery, equipment, and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming, or assembly of industrialized housing, buildings, modules, or modular components.
- (25) **Model**--A specific design of an industrialized house, building, or modular component which is based on size, room arrangement, method of construction, location, arrangement, or size of plumbing, mechanical, or electrical equipment and systems therein in accordance with an approved design package.
- (26) **Module**--A three dimensional section of industrialized housing or buildings, designed and approved to be transported as a single section independent of other sections, to a site for on-site construction with or without other modules or modular components.

- (27) **NFPA**--National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.
- (28) **Nonsite specific building**--An industrialized house or building for which the permanent site location is unknown at the time of construction.
- (29) **On-site construction**--Preparation of the site, foundation construction, assembly and connection of the modules or modular components, affixing the structure to the permanent foundation, connecting the structures together, completing all site-related construction in accordance with designs, plans, specifications, and on-site construction documentation.
- (30) **Open construction**--That condition where any house, building, or portion thereof is constructed in such a manner that all parts or processes of manufacture can be readily inspected at the building site without disassembly, damage to, or destruction thereof.
- (31) **Permanent foundation system**--A foundation system for industrialized housing or buildings designed to meet the applicable building code as set forth in §§70.100, 70.101, and 70.102.
- (32) **Permanent industrialized building**--An industrialized building that is not designed to be transported from one commercial site to another commercial site.
- (33) **Person**--An individual, partnership, company, corporation, association, or any other legal entity, however organized.
- (34) **Price**--The quantity of an item that is exchanged or demanded in the sale or lease for another.
- (35) **Public**--The people of the state as a whole to include individuals, companies, corporations, associations or other groups, however organized, and governmental agencies.
- (36) **Registrant**--A person who, or which, is registered with the department pursuant to the rules of this chapter as a manufacturer, builder, design review agency, third party inspection agency, or third party inspector.
- (37) **Residential structure**--Industrialized housing designed for occupancy and use as a residence by one or more families.
- (38) **Sale, sell, offer to sell, or offer for sale**--Includes any contract of sale or other instrument of transfer of ownership of property, or solicitation to offer to sell or otherwise transfer ownership of property.
- (39) **Site or building site**--A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are sited.
- (40) **Special conditions and/or limitations**--On-site construction documentation which alerts the local building official of items, such as handicapped accessibility or placement of the building on the property, which may need to be verified by the local building official for conformance to the mandatory building codes.
- (41) **Structure**--An industrialized house or building that results from the complete assemblage of the modules or modular components designed to be used together to form a completed unit.
- (42) **Third party inspector**--An approved person or agency, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability, and independence of judgment to inspect industrialized housing, buildings, and portions thereof for compliance with the approved plans, documentation, compliance control program, and applicable code.
- (b) Other definitions may be set forth in the text of the sections in this chapter. For purposes of these sections, the singular means the plural, and the plural means the singular.
- (c) Where terms are not defined in this section or in other sections in this chapter and are defined in the mandatory building codes as referenced in §70.100, such terms shall have the meanings ascribed to them in these codes

unless the context as the term is used clearly indicates otherwise. Where terms are not defined in this section or other sections in this title or in the mandatory building codes, such terms shall have ordinarily accepted meanings such as the context implies.

**70.20. Registration of Manufacturers and Industrialized Builders.** *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective March 16, 1998, 23 TexReg 1305; amended effective June 13, 2001, 26 TexReg 4092; amended effective December 1, 2003, 28 TexReg 10458; amended effective May 17, 2004, 29 TexReg 4867; amended effective June 1, 2006, 31 TexReg 4420)*

Manufacturers and industrialized builders shall not engage in any business activity relating to the construction or location of industrialized housing or buildings without being registered with the department.

- (1) An application for registration shall be submitted on a form supplied by the department, and shall contain such information as may be required by the department. The application must be verified under oath by the owner of a sole proprietorship, the managing partner of a partnership, or the officer of a corporation. The application must be accompanied by the fee set forth in §70.80.
- (2) The industrialized builder shall verify under oath at the time of registration that the alteration, foundation and installation of all units installed under this registration shall be constructed in accordance with the mandatory building codes, the engineered plans, and department rules, and shall be inspected in accordance with the inspection procedures established by the Texas Industrialized Building Code Council.
- (3) A person who purchases an industrialized house or building, or modular component, for his/her own use and who assumes responsibility for the installation of the industrialized house or building may file for an installation permit in lieu of registering as an industrialized builder. A person who purchases an industrialized housing or buildings, or modular components, for sale or lease to the public may not file for an installation permit. The application shall be submitted on a form supplied by the department and shall contain such information as may be required by the department. A separate application must be submitted for each building containing industrialized housing and buildings modules or modular components. The application must be accompanied by the fee set forth in §70.80.
- (4) The registration of a manufacturer or industrialized builder shall be valid for 12 months and must be renewed annually. Every corporate entity must be separately registered. Each separate manufacturing facility must be registered; a manufacturing facility is separate if it is not on property that is contiguous to a registered manufacturing facility. An industrialized builder must register each separate sales office but is not required to register each job location.
- (5) A registered manufacturer or industrialized builder shall notify the department in writing within 10 days if:
  - (A) the corporate or firm name is changed;
  - (B) the main address of the registrant is changed;
  - (C) there is a change in 25% or more of the ownership interest of the company within a 12-month period;
  - (D) the location of any manufacturing facility is changed;
  - (E) a new manufacturing facility is established;
  - (F) there are changes in principal officers of the firm ; or
  - (G) an industrialized builder transfers or sells a module or modular component to another industrialized builder.
  - (H) an industrialized manufacturer takes possession of units previously reported as shipped to an industrialized builder.
- (6) An application for original registration or renewal may be rejected if any information contained on, or submitted with, the application is incorrect. The certificate of registration may be revoked or

suspended or a penalty or fine may be imposed for any violation of Chapter 1202, the rules and regulations in this chapter or administrative orders of the department, or the instructions and determinations of the council in accordance with §70.90 and §70.91.

**70.21. Registration of Design Review Agencies and Third Party Inspection Agencies and Inspectors.** *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458)*

- (a) Pursuant to the criteria established by the council as set forth in §70.22 and §70.23 the executive director will recommend design review agencies, third party inspection agencies, and third party inspectors to the council for approval. An application for approval shall be submitted in writing to the executive director for consideration and recommendation to the council. The application shall be on the form, and contain such information, as may be required by the department and the council.
- (b) If the application is approved by the council, it shall be filed with the department as the registration of the applicant as a design review agency, a third party inspection agency, or a third party inspector to perform specific functions. The department shall issue a certificate of registration which shall state the specific functions which the registrant is approved to perform. The certificate of registration shall be valid for a 12-month period on receipt of the application and the registration fee by the department. This registration shall be a continuous registration so long as:
  - (1) the information required by this section is updated in accordance with subsection (c) of this section;
  - (2) the annual fee is paid;
  - (3) the applicant continues to comply with the criteria for approval established by the council as set forth in §70.22 and §70.23;
  - (4) the applicant presents evidence at the time of renewal of his registration that the code certifications required by §70.22 or §70.23 are current with the International Code Council (ICC). Participation in the ICC Renewal Program or Certification Maintenance Program is required to keep an ICC code certification current; and
  - (5) the applicant submits an up to date organization chart in accordance with §70.22 and §70.23 at the time of renewal.
- (c) Design review agencies, third party inspection agencies, and third party inspectors shall notify the department in writing within 10 days if:
  - (1) the name of the registrant is changed;
  - (2) the address of the registrant is changed;
  - (3) a partnership or corporation is created or exists or there is a change in 25% or more of the ownership of the business entity within a 12-month period;
  - (4) there are changes in principal officers or key supervisory personnel of the business entity; or
  - (5) there are changes in the key technical personnel of the agency or changes in the certifications of the technical personnel of the agency.
- (d) An application for original registration or renewal may be rejected if any information contained on, or submitted with, the application is incorrect.
- (e) If a third party inspector, third party inspection agency, or design review agency is not approved, the department shall forward a written explanation to the applicant setting forth the council's reasons for the disapproval and that the applicant may request an administrative hearing to determine if the application should be denied.

**70.22. Criteria for Approval of Design Review Agencies.** *(Amended effective March 16, 1998, 23 TexReg 1305; amended effective June 13, 2001, 26 TexReg 4092; amended effective December 1, 2003, 28 TexReg 10458)*

An agency seeking council approval as a design review agency (DRA) shall submit a written application to the executive director. The application will indicate the agency's name, address, and the telephone number of each office in which design review services are to be performed. The application will include the following information:

- (1) An organizational chart indicating the names of the managerial or technical personnel responsible for design review functions within the agency. The chart must indicate the area or areas of review for which the technical personnel are responsible;
- (2) A resume for each person listed in the organizational chart indicating academic and professional qualifications, experience in related areas, and specific duties within the agency. The minimum personnel requirements and qualifications shall be as follows.
  - (A) The manager or chief executive officer shall have a minimum of four years of plans examination, design, construction, or manufacturing experience in the building industry, or any combination thereof, and licensure as a professional engineer or architect in the State of Texas (NOTE: The applicant's license number must be included on the resume).
  - (B) Technical staff members may qualify for more than one discipline. Therefore, the agency need not have an individual staff member for each discipline. The technical staff shall consist of the following positions.
    - (i) The structural reviewer shall have a bachelor's degree with specialized course work in structures in civil, structural, or architectural engineering or service equivalent in accordance with subparagraph (C) of this paragraph; a minimum of one year structural engineering experience related to buildings; and certification as a building plans examiner as granted by ICC. Certification must be current with ICC.
    - (ii) The mechanical reviewer shall have a bachelor's degree in engineering with specialized course work in HVAC Systems or service equivalent in accordance with subparagraph (C) of this paragraph; a minimum of one year mechanical engineering experience related to buildings; and certification as a commercial mechanical inspector as granted by ICC. Certification must be current with ICC.
    - (iii) The electrical reviewer shall have a bachelor's degree in engineering with specialized course work in electrical engineering or service equivalent in accordance with subparagraph (C) of this paragraph; a minimum of one year electrical engineering experience related to buildings; and certification as a commercial electrical inspector as granted by ICC. Certification must be current with ICC.
    - (iv) The plumbing reviewer shall have a bachelor's degree in engineering with specialized course work in hydraulics or service equivalent in accordance with subparagraph (C) of this paragraph; a minimum of one year plumbing experience related to buildings; and certification as a plumbing inspector as granted by ICC. Certification must be current with ICC.
    - (v) The building planning reviewer shall have a bachelor's degree in engineering or architecture or service equivalent in accordance with subparagraph (C) of this paragraph; a minimum of one year experience related to building planning; and certification as a building plans examiner as granted by ICC. Certification must be current with ICC.
    - (vi) The fire safety reviewer shall have a bachelor's degree in engineering or architecture or service equivalent in accordance with subparagraph (C) of this paragraph; a minimum of one year experience in fire protection engineering related to buildings; and certification as a building plans examiner as granted by

ICC. Certification must be current with ICC.

- (vii) The accessibility reviewer shall have a bachelor's degree in engineering or architecture or service equivalent in accordance with subparagraph (C) of this paragraph; a minimum of one year experience in accessibility reviews related to buildings; satisfactory completion of the Texas Accessibility Academy and pass an examination approved by the department.
- (C) A minimum of eight years of creditable experience in engineering or architectural practice indicative of growth in engineering or architectural competency and responsibility is an acceptable service equivalent for academic requirements. This experience may be counted concurrently for those wishing to show service equivalency in more than one field. To be considered creditable, experience must satisfy the requirements outlined in the Texas Board of Professional Engineers Board Rules concerning the Practice of Engineering and Professional Engineering Licensure, or the Texas Board of Architectural Examiner Rules and Regulations of the Board Regulating the Practice of Architecture.
- (D) In lieu of a license number issued by the Texas Board of Professional Engineers, an applicant currently licensed in some other state and applying for registration in Texas under the provisions of the Texas Occupations Code, Chapter 1001, Engineering Practice Act, may satisfy the requirement by providing a copy of an application for licensure and a letter from the Board acknowledging receipt and authorizing interim practice;
- (3) complete documentation, including examples of data sheets or other forms used to analyze construction and equipment; preliminary and final reports; and an agency compliance assurance manual to substantiate the agency's ability to evaluate building systems and compliance control manuals for compliance with standards. Evidence must be presented in the areas of structural, mechanical, electrical, plumbing, building planning, and fire safety. The documentation should include an example of a building system or compliance control manual which the agency has evaluated for compliance with a code or set of standards;
- (4) a properly notarized statement of certification signed by the agency manager or chief executive officer that:
  - (A) its board of directors, as a body, and its managerial and technical personnel, as individuals, are free to exercise independence of judgment in the performance of their duties within the agency;
  - (B) its activities pursuant to the discharge of responsibility as a design review agency will not result in financial benefit to the agency via stock ownership or other financial interest in any producer, supplier, or vendor of products involved, other than through standard fees for services rendered;
  - (C) the agency will consistently and uniformly implement the policies and determinations of the council with regard to interpretations of the standards and rules;
  - (D) the agency will not provide design services or prepare compliance control manuals for manufacturers for whom it acts as a design review agency;
  - (E) all information contained in the application for approval as a design review agency is true, timely, and correct; and
  - (F) all future changes will be immediately communicated to the department;
- (5) A list of states in which the agency is currently approved to provide similar services.

**70.23. Criteria for Approval of Third Party Inspection Agencies and Inspectors.** *(Amended effective March 16, 1998, 23 TexReg 1305; amended effective December 20, 2000, 25 TexReg 12385; amended effective March 28, 2002, 27 TexReg 2223; amended effective December 1, 2003, 28 TexReg 10458)*



An agency seeking council approval as a third party inspection agency shall submit a written application to the executive director. The application will indicate the agency name, address, and telephone number of each office through which third party inspections will be coordinated. The application will include the following information:

- (1) an organizational chart showing the names of managerial and technical personnel responsible for in-plant and on-site construction inspections;
- (2) a resume for each person listed in the organizational chart indicating academic and professional qualifications, experience in related areas, and specific duties within the agency. All certifications must be current with ICC. The minimum personnel requirements and qualifications are as follows. An agency seeking council approval as a third party inspection agency shall submit a written application to the executive director. The application will indicate the agency name, address, and telephone number of each office through which third party inspections will be coordinated. The application will include the following information:
  - (A) The manager or chief executive officer shall have a minimum of five years experience in building code enforcement or compliance control of building systems, a minimum of one year experience in responsible technical project planning and management, and licensure as a professional engineer or architect in the State of Texas. (note: the applicant's license number must be included on the resume).
  - (B) The supervisor of inspections shall have a high school diploma or equivalent; a minimum of five years experience as an inspector in manufactured buildings or related compliance control or equivalent; and certification as a residential energy inspector as granted by ICC, as a commercial energy inspector as granted by ICC, and as:
    - (i) a residential combination inspector as granted by ICC; or
    - (ii) a commercial combination inspector as granted by ICC; or
    - (iii) a combination inspector as granted by ICC.
  - (C) The inspector shall have a high school diploma or equivalent; a minimum of one year experience in building code enforcement, compliance control inspection, or building experience; and certification as a residential energy inspector as granted by ICC, as a commercial energy inspector as granted by ICC, and as:
    - (i) a residential combination inspector as granted by ICC; or
    - (ii) a commercial combination inspector as granted by ICC; or
    - (iii) a combination inspector as granted by ICC; or
    - (iv) a commercial building inspector, commercial mechanical inspector, commercial electrical inspector, and/or commercial plumbing inspector as granted by ICC. One inspector is not required to have certifications in all four areas of inspection. However, all four areas of certification must be represented unless the agency employs inspectors whose certifications are in accordance with clauses (i), (ii), or (iii) of this subparagraph. Inspectors may only inspect in the area for which they are certified, i.e., a mechanical inspector inspects mechanical, electrical inspects electrical, etc.
  - (D) In lieu of a license number issued by the Texas Board of Professional Engineers, an applicant currently licensed in some other state and applying for licensure in Texas under the provisions of the Texas Occupations Code, Chapter 1001, Engineering Practice Act may satisfy the requirement by providing a copy of an application for licensure and a letter from the board acknowledging receipt and authorizing interim practice;

- (3) complete documentation to substantiate the agency's ability to perform in-plant and on-site construction inspections and follow-up inspections to determine the compliance of a building manufacturer with the standards and rules. The application will include a formal description of the agency's supervision and training program for inspectors, performance records of manufacturers, examples of inspection reports, agreements or contracts with manufacturers, and any other pertinent information;
- (4) a properly notarized statement of certification signed by the agency manager or chief executive officer that:
  - (A) its board of directors, as a body, and its managerial and inspection personnel, as individuals, are free to exercise independence of judgment in the performance of their duties within the agency;
  - (B) its activities pursuant to the discharge of responsibilities as a third party inspection agency will not result in financial benefit to the agency via stock ownership or other financial interests in any producer, supplier, or vendor of products involved, other than through standard fees for services rendered;
  - (C) the agency will consistently and uniformly implement the policies and determinations of the council with regard to interpretations of the standards and rules;
  - (D) the agency will not provide design services or prepare compliance control manuals for manufacturers for whom it acts as a third party inspection agency;
  - (E) all information contained in the application for approval as a third party inspection agency is true, timely, and correct; and
  - (F) all future changes will be immediately communicated to the department;
- (5) a list of states in which the agency is currently approved to provide product certification or validation or third party inspection services and a complete description of each system and program involved.

**70.30. Exemptions.** *(Amended effective May 17, 2004, 29 TexReg 4867; amended effective June 1, 2006, 31 TexReg 4420)*

- (a) The scope of this chapter is limited by Chapter 1202; accordingly, it does not apply to:
  - (1) mobile homes or HUD-code manufactured homes as defined in Texas Occupations code, Chapter 1201;
  - (2) housing constructed of sectional or panelized systems not utilizing modular components;
  - (3) ready-built homes which are constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location, provided that modular components are not used in the construction of the ready-built home;
  - (4) any residential or commercial structure which is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the entrance of the structure to the peak of the roof;
  - (5) a commercial building or structure that is:
    - (A) installed in a manner other than on a permanent foundation; and
    - (B) either:
      - (i) is not open to the public; or
      - (ii) is less than 1,500 square feet in total area and used other than as a school or a place of religious worship;

- (6) buildings that are specifically referenced in the mandatory building codes as exempt from permits;
  - (7) construction site buildings; or
  - (8) any open construction.
- (b) The installation of an industrialized house or a permanent industrialized building that is moved from the first installation site to a new installation site is subject to the permitting and approval requirements of the local authorities.

**70.40. Insurance/Bonding/Security Requirements.**

Reserved

**70.50. Manufacturer's and Builder's Monthly Reports.** *(Amended effective August 1, 1996, 21 TexReg 6619; amended effective March 16, 1998, 23 TexReg 1305; amended effective September 13, 1999, 24 TexReg 7224; amended effective June 13, 2001, 26 TexReg 4092; amended effective August 14, 2002, 27 TexReg 7103; amended effective May 17, 2004, 29 TexReg 4867; amended effective October 3, 2004, 29 TexReg 9182; amended effective June 1, 2006, 31 TexReg 4420)*

- (a) The manufacturer shall submit a monthly report to the department, of all industrialized housing, buildings, modules, and modular components that were constructed and to which decals and insignia were applied during the month. The manufacturer shall keep a copy of the monthly report on file for a minimum of five years. Any corrections to reports previously filed shall clearly indicate the corrections to be made and the month and date of the report that is being corrected. The report shall contain:
- (1) the serial or identification number of the units;
  - (2) the decal or insignia number assigned to each identified unit;
  - (3) the name and registration number of the industrialized builder (as assigned by the department), or the installation permit number (as assigned by the department) of the person, to whom the units were sold, consigned, and shipped. The requirements contained in §70.20(2) shall apply when an installation permit is reported in lieu of the registration number of an industrialized builder;
  - (4) the date the decal or insignia was affixed (physically attached or applied) to the unit;
  - (5) an identification of the type of structure for which the units are to be used, e.g., single family residence, duplex, restaurant, equipment shelter, bank building, hazardous storage building, etc.;
  - (6) any other information the department may require; and
  - (7) an indication of zero units if there was not activity for the reporting month.
- (b) Each industrialized builder shall keep records of all industrialized housing, buildings, modules, and modular components that were sold, leased, or installed. These records shall be kept for a minimum of ten years from the date of successful completion of the final site inspection and shall be made available to the department for review upon request. If the builder is not responsible for the installation, then the records shall be maintained for a period of 5 years from the date of sale or lease and shall be made available to the department upon request. An annual audit of units sold, leased, or installed by the builders shall be conducted by the Department. The audit will identify the modules or modular components by the name and Texas registration number of the manufacturer of each unit and the assigned Texas decal or insignia numbers and the corresponding identification, or serial numbers, as assigned by the manufacturer. The builder shall report, or provide, the following information to the Department for each unit identified in the audit within the timeframe set by the audit.
- (1) Evidence of compliance with §70.75.
  - (2) The address where each unit was installed. If the builder is not responsible for the installation, then the address to where each unit was delivered. If the unit has not been installed, then the address where the unit is stored.

- (3) The occupancy use of each building containing modules or modular components, i.e., classroom, restaurant, bank, equipment shelter, etc.
- (4) If the builder is responsible for the installation and site work, then the builder:
  - (A) shall, for units installed outside the jurisdiction of a municipality, keep a copy of the foundation plans and keep a copy of the site inspection report in accordance with §70.73. A copy of these documents shall be made available to the department upon request; or
  - (B) shall, if installed within the jurisdiction of a municipality, provide the name of the city responsible for the site inspection. The department may also request a copy of the foundation plans as part of the audit.
- (5) If the builder is not responsible for the installation and site work, or if the builder has transferred or sold the unit to another person, then the builder shall provide identification of the installation permit number, assigned by the Department, or builder registration number, assigned by the Department, of the person responsible.
- (c) The manufacturer's monthly reports must be filed with the department no later than the 10th day of the following month.
- (d) An installation permit holder shall keep a copy of the foundation plans and, for units installed outside the jurisdiction of a municipality, the site inspection report in accordance with §70.73 for a period of ten years from the date of successful completion of the final inspection of the industrialized house or building. A copy of these records shall be provided to the department upon request.
- (e) A manufacturer that takes possession of units previously reported as shipped shall report the disposition of those units on the manufacturer's monthly report in accordance with subsection (a) of this section.

**70.51. Third Party Inspection Reports.** *(Amended effective August 1, 1996, 21 TexReg 6619)*

- (a) When performing in-plant inspections at a manufacturing facility or performing inspections at the building site, the third party inspector must file reports on the forms and in the format the department may require by written instruction (in accordance with any requirements set by the council). The TPIA/TPI must keep on file, for a minimum of 5 years, a copy of all inspection reports for inspections performed by the TPIA/TPI.
- (b) Original reports must be filed with the department each week or at such other intervals as the department may require pursuant to council instructions.

**70.60. Responsibilities of the Department--Plant Certification.** *(Effective November 16, 1993, 18 TexReg 7925; Amended effective August 1, 1996, 21 TexReg 6619; Amended effective March 16, 1998, 23 TexReg 1305; amended effective June 1, 2006, 31 TexReg 4420; amended effective May 1, 2007, 32 TexReg 2359; amended effective May 1, 2008, 33 TexReg 3409)*

- (a) Prior to being issued decals or insignia, each manufacturing facility will undergo a certification inspection. The plant certification inspection will be conducted by a certification team designated by the department. The team shall consist of:
  - (1) a team leader, who is either a department employee, an engineer, or other qualified person as determined by procedures established by the Texas Industrialized Building Code Council; and
  - (2) one or more department inspectors or third party inspectors.
- (b) The team leader may not be an employee of the third party inspection agency (TPIA) responsible for regular in-plant inspections of the manufacturer or the design review agency (DRA) responsible for review of the manufacturer's design package. The following persons may not solicit, offer, or agree to provide future design review or in-plant inspection services for the manufacturer prior to the manufacturer completing all certification requirements:
  - (1) an agency other than the manufacturer's current TPIA or DRA that provides a certification team member; and

- (2) any team member that is not employed by the manufacturer's current TPIA or DRA.
- (c) The inspection shall be conducted in accordance with the procedures established by the Texas Industrialized Building Code Council. A certification inspection has two primary purposes:
- (1) to verify that the manufacturer is capable of producing modules or modular components that comply with the law and the rules, mandatory building codes, and approved design package; and
  - (2) to verify that the manufacturer's approved compliance control program will ensure compliance now and in the future.
- (d) The team will become familiar with all aspects of the manufacturer's approved design package. Structures on the production line will be checked to assure that failures to conform located by the certification team are being located by the plant compliance control program and are being corrected by the plant personnel. The certification team will work closely with the plant compliance control personnel to assure that the approved design package and compliance control manuals for the facility are clearly understood and followed. If deemed necessary by the certification team, a representative of the design review agency must be present during the inspection. At least one module or modular component containing all systems, or a combination of modules or modular components containing all systems, shall be observed during all phases of construction. The team must inspect all modules or modular components in the production line for Texas during the certification. The plant certification inspection will terminate when the certification team has fully evaluated all aspects of the manufacturing facility.
- (e) The certification team will issue a plant certification, or facility evaluation, report to the manufacturer when the department has determined that the manufacturer has met the requirements for certification. A copy of the plant certification report will also be forwarded to the third party inspection agency responsible for in-plant inspections. The manufacturer and third party inspection agency will be responsible for ensuring that all conditions of certification as outlined in the certification report are met. The manufacturer must keep a copy of this report in their permanent records. The report will contain, at a minimum, the following information:
- (1) the name and address of the manufacturer;
  - (2) the names and titles of personnel performing the certification inspection;
  - (3) the serial or identification numbers of the modules or modular components inspected;
  - (4) a list of nonconformances observed on the modules or modular components inspected (with appropriate design package references) and corrective action taken in each case;
  - (5) a list of deviations from the approved compliance control procedures (with section or manual references) observed during the certification inspection with the corrective action taken in each case;
  - (6) a list of conditions of certification with which the manufacturer must comply to maintain the certification;
  - (7) the date of certification;
  - (8) the following statement: "This report concludes that (name of agency), after evaluating the facility, certifies that (name of factory) of (city) is capable of producing (industrialized housing and buildings or modular components) in accordance with the approved building system and compliance control manuals on file in the manufacturing facility and in compliance with the requirements of the Texas Industrialized Building Code Council"; and
  - (9) the signature of an authorized department employee.
- (f) If the department determines that the manufacturer is not capable of meeting the certification requirements or that the manufacturer is unable to complete the certification inspection requirements, then the certification team will issue a non-compliance report. The non-compliance report will detail the specific areas in which the

manufacturer was found to be deficient and may make recommendations for improvement.

- (g) If any personnel of a design review agency or third party inspection agency participate as members of a certification team, the agency is considered a participant in the certification team and is responsible for compliance with Texas Occupations Code, Chapter 1202, rules adopted by the commission, and decision, actions, and interpretations of the council in performing the certification, inspection and related activities.

**70.61. Responsibilities of the Department--In-plant Inspection.** *(Effective November 16, 1993, 18 TexReg 7925; amended effective August 1, 1996, 21 TexReg 6619; amended effective March 16, 1998, 23 TexReg 1305; amended effective August 14, 2002, 27 TexReg 7103; amended effective December 1, 2003, 28 TexReg 10458)*

- (a) The TPIA/TPI shall conduct announced or unannounced inspections at the manufacturing facility at reasonable, but varying, intervals to review any and all aspects of the manufacturer's production and compliance control program. The TPIA/TPI shall conduct inspections in accordance with procedures established by the Texas Industrialized Building Code Council. In order to determine if the compliance control program is working as set forth in the compliance control manual, inspection of every visible aspect of every module shall normally be made at least at one point prior to completion of the structural, plumbing, mechanical, or electrical phase. Inspection of system testing shall be made at least once every third inspection. Inspection of a substantial portion of the energy compliance design shall be made at least once every third inspection. It is the manufacturer's responsibility to assure that the inspections are accomplished as outlined in this subsection. The department will determine the frequency of modular component inspections.
- (b) Inspections at the manufacturing facility shall be increased in frequency as necessary to assure that the manufacturer is performing in accordance with the approved compliance control manual.
- (c) The executive director, at his discretion, may require, or may authorize upon written request by the manufacturer, the use of council approved third party inspectors to perform in-plant inspections. The manufacturer must designate in writing the third party inspection agency that will be performing in-plant inspections. A manufacturer may designate more than one third party inspection agency to perform in-plant inspections. However, once an agency has begun the in-plant inspection on the modules for a project or building, the manufacturer may not change inspection agencies for that project or building. Third party inspection agencies must provide the department a written schedule of inspections a minimum of seven days prior to the inspection. If the inspection must be rescheduled for any reason, the TPIA must immediately inform the department of the schedule change. If an approved third party inspector is utilized, fees may be paid directly to the third party inspector.
- (d) The department shall monitor and evaluate the performance of third party inspectors and design review agencies and make performance reports and recommendations to the council as may be necessary.
- (e) The manufacturer shall reimburse the department an hourly monitoring fee for expenses incurred outside headquarters in monitoring the performance of the third party inspection agency.
- (f) The TPI shall furnish the manufacturer a copy of the inspection report upon completion of the in-plant inspection. The report must be kept in the manufacturer's file at least five years.

**70.62. Responsibilities of the Local Building Official--Building Site Inspections.** *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458)*

When the building site is within a municipality that has a building inspection agency or department, the local building official will inspect all on-site construction and the attachment of the structure to the foundation to assure completion and attachment in accordance with the approved design package and any unique foundation system or on-site details. As a minimum the local building official shall:

- (1) perform an overall visual inspection for obvious nonconformity to the applicable code, require final inspections along with any tests which are required by the approved installation instructions, on-site construction documentation, and/or the applicable code, and require the correction of deficiencies identified by the tests or discovered in final inspections;
- (2) notify the executive director of any damage to a module or modular component resulting from transportation to, or handling at, the building site which is not corrected by the industrialized builder;

notify the executive director of any noncompliance to, or deviation from, the approved building system or applicable code; and report to the executive director any violation of these rules and regulations. These notices and reports shall be submitted by certified mail.

**70.63. Council's Responsibilities--Compliance Disputes.** *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458)*

- (a) The council shall resolve any dispute, disagreement, or difference of opinion between the design review agency (or department when acting as a design review agency) and a local building official as to whether the approved design package meets or exceeds the requirements of the mandatory building codes set forth in this chapter. The council's decision shall be timely made and shall be binding on all parties.
- (b) If the local building official thinks the approved design package or unique on-site construction documentation does not meet the code requirements of this chapter, this opinion shall be forwarded in writing to the executive director at the department's Austin office within seven working days following the filing of an application for a building permit and prior to issuance of the building permit. This written opinion shall set forth specifically those code sections for which the noncompliance allegedly exists and the specific reasons the local building official thinks the design package or unique on-site construction documentation fails to meet the code requirements. The local building official shall submit 15 copies of the written opinion. The executive director will submit the local building official's opinion and reasons to the council within three working days following receipt. The council shall determine at the next scheduled meeting, not to exceed 45 days, whether or not the design package or unique on-site construction documentation meets the mandatory state code requirements and shall notify the local building official and the executive director in writing. If the design package or on-site construction documentation is determined by the council to meet the code requirements, the local building official shall issue a building permit. Questions concerning the code compliance of a design package or on-site construction documentation must be raised prior to the issuance of a building permit and, once a local building permit is issued, the local building official shall not stop any on-site construction due to questions about the approved design package or on-site construction documentation.
- (c) If a dispute or difference of opinion arises between the manufacturer and the third party inspector during an in-plant inspection as to whether the construction meets or exceeds the approved design package, the dispute or differences shall be resolved by the executive director. If the executive director is unable to resolve the dispute, then he will forward it to the council for resolution.
- (d) If a dispute or difference of opinion arises between the industrialized builder and a local building official or third party inspector as to whether the on-site construction meets or exceeds the approved design package or unique on-site construction documentation, the dispute or difference of opinion shall be resolved by the executive director. If the executive director is unable to resolve the dispute, then he will forward it to the council for resolution.

**70.64. Responsibilities of the Department--Proprietary Information Protected.** *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458 )*

- (a) All designs, plans, specifications, compliance control programs, manuals, on-site construction instructions and documentation, information relating to alternate methods or materials, or any other documents submitted by a manufacturer to the council, the department, or local building official are proprietary information and shall only be used for purposes of assuring compliance with the provisions of the Industrialized Housing and Buildings Act (the Act) and this chapter.
- (b) The items and information set forth in subsection (a) of this section furnished by the manufacturer to the council, the department, or local building official, shall not be copied or distributed to any other person except with the manufacturer's written permission or under the direction of the Texas attorney general pursuant to the Texas Public Information Act, Texas Government Code, Chapter 552.

**70.65. Responsibilities of the Commission--Reciprocity.** *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458)*

- (a) If the commission finds that the standards prescribed by the statute or rules and regulations of another state meet the objectives of Chapter 1202 and are satisfactorily enforced by that state or its agents, then the commission may enter a reciprocal agreement with that state to authorize building inspections of industrialized houses or

buildings constructed in that state to be performed by an inspector of the equivalent regulatory agency of that state. The standards of another state shall not be deemed to be adequately enforced unless the other state provides for immediate written notification to the executive director of suspensions or revocations of approvals of manufacturers by the other state.

- (b) If the commission enters a reciprocity agreement with another state, then the commission will accept industrialized housing and buildings which have been inspected by the reciprocal state and which have the appropriate decal, label, or insignia of the reciprocal state. Manufacturers in the reciprocal state who construct industrialized housing and buildings for Texas will be subject to the following.
- (1) Manufacturers must be registered in Texas in accordance with §70.20. The manufacturer must submit evidence that its building system and compliance control program have been approved by the reciprocal state. The executive director shall verify the approval and maintain a list of manufacturers approved under the terms of the reciprocity agreement.
  - (2) Industrialized housing, buildings, modules, and modular components will be constructed in accordance with the codes referenced in §70.100 and any amendments to those codes in accordance with §70.101. The code used will be determined in accordance with §70.102.
  - (3) Review and approval of the manufacturer's design package will be in accordance with §70.70 except that the reciprocity agreement with the reciprocal state will accept the compliance control program approved by the reciprocal state for that manufacturer. All inspections performed by the reciprocal state must be in accordance with documents reviewed and approved by a council approved design review agency or the department when acting as a design review agency.
  - (4) The manufacturer will assign a Texas decal or insignia to each module or modular component for Texas in accordance with §70.77. The Texas decal or insignia will be placed in the vicinity of the decal, label, or insignia of the reciprocal state.
  - (5) The manufacturer will permanently attach a data plate to each industrialized house or building in accordance with §70.71.
  - (6) The manufacturer will submit a monthly report to the executive director in accordance with §70.50.
- (c) If the commission determines that the standards for the manufacture and inspection of industrialized housing and buildings in a reciprocal state, with which the commission has entered a reciprocal agreement, do not meet the objectives of Chapter 1202 or are not being enforced by the reciprocal state, then the commission shall suspend or revoke the reciprocal agreement. The reciprocal state and affected manufacturers will receive written notification of the reasons for the suspension or revocation of the agreement.

**70.70. Responsibilities of the Registrants--Manufacturer's Design Package.** *(Amended effective November 16, 1993, 18 TexReg 7925; Amended effective August 1, 1996, 21 TexReg 6619); Amended effective March 16, 1998, 23 TexReg 1305; amended effective December 20, 2000, 25 TexReg 12385; amended effective March 28, 2002, 27 TexReg 2223; amended effective August 14, 2002, 27 TexReg 7103; amended effective December 1, 2003, 28 TexReg 10458; amended effective October 3, 2004, 29 TexReg 9182; amended effective May 1, 2005, 30 TexReg 2504; amended effective June 1, 2004, 31 TexReg 4420)*

- (a) Review and approval. The manufacturer's design package must be reviewed and approved in accordance with the following.
- (1) The manufacturer must select a council approved design review agency (DRA) to perform all required review and evaluation of plans, designs, specifications, compliance control, and on-site construction documentation, etc. This selection shall be made in writing to the executive director and will state the name, address, and registration number of the design review agency selected.
  - (2) An approved DRA shall review all designs, plans, specifications, calculations, compliance control programs, on-site construction documentation or specifications, and other documents as necessary to assure compliance with the mandatory building codes in accordance with the interpretations, instructions, and determinations of the council. The reviews are to be performed or directly supervised by the DRA's certified plans reviewers for the discipline (electrical, plumbing, mechanical, structural, building planning, or fire safety) as listed and approved in the agency's organizational chart. A DRA's



plans reviewers must be certified pursuant to the criteria established by the council as set forth in §70.22. The department or DRA will obtain from the manufacturer such information as is necessary to assure that the manufacturer's designs and procedures are in compliance with the mandatory building codes and the sections in this chapter.

- (3) All documents shall have all pages numbered and arranged in accordance with a table of contents. The floor plans shall have no scale smaller than 1/8th inch equals one foot. All documents shall be identified to indicate the manufacturer's name and address.
- (4) The DRA will signify approval of a drawing, specification, calculation, or any other document in the manufacturer's design package by applying the council's stamp to each page. An alternate council stamp as approved by the council may be used on all designs, plans, specifications, calculations, and other documentation with the exception of the first or cover page and the table of contents or index pages of the design package. The original council stamp with original signature will be required on these pages. The signature on the original council stamp must be the signature of the manager or chief executive officer of the DRA. The manager or chief executive officer of the DRA must be licensed in the State of Texas as a professional engineer or architect in accordance with the criteria for approval of DRA's established by the council. The stamp shall not be placed on any designs, plans, or specifications which do not meet the requirements of the applicable mandatory building codes or the requirements of these sections. The manufacturer and the DRA shall keep copies of the approved documents. The manufacturer shall keep a copy of all approved documents for a minimum of ten years from the date the last unit constructed from the documents is shipped and make a copy of these documents available to the Department upon request. The DRA shall keep a copy on file of all approved documents for a minimum of five years from the date that these documents are superseded by adoption of later editions of the mandatory building codes and make a copy of these documents available to the Department upon request. The manufacturer shall make a copy available to the person performing in-plant inspections. A DRA will forward one approved copy of the design package, including additions and revisions, to the department within five days of approval and will return one approved copy to the manufacturer.
- (5) Approvals dated before the effective date of the adoption of the codes in §70.100 are not valid for industrialized housing, buildings, modules, and modular components constructed after the effective date of adoption unless steps are taken to transition the approval to the new code editions in accordance with subparagraphs (B) and (C) of this paragraph. Manufacturers will be notified of the change in code editions 180 days before the effective date of the change. Manufacturers who wish to continue building to previously approved documents must resubmit these documents to their DRA for review and approval to the new code editions. Approval of these documents will be evidenced by application of a new approval date and the council's stamp of approval to each document. The manufacturer may make the transition from current code edition to new code edition in any of the following ways.
  - (A) The approval date on all documents in the manufacturer's design package will be on or after the effective date of adoption of the new edition of the codes in §70.100.
  - (B) The manufacturer may transition approval of documents in his design package any time within the 180 days prior to the effective date of the adoption of the new editions of the codes. The manufacturer must notify the department in writing of the effective date of transition. All documents approved on or after that date shall be to the new editions of the codes. All previously approved supporting documentation, such as compliance control manuals, system calculations, etc., must be resubmitted to the DRA for review and approval to the new code editions and must be approved as of the effective date of transition specified by the manufacturer.
  - (C) The manufacturer may submit a written description of any other method of transition to the department for approval.
- (6) A DRA may withdraw the approval of any document whenever the approval is later found to be in violation of code requirements or the rules and regulations in this chapter. Notice of the withdrawal of

the approval shall be in writing and shall set forth the reasons for the withdrawal. Any withdrawal of approval shall have prospective effect only, except for life safety items.

- (7) The DRA shall reimburse the department an hourly monitoring fee for expenses incurred outside headquarters in monitoring the performance of the DRA.
- (8) DRAs or the department acting as a DRA may make red ink corrections to documents provided the corrections meet all of the following criteria:
  - (A) limited to corrections of minor deviations;
  - (B) the corrected items can be verified by reference to prescriptive code requirements;
  - (C) the change does not involve any change of design or require design;
  - (D) the red ink correction is valid for 10 working days and may not be extended; and
  - (E) the corrections must be numbered and initialed by the DRA and the statement, "As noted with \_\_\_\_\_ (number) corrections" shall appear near the stamp of the council with the number of corrections entered.
- (b) In-plant documentation. The manufacturer shall provide the DRA in-plant documentation that must, at the minimum, contain the following:
  - (1) specifications or detail drawings for all materials, devices, appliances, equipment, and fasteners used in construction;
  - (2) detailed drawings of all assemblies and components (with cross-sections as necessary to identify major building components);
  - (3) floor plans for all models and options;
  - (4) electrical schematics for all models and options;
  - (5) water system and drain-waste-vent system drawings for all models and options;
  - (6) gas piping system drawings for all models and options;
  - (7) mechanical system drawings for all models and options;
  - (8) fire protection, fire safety, and exit details;
  - (9) thermal resistance details;
  - (10) heating, ventilation, and air conditioning details;
  - (11) structural, thermal, and electrical load calculations;
  - (12) weather resistance details;
  - (13) condensation protection details;
  - (14) decay protection details;
  - (15) insect and vermin protection details;
  - (16) fastening schedule;

- (17) assembly and connection instructions for all components, materials, devices, equipment, and appliances;
  - (18) on the floor plan or on the cover or title sheet for each model or project in a title block format:
    - (A) name and date of applicable codes;
    - (B) identification of permissible type of gas for appliances;
    - (C) maximum snow load (roof)(psf);
    - (D) maximum wind speed (mph) and exposure;
    - (E) seismic design criteria;
    - (F) occupancy/use group type;
    - (G) construction type;
    - (H) special conditions and/or limitations;
    - (I) the location of the data plate on the building or dwelling unit; and
    - (J) the location of the decal or insignia on each module or modular component;
  - (19) compliance control manual (reference subsection (c) of this section); and
  - (20) on-site construction documentation (reference subsection (d) of this section).
- (c) Compliance control program. The utilization of mass production techniques and assembly line methods in the construction of industrialized housing, buildings, modules, and modular components along with the fact that a large part of such construction cannot be inspected at the ultimate building site, requires manufacturers to develop an adequate compliance control program to assure that these structures meet or exceed mandatory code requirements and are in compliance with the rules and regulations of this chapter. The compliance control program shall be documented in the form of a manual that must be approved by the design review agency or the department. The council may waive the compliance control program as set forth in the rules upon written request from the manufacturer. Waiver of the compliance control program shall require that each module or modular component be individually inspected at each and every stage of the manufacturing process. The manufacturer shall provide the design review agency a compliance control manual that must, at the minimum, contain the following:
- (1) a table of contents;
  - (2) a chart indicating the manufacturer's organizational structure to assure compliance and to assure that the compliance control staff shall maintain independence from the production personnel;
  - (3) a statement that defines the obligation, responsibility, and authority for the manufacturer's compliance control program;
  - (4) identification of compliance control personnel, their accountability by position, responsibility for inspections, method of marking nonconformances observed, and system for assuring corrections are made;
  - (5) materials handling methods, including inspection checklists, for receiving materials and methods for marking and removing rejected materials both upon receipt and from the production line. The area for rejected materials must be clearly indicated to assure that such material is not used;
  - (6) a description of an identification system to mark each individual module, or modular component, at the first stage of production to assure appropriate inspection and rechecking of any deviation corrections;

- (7) a diagram of the manufacturing sequence with the plant layout, including a description of the activities to be performed along with a listing of those that may be performed at one or more stations;
  - (8) an inspection checklist including:
    - (A) a list of inspections to be made at each production station; and
    - (B) accept/reject criteria (each significant dimension and component should be given tolerances);
    - (C) an energy compliance checklist that enumerates the energy code-compliance features of the module or modules and includes a signature space for the compliance control inspector or manager. A copy of this checklist shall be shipped with the module or modules.
  - (9) step-by-step test procedures, a description of the station at which each production test is performed, a description of required testing equipment, and procedures for periodic checking, recalibration, and readjustment of test equipment. Procedures shall be included for, but not limited to, electrical tests as specified in the National Electrical Code, Article 550-17, gas supply pressure tests, water supply pressure tests, drain-waste-vent system tests, concrete slump tests, and concrete strength tests;
  - (10) storage procedures for completed structures at the plant and for any other locations prior to installation;
  - (11) a statement indicating the person who is responsible for compliance control at each manufacturing facility and who will assume responsibility for decals and insignia, application of the decals and insignia, and the reporting procedure;
  - (12) a procedure for maintaining reliable, retrievable records of the inspections performed, decal and insignia numbers assigned, the deficiencies and how they were corrected, and the site to which the modules or modular components were transported;
  - (13) procedures and information to demonstrate how the modules and modular components are to be transported to the building site so that damage will not occur or that compliance deviations will not result (actual transportation without damage or deviation is evidence sufficient to justify the method); and
  - (14) procedures that assure that the compliance control procedures are complied with on all regulated structures. As a minimum, regulated structures must be identified prior to commencing construction.
- (d) On-site construction specifications or documentation. All work to be performed on the building site shall be specifically identified and distinguished from construction to be performed in the manufacturing facility, e.g., assembly and connection of all modules, modular components, systems, equipment, and appliances and attachment to the foundation system. The work to be performed on-site shall be described in detail in documents (architectural sheets, specifications, instructions, etc.) which shall be made available to the builder for use at the site and provided as required for review and inspection to the agency having local authority. The manufacturer shall provide the design review agency on-site construction documentation which must, at the minimum, contain the following:
- (1) critical load points for attachment of the house or building or component to the foundation;
  - (2) details for module to module or modular component assembly and connection;
  - (3) minimum requirements for connection and attachment of all modules and modular components to the foundation system;
  - (4) firestopping and draftstopping details;
  - (5) details for fire exits, balconies, walkways, and other site-built attachments;
  - (6) exterior weatherproofing details;

- (7) details for thermal, condensation, decay, corrosion, and insect protection;
  - (8) electrical, mechanical, heating, cooling, and plumbing system completion details;
  - (9) electrical, mechanical, heating, cooling, and plumbing system test procedures;
  - (10) fire safety provisions; and
  - (11) specifications and instructions for cooling equipment, and complete information necessary to calculate sensible heat gain along with information on the sizing of the air distribution system, if applicable, and the R values of insulation in the ceiling, walls, and floors.
- (e) Foundation system designs. A licensed professional engineer (or architect for one and two family dwellings or buildings having one story and total floor area of 5,000 square feet or less) shall design and seal the foundation systems for each industrialized house or building. Review by a DRA is not needed or required. A municipality that regulates the on-site construction or installation of industrialized housing or buildings may require and review the foundation system design for compliance with the mandatory building code. Foundation system designs shall comply with the mandatory building code referenced in §70.100 and §70.101 and shall contain complete details for the construction and attachment of the house or building on the foundation, including, but not limited to the following:
- (1) address or area for which the foundation is suitable;
  - (2) minimum load specifications, including wind loads, seismic design loads, soil bearing capacity, and if the foundation is designed for expansive soils;
  - (3) site preparation details;
  - (4) material specifications;
  - (5) requirements for corrosion resistance, protection against decay, and termite resistance;
  - (6) size, configuration, and depth below grade of all footings, piers, and slabs including, but not limited to, details of concrete reinforcement, spacing of footings and piers, capping of piers, and mortar or concrete fill requirements for piers;
  - (7) fastening requirements, including, but not limited to, size, spacing, and corrosion resistance;
  - (8) requirements for surface drainage; and
  - (9) details for enclosure of the crawl space, including details for ventilation and access.
- (f) Unique on-site details. If the industrialized builder will add unique on-site details, or if the details provided by the manufacturer for completing a house or building on site are incomplete or not suitable for the installation site, then a licensed Texas professional engineer (or architect for one and two family dwellings or buildings having one story and total floor area of 5,000 square feet or less) shall design and seal the unique on-site details and review by a DRA is not needed or required. Unique on-site details shall comply with the mandatory building code referenced in §70.100 and §70.101. A municipality that regulates the on-site construction or installation of industrialized housing or buildings may require and review the unique on-site details for compliance with the mandatory building code.
- (g) Non-site specific buildings. Whenever the manufacturer does not know, at the time of construction, where the building is to be placed, in lieu of providing the site specific construction details or typical site construction details as required in subsection (d) of this section, the manufacturer may provide special conditions and/or limitations on the placement of the building. These special conditions and/or limitations will serve to alert the local building official of items, such as handicapped accessibility and placement of the building on the property, which the local building official may need to verify for conformance to the mandatory building codes. Certain site-related details, such as module to module connections, must still be provided by the manufacturer. It is the responsibility of the DRA to verify that such site-related details are included in the manufacturer's approved design package.

**70.71. Responsibilities of the Registrants--Manufacturer's Data Plate.** *(Amended effective March 16, 1998, 23 TexReg 1305; amended effective December 20, 2000, 25 TexReg 12385; amended effective March 28, 2002, 27 TexReg 2223; amended effective May 17, 2004, 29 TexReg 4867)*

- (a) The manufacturer will attach a data plate to each dwelling unit of a residential structure containing industrialized housing and buildings modules and to each appropriate unit of a commercial structure containing industrialized housing and buildings modules. The data plate must be made of a material that will not deteriorate over time and be permanently placed so that it cannot be removed without destruction. The data plate shall be placed in an easily accessible location as designated on the floor plan or on the cover or title sheet for each model or project. The data plate shall not be located on any readily removable item such as a cabinet door or similar component. Location of the data plate on the cover of the electrical distribution panel is acceptable.
- (b) The data plate must contain, as a minimum, the following information:
  - (1) the manufacturer's name, registration number, and address;
  - (2) the serial or identification number of the unit;
  - (3) the State decal numbers;
  - (4) the name and date of applicable codes;
  - (5) an identification of permissible type of gas for appliances;
  - (6) the maximum snow load (roof) (psf);
  - (7) the maximum wind speed (mph) and exposure;
  - (8) the seismic design criteria;
  - (9) the occupancy/use group type;
  - (10) the construction type; and
  - (11) special conditions and/or limitations.
- (c) All modular components shall be marked with, or otherwise have permanently affixed, a data plate containing the following information:
  - (1) the manufacturer's name, registration number, and address;
  - (2) the serial or identification number of the component or components;
  - (3) the State insignia number or numbers;
  - (4) the name and date of applicable codes;
  - (5) the design loads for the component; and
  - (6) any special conditions of use for the component.
- (d) The information required in subsection (c) of this section may be placed in the crate in which the component or components are shipped or on a tag attached to the crate or to the component if the component is such that the information may not be marked or permanently affixed to the component.

**70.72. Responsibilities of the Registrants--Delivery to Other States.** *(Amended effective December 1, 2003, 28 TexReg 10458)*

Industrialized housing or buildings designed and constructed by a manufacturer in this state for delivery and placement

on a building site in another state are not subject to this chapter unless the units are constructed under the terms of a reciprocity agreement with the other state.

**70.73. Responsibilities of the Registrants--Building Site Inspections.** *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective August 1, 1996, 21 TexReg 6619; amended effective June 13, 2001, 26 TexReg 4092; amended effective May 17, 2004, 29 TexReg 4867; amended effective October 3, 2004, 29 TexReg 9182; amended effective June 1, 2006, 31 TexReg 4420)*

- (a) When the building site is within a municipality that has a building inspection agency or department, the local building official will inspect all on-site construction done at the site and the attachment of the structure to the permanent foundation to assure completion and attachment in accordance with the design package, the on-site construction documentation, the foundation system design, and any unique on-site details.
- (b) When the building site is outside a municipality, or within a municipality that has no building department or agency, a third party inspector will perform the required inspections in accordance with this section and the inspection procedures established by the Texas Industrialized Building Code Council to assure completion and attachment in accordance with the design package, the on-site construction documentation, the foundation system design, and any unique on-site details. The on-site inspection is normally accomplished in three phases: foundation inspection, set inspection, and final inspection. The final inspection shall be completed within 180 days of the start of construction. The department may grant an extension upon receipt of a written request that demonstrates a justifiable cause.
  - (1) Site inspections are required for the first installation of all industrialized housing and permanent industrialized buildings installed outside the jurisdiction of a municipality. Exception: Site inspections are not required for the installation of unoccupied industrialized buildings not open to the public, such as communication equipment shelters, that are not also classified as a hazardous occupancy by the mandatory building code.
  - (2) Site inspections are required for industrialized buildings that are designed to be moved from one commercial site to another commercial site and that are installed outside the jurisdiction of a municipality if the buildings are used as a school or place of religious worship.
  - (3) The builder, or installation permit holder, is responsible for scheduling each phase of the inspection with the third party inspector. Additional inspections will be scheduled as required for larger structures and to correct discrepancies. The industrialized builder, or installation permit holder, may utilize a different third party inspector for different projects, but may not change the inspector for a project once started without the written approval of the department. The inspector shall provide the builder or permit holder a copy of the site inspection report, shall keep a copy for a minimum of five years from the date of successful completion of the final inspection, and make a copy of the inspection report available to the department upon request. The report shall be on the form and in the format required by the department and the Texas Industrialized Building Code Council.
- (c) Destructive disassembly shall not be performed at the site in order to conduct tests or inspections, nor shall there be imposed standards or test criteria different from those required by the approved installation instructions, on-site construction documentation, and the applicable mandatory building code. Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.
- (d) If an inspector finds a structure, or any part thereof, at the building site to be in violation of the approved design package and/or the unique on-site plans and specifications, the inspector shall immediately post a deviation notice and notify the industrialized builder or installation permit holder. The industrialized builder, or installation permit holder, is responsible for assuring that all deviations are corrected and inspected prior to occupation of the building.
- (e) The industrialized builder, or installation permit holder, shall not permit occupancy of a structure until a successful final inspection has been completed and a certificate of occupancy issued by the local authorities. For industrialized housing and buildings installed outside the jurisdiction of a municipality, the industrialized builder, or installation permit holder, shall keep a copy of the completed inspection report for the site inspection for a minimum of ten years from the date of successful completion of the final inspection and make a copy of the inspection report available to the department upon request.

**70.74. Responsibilities of the Registrants--Alterations.** (Amended effective May 17, 2004, 29 TexReg 4867; amended effective May 1, 2005, 30 TexReg 2504)

- (a) The manufacturer shall not alter construction of the industrialized house or building from the approved design package. Industrialized builders or installation permit holders shall not alter construction performed at the installation from the approved on-site construction documentation except in accordance with this section or §70.70(e). Alterations of industrialized housing or buildings shall be as specified in this section.
- (b) An alteration of an industrialized house or building prior to, or during installation, that results in a structure that does not comply with the mandatory building codes is prohibited. An alteration after installation of an industrialized building that is designed to be moved from one commercial site to another commercial site that does not comply with the mandatory building codes is prohibited. Alterations after installation of industrialized housing or permanent industrialized buildings shall be in accordance with the requirements of the local building code authorities.
- (c) Ordinary repairs and work exempt from permit requirements as specified in the mandatory building codes referenced in §70.100 and §70.101 shall not be considered alterations. Ordinary repairs shall include the removal and replacement of the covering of existing materials, elements, equipment, or fixtures using like or the same new materials, elements, equipment, or fixtures that serve the same purpose.
- (d) Alteration decals are used to recertify industrialized buildings designed to be moved from one commercial site to another commercial site. Each decal is assigned to a specific module or modular component. The control of the decals shall remain with the department. The department will issue alteration decals to the third party inspection agency responsible for the inspections of the alterations upon application and payment of the fee for the decal by the industrialized builder. By affixing the decal the industrialized builder and third party inspection agency certify that the module has been altered and inspected in accordance with the mandatory building codes and this section. The third party inspector shall not affix the decal to any module where inspection reveals that the building does not comply with the approved recertification or alteration construction documents or the mandatory building codes.
- (e) Alterations of industrialized housing and permanent industrialized buildings.
  - (1) *Prior to, or during, installation outside the jurisdiction of a municipality.* The industrialized builder, or installation permit holder, shall submit the original approved construction documents for the house or building, as reference, along with a complete set of construction documents describing a proposed alteration to a design review agency for approval prior to construction in accordance with the procedures established by the Texas Industrialized Building Code Council. The design review agency responsible for review and approval of alteration construction documents for a project, industrialized house, or permanent industrialized building may not be changed without the written approval of the department. Alterations on the house or building shall not begin prior to approval of the construction documents and shall be performed only by persons licensed to perform this work. Inspections of alterations shall be performed by a third party inspector in accordance with procedures established by the Texas Industrialized Building Code Council. The third party inspection agency responsible for inspections for a project may not be changed without the written approval of the department. An alteration data plate shall be affixed to any house or building where the alteration results in a reclassification of the occupancy group or construction type, a change in the permissible type of gas required for appliances, or a change in the wind speed and exposure, maximum snow (roof) load, seismic design criteria, or special conditions or limitations. The data plate shall contain such information as specified in subsection (g). All records pertinent to the alteration, including a copy of the alteration data plate, shall be retained by the industrialized builder or installation permit holder for a minimum of 10 years from the date of successful completion of the final inspection and be made available to the department upon request. All records pertinent to the review and approval of the alteration construction documents shall be retained by the DRA for a minimum of 5 years from the date of approval and shall be made available to the Department upon request. All records pertinent to the alteration inspections shall be retained by the TPIA for a minimum of 5 years from the completion of the alteration construction and inspections and shall be made available to the department upon request.
  - (2) *Prior to installation within the jurisdiction of a municipality.* Alterations prior to installation within a jurisdiction shall be in accordance with paragraph (1) of this subsection.



- (3) *During, or after, installation within the jurisdiction of a municipality.* Approval of plans and inspection of alterations shall be in accordance with the permitting and inspection procedures of the municipality.
- (f) Recertification of industrialized buildings designed to be moved from one commercial site to another commercial site. An industrialized building that has been certified by application of a Texas decal in accordance with §70.77 and that is designed to be moved from one commercial site to another commercial site may be recertified in accordance with this section. A copy of the data plate on each building to be recertified shall be submitted to the DRA responsible for the plan review and approval of recertification and alteration documents. Repairs, other than ordinary repairs as defined by the mandatory building codes, shall be considered alterations. The industrialized builder shall purchase an alteration decal from the Department to affix to each module that is recertified or altered. The alteration decal shall be released only to the third party inspection agency responsible for the alteration inspections.
- (1) Recertification class 1: to recertify a building that is to be altered where original approved construction documents exist and the building has not been previously altered. The industrialized builder shall:
- (A) provide the design review agency the current value of the building and a cost estimate for the alteration. With knowledge of the penalties for false statements the industrialized builder shall certify that the current value of the building and the cost estimate are true and accurate;
  - (B) submit a copy of the original approved construction documents for the building to the design review agency for reference purposes;
  - (C) submit a copy of the construction documents for alteration of the building to the design review agency for review and approval in accordance with the requirements established by the Texas Industrialized Building Code Council and subsection (f)(6) of this section. The construction documents shall include the serial number assigned by the manufacturer and the Texas decal number or insignia number of each module or modular component;
  - (D) not begin construction of the alteration of the building prior to the approval of the construction documents by the design review agency. Construction shall be performed only by persons licensed to perform this work; and
  - (E) have the construction inspected by a third-party inspector in accordance with the procedures established by the Texas Industrialized Building Code Council and subsection (f)(7) of this section. A minimum of one rough in inspection and a final inspection of the alteration construction shall be required.
- (2) Recertification class 2: to recertify a building where original approved construction documents do not exist. The industrialized builder shall:
- (A) have a structural analysis of the existing building made by an engineer licensed to practice in Texas to determine the adequacy of the structural systems in accordance with Chapter 16 of the current edition of the International Building Code adopted in §70.100. The industrialized builder shall submit a copy of this analysis and a set of plans depicting the as built construction of the building to the design review agency for review and approval in accordance with the requirements established by the Texas Industrialized Building Code Council and with subsection (f)(6) of this section. These documents shall include the serial number assigned by the manufacturer and the Texas decal or insignia number of each module or modular component contained in the building;
  - (B) bring into compliance those areas of the building identified by the structural analysis and the design review agency as not in compliance with the mandatory building code. The industrialized builder shall submit construction documents to bring the building into compliance to the design review agency for review and approval in accordance with the requirements established by the Texas Industrialized Building Code Council and with subsection (f)(6) of this section;

- (C) if alterations are planned, then provide the DRA the current value of the building and a cost estimate in accordance with subsection (f)(1)(A) of this section and submit a copy of the construction documents for alteration of the building to the DRA in accordance with subsection (f)(1)(C) of this section;
  - (D) have the building inspected by a third party inspector in accordance with the procedures established by the Texas Industrialized Building Code Council and subsection (f)(7) of this section to verify that the building complies with the approved as built construction documents;
  - (E) not begin construction to bring the building into compliance, or to alter the building, prior to approval of the construction documents. The construction shall be performed only by persons licensed to perform this work; and
  - (F) have the construction to bring the building into compliance, and to alter the building, inspected by a third-party inspector in accordance with the procedures established by the Texas Industrialized Building Code Council and subsection (f)(7) of this section. A minimum of one rough in inspection and a final inspection of the construction shall be required.
- (3) Recertification class 3: to recertify a building where original approved construction documents exist, but the building has been altered from those plans and the building has not been recertified in accordance with other paragraphs in this section. The industrialized builder shall:
- (A) submit a copy of the original approved construction documents for the building to the design review agency for reference;
  - (B) submit a copy of construction documents that depict the alterations or repairs to the building to the DRA for review and approval in accordance with the requirements established by the Texas Industrialized Building Code Council and with subsection (f)(6) of this section. Where structural elements have been altered, a structural analysis of the existing building made by an engineer licensed to practice in Texas to determine the adequacy of the structural systems in accordance with Chapter 16 of the current edition of the International Building Code adopted in §70.100 shall also be submitted. The construction documents shall include the serial number assigned by the manufacturer and the Texas decal or insignia number of each module or modular component contained in the building;
  - (C) if additional alterations are planned, then provide the DRA the current value of the building and a cost estimate in accordance with subsection (f)(1)(A) of this section and submit a copy of the construction documents for alteration of the building to the DRA in accordance with subsection (f)(1)(C) of this section;
  - (D) bring into compliance those areas of the building identified by the structural analysis or the design review agency as not in compliance with the mandatory building codes. The industrialized builder shall submit construction documents to bring the building into compliance to the design review agency for review and approval in accordance with the requirements established by the Texas Industrialized Building Code Council and with subsection (f)(6) of this section;
  - (E) have the building inspected by a third party inspector in accordance with the procedures established by the Texas Industrialized Building Code Council and subsection (f)(7) of this section to verify that the building complies with the approved as built construction documents;
  - (F) not begin construction to bring the building into compliance, or to alter the building, prior to approval of the construction documents. The construction shall be performed only by persons licensed to perform this work; and

- (G) have the construction to bring the building into compliance, and to alter the building, inspected by a third-party inspector in accordance with the procedures established by the Texas Industrialized Building Code Council and subsection (f)(7) of this section. A minimum of one rough in inspection and a final inspection of the construction shall be required.
- (4) Recertification class 4: buildings that are to be altered again after recertification. The industrialized builder shall:
- (A) submit a copy of all previous recertification construction documents, including original and as built construction documents where applicable, to the design review agency in accordance with the requirements established by the Texas Industrialized Building Code Council and subsection (f)(6) of this section;
  - (B) include the alteration decal numbers from previous recertifications on the construction documents for altering the building; and
  - (C) comply with subsections (f)(1)(A) and (f)(1)(C) through (f)(1)(E) of this section.
- (5) Emergency repairs. Equipment replacement and repairs, which do not qualify as ordinary repairs in accordance with the mandatory building codes, that must be performed in an emergency situation may be performed prior to recertification of the building. The industrialized builder shall submit documents as necessary to recertify the building in accordance with the requirements of subsections (f)(1) through (f)(3) within the next working business day with the following exceptions.
- (A) The industrialized builder shall have 10 working days to submit as built construction documents for the entire building where required by the recertification requirements of subsections (f)(1) through (f)(4).
  - (B) The industrialized builder shall have 10 working days to submit a structural analysis performed by an engineer licensed to work in Texas where required by the recertification requirements of subsection (f)(1) through (f)(4).
- (6) The industrialized builder shall choose an approved DRA to perform the review and evaluation of all construction documents for the recertification of an industrialized building. The builder may choose a different DRA for different projects or buildings, but may not change DRA's for a project or building once the plan review has begun without prior written approval from the department. Construction documents submitted to the DRA shall include all information pertinent to assuring compliance with the mandatory building code and shall include structural, thermal, and electrical load calculations. As built construction documents shall be reviewed to determine the existence of any potential nonconformance with the provisions of the mandatory building codes. The review and approval of construction documents to recertify a building shall comply with the requirements of §§ 70.70(a)(2) through 70.70(a)(4) and 70.70(a)(6) through 70.70(a)(8) with the following exceptions.
- (A) Based on the engineering analysis and the DRA's review of the as built construction documents, the DRA will prepare a report to the industrialized builder that describes the nonconformances of the building to be recertified.
  - (B) The DRA will signify approval of a drawing, specification, calculation, or any other document submitted for review and approval by the application of the council's stamp of approval for altered or recertified buildings.
  - (C) The design review agency shall complete a recertification transmittal form in accordance with the requirements of the Texas Industrialized Building Code Council and forward a completed copy of the form to the department. A copy of all documents pertinent to the recertification of the building shall be supplied to the department upon request.
  - (D) The design review agency shall forward a completed copy of the recertification transmittal form and one approved copy of the construction documents to the industrialized builder.

- (E) The design review agency shall keep a copy on file of the original approved documents, the engineering analysis, and approved construction documents for recertification of the building for 5 years from the latest date of approval of the recertification or alteration construction documents.
- (7) The third party inspector shall affix the alteration decal to each industrialized building module or modular component upon completion of the construction and successful completion of all required inspections in accordance with this section and the requirements of the Texas Industrialized Building Code Council. The decal shall be affixed in the vicinity of the original decal or insignia on the module or modular component as depicted on the approved construction documents. The industrialized builder may not change the third party inspection agency for a project or building once started without prior written approval of the department.
- (A) All plans pertinent to the alteration or recertification shall be available for use by the third party inspector during the inspection. A copy of the mandatory building codes shall be available for the inspector's use during the inspection.
  - (B) A rough-in inspection shall be scheduled by the industrialized builder while construction is still open to inspection. The inspector shall begin the inspection by verifying that the units to be inspected are those depicted in the original approved, the approved as built, or the previously approved recertification construction documents and shall verify the original decal and serial number of each unit to be inspected. The third party inspector may require the industrialized builder to uncover portions of the building as necessary to verify compliance. The inspection shall be terminated and the alteration decals returned to the department if inspection reveals that the units have been altered from the original approved, the approved as built, or the previously approved recertification construction documents. The inspection shall be terminated and the alteration decals returned to the department if inspection reveals that the units are not those identified by serial number and decal number in the approved construction documents.
  - (C) A final inspection shall be scheduled by the owner or industrialized builder after construction is completed.
  - (D) Inspection of system testing shall be scheduled by the industrialized builder as necessary to assure that tests required by the mandatory building code are witnessed by the third party inspector.
  - (E) The industrialized builder shall schedule a reinspection with the third party inspector wherever a deviation from the approved plans is identified that cannot be corrected and inspected during the rough-in or final inspection.
  - (F) The inspector shall complete a recertification inspection report on the forms and in the format required by the department and the Texas Industrialized Building Code Council. A copy of the inspection report shall be provided to the industrialized builder for his records and submitted to the department upon request. The third party inspection agency shall maintain records of all recertification inspection reports for five years from the date of successful completion of inspections for a building or project.
  - (G) Only one inspection shall be required where a building is recertified in accordance with subsection (f)(2) or (f)(3) of this section and no construction is required to bring the building into compliance or to complete alterations on the building. The inspector shall verify that the units to be inspected are those depicted in the approved construction documents and shall verify the original decal and serial number of each unit to be inspected. The third party inspector may require the industrialized builder to uncover portions of the building as necessary to verify compliance. The inspection shall be terminated, and the alteration decals returned to the department, if inspection reveals that the units have been altered from the approved construction documents.

- (H) Only one inspection shall be required where emergency repairs are performed in accordance with subsection (f)(5) of this section and where further construction is not required to bring the building into compliance with the mandatory building code. The inspector shall verify that the units to be inspected are those depicted in the approved construction documents and shall verify the original decal and serial number of each unit to be inspected. The third party inspector may require the industrialized builder to uncover portions of the building as necessary to verify compliance. The inspection shall be terminated, and the alteration decals returned to the department, if inspection reveals that the units have been altered from the approved construction documents. The inspection shall be terminated and the alteration decals returned to the department if inspection reveals that the units are not those identified by serial number and decal number in the approved construction documents.
- (8) An alteration data plate shall be affixed to any building, in the vicinity of the original data plate on the building, and as depicted on the approved construction documents, where the alteration or recertification results in a reclassification of the occupancy group or construction type, a change in the type of gas required for appliances, or a change in the wind speed and exposure, maximum snow (roof) load, seismic design criteria, or special conditions or limitations. The data plate shall contain such information as specified in subsection (g) of this section. A copy of the data plate shall be retained by the industrialized builder and be made available to the Department upon request.
- (9) The industrialized builder shall maintain all records pertinent to the recertification and make these records available to the Department upon request. Records shall be maintained for as long as the building remains a part of the inventory for that builder.
- (10) Buildings constructed on or after July 1, 2004 may only be recertified in accordance with subsections (f)(1) or (f)4) without prior written authorization from the department.
- (g) A recertification or alteration data plate shall be placed by the third party inspector on each altered or recertified house or building as required by this section. The data plate shall be supplied by the industrialized builder or installation permit holder. An alteration data plate shall be made of a material that will not deteriorate over time and shall be permanently placed so that it cannot be removed without destruction. The data plate shall be placed adjacent to the original data plate in an easily accessible location as designated in the alteration plans, but shall not be located on any readily removable item such as a cabinet door or similar component. Location of the data plate on the cover of the electrical distribution panel is acceptable. An alteration data plate shall contain, as a minimum, the information required on a manufacturer's data plate as required by §70.71(b)(2-11) plus the following information:
  - (1) the name, address, and registration number assigned by the department of the industrialized builder, or the name, address, and installation permit number assigned by the department of the owner of the house or building; and
  - (2) the Texas alteration decal numbers.

**70.75. Responsibilities of the Registrants--Permit/Owner Information.** *(Amended effective August 1, 1996, 21 TexReg 6619; amended effective March 16, 1998, 23 TexReg 1305; amended effective August 14, 2002, 27 TexReg 7103; amended effective May 17, 2004, 20 TexReg 4867; amended effective June 1, 2006, 31 TexReg 4420)*

- (a) The manufacturer shall provide the industrialized builder, or a person who has obtained an installation permit in accordance with §70.20, with the following information:
  - (1) the name, Texas registration number, and address of the manufacturer of the building;
  - (2) the location of the decal(s) or insignia on the modules or modular components;
  - (3) a description of the location of the data plate and explanation of the information thereon;
  - (4) a set of approved plans, in accordance with §70.70, as necessary to obtain a building permit and as necessary to complete construction of the house or building at the installation site. The documents shall include critical load points for attachment of the house or building to the foundation;

- (5) the floor plan of the building and schematic drawings of the plumbing, electrical, and heating/ventilation systems for the owner of the building;
  - (6) a completed signed copy of the energy compliance checklist (reference subsection (c)(8)(C) of §70.70; and
  - (7) the information required by §70.78(b).
- (b) The industrialized builder shall provide the purchaser (owner) or installation permit holder of any industrialized house or building the following information:
- (1) the name, Texas registration number, and address of the manufacturer and industrialized builder;
  - (2) a description of the location of the data plate and explanation of the information thereon;
  - (3) the floor plan of the building and schematic drawings of the plumbing, electrical, and heating/ventilation systems;
  - (4) a complete set of approved plans and specifications in accordance with §70.70, including all records pertinent to alterations of the house or building in accordance with §70.74;
  - (5) a copy of the foundation system design and any unique on-site details in accordance with §70.70;
  - (6) the location of the decal(s) or insignia on the module or modular components;
  - (7) a site plan showing the on-site location of all utilities and utility taps;
  - (8) a completed signed copy of the energy compliance checklist (reference subsection (a)(6) of this section); and
  - (9) the information required by §70.78(b).
- (c) The manufacturer must have written proof that the information in subsection (a) of this section was delivered to the industrialized builder or installation permit holder and keep this proof in the manufacturer's files for a minimum of five years.
- (d) The builder must have written proof that the information in subsection (b) of this section was delivered to the purchaser (owner) or installation permit holder and keep this proof in the industrialized builder's files for a minimum of five years.

**70.76. Responsibilities of the Registrants--Proprietary Information Protected.** *(Amended effective December 1, 2003, 28 TexReg 10458)*

- (a) All designs, plans, specifications, compliance control programs, on-site construction instructions and documentation, information relating to alternate methods or materials, or any other documents submitted by a manufacturer to a design review agency or third party inspector are proprietary information and shall only be used for purposes of assuring compliance with the provisions of Occupations Code, Chapter 1202 and this chapter.
- (b) The items and information furnished by the manufacturer to a design review agency or third party inspector as set forth in subsection (a) of this section shall not be copied or distributed to any other person except with the manufacturer's written permission.

**70.77. Responsibilities of the Registrants--Decals and Insignia for New Construction.** *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective August 1, 1996, 21 TexReg 6619; amended effective December 20, 2000, 25 TexReg 12385; amended effective December 1, 2003, 28 TexReg 10458)*

- (a) Decals are used for module certification and insignia are used for modular component certification. The department will issue decals and insignia to the manufacturer on application and payment of the fee following certification of the manufacturing facility in accordance with §70.60. It is the manufacturer's responsibility to assure that a certification inspection has been accomplished as outlined in §70.60. Each module or modular component of industrialized housing or buildings shall have the decal or insignia affixed thereto before leaving

the manufacturing facility. It is the manufacturer's responsibility to assure that the in-plant inspection has been performed as outlined in §70.61 prior to affixing the decal or insignia. It is the manufacturer's responsibility to assure that the house or building is released only to an industrialized builder registered with this department or a person who has obtained an installation permit from this department. The decal or insignia shall be placed in a visible location as designated on the floor plan or on the cover or title sheet for each model or project in the on-site construction documentation and shall be permanently attached so that it cannot be removed without destruction. Decals or insignia shall not be placed on any readily removable item such as a cabinet door or other similar component. Location of the decal on the cover of the electrical distribution panel is acceptable.

- (b) Each decal or insignia shall be assigned to a specific module or modular component, and the manufacturer shall keep records as necessary to show, by decal or insignia number, the module or modular component (by identification number) to which the decal or insignia was assigned. The manufacturer shall keep complete records of all decals and insignia received, decals and insignia used, and those which are on-hand. The manufacturer shall maintain these records for a minimum of 5 years from the date the building is reported shipped in accordance with §70.50. These records shall be made available to the department or in-plant inspector on request. Assigned decals or insignia are not transferable and are void when not affixed as assigned. All decals or insignia which are voided must be returned to, or shall be confiscated by, the department.
- (c) By affixing the decal or insignia, the manufacturer certifies that the module or modular component is constructed and inspected in accordance with the approved design package, the mandatory building codes, and §70.62.
- (d) The control of the decals and insignia shall remain with the department. Should inspection reveal that the manufacturer is not constructing structures or any portion thereof in accordance with the approved design package, the manufacturer will be notified of the specific deviations. Deviations shall be corrected at a point in the construction process before they are covered or hidden by additional construction. Otherwise, the department (or third party inspector) shall confiscate any decals or insignia previously issued and presently on-hand at the manufacturing facility. In addition, new decals or insignia will not be issued until the manufacturer has shown proof of compliance.

**70.78. Responsibilities of the Registrants--General.** *(Amended effective December 1, 2003, 28 TexReg 10458)*

- (a) Each registrant must notify the department of any changes in information regarding the location, organization, staff, or ownership of the organization as required in the sections in this chapter. The notification must be received by the department no later than 10 days after the change occurs.
- (b) Each registrant shall provide customers with access to the name, mailing address, and telephone number of the department for purposes of directing complaints to the department. A rubber stamp or sticker may be used to convey the information. The notification shall be included on:
  - (1) a sign prominently displayed in the place of business;
  - (2) any written contract for services; or
  - (3) any bill for services.
- (c) The registrant must allow the department, as part of an inspection or investigation, to enter his business premises during regular business hours and examine and copy any records that relate directly or indirectly to the inspection or investigation being conducted. The department may inspect all records, books and documents, whether paper or electronic, pertaining to the agency's operation.

**70.80. Commission Fees.** *(Amended effective November 16, 1993, 18 TexReg 7925; amended effective October 1, 1995, 20 TexReg 7279; amended effective March 16, 1998, 23 TexReg 1305; amended effective February 25, 1999, 23 TexReg 13059; amended effective May 17, 2004, 29 TexReg 4867; amended effective December 1, 2004, 29 TexReg 11028)*

- (a) The manufacturer's registration fee is \$750 annually.
- (b) The industrialized builder's registration fee is \$325 annually.
- (c) The design review agency's registration fee is \$300 annually.

- (d) The third party inspection agency's registration fee is \$150 per firm and \$100 per inspector annually.
- (e) The registration fee shall be paid before the certificate of registration is issued and annually thereafter.
- (f) The fee for department personnel for certification inspections at a manufacturing facility shall be \$40 per hour. Travel and per diem costs shall be reimbursed by the manufacturer in accordance with the current rate as established in the current Appropriations Act. The department shall present a billing statement to the manufacturer at the completion of the inspection that is payable upon receipt.
- (g) When the department acts as a design review agency, the fee for such services is \$40 per hour. The manufacturer for whom the services are performed shall pay the fee before approval of the designs, plans, specifications, compliance control documents, and installation manuals and before the release of the documents to the manufacturer. Travel and per diem costs shall be reimbursed by the manufacturer in accordance with the current rate as established in the current Appropriations Act.
- (h) The fees for issuing decals and insignia are:
  - (1) modules (decals): \$0.07 per square foot of gross floor area, with a minimum of \$25 for each decal; and
  - (2) modular component (insignia): \$0.02 per square foot of gross surface area with a minimum of \$0.60 for each insignia or \$0.07 per square foot of gross floor area with a minimum of \$15 for each insignia.
- (i) The fee for department personnel for special inspections shall be \$40 per hour. A special inspection is any inspection for industrialized housing and buildings that is not covered by other fees. The Department will present a billing statement at the conclusion of the inspection that is payable upon receipt. Travel and per diem costs shall be reimbursed in accordance with the current rate as established in the current Appropriation Act.
- (j) The fee for department monitoring of design review agencies and third party inspection agencies outside headquarters shall be \$40.00 per monitor hour. Travel and per diem costs shall be reimbursed in accordance with the current rate as established in the current Appropriations Act. The department will present the agency or manufacturer a statement at the conclusion of the monitoring trip, and it is payable upon receipt.
- (k) The fee for an installation permit shall be \$75 for each building containing industrialized housing and buildings modules or modular components. A separate application must be submitted for each building containing industrialized housing and buildings modules or modular components.
- (l) The fee for issuing an alteration decal is \$50 for each decal.

**70.81. Late Renewal Fees.** *(Amended effective December 1, 2003, 28 TexReg 10458)*

Late renewal fees for registrations issued under this chapter are provided for under §60.83 of this title (relating to Late Renewal Fees).

**70.90. Sanctions--Administrative Sanctions/Penalties.** *(Effective November 16, 1993, 18 TexReg 7925; amended effective August 14, 2002, 27 TexReg 7103; amended effective December 1, 2003, 28 TexReg 10458)*

If a person violates Texas Occupations Code, Chapter 1202, a rule adopted by the commission or order adopted or issued by the commission or executive director relating to Chapter 1202, the executive director may institute proceedings to impose administrative sanctions and/or recommend administrative penalties in accordance with Texas Occupations Code, Chapter 51, and Chapter 60 of this title (relating to Texas Commission of Licensing and Regulation).

**70.92. Sanctions for Failure to Comply by Design Review Agencies, Third Party Inspection Agencies, and Third Party Inspectors.** *(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458)*

The department shall monitor the performance of design review agencies (DRA), third party inspection agencies (TPIA), and third party inspectors (TPI) and may recommend disapproval of any agency or inspector that violates provisions of Chapter 1202, rules and regulations of the commission, or administrative orders issued by the commission or the executive director in, or pursuant to, this chapter, or any decisions, actions, or interpretations of the council. If the council



feels that a failure to comply has been shown, then the council will recommend that the executive director take appropriate action. Sanctions shall be administered pursuant to the provisions of Texas Occupations Code, §1202.302.

**70.100. Mandatory Building Codes.** *(Amended effective December 6, 1994, 19 TexReg 9295; amended effective December 7, 1996, 21 TexReg 6620; amended effective February 8, 2000, 24 TexReg 7225; amended effective October 28, 2001, 26 TexReg 8508; amended effective December 1, 2003, 28 TexReg 10458; amended effective July 1, 2008, 33 TexReg 5000)*

- (a) Effective October 31, 2008 all industrialized housing and buildings, modules, and modular components, shall be constructed in accordance with the following codes as amended by §70.101:
  - (1) National Fire Protection Association--National Electrical Code, 2008 Edition;
  - (2) the International Building Code, 2006 edition, including appendices C , F, and K, published by the International Code Council;
  - (3) the International Fuel Gas Code, 2006 edition, published by the International Code Council;
  - (4) the International Plumbing Code, 2006 edition, including appendices C, E, F, and G, published by the International Code Council;
  - (5) the International Mechanical Code, 2006 edition, published by the International Code Council; and
  - (6) the International Residential Code, 2006 edition, including appendix K, published by the International Code Council.
- (b) Other codes referenced in any of the mandatory building codes adopted in subsection (a) shall be considered part of the requirements of these codes to the prescribed extent of each such reference.
- (c) The effective dates of adoption of past editions of the mandatory building codes are as follows:

Code Name and Edition	Effective Date of Adoption
2003 Edition of the International Building Code	July 1, 2004
2003 Edition of the International Residential Building Code	July 1, 2004
2003 Edition of the International Plumbing Code	July 1, 2004
2003 Edition of the International Mechanical Code	July 1, 2004
2003 Edition of the International Fuel Gas Code	July 1, 2004
2003 Edition of the International Energy Conservation Code	July 1, 2004
2003 Edition of the International Existing Building Code	July 1, 2004
2002 Edition of the National Electrical Code	July 1, 2004
2000 Edition of the International Building Code	2/20/2002
2000 Edition of the International Residential Code with 2001 Supplement	2/20/2002
2000 Edition of the International Plumbing Code	2/20/2002
2000 Edition of the International Mechanical Code	2/20/2002
2000 Edition of the International Fuel Gas Code	2/20/2002
2000 Edition of the International Energy Conservation Code with 2001 Supplement	2/20/2002
1997 Edition of the Uniform Building Code	2/8/2000
1997 Edition of the Standard Building Code	2/8/2000
1997 Edition of the International Fuel Gas Code	2/8/2000
1997 Edition of the International Plumbing Code	2/8/2000
1998 Edition of the International Mechanical Code	2/8/2000
1998 Edition of the International One and Two Family Dwelling Code	2/8/2000
1998 Edition of the International Energy Conservation Code	2/8/2000
1999 Edition of the National Electrical Code	2/8/2000
1994 Edition of the Uniform Building Code	12/7/1996
1994 Edition of the Standard Building Code	12/7/1996
1996 Edition of the National Electrical Code	12/7/1996

Code Name and Edition	Effective Date of Adoption
1994 Edition of the Uniform Mechanical Code as published by the International Conference of Building Officials	12/7/1996
1994 Edition of the Standard Mechanical Code	12/7/1996
1995 Edition of the International Plumbing Code	12/7/1996
1994 Edition of the Standard Plumbing Code	12/7/1996
1994 Edition of the Standard Gas Code	12/7/1996
1995 Edition of the CABO One and Two Family Dwelling Code	12/7/1996
1993 Edition of the CABO Model Energy Code	12/6/1994
ASHRAE/IES 90.1-89	12/6/1994
1991 Edition of the Uniform Building Code	5/19/1992
1991 Edition of the Standard Building Code	5/19/1992
1991 Edition of the Uniform Mechanical Code	5/19/1992
1991 Edition of the Standard Mechanical Code	5/19/1992
1991 Edition of the Uniform Plumbing Code	5/19/1992
1991 Edition of the Standard Plumbing Code	5/19/1992
1991 Edition of the Standard Gas Code	5/19/1992
1989 Edition of the CABO One and Two Family Dwelling Code	5/19/1992
1990 Edition of the National Electrical Code	5/13/1991
1988 Edition of the Uniform Building Code	12/27/1988
1988 Edition of the Standard Building Code	12/27/1988
1988 Edition of the Uniform Mechanical Code	12/27/1988
1988 Edition of the Standard Mechanical Code	12/27/1988
1988 Edition of the Uniform Plumbing Code	12/27/1988
1988 Edition of the Standard Plumbing Code	12/27/1988
1988 Edition of the Standard Gas Code	12/27/1988
1986 Edition of the CABO One and Two Family Dwelling Code	12/27/1988
1987 Edition of the National Electrical Code	2/1/1988
1985 Edition of the Uniform Building Code with 1986 amendments	2/27/1987
1985 Edition of the Standard Building Code with 1986 amendments	2/27/1987
1985 Edition of the Uniform Mechanical Code with 1986 amendments	2/27/1987
1985 Edition of the Standard Mechanical Code with 1986 amendments	2/27/1987
1985 Edition of the Uniform Plumbing Code with 1986 amendments	2/27/1987
1985 Edition of the Standard Plumbing Code with 1986 amendments	2/27/1987
1985 Edition of the Standard Gas Code with 1986 amendments	2/27/1987
1985 Edition of the Uniform Building Code	7/15/1986
1985 Edition of the Standard Building Code	7/15/1986
1985 Edition of the Uniform Mechanical Code	7/15/1986
1985 Edition of the Standard Mechanical Code	7/15/1986
1985 Edition of the Uniform Plumbing Code	7/15/1986
1985 Edition of the Standard Plumbing Code	7/15/1986
1985 Edition of the Standard Gas Code	7/15/1986
1983 Edition of the CABO One and Two Family Dwelling Code	7/15/1986
1984 Edition of the National Electrical Code	1/1/1986
1982 Edition of the Uniform Building Code	1/1/1986
1982 Edition of the Standard Building Code	1/1/1986
1982 Edition of the Uniform Mechanical Code	1/1/1986
1982 Edition of the Standard Mechanical Code	1/1/1986
1982 Edition of the Uniform Plumbing Code	1/1/1986
1982 Edition of the Standard Plumbing Code	1/1/1986
1982 Edition of the Standard Gas Code	1/1/1986

**70.101. Amendments to Mandatory Building Codes.** (Amended effective December 7, 1996, 21 TexReg 6620; amended effective February 8, 2000, 24 TexReg 7225; amended effective October 28, 2001, 26 TexReg 8508; amended effective December 1, 2003, 28 TexReg 10458; amended effective May 1, 2005, 30 TexReg 2504; amended effective July 1, 2008, 33 TexReg 5000)

- (a) The council shall consider and review all amendments to these codes which are approved and recommended by ICC, and if they are determined to be in the public interest, the amendments shall be effective 180 days following the date of the council's determination or at a later date as set by the council.
- (b) Any amendment proposed by a local building official, and determined by the council following a public hearing to be essential to the health and safety of the public on a statewide basis, shall become effective 180 days following the date of the council's determination or at such a later date as set by the council.
- (c) The National Electrical Code shall be amended as follows.
  - (1) Add to Article 310.1 the following statement: "Aluminum and copper-clad aluminum shall not be used for branch circuits in buildings classified as a residential occupancy; aluminum and copper-clad aluminum conductors, of size number 4 AWG or larger, may be used in branch circuits in buildings classified as occupancies other than residential."
  - (2) Add to Article 110.14 the following statement: "Aluminum and copper-clad aluminum conductors shall be terminated using approved compression-type crimp lugs with approved inhibitors."
- (d) The International Building Code shall be amended as follows.
  - (1) Amend "*Section 101.1 Title*" to read as follows: "These regulations shall be known as the Building Code of the Texas Industrialized Housing and Buildings program, hereinafter referred to as 'this code.'"
  - (2) Amend "*Section 101.3 Intent*" to add the following: "Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control."
  - (3) Amend "*Section 101.4 Referenced codes*" to read as follows. "The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendment as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted."
  - (4) Add "*Section 101.4.8 Alterations*" to read as follows: "The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or additions, and changes of occupancy of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site."
  - (5) Amend "*Section 104.1 General*" to add the following: "The term building official as used in this code, or as used in the codes and standards referenced in this code, shall mean the Texas Commission of Licensing and Regulation, the executive director of the Texas Department of Licensing and Regulation, the Texas Industrialized Building Code Council, or the local building official in accordance with the powers and duties assigned to each in Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings."
  - (6) Amend "*Section 102.6 Existing Structures*" to add the following: "Existing industrialized buildings that bear an approved certification decal or insignia in accordance with the requirements of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70, and that have not been altered or modified, shall be considered to be in compliance with the current mandatory building code adopted by the Texas Industrialized Building Code Council."
  - (7) Amend "*Section 110.1 Use and occupancy*" by revising the first sentence to read as follows: "No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof, shall be made until the local building official has issued a certificate of occupancy in accordance with the locally adopted rules and regulations."

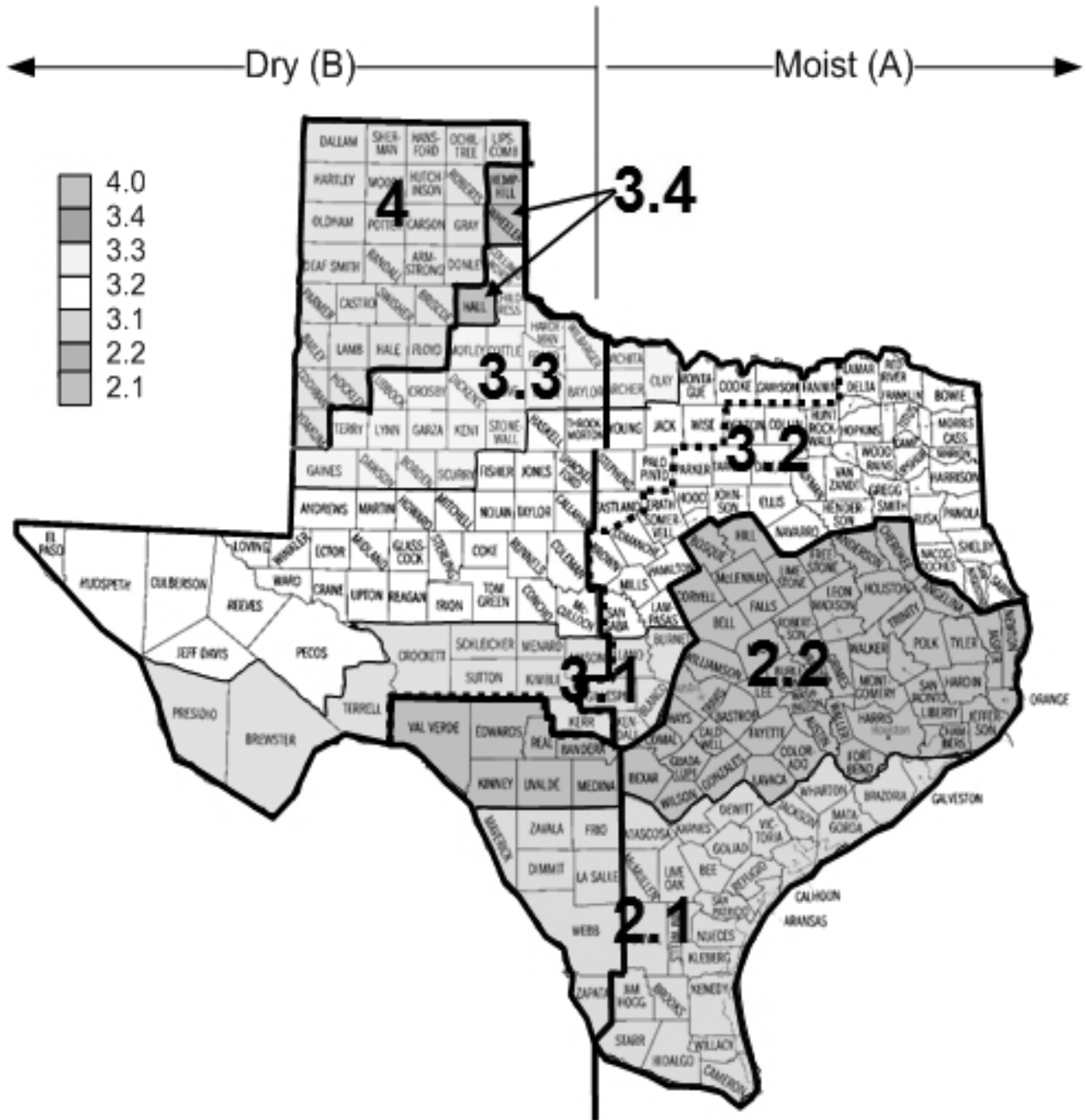
- (8) Amend “*Section 110.2 Certificate issued*” as follows.
- (A) Amend the first paragraph to read as follows: “The local building official shall issue a certificate of occupancy in accordance with the locally adopted rules and regulations.”
  - (B) Delete item numbers 1 through 12.
- (9) Amend “*Section 110.3 Temporary occupancy*” to read as follows: “The local building official shall issue a temporary certificate of occupancy in accordance with locally adopted rules and regulations.”
- (10) Amend “*Section 110.4 Revocation*” to read as follows: “The local building official may suspend or revoke a certificate of occupancy or completion issued under the provisions of this code in accordance with locally adopted rules and regulations.”
- (11) Amend “*Section 311.3 Low-hazard storage, Group S-2*” to add equipment shelters as an example of the type of building that falls under this occupancy group.
- (12) Delete Sections 1102 through 1110 and amend “*Section 1101.2 Design*” to read as follows: “Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and the *Texas Accessibility Standards (TAS)*. Wherever reference elsewhere in this code is made to ICC A117.1, ICC/ANSI A117.1, or ANSI A117.1, the *TAS* shall be substituted. Buildings subject to the requirements of the Texas Accessibility Standards are described in Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 68.”
- (13) Amend “*Chapter 35, Referenced Standards*” as follows.
- (A) Delete ICC/ANSI A117.1-03, Accessible and Usable Buildings and Facilities.
  - (B) Add TDLR, PO Box 12157, Austin, TX 78711 as a promulgating agency and add TAS, Texas Accessibility Standards as adopted under 16 Texas Administrative Code, Chapter 68, as the referenced standard, referenced in code sections 406.2.2, 907.9.1.4, 1007.6.5, 1010.1, 1010.6.5, 1010.9, 1011.3, 1101.2, 3001.3, 3409.6, 3409.8.2, and 3409.8.3.
  - (C) Add NFPA Standard 70-08, National Electrical Code, referenced in code section 101.4.
  - (D) Add ICC Standard IEBC-06, International Existing Building Code, referenced in code section 101.4.8.
- (e) The *International Fuel Gas Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the Fuel Gas Code of the Texas Industrialized Housing and Building program, hereinafter referred to as ‘this code.’”
  - (2) Amend “*Section 101.4 Intent*” to add the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
  - (3) Amend “*Section 102.7 Moved buildings*” to read as follows: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or additions, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
  - (4) Amend “*Section 102.8 Referenced codes and standards*” to add the following. “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.”

- (5) Amend “*Chapter 8 Referenced Standards*” to add code section 102.7 as a code referenced section for ICC Standard IEBC-06, *International Existing Building Code*.
- (f) The *International Plumbing Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the Plumbing Code of the Texas Industrialized Housing and Buildings program, hereinafter referred to as ‘this code.’”
- (2) Amend “*Section 101.3 Intent*” to add the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
- (3) Amend “*Section 102.7 Moved buildings*” to read as follows: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or additions, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
- (4) Amend “*Section 102.8 Referenced codes and standards*” to add the following: “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.”
- (5) Amend “*Chapter 13, Referenced Standards*” as follows.
- (A) Delete NFPA Standard 70-05 and replace with NFPA Standard 70-08.
- (B) Add code section 102.7 as a code referenced section for ICC Standard IEBC-06, *International Existing Building Code*.
- (g) The *International Mechanical Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the Mechanical Code of Texas Industrialized Housing and Buildings program, hereinafter referred to as ‘this code.’”
- (2) Amend “*Section 101.3 Intent*” to add the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
- (3) Amend “*Section 102.7 Moved buildings*” to read as follows: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or additions, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
- (4) Amend “*Section 102.8 Referenced codes and standards*” to add the following: “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.”
- (5) Amend “*Chapter 15 Referenced Standards*” to add code section 102.7 as a code referenced section for ICC Standard IEBC-06 *International Existing Building Code*.
- (h) The *International Residential Code* shall be amended as follows.
- (1) Amend “*Section R101.1 Title*” to read as follows: “These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the Texas Industrialized Housing and

Buildings Program and shall be cited as such and will be referred to herein as ‘this code.’”

- (2) Add “*Section R101.4 Referenced codes – Electrical*” to read as follows: “The provisions of the National Electrical Code, NFPA 70, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.”
- (3) Amend “*Section R202 Definitions*” by adding the following definition: “GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and includes the sash, curbing or other framing elements that enclose conditioned space. In walls bounding conditioned basements, the glazing area includes the area of all glazed fenestration assemblies. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.”
- (4) Amend “*Section R202 Definitions*” by amending the definition of “Townhouse” as follows: “TOWNHOUSE. A single-family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.”
- (5) Amend “*Section R301.2 Climatic and geographic design criteria*” to add the following: “If no criteria has been established, or if there is no local jurisdiction to set the criteria, then the criteria shall be in accordance with the requirements set in the footnotes of Table R301.2(1).”
- (6) Amend “*Section R303.8 Required heating*” to read as follows: “Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.”
- (7) Amend “*Section R317.1 Two-family dwellings*” by adding exception number 3 to read as follows: “3. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.”
- (8) Amend “*Section N1101.2.1 Warm humid counties*” to read as follows: “Warm humid counties for Texas are listed in Table N1101.2.2 and are listed in Table N1101.2.1 for other locations.”
- (9) Add “*Section N1101.2.2 Compliance software tools*” to read as follows: “Software tools to demonstrate energy code compliance may be used if deemed acceptable by the code official or other authority having jurisdiction. The PNNL software program RESCheck may be used to demonstrate energy code compliance provided the code checked to is the 2003 IECC. The International Code Compliance Calculator (ICCC) from the Texas Energy System Laboratory may be used to demonstrate energy code compliance.”
- (10) Amend “*Figure N1101.2 Climate Zones*” by replacing the map of Texas with the map of Texas as shown in Exhibit 1.

#### **Exhibit 1**



- (11) Delete climate zones for Texas from “Table N1101.2 Climate Zones by States and Counties” and add “Climate Zones and Sub Climate Zones for Texas” to Table N1101.2 as shown in Exhibit 2.

Exhibit 2

Table N1101.2  
CLIMATE ZONES BY STATES AND COUNTIES

CLIMATE ZONES AND SUB CLIMATE ZONES FOR TEXAS

<u>Zone 2</u>							
<u>ANDERSON</u>	<u>2.2</u>	<u>DE WITT</u>	<u>2.1</u>	<u>JIM HOGG</u>	<u>2.1</u>	<u>ORANGE</u>	<u>2.2</u>
<u>ANGELINA</u>	<u>2.2</u>	<u>DIMITT</u>	<u>2.1</u>	<u>JIM WELLS</u>	<u>2.1</u>	<u>POLK</u>	<u>2.2</u>
<u>ARANSAS</u>	<u>2.1</u>	<u>DUVAL</u>	<u>2.1</u>	<u>KARNES</u>	<u>2.1</u>	<u>REAL</u>	<u>2.2</u>

CLIMATE ZONES AND SUB CLIMATE ZONES FOR TEXAS

<u>ATASCOSA</u>	2.1	<u>EDWARDS</u>	2.2	<u>KENEDY</u>	2.1	<u>REFUGIO</u>	2.1
<u>AUSTIN</u>	2.2	<u>FALLS</u>	2.2	<u>KINNEY</u>	2.2	<u>ROBERTSON</u>	2.2
<u>BANDERA</u>	2.2	<u>FAYETTE</u>	2.2	<u>KLEBERG</u>	2.1	<u>SAN JACINTO</u>	2.2
<u>BASTROP</u>	2.2	<u>FORT BEND</u>	2.2	<u>LA SALLE</u>	2.1	<u>SAN PATRICIO</u>	2.1
<u>BEE</u>	2.1	<u>FREESTONE</u>	2.2	<u>LAVACA</u>	2.2	<u>STARR</u>	2.1
<u>BELL</u>	2.2	<u>FRIO</u>	2.1	<u>LEE</u>	2.2	<u>TRAVIS</u>	2.2
<u>BEXAR</u>	2.2	<u>GALVESTON</u>	2.1	<u>LEON</u>	2.2	<u>TRINITY</u>	2.2
<u>BOSQUE</u>	2.2	<u>GOLIAD</u>	2.1	<u>LIBERTY</u>	2.2	<u>TYLER</u>	2.2
<u>BRAZORIA</u>	2.1	<u>GONZALES</u>	2.2	<u>LIMESTONE</u>	2.2	<u>UVALDE</u>	2.2
<u>BRAZOS</u>	2.2	<u>GRIMES</u>	2.2	<u>LIVE OAK</u>	2.1	<u>VAL VERDE</u>	2.2
<u>BROOKS</u>	2.1	<u>GUADALUPE</u>	2.2	<u>MADISON</u>	2.2	<u>VICTORIA</u>	2.1
<u>BURLESON</u>	2.2	<u>HARDIN</u>	2.2	<u>MATAGORDA</u>	2.1	<u>WALKER</u>	2.2
<u>CALDWELL</u>	2.2	<u>HARRIS</u>	2.2	<u>MAVERICK</u>	2.1	<u>WALLER</u>	2.2
<u>CALHOUN</u>	2.1	<u>HAYS</u>	2.2	<u>MCLENNAN</u>	2.2	<u>WASHINGTON</u>	2.2
<u>CAMERON</u>	2.1	<u>HIDALGO</u>	2.1	<u>MCMULLEN</u>	2.1	<u>WEBB</u>	2.1
<u>CHAMBERS</u>	2.2	<u>HILL</u>	2.2	<u>MEDINA</u>	2.2	<u>WHARTON</u>	2.1
<u>CHEROKEE</u>	2.2	<u>HOUSTON</u>	2.2	<u>MILAM</u>	2.2	<u>WILLACY</u>	2.1
<u>COLORADO</u>	2.2	<u>JACKSON</u>	2.1	<u>MONTGOMERY</u>	2.2	<u>WILLIAMSON</u>	2.2
<u>COMAL</u>	2.2	<u>JASPER</u>	2.2	<u>NEWTON</u>	2.2	<u>WILSON</u>	2.2
<u>CORYELL</u>	2.2	<u>JEFFERSON</u>	2.2	<u>NUECES</u>	2.1	<u>ZAPATA</u>	2.1

Zone 3

<u>ANDREWS</u>	3.2	<u>EL PASO</u>	3.2	<u>KERR</u>	3.1	<u>ROCKWALL</u>	3.2
<u>ARCHER</u>	3.3	<u>ELLIS</u>	3.2	<u>KIMBLE</u>	3.1	<u>RUNNELS</u>	3.2
<u>BAYLOR</u>	3.3	<u>ERATH</u>	3.2	<u>KING</u>	3.3	<u>RUSK</u>	3.2
<u>BLANCO</u>	3.1	<u>FANNIN</u>	3.2	<u>KNOX</u>	3.3	<u>SABINE</u>	3.2
<u>BORDEN</u>	3.3	<u>FISHER</u>	3.2	<u>LAMAR</u>	3.2	<u>SAN AUGUSTINE</u>	3.2
<u>BOWIE</u>	3.2	<u>FOARD</u>	3.3	<u>LAMPASAS</u>	3.2	<u>SAN SABA</u>	3.2
<u>BREWSTER</u>	3.1	<u>FRANKLIN</u>	3.2	<u>LLANO</u>	3.1	<u>SCHLEICHER</u>	3.1
<u>BROWN</u>	3.2	<u>GAINES</u>	3.3	<u>LOVING</u>	3.2	<u>SCURRY</u>	3.3
<u>BURNET</u>	3.1	<u>GARZA</u>	3.3	<u>LUBBOCK</u>	3.3	<u>SHACKELFORD</u>	3.2
<u>CALLAHAN</u>	3.2	<u>GILLESPIE</u>	3.1	<u>LYNN</u>	3.3	<u>SHELBY</u>	3.2
<u>CAMP</u>	3.2	<u>GLASSCOCK</u>	3.2	<u>MARION</u>	3.2	<u>SMITH</u>	3.2
<u>CASS</u>	3.2	<u>GRAYSON</u>	3.2	<u>MARTIN</u>	3.2	<u>SOMERVELL</u>	3.2
<u>CHILDRESS</u>	3.3	<u>GREGG</u>	3.2	<u>MASON</u>	3.1	<u>STEPHENS</u>	3.2
<u>CLAY</u>	3.3	<u>HALL</u>	3.4	<u>MCCULLOCH</u>	3.2	<u>STERLING</u>	3.2
<u>COKE</u>	3.2	<u>HAMILTON</u>	3.2	<u>MENARD</u>	3.1	<u>STONEWALL</u>	3.3
<u>COLEMAN</u>	3.2	<u>HARDEMAN</u>	3.3	<u>MIDLAND</u>	3.2	<u>SUTTON</u>	3.1
<u>COLLIN</u>	3.2	<u>HARRISON</u>	3.2	<u>MILLS</u>	3.2	<u>TARRANT</u>	3.2
<u>COLLINGSWORTH</u>	3.3	<u>HASKELL</u>	3.2	<u>MITCHELL</u>	3.2	<u>TAYLOR</u>	3.2
<u>COMANCHE</u>	3.2	<u>HEMPHILL</u>	3.4	<u>MONTAGUE</u>	3.2	<u>TERRELL</u>	3.1
<u>CONCHO</u>	3.2	<u>HENDERSON</u>	3.2	<u>MORRIS</u>	3.2	<u>TERRY</u>	3.3
<u>COOKE</u>	3.2	<u>HOOD</u>	3.2	<u>MOTLEY</u>	3.3	<u>THROCKMORTON</u>	3.2
<u>COTTLE</u>	3.3	<u>HOPKINS</u>	3.2	<u>NACOGDOCHES</u>	3.2	<u>TITUS</u>	3.2
<u>CRANE</u>	3.2	<u>HOWARD</u>	3.2	<u>NAVARRO</u>	3.2	<u>TOM GREEN</u>	3.2
<u>CROCKETT</u>	3.1	<u>HUDSPETH</u>	3.2	<u>NOLAN</u>	3.2	<u>UPSHUR</u>	3.2
<u>CROSBY</u>	3.3	<u>HUNT</u>	3.2	<u>PALO PINTO</u>	3.2	<u>UPTON</u>	3.2
<u>CULBERSON</u>	3.2	<u>IRION</u>	3.2	<u>PANOLA</u>	3.2	<u>VAN ZANDT</u>	3.2
<u>DALLAS</u>	3.2	<u>JACK</u>	3.2	<u>PARKER</u>	3.2	<u>WARD</u>	3.2
<u>DAWSON</u>	3.3	<u>JEFF DAVIS</u>	3.2	<u>PECOS</u>	3.2	<u>WHEELER</u>	3.4
<u>DELTA</u>	3.2	<u>JOHNSON</u>	3.2	<u>PRESIDIO</u>	3.1	<u>WICHITA</u>	3.3
<u>DENTON</u>	3.2	<u>JONES</u>	3.2	<u>RAINS</u>	3.2	<u>WILBARGER</u>	3.3
<u>DICKENS</u>	3.3	<u>KAUFMAN</u>	3.2	<u>REAGAN</u>	3.2	<u>WINKLER</u>	3.2
<u>EASTLAND</u>	3.2	<u>KENDALL</u>	3.1	<u>RED RIVER</u>	3.2	<u>WISE</u>	3.2
<u>ECTOR</u>	3.2	<u>KENT</u>	3.3	<u>REEVES</u>	3.2	<u>WOOD</u>	3.2
						<u>YOUNG</u>	3.2

Zone 4

<u>ARMSTRONG</u>		<u>DEAF SMITH</u>		<u>HOCKLEY</u>		<u>PARMER</u>	
<u>BAILEY</u>		<u>DONLEY</u>		<u>HUTCHINSON</u>		<u>POTTER</u>	
<u>BRISCOE</u>		<u>FLOYD</u>		<u>LAMB</u>		<u>RANDALL</u>	
<u>CARSON</u>		<u>GRAY</u>		<u>LIPSCOMB</u>		<u>ROBERTS</u>	



CLIMATE ZONES AND SUB CLIMATE ZONES FOR TEXAS

CASTRO  
COCHRAN  
DALLAM

HALE  
HANSFORD  
HARTLEY

MOORE  
OCHILTREE  
OLDHAM

SHERMAN  
SWISHER  
YOAKUM

- (12) Delete the Texas Counties from “Table N1101.2.1 Warm Humid Counties.” Add “Table N1101.2.2 Warm Humid Counties for Texas” as shown in Exhibit 3.

Exhibit 3

TABLE N1102.2.2 WARM HUMID COUNTIES FOR TEXAS

<u>ANDERSON</u>	<u>2.2</u>	<u>DUVAL</u>	<u>2.1</u>	<u>KAUFMAN</u>	<u>3.2</u>	<u>RED RIVER</u>	<u>3.2</u>
<u>ANGELINA</u>	<u>2.2</u>	<u>EDWARDS</u>	<u>2.2</u>	<u>KENDALL</u>	<u>3.1</u>	<u>REAL</u>	<u>2.2</u>
<u>ARANSAS</u>	<u>2.1</u>	<u>ELLIS</u>	<u>3.2</u>	<u>KENEDY</u>	<u>2.1</u>	<u>REFUGIO</u>	<u>2.1</u>
<u>ATASCOSA</u>	<u>2.1</u>	<u>ERATH</u>	<u>3.2</u>	<u>KINNEY</u>	<u>2.2</u>	<u>ROBERTSON</u>	<u>2.2</u>
<u>AUSTIN</u>	<u>2.2</u>	<u>FALLS</u>	<u>2.2</u>	<u>KLEBERG</u>	<u>2.1</u>	<u>ROCKWALL</u>	<u>3.2</u>
<u>BANDERA</u>	<u>2.2</u>	<u>FAYETTE</u>	<u>2.2</u>	<u>LA SALLE</u>	<u>2.1</u>	<u>RUSK</u>	<u>3.2</u>
<u>BASTROP</u>	<u>2.2</u>	<u>FORT BEND</u>	<u>2.2</u>	<u>LAMAR</u>	<u>3.2</u>	<u>SABINE</u>	<u>3.2</u>
<u>BEE</u>	<u>2.1</u>	<u>FRANKLIN</u>	<u>3.2</u>	<u>LAMPASAS</u>	<u>3.2</u>	<u>SAN</u>	
<u>BELL</u>	<u>2.2</u>	<u>FREESTONE</u>	<u>2.2</u>	<u>LAVACA</u>	<u>2.2</u>	<u>AUGUSTINE</u>	<u>3.2</u>
<u>BEXAR</u>	<u>2.2</u>	<u>FRIO</u>	<u>2.1</u>	<u>LEE</u>	<u>2.2</u>	<u>SAN JACINTO</u>	<u>2.2</u>
<u>BLANCO</u>	<u>3.1</u>	<u>GALVESTON</u>	<u>2.1</u>	<u>LEON</u>	<u>2.2</u>	<u>SAN</u>	
<u>BOSQUE</u>	<u>2.2</u>	<u>GILLESPIE</u>	<u>3.1</u>	<u>LLANO</u>	<u>3.1</u>	<u>PATRICIO</u>	<u>2.1</u>
<u>BOWIE</u>	<u>3.2</u>	<u>GOLIAD</u>	<u>2.1</u>	<u>LIBERTY</u>	<u>2.2</u>	<u>SAN SABA</u>	<u>3.2</u>
<u>BRAZORIA</u>	<u>2.1</u>	<u>GONZALES</u>	<u>2.2</u>	<u>LIMESTONE</u>	<u>2.2</u>	<u>SHELBY</u>	<u>3.2</u>
<u>BROWN</u>	<u>3.2</u>	<u>GREGG</u>	<u>3.2</u>	<u>LIVE OAK</u>	<u>2.1</u>	<u>SMITH</u>	<u>3.2</u>
<u>BROOKS</u>	<u>2.1</u>	<u>GRIMES</u>	<u>2.2</u>	<u>MADISON</u>	<u>2.2</u>	<u>STARR</u>	<u>2.1</u>
<u>BURLESON</u>	<u>2.2</u>	<u>GUADALUPE</u>	<u>2.2</u>	<u>MARION</u>	<u>3.2</u>	<u>SOMMERVELL</u>	<u>3.2</u>
<u>BURNET</u>	<u>3.1</u>	<u>HAMILTON</u>	<u>3.2</u>	<u>MATAGORDA</u>	<u>2.1</u>	<u>TARRANT</u>	<u>3.2</u>
<u>CALDWELL</u>	<u>2.2</u>	<u>HARDIN</u>	<u>2.2</u>	<u>MAVERICK</u>	<u>2.1</u>	<u>TITUS</u>	<u>3.2</u>
<u>CALHOUN</u>	<u>2.1</u>	<u>HARRIS</u>	<u>2.2</u>	<u>MCLENNAN</u>	<u>2.2</u>	<u>TRAVIS</u>	<u>2.2</u>
<u>CAMERON</u>	<u>2.1</u>	<u>HARRISON</u>	<u>3.2</u>	<u>MCMULLEN</u>	<u>2.1</u>	<u>TRINITY</u>	<u>2.2</u>
<u>CHAMBERS</u>	<u>2.2</u>	<u>HAYS</u>	<u>2.2</u>	<u>MEDINA</u>	<u>2.2</u>	<u>TYLER</u>	<u>2.2</u>
<u>CAMP</u>	<u>3.2</u>	<u>HENDERSON</u>	<u>3.2</u>	<u>MILAM</u>	<u>2.2</u>	<u>UPSHUR</u>	<u>3.2</u>
<u>CASS</u>	<u>3.2</u>	<u>HIDALGO</u>	<u>2.1</u>	<u>MILLS</u>	<u>3.2</u>	<u>UVALDE</u>	<u>2.2</u>
<u>CHEROKEE</u>	<u>2.2</u>	<u>HOOD</u>	<u>3.2</u>	<u>MONTGOMERY</u>	<u>2.2</u>	<u>VAL VERDE</u>	<u>2.2</u>
<u>COLLIN</u>	<u>3.2</u>	<u>HOPKINS</u>	<u>3.2</u>	<u>MORRIS</u>	<u>3.2</u>	<u>VAN ZANDT</u>	<u>3.2</u>
<u>COLORADO</u>	<u>2.2</u>	<u>HILL</u>	<u>2.2</u>	<u>NACOGDOCHES</u>	<u>3.2</u>	<u>VICTORIA</u>	<u>2.1</u>
<u>COMAL</u>	<u>2.2</u>	<u>HOUSTON</u>	<u>2.2</u>	<u>NAVARRO</u>	<u>3.2</u>	<u>WALKER</u>	<u>2.2</u>
<u>COMANCHE</u>	<u>3.2</u>	<u>HUNT</u>	<u>3.2</u>	<u>NEWTON</u>	<u>2.2</u>	<u>WALLER</u>	<u>2.2</u>
<u>CORYELL</u>	<u>2.2</u>	<u>JACKSON</u>	<u>2.1</u>	<u>NUECES</u>	<u>2.1</u>	<u>WASHINGTON</u>	<u>2.2</u>
<u>DALLAS</u>	<u>3.2</u>	<u>JASPER</u>	<u>2.2</u>	<u>ORANGE</u>	<u>2.2</u>	<u>WEBB</u>	<u>2.1</u>
<u>DELTA</u>	<u>3.2</u>	<u>JEFFERSON</u>	<u>2.2</u>	<u>PALO PINTO</u>	<u>3.2</u>	<u>WHARTON</u>	<u>2.1</u>
<u>DENTON</u>	<u>3.2</u>	<u>JIM HOGG</u>	<u>2.1</u>	<u>PANOLA</u>	<u>3.2</u>	<u>WILLACY</u>	<u>2.1</u>
<u>DE WITT</u>	<u>2.1</u>	<u>JIM WELLS</u>	<u>2.1</u>	<u>PARKER</u>	<u>3.2</u>	<u>WILLIAMSON</u>	<u>2.2</u>
<u>DIMMIT</u>	<u>2.1</u>	<u>JOHNSON</u>	<u>3.2</u>	<u>POLK</u>	<u>2.2</u>	<u>WOOD</u>	<u>3.2</u>
		<u>KARNES</u>	<u>2.1</u>	<u>RAINS</u>	<u>3.2</u>	<u>ZAPATA</u>	<u>2.1</u>
						<u>ZAVALA</u>	<u>2.1</u>

- (13) Amend “Section N1101.7 Above code programs” to read as follows: “A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of Texas Health and Safety Code, Chapter 388 may be considered in compliance if deemed acceptable by the code official or other authority having jurisdiction.”
- (14) Amend “Section N1102.1 Insulation and fenestration criteria” by adding the following: “When compliance using Table 1102.1 is demonstrated with a ceiling R-value of R30 or less, no more than 33% of the total projected ceiling area may be of cathedral type construction (ceiling joist/roof rafter assembly) and the required insulation R-value may be reduced to a minimum of R22 insulation when

the remaining ceiling area insulation is increased to R38.”

- (15) Replace “Table N1102.1 Insulation and Fenestration Requirements by Component” with new “Table N1102.1 Insulation and Fenestration Requirements by Component (Texas)” as shown in Exhibit 4.

**Exhibit 4**

**IRC TABLE N1102.1 and IECC TABLE 402.1.1  
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (TEXAS)<sup>a</sup>**

CLIMATE - SUB CLIMATE ZONE	MAX GLAZED AREA TO WALL AREA RATIO	MAX GLAZED FENESTRATION U-FACTOR	MAX SKYLIGHT U-FACTOR <sup>b</sup>	MAX GLAZED FENESTRATION SHGC	MIN CEILING R-VALUE	MIN WOOD FRAME WALL R-VALUE <sup>d</sup>	MASS WALL R-VALUE	MIN FLOOR R-VALUE	MIN BASEMENT WALL R-VALUE	MIN SLAB R-VALUE & DEPTH	MIN CRAWL SPACE WALL R-VALUE
2.1	15	0.75	0.75	0.38	19	13	6	19	0	0	5
	20	0.70	0.75	0.38	30	13	6	19	0	0	5
	25	0.65	0.75	0.35	30	13	6	19	0	0	5
	30	0.54	0.75	0.35	38	13	6	19	0	0	5
2.2	15	0.65	0.75	0.38	30	13	6	19	5	0	6
	20	0.65	0.75	0.38	38	13	6	19	6	0	6
	25	0.54	0.75	0.35	38	13	6	19	8	0	10
	30	0.46	0.75	0.35	38	16, 13 + 3.7 <sup>e</sup>	6	19	8	0	10
3.1	15	0.65	0.65	0.40	30	13	6	19	5	0	6
	20	0.55	0.65	0.40	38	13	6	19	5	0	6
	25	0.54	0.65	0.35	38	13	6	19	8	0	10
	30	0.46	0.65	0.35	38	16, 13 + 3.7 <sup>e</sup>	7	19	8	0	10
3.2	15	0.60	0.65	0.40	30	13	6	19	6	0	7
	20	0.54	0.65	0.40	38	13	6	19	6	0	7
	25	0.51	0.65	0.40	38	16 or 13 + 3.7 <sup>e</sup>	7	19	6	0	7
	30	0.46	0.65	0.38	38	16 or 13 + 3.7 <sup>e</sup>	7	19	6	0	7
3.3	15	0.51	0.65	0.40	30	13	6	19	7	0	8
	20	0.45	0.65	0.40	38	13	6	19	7	0	9
	25	0.40	0.65	0.40	38	16 or 13 + 3.7 <sup>e</sup>	7	19	7	0	9
	30	0.40	0.65	0.40	38	19 or 13 + 8.1 <sup>e</sup>	9	19	7	0	9
3.4	15	0.45	0.60	NR	38	13	6	19	8	5, 2 ft	11
	20	0.37	0.60	NR	38	13	6	19	8	6, 2 ft	13
	25	0.37	0.60	NR	38	19 or 13 + 8.1 <sup>e</sup>	9	19	8	6, 2 ft	13
	30	0.37	0.60	NR	38	19 or 13 + 8.1 <sup>e</sup>	9	30	8	6, 2 ft	13
4	15	0.45	0.60	NR	38	13	8	19	8	5, 2 ft	11
	20	0.37	0.60	NR	38	13	8	19	9	6, 2 ft	13
	25	0.37	0.60	NR	38	19 or 13 + 8.1 <sup>e</sup>	10	19	9	6, 2 ft	13
	30	0.37	0.60	NR	38	19 or 13 + 8.1 <sup>e</sup>	10	30	9	6, 2 ft	13

- (16) Replace “Table N1102.1.2 Equivalent U-Factors” with new “Table N1102.1.2 Equivalent U-Factors (Texas)” as shown in Exhibit 5.

**Exhibit 5**

**IRC TABLE N1102.1.2 and IECC TABLE 402.1.3  
EQUIVALENT U-FACTORS<sup>a</sup> (TEXAS)**

<u>Climate - Sub Climate Zone</u>	<u>Max Glazed Area to Wall Area Ratio</u>	<u>Max Glazed Fenestration on U-Factor</u>	<u>Max Skylight U-Factor</u>	<u>Max Ceiling U-Factor</u>	<u>Max Wood Frame Wall U-Factor</u>	<u>Max Mass Wall U-Factor</u>	<u>Max Floor U-Factor</u>	<u>Max Basement U-Factor</u>	<u>Max Crawl Space Wall U-Factor</u>
<u>2.1</u>	15	0.75	0.75	0.039	0.082	0.124	0.047	0.360	0.136
	20	0.65	0.75	0.030	0.082	0.124	0.047	0.210	0.100
	25	0.54	0.75	0.030	0.082	0.124	0.047	0.119	0.065
	30	0.46	0.65	0.030	0.071	0.112	0.047	0.119	0.065
<u>2.2</u>	15	0.65	0.75	0.034	0.082	0.124	0.047	0.210	0.100
	20	0.65	0.75	0.030	0.082	0.124	0.047	0.210	0.100
	25	0.54	0.75	0.030	0.082	0.124	0.047	0.119	0.065
	30	0.46	0.75	0.030	0.071	0.124	0.047	0.119	0.065
<u>3.1</u>	15	0.65	0.65	0.034	0.082	0.124	0.047	0.210	0.100
	20	0.55	0.65	0.030	0.082	0.124	0.047	0.210	0.100
	25	0.54	0.65	0.030	0.082	0.124	0.047	0.119	0.065
	30	0.46	0.65	0.030	0.071	0.112	0.047	0.119	0.065
<u>3.2</u>	15	0.51	0.65	0.034	0.082	0.124	0.047	0.179	0.075
	20	0.45	0.65	0.030	0.082	0.124	0.047	0.179	0.075
	25	0.40	0.65	0.030	0.075	0.112	0.047	0.179	0.075
	30	0.40	0.65	0.030	0.061	0.112	0.047	0.179	0.075
<u>3.3</u>	15	0.51	0.65	0.034	0.082	0.124	0.047	0.149	0.061
	20	0.45	0.65	0.030	0.082	0.124	0.047	0.149	0.058
	25	0.40	0.65	0.030	0.075	0.112	0.047	0.149	0.058
	30	0.40	0.65	0.030	0.061	0.094	0.047	0.149	0.058
<u>3.4</u>	15	0.45	0.60	0.030	0.082	0.124	0.047	0.119	0.083
	20	0.37	0.60	0.030	0.082	0.124	0.047	0.119	0.152
	25	0.37	0.60	0.030	0.061	0.094	0.047	0.119	0.152
	30	0.37	0.60	0.030	0.061	0.094	0.033	0.119	0.152
<u>4</u>	15	0.45	0.60	0.030	0.082	0.102	0.047	0.119	0.083
	20	0.37	0.60	0.030	0.082	0.102	0.047	0.089	0.152
	25	0.37	0.60	0.030	0.061	0.087	0.047	0.089	0.152
	30	0.37	0.60	0.030	0.061	0.087	0.033	0.089	0.152

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

- (17) Amend “*Section N1102.3.2 Glazed fenestration SHGC*” by adding the following: “The maximum area-weighted average SHGC shall not exceed 0.40 in sub-climate zones 2.1, 2.2, 3.1, 3.2, and 3.3.”
- (18) Amend “*Section N1102.3.3 Glazed fenestration exemption*” to read as follows: “Up to 1 percent of glazed fenestration per dwelling unit shall be permitted to be exempt from U-factor and solar heat gain coefficient (SHGC) requirements in Section N1102.1.”
- (19) Amend “*Section N1102.3.5 Thermally isolated sunroom U-factor*” by deleting the first sentence.
- (20) Amend “*Section N1102.3.6 Replacement fenestration*” by adding the following 2 exceptions.
- (A) “1. Replacement fenestration units may comply with the original construction documents.”
- (B) “2. The area weighted average SHGC shall not exceed 0.40 in sub-climate zones 2.1, 2.2, 3.1, 3.2, and 3.3.”
- (21) Add “*Section N1102.3.7 Prescriptive path for additions*” to read as follows: “As an alternative for demonstrating compliance, additions with a conditioned floor area less than 500 square feet (46.5 m2) to existing single-family residential buildings and structures shall meet the prescriptive envelope component criteria in Table 1102.3.7 for the sub climate zone applicable to the location. The U-factor of each individual fenestration product (windows, doors and skylights) shall be used to calculate an area-weighted average fenestration product U-factor for the addition, which shall not exceed the applicable listed values in Table 1102.3.7. For additions, other than sunroom additions, the total area of fenestration products shall not exceed 40 percent of the gross wall and roof area of the addition. The R-values for opaque thermal envelope components shall be equal to or greater than the applicable listed values in Table 1102.3.7.
- (A) Conditioned sunroom additions shall maintain thermal isolation and shall not be used as kitchens or sleeping rooms.
- (B) In sub climate zones 2.1, 2.2, 3.1, 3.2 and 3.3, the area weighted average solar heat gain coefficient of all glazed fenestration products used in additions in accordance with this

section shall not exceed 0.40.”

- (22) Add “*Table N1102.3.7 Prescriptive Envelope Component Criteria, Additions to and Replacement Windows for Existing Detached One- and Two-family Dwellings*” as shown in Exhibit 6.

**Exhibit 6**

**IRC TABLE N1102.3.7 and IECC TABLE 402.3.7 – PRESCRIPTIVE ENVELOPE COMPONENT CRITERIA  
ADDITIONS TO AND REPLACEMENT WINDOWS FOR EXISTING DETACHED  
ONE- AND TWO-FAMILY DWELLINGS<sup>a</sup>**

SUB CLIMATE ZONES	MAXIMUM	MINIMUM					
	Fenestration U-factor	Ceiling R-value <sup>a, e</sup>	Wall R-value <sup>e</sup>	Floor R-value	Basement wall R-value <sup>b</sup>	Slab perimeter R-value	Crawl space wall R-value
2.1	0.75	R-26	R-13	R-11	R-5	R-0	R-5
2.2, 3.1, 3.2, 3.3 and 3.4	0.50	R-30	R-13	R-19	R-8	R-0	R-10
4	0.50	R-38	R-13	R-21	R-10	R-0	R-19

- a. **“Ceiling R-value” shall be required for flat or inclined (cathedral) ceilings. Floors over outside air shall meet “Ceiling R-value” requirements.**
- b. **Basement wall insulation to be installed in accordance with Section 402.2.6.**
- c. **“Crawl space wall R-value” shall apply to unventilated crawl spaces only. Crawl space insulation shall be installed in accordance with Section 402.2.8.**
- d. **Sunroom additions shall be required to have a maximum fenestration U-factor of 0.5, in all sub climate zones except sub climate zone 2.1. In all sub climate zones, the minimum ceiling R-value for sunroom additions shall be R-19 and the minimum wall R-value shall be R-13.**

- (23) Delete “*Part VIII-Electrical, Chapters 33 through 42.*”

- (24) Amend “*Chapter 43 Referenced Standards*” as follows.

- (A) Delete all references to NFPA Standard 70-05, including the section numbers referenced in the code.
- (B) Add NFPA Standard 70-08, National Electrical Code, referenced in code section R101.4 as the referenced standard.
- (C) Add PNNL/DOE, Pacific Northwest National Laboratory/Department of Energy, <http://www.energycodes.gov/> as a promulgating agency and add REScheck Version 4.1.1 or later, Residential Energy Compliance Software, as the referenced standard, referenced in code section N1101.2.2.
- (D) Add Texas Energy System Laboratory, Energy Systems Laboratory, Room #214, Wisenbaker Engineering Research Center, Bizzell Street, 3581 TAMU, Texas A&M University, College Station, Texas 77843-3581 as a promulgating agency and add ICC, v2.0.8.1 or later, International Code Compliance Calculator, as the referenced standard, referenced in code section number N1101.2.2.

- (i) The *International Existing Building Code* shall be amended as follows.

- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the *Existing Building Code* of the Texas Industrialized Housing and Buildings Program, hereinafter referred to as ‘this code.’”
- (2) Add new “*Section 101.9 Texas Accessibility Standards (TAS)*” to read as follows: “Wherever reference elsewhere in this code is made to ICC A117.1, ICC/ANSI A117.1, or ANSI A117.1, the *Texas Accessibility Standards (TAS)* shall be substituted. Wherever reference in this code is made to chapter 11, or portions of chapter 11, of the *International Building Code*, the *TAS* shall be substituted.
- (3) Amend “*Section 101.4.1 Buildings not previously occupied*” to read as follows: “A building or portion of a building that has not been previously occupied or used for its intended purpose in

accordance with the laws in existence at the time of its completion shall comply with the provisions of the International Building Code or International Residential Code, as applicable, as adopted by the Texas Industrialized Building Code Council at the time of construction of the building.”

- (4) Delete “*Chapter 11, Historic Buildings.*”
- (5) Amend “*Section 1301.2 Applicability*” to read as follows: “Structures existing prior to October 31, 2008, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.”
- (6) Amend “*Chapter 15 Referenced Standards*” as follows.
  - (A) Delete ICC/ANSI A117.1-03, *Accessible and Usable Buildings and Facilities.*
  - (B) Add TDLR, PO Box 12157, Austin, TX 78711 as a promulgating agency and add TAS, *Texas Accessibility Standards* as adopted under 16 Texas Administrative Code, Chapter 68, as the referenced standard, referenced in code sections 101.9, 308.6, 308.8.2, 308.8.3, 605.1, 605.1.2, and 605.1.3.
  - (C) Delete NFPA Standard 70-05 and replace with NFPA Standard 70-08.
- (j) The *International Energy Conservation Code* shall be amended as follows.
  - (1) Amend “*Section 101.1 Title*” to read as follows: “This code shall be known as the International Energy Conservation Code of the Texas Industrialized Housing and Buildings Program, and shall be cited as such. It is referred to herein as ‘this code.’”
  - (2) Delete “*Section 103.1.1 Above code programs*” and replace with “*Section 103.1.1 Alternative Compliance*” to read as follows: “A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of Texas Health and Safety Code, Chapter 388 may be considered in compliance if deemed acceptable by the code official or other authority having jurisdiction.”
  - (3) Amend “*Section 202 General Definitions*” by adding the following definition: “GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and includes the sash, curbing or other framing elements that enclose conditioned space. In walls bounding conditioned basements, the glazing area includes the area of all glazed fenestration assemblies. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.”
  - (4) Amend “*Section 301.1 General*” to read as follows: “Climate zones from Figure 301.1 or Table 301.1 shall be used in determining the applicable requirements from Chapter 5. Climate zones from Figure 301.2, Table 301.1(1), or Table 301.2(1) shall be used in determining the applicable requirements from Chapter 4. Locations not in Table 301.1 (outside the US) or in Table 301.1(1) shall be assigned a climate zone based on Section 301.3.”
  - (5) Amend the code by inserting “*Figure 301.2 – Texas Residential Climate Zones*” immediately following Figure 301.1. Figure 301.2 is shown in Exhibit 1.
  - (6) Amend “*Table 301.1 Climate Zones by State, County, and Territories*” by adding “Commercial Zones Only” next to the heading for Texas and adding the Zone 2 moist counties to the table as shown in Exhibit 7.

#### Exhibit 7

**TABLE 301.1  
CLIMATE ZONES BY STATE, COUNTY AND TERRITORIES**

**TEXAS - Commercial Buildings Only**

<b>Zone 2 Moist</b>	<u>Madison</u>	<u>Concho</u>	<u>Terry</u>	<u>Red River</u>
<u>Anderson</u>	<u>Matagorda</u>	<u>Cottle</u>	<u>Throckmorton</u>	<u>Rockwall</u>
<u>Angelina</u>	<u>Mclennan</u>	<u>Crane</u>	<u>Tom Green</u>	<u>Rusk</u>
<u>Aransas</u>	<u>McMullen</u>	<u>Crockett</u>	<u>Upton</u>	<u>Sabine</u>
<u>Atascosa</u>	<u>Milam</u>	<u>Crosby</u>	<u>Ward</u>	<u>San Augustine</u>
<u>Bastrop</u>	<u>Montgomery</u>	<u>Culberson</u>	<u>Wheeler</u>	<u>San Saba</u>
<u>Bee</u>	<u>Newton</u>	<u>Dawson</u>	<u>Wilbarger</u>	<u>Shelby</u>
<u>Bell</u>	<u>Nueces</u>	<u>Dickens</u>	<u>Winkler</u>	<u>Smith</u>
<u>Bexar</u>	<u>Orange</u>	<u>Ector</u>		<u>Somervell</u>
<u>Bosque</u>	<u>Polk</u>	<u>El Paso</u>	<b>Zone 3 Moist</b>	<u>Stephens</u>
<u>Brazoria</u>	<u>Refugio</u>	<u>Fisher</u>	<u>Archer</u>	<u>Tarrant</u>
<u>Brazos</u>	<u>Robertson</u>	<u>Foard</u>	<u>Blanco</u>	<u>Titus</u>
<u>Brooks</u>	<u>San Jacinto</u>	<u>Gaines</u>	<u>Bowie</u>	<u>Upshur</u>
<u>Burleson</u>	<u>San Patricio</u>	<u>Garza</u>	<u>Brown</u>	<u>Van Zandt</u>
<u>Caldwell</u>	<u>Starr</u>	<u>Glasscock</u>	<u>Burnet</u>	<u>Wichita</u>
<u>Calhoun</u>	<u>Travis</u>	<u>Hall</u>	<u>Camp</u>	<u>Wise</u>
<u>Cameron</u>	<u>Trinity</u>	<u>Hardeman</u>	<u>Cass</u>	<u>Wood</u>
<u>Chambers</u>	<u>Tyler</u>	<u>Haskell</u>	<u>Clay</u>	<u>Young</u>
<u>Cherokee</u>	<u>Victoria</u>	<u>Hemphill</u>	<u>Collin</u>	
<u>Colorado</u>	<u>Walker</u>	<u>Howard</u>	<u>Comanche</u>	<b>Zone 4</b>
<u>Comal</u>	<u>Waller</u>	<u>Hudspeth</u>	<u>Cooke</u>	<u>Armstrong</u>
<u>Coryell</u>	<u>Washington</u>	<u>Irion</u>	<u>Dallas</u>	<u>Bailey</u>
<u>De Witt</u>	<u>Wharton</u>	<u>Jeff Davis</u>	<u>Delta</u>	<u>Briscoe</u>
<u>Duval</u>	<u>Willacy</u>	<u>Jones</u>	<u>Denton</u>	<u>Carson</u>
<u>Falls</u>	<u>Williamson</u>	<u>Kent</u>	<u>Eastland</u>	<u>Castro</u>
<u>Fayette</u>	<u>Wilson</u>	<u>Kerr</u>	<u>Ellis</u>	<u>Cochran</u>
<u>Fort Bend</u>		<u>Kimble</u>	<u>Erath</u>	<u>Dallam</u>
<u>Freestone</u>	<b>Zone 2 Dry</b>	<u>King</u>	<u>Fannin</u>	<u>Deaf Smith</u>
<u>Galveston</u>	<u>Bandera</u>	<u>Knox</u>	<u>Franklin</u>	<u>Donley</u>
<u>Goliad</u>	<u>Dimmit</u>	<u>Loving</u>	<u>Gillespie</u>	<u>Floyd</u>
<u>Gonzales</u>	<u>Edwards</u>	<u>Lubbock</u>	<u>Grayson</u>	<u>Gray</u>
<u>Grimes</u>	<u>Frio</u>	<u>Lynn</u>	<u>Gregg</u>	<u>Hale</u>
<u>Guadalupe</u>	<u>Kinney</u>	<u>Martin</u>	<u>Hamilton</u>	<u>Hansford</u>
<u>Hardin</u>	<u>La Salle</u>	<u>Mason</u>	<u>Harrison</u>	<u>Hartley</u>
<u>Harris</u>	<u>Maverick</u>	<u>Mcculloch</u>	<u>Henderson</u>	<u>Hockley</u>
<u>Hays</u>	<u>Medina</u>	<u>Menard</u>	<u>Hood</u>	<u>Hutchinson</u>
<u>Hidalgo</u>	<u>Real</u>	<u>Midland</u>	<u>Hopkins</u>	<u>Lamb</u>
<u>Hill</u>	<u>Uvalde</u>	<u>Mitchell</u>	<u>Hunt</u>	<u>Lipscomb</u>
<u>Houston</u>	<u>Val Verde</u>	<u>Motley</u>	<u>Jack</u>	<u>Moore</u>
<u>Jackson</u>	<u>Webb</u>	<u>Nolan</u>	<u>Jack</u>	<u>Moore</u>
<u>Jasper</u>	<u>Zapata</u>	<u>Pecos</u>	<u>Johnson</u>	<u>Ochiltree</u>
<u>Jefferson</u>	<u>Zavala</u>	<u>Presidio</u>	<u>Kaufman Kendall</u>	<u>Oldham</u>
<u>Jim Hogg</u>		<u>Reagan</u>	<u>Lamar</u>	<u>Parmer</u>
<u>Jim Wells</u>	<b>Zone 3 Dry</b>	<u>Reeves</u>	<u>Lampasas Llano</u>	<u>Potter</u>
<u>Karnes</u>	<u>Andrews</u>	<u>Runnels</u>	<u>Marion</u>	<u>Randall</u>
<u>Kenedy</u>	<u>Baylor</u>	<u>Schleicher</u>	<u>Mills</u>	<u>Roberts</u>
<u>Kleberg</u>	<u>Borden</u>	<u>Scurry</u>	<u>Montague</u>	<u>Sherman</u>
<u>Lavaca</u>	<u>Brewster</u>	<u>Shackelford</u>	<u>Morris</u>	<u>Swisher</u>
<u>Lee</u>	<u>Callahan</u>	<u>Sterling</u>	<u>Nacogdoches</u>	<u>Yoakum</u>
<u>Leon</u>	<u>Childress</u>	<u>Stonewall</u>	<u>Navarro</u>	
<u>Liberty</u>	<u>Coke</u>	<u>Sutton</u>	<u>Palo Pinto</u>	
<u>Limestone</u>	<u>Coleman</u>	<u>Taylor</u>	<u>Panola</u>	
<u>Live Oak</u>	<u>Collingsworth</u>	<u>Terrell</u>	<u>Parker</u>	
			<u>Rains</u>	

(7) Add "Table 301.1(1) Residential Climate Zones and Sub-Climate Zones for Texas" as shown in Exhibit 8.

**Exhibit 8**

**TABLE 301.1(1) RESIDENTIAL CLIMATE ZONES AND SUB CLIMATE ZONES FOR TEXAS**

		<b>Zone 2</b>					
<u>ANDERSON</u>	<u>2.2</u>	<u>DE WITT</u>	<u>2.1</u>	<u>JIM HOGG</u>	<u>2.1</u>	<u>ORANGE</u>	<u>2.2</u>
<u>ANGELINA</u>	<u>2.2</u>	<u>DIMMIT</u>	<u>2.1</u>	<u>JIM WELLS</u>	<u>2.1</u>	<u>POLK</u>	<u>2.2</u>
<u>ARANSAS</u>	<u>2.1</u>	<u>DUVAL</u>	<u>2.1</u>	<u>KARNES</u>	<u>2.1</u>	<u>REAL</u>	<u>2.2</u>
<u>ATASCOSA</u>	<u>2.1</u>	<u>EDWARDS</u>	<u>2.2</u>	<u>KENEDY</u>	<u>2.1</u>	<u>REFUGIO</u>	<u>2.1</u>
<u>AUSTIN</u>	<u>2.2</u>	<u>FALLS</u>	<u>2.2</u>	<u>KINNEY</u>	<u>2.2</u>	<u>ROBERTSON</u>	<u>2.2</u>
<u>BANDERA</u>	<u>2.2</u>	<u>FAYETTE</u>	<u>2.2</u>	<u>KLEBERG</u>	<u>2.1</u>	<u>SAN JACINTO</u>	<u>2.2</u>
<u>BASTROP</u>	<u>2.2</u>	<u>FORT BEND</u>	<u>2.2</u>	<u>LA SALLE</u>	<u>2.1</u>	<u>SAN PATRICIO</u>	<u>2.1</u>
<u>BEE</u>	<u>2.1</u>	<u>FREESTONE</u>	<u>2.2</u>	<u>LAVACA</u>	<u>2.2</u>	<u>STARR</u>	<u>2.1</u>
<u>BELL</u>	<u>2.2</u>	<u>FRIO</u>	<u>2.1</u>	<u>LEE</u>	<u>2.2</u>	<u>TRAVIS</u>	<u>2.2</u>
<u>BEXAR</u>	<u>2.2</u>	<u>GALVESTON</u>	<u>2.1</u>	<u>LEON</u>	<u>2.2</u>	<u>TRINITY</u>	<u>2.2</u>
<u>BOSQUE</u>	<u>2.2</u>	<u>GOLIAD</u>	<u>2.1</u>	<u>LIBERTY</u>	<u>2.2</u>	<u>TYLER</u>	<u>2.2</u>
<u>BRAZORIA</u>	<u>2.1</u>	<u>GONZALES</u>	<u>2.2</u>	<u>LIMESTONE</u>	<u>2.2</u>	<u>UVALDE</u>	<u>2.2</u>

**TABLE 301.1(1) RESIDENTIAL CLIMATE ZONES AND SUB CLIMATE ZONES FOR TEXAS**

<u>BRAZOS</u>	<u>2.2</u>	<u>GRIMES</u>	<u>2.2</u>	<u>LIVE OAK</u>	<u>2.1</u>	<u>VAL VERDE</u>	<u>2.2</u>
<u>BROOKS</u>	<u>2.1</u>	<u>GUADALUPE</u>	<u>2.2</u>	<u>MADISON</u>	<u>2.2</u>	<u>VICTORIA</u>	<u>2.1</u>
<u>BURLESON</u>	<u>2.2</u>	<u>HARDIN</u>	<u>2.2</u>	<u>MATAGORDA</u>	<u>2.1</u>	<u>WALKER</u>	<u>2.2</u>
<u>CALDWELL</u>	<u>2.2</u>	<u>HARRIS</u>	<u>2.2</u>	<u>MAVERICK</u>	<u>2.1</u>	<u>WALLER</u>	<u>2.2</u>
<u>CALHOUN</u>	<u>2.1</u>	<u>HAYS</u>	<u>2.2</u>	<u>MCLENNAN</u>	<u>2.2</u>	<u>WASHINGTON</u>	<u>2.2</u>
<u>CAMERON</u>	<u>2.1</u>	<u>HIDALGO</u>	<u>2.1</u>	<u>MCMULLEN</u>	<u>2.1</u>	<u>WEBB</u>	<u>2.1</u>
<u>CHAMBERS</u>	<u>2.2</u>	<u>HILL</u>	<u>2.2</u>	<u>MEDINA</u>	<u>2.2</u>	<u>WHARTON</u>	<u>2.1</u>
<u>CHEROKEE</u>	<u>2.2</u>	<u>HOUSTON</u>	<u>2.2</u>	<u>MILAM</u>	<u>2.2</u>	<u>WILLACY</u>	<u>2.1</u>
<u>COLORADO</u>	<u>2.2</u>	<u>JACKSON</u>	<u>2.1</u>	<u>MONTGOMERY</u>	<u>2.2</u>	<u>WILLIAMSON</u>	<u>2.2</u>
<u>COMAL</u>	<u>2.2</u>	<u>JASPER</u>	<u>2.2</u>	<u>NEWTON</u>	<u>2.2</u>	<u>WILSON</u>	<u>2.2</u>
<u>CORYELL</u>	<u>2.2</u>	<u>JEFFERSON</u>	<u>2.2</u>	<u>NUECES</u>	<u>2.1</u>	<u>ZAPATA</u>	<u>2.1</u>
						<u>ZAVALA</u>	<u>2.1</u>

Zone 3

<u>ANDREWS</u>	<u>3.2</u>	<u>EL PASO</u>	<u>3.2</u>	<u>KERR</u>	<u>3.1</u>	<u>ROCKWALL</u>	<u>3.2</u>
<u>ARCHER</u>	<u>3.3</u>	<u>ELLIS</u>	<u>3.2</u>	<u>KIMBLE</u>	<u>3.1</u>	<u>RUNNELS</u>	<u>3.2</u>
<u>BAYLOR</u>	<u>3.3</u>	<u>ERATH</u>	<u>3.2</u>	<u>KING</u>	<u>3.3</u>	<u>RUSK</u>	<u>3.2</u>
<u>BLANCO</u>	<u>3.1</u>	<u>FANNIN</u>	<u>3.2</u>	<u>KNOX</u>	<u>3.3</u>	<u>SABINE</u>	<u>3.2</u>
<u>BORDEN</u>	<u>3.3</u>	<u>FISHER</u>	<u>3.2</u>	<u>LAMAR</u>	<u>3.2</u>	<u>SAN AUGUSTINE</u>	<u>3.2</u>
<u>BOWIE</u>	<u>3.2</u>	<u>FOARD</u>	<u>3.3</u>	<u>LAMPASAS</u>	<u>3.2</u>	<u>SAN SABA</u>	<u>3.2</u>
<u>BREWSTER</u>	<u>3.1</u>	<u>FRANKLIN</u>	<u>3.2</u>	<u>LLANO</u>	<u>3.1</u>	<u>SCHLEICHER</u>	<u>3.1</u>
<u>BROWN</u>	<u>3.2</u>	<u>GAINES</u>	<u>3.3</u>	<u>LOVING</u>	<u>3.2</u>	<u>SCURRY</u>	<u>3.3</u>
<u>BURNET</u>	<u>3.1</u>	<u>GARZA</u>	<u>3.3</u>	<u>LUBBOCK</u>	<u>3.3</u>	<u>SHACKELFORD</u>	<u>3.2</u>
<u>CALLAHAN</u>	<u>3.2</u>	<u>GILLESPIE</u>	<u>3.1</u>	<u>LYNN</u>	<u>3.3</u>	<u>SHELBY</u>	<u>3.2</u>
<u>CAMP</u>	<u>3.2</u>	<u>GLASSCOCK</u>	<u>3.2</u>	<u>MARION</u>	<u>3.2</u>	<u>SMITH</u>	<u>3.2</u>
<u>CASS</u>	<u>3.2</u>	<u>GRAYSON</u>	<u>3.2</u>	<u>MARTIN</u>	<u>3.2</u>	<u>SOMERVELL</u>	<u>3.2</u>
<u>CHILDRESS</u>	<u>3.3</u>	<u>GREGG</u>	<u>3.2</u>	<u>MASON</u>	<u>3.1</u>	<u>STEPHENS</u>	<u>3.2</u>
<u>CLAY</u>	<u>3.3</u>	<u>HALL</u>	<u>3.4</u>	<u>MCCULLOCH</u>	<u>3.2</u>	<u>STERLING</u>	<u>3.2</u>
<u>COKE</u>	<u>3.2</u>	<u>HAMILTON</u>	<u>3.2</u>	<u>MENARD</u>	<u>3.1</u>	<u>STONEWALL</u>	<u>3.3</u>
<u>COLEMAN</u>	<u>3.2</u>	<u>HARDEMAN</u>	<u>3.3</u>	<u>MIDLAND</u>	<u>3.2</u>	<u>SUTTON</u>	<u>3.1</u>
<u>COLLIN</u>	<u>3.2</u>	<u>HARRISON</u>	<u>3.2</u>	<u>MILLS</u>	<u>3.2</u>	<u>TARRANT</u>	<u>3.2</u>
<u>COLLINGSWORTH</u>	<u>3.3</u>	<u>HASKELL</u>	<u>3.2</u>	<u>MITCHELL</u>	<u>3.2</u>	<u>TAYLOR</u>	<u>3.2</u>
<u>COMANCHE</u>	<u>3.2</u>	<u>HEMPHILL</u>	<u>3.4</u>	<u>MONTAGUE</u>	<u>3.2</u>	<u>TERRELL</u>	<u>3.1</u>
<u>CONCHO</u>	<u>3.2</u>	<u>HENDERSON</u>	<u>3.2</u>	<u>MORRIS</u>	<u>3.2</u>	<u>TERRY</u>	<u>3.3</u>
<u>COOKE</u>	<u>3.2</u>	<u>HOOD</u>	<u>3.2</u>	<u>MOTLEY</u>	<u>3.3</u>	<u>THROCKMORTON</u>	<u>3.2</u>
<u>COTTLE</u>	<u>3.3</u>	<u>HOPKINS</u>	<u>3.2</u>	<u>NACOGDOCHES</u>	<u>3.2</u>	<u>TITUS</u>	<u>3.2</u>
<u>CRANE</u>	<u>3.2</u>	<u>HOWARD</u>	<u>3.2</u>	<u>NAVARRO</u>	<u>3.2</u>	<u>TOM GREEN</u>	<u>3.2</u>
<u>CROCKETT</u>	<u>3.1</u>	<u>HUDSPETH</u>	<u>3.2</u>	<u>NOLAN</u>	<u>3.2</u>	<u>UPSHUR</u>	<u>3.2</u>
<u>CROSBY</u>	<u>3.3</u>	<u>HUNT</u>	<u>3.2</u>	<u>PALO PINTO</u>	<u>3.2</u>	<u>UPTON</u>	<u>3.2</u>
<u>CULBERSON</u>	<u>3.2</u>	<u>IRION</u>	<u>3.2</u>	<u>PANOLA</u>	<u>3.2</u>	<u>VAN ZANDT</u>	<u>3.2</u>
<u>DALLAS</u>	<u>3.2</u>	<u>JACK</u>	<u>3.2</u>	<u>PARKER</u>	<u>3.2</u>	<u>WARD</u>	<u>3.2</u>
<u>DAWSON</u>	<u>3.3</u>	<u>JEFF DAVIS</u>	<u>3.2</u>	<u>PECOS</u>	<u>3.2</u>	<u>WHEELER</u>	<u>3.4</u>
<u>DELTA</u>	<u>3.2</u>	<u>JOHNSON</u>	<u>3.2</u>	<u>PRESIDIO</u>	<u>3.1</u>	<u>WICHITA</u>	<u>3.3</u>
<u>DENTON</u>	<u>3.2</u>	<u>JONES</u>	<u>3.2</u>	<u>RAINS</u>	<u>3.2</u>	<u>WILBARGER</u>	<u>3.3</u>
<u>DICKENS</u>	<u>3.3</u>	<u>KAUFMAN</u>	<u>3.2</u>	<u>REAGAN</u>	<u>3.2</u>	<u>WINKLER</u>	<u>3.2</u>
<u>EASTLAND</u>	<u>3.2</u>	<u>KENDALL</u>	<u>3.1</u>	<u>RED RIVER</u>	<u>3.2</u>	<u>WISE</u>	<u>3.2</u>
<u>ECTOR</u>	<u>3.2</u>	<u>KENT</u>	<u>3.3</u>	<u>REEVES</u>	<u>3.2</u>	<u>WOOD</u>	<u>3.2</u>
						<u>YOUNG</u>	<u>3.2</u>

Zone 4

<u>ARMSTRONG</u>	<u>DEAF SMITH</u>	<u>HOCKLEY</u>	<u>PARMER</u>
<u>BAILEY</u>	<u>DONLEY</u>	<u>HUTCHINSON</u>	<u>POTTER</u>
<u>BRISCOE</u>	<u>FLOYD</u>	<u>LAMB</u>	<u>RANDALL</u>
<u>CARSON</u>	<u>GRAY</u>	<u>LIPSCOMB</u>	<u>ROBERTS</u>
<u>CASTRO</u>	<u>HALE</u>	<u>MOORE</u>	<u>SHERMAN</u>
<u>COCHRAN</u>	<u>HANSFORD</u>	<u>OCHILTREE</u>	<u>SWISHER</u>
<u>DALLAM</u>	<u>HARTLEY</u>	<u>OLDHAM</u>	<u>YOAKUM</u>

(8) Amend "Table 301.2 Warm Humid Counties and Territories" by adding "Commercial Buildings Only" next to the heading for Texas and by adding the zone 2 counties as shown in Exhibit 9.

Exhibit 9

**TABLE 301.2  
WARM HUMID COUNTIES AND TERRITORIES**

**TEXAS - Commercial Buildings Only**

<u>Anderson</u>	<u>Cherokee</u>	<u>Harrison</u>	<u>Limestone</u>	<u>Rusk</u>
<u>Angelina</u>	<u>Colorado</u>	<u>Hays</u>	<u>Live Oak</u>	<u>Sabine</u>
<u>Aransas</u>	<u>Comal</u>	<u>Henderson</u>	<u>Llano</u>	<u>San Augustine</u>
<u>Austin</u>	<u>Coryell</u>	<u>Hidalgo</u>	<u>Madison</u>	<u>San Jacinto</u>
<u>Bastrop</u>	<u>Dallas</u>	<u>Hill</u>	<u>Marion</u>	<u>San Patricio</u>
<u>Bee</u>	<u>Delta</u>	<u>Hood</u>	<u>Mataforda</u>	<u>San Saba</u>
<u>Bell</u>	<u>Denton</u>	<u>Hopkins</u>	<u>McLennan</u>	<u>Shelby</u>
<u>Bexar</u>	<u>De Witt</u>	<u>Houston</u>	<u>McMullen</u>	<u>Smith</u>
<u>Blanco</u>	<u>Duval</u>	<u>Hunt</u>	<u>Milam</u>	<u>Somervell</u>
<u>Bosque</u>	<u>Ellis</u>	<u>Jackson</u>	<u>Mills</u>	<u>Starr</u>
<u>Bowie</u>	<u>Erath</u>	<u>Jasper</u>	<u>Montgomery</u>	<u>Tarrant</u>
<u>Brazoria</u>	<u>Falls</u>	<u>Jefferson</u>	<u>Morris</u>	<u>Titus</u>
<u>Brazos</u>	<u>Fayette</u>	<u>Jim Hogg</u>	<u>Nacogdoches</u>	<u>Travis</u>
<u>Brooks</u>	<u>Fort Bend</u>	<u>Jim Wells</u>	<u>Navarro</u>	<u>Trinity</u>
<u>Brown</u>	<u>Franklin</u>	<u>Johnson</u>	<u>Newton</u>	<u>Tyler</u>
<u>Burleson</u>	<u>Freestone</u>	<u>Karnes</u>	<u>Nueces</u>	<u>Upshur</u>
<u>Burnet</u>	<u>Galveston</u>	<u>Kaufman</u>	<u>Orange</u>	<u>Van Zandt</u>
<u>Caldwell</u>	<u>Gillespie</u>	<u>Kendall</u>	<u>Palo Pinto</u>	<u>Victoria</u>
<u>Calhoun</u>	<u>Goliad</u>	<u>Kenedy</u>	<u>Panola</u>	<u>Walker</u>
<u>Cameron</u>	<u>Gonzales</u>	<u>Kleberg</u>	<u>Parker</u>	<u>Waller</u>
<u>Camp</u>	<u>Gregg</u>	<u>Lamar</u>	<u>Polk</u>	<u>Washington</u>
<u>Cass</u>	<u>Grimes</u>	<u>Lampasas</u>	<u>Rains</u>	<u>Wood</u>
<u>Collin</u>	<u>Guadalupe</u>	<u>Lavaca</u>	<u>Red River</u>	<u>Wharton</u>
<u>Comanche</u>	<u>Hamilton</u>	<u>Lee</u>	<u>Refugio</u>	<u>Willacy</u>
<u>Chambers</u>	<u>Hardin</u>	<u>Leon</u>	<u>Robertson</u>	<u>Williamson</u>
	<u>Harris</u>	<u>Liberty</u>	<u>Rockwall</u>	<u>Wilson</u>

(9) Add "Table 301.2(1) Warm Humid Counties for Texas – Residential" as shown in Exhibit 10.

Exhibit 10

**TABLE 301.2(1) WARM HUMID COUNTIES FOR TEXAS - RESIDENTIAL**

<u>ANDERSON</u>	<u>2.2</u>	<u>DUVAL</u>	<u>2.1</u>	<u>KAUFMAN</u>	<u>3.2</u>	<u>RED RIVER</u>	<u>3.2</u>
<u>ANGELINA</u>	<u>2.2</u>	<u>EDWARDS</u>	<u>2.2</u>	<u>KENDALL</u>	<u>3.1</u>	<u>REAL</u>	<u>2.2</u>
<u>ARANSAS</u>	<u>2.1</u>	<u>ELLIS</u>	<u>3.2</u>	<u>KENEDY</u>	<u>2.1</u>	<u>REFUGIO</u>	<u>2.1</u>
<u>ATASCOSA</u>	<u>2.1</u>	<u>ERATH</u>	<u>3.2</u>	<u>KINNEY</u>	<u>2.2</u>	<u>ROBERTSON</u>	<u>2.2</u>
<u>AUSTIN</u>	<u>2.2</u>	<u>FALLS</u>	<u>2.2</u>	<u>KLEBERG</u>	<u>2.1</u>	<u>ROCKWALL</u>	<u>3.2</u>
<u>BANDERA</u>	<u>2.2</u>	<u>FAYETTE</u>	<u>2.2</u>	<u>LA SALLE</u>	<u>2.1</u>	<u>RUSK</u>	<u>3.2</u>
<u>BASTROP</u>	<u>2.2</u>	<u>FORT BEND</u>	<u>2.2</u>	<u>LAMAR</u>	<u>3.2</u>	<u>SABINE</u>	<u>3.2</u>
<u>BEE</u>	<u>2.1</u>	<u>FRANKLIN</u>	<u>3.2</u>	<u>LAMPASAS</u>	<u>3.2</u>	<u>SAN AUGUSTINE</u>	<u>3.2</u>
<u>BELL</u>	<u>2.2</u>	<u>FREESTONE</u>	<u>2.2</u>	<u>LAVACA</u>	<u>2.2</u>	<u>SAN JACINTO</u>	<u>2.2</u>
<u>BEXAR</u>	<u>2.2</u>	<u>FRIO</u>	<u>2.1</u>	<u>LEE</u>	<u>2.2</u>	<u>SAN PATRICIO</u>	<u>2.1</u>
<u>BLANCO</u>	<u>3.1</u>	<u>GALVESTON</u>	<u>2.1</u>	<u>LEON</u>	<u>2.2</u>	<u>SAN SABA</u>	<u>3.2</u>
<u>BOSQUE</u>	<u>2.2</u>	<u>GILLESPIE</u>	<u>3.1</u>	<u>LLANO</u>	<u>3.1</u>	<u>SHELBY</u>	<u>3.2</u>
<u>BOWIE</u>	<u>3.2</u>	<u>GOLIAD</u>	<u>2.1</u>	<u>LIBERTY</u>	<u>2.2</u>	<u>SMITH</u>	<u>3.2</u>
<u>BRAZORIA</u>	<u>2.1</u>	<u>GONZALES</u>	<u>2.2</u>	<u>LIMESTONE</u>	<u>2.2</u>	<u>STARR</u>	<u>2.1</u>
<u>BROWN</u>	<u>3.2</u>	<u>GREGG</u>	<u>3.2</u>	<u>LIVE OAK</u>	<u>2.1</u>	<u>SOMMERVELL</u>	<u>3.2</u>
<u>BRAZOS</u>	<u>2.2</u>	<u>GRIMES</u>	<u>2.2</u>	<u>MADISON</u>	<u>2.2</u>	<u>TARRANT</u>	<u>3.2</u>
<u>BROOKS</u>	<u>2.1</u>	<u>GUADALUPE</u>	<u>2.2</u>	<u>MARION</u>	<u>3.2</u>	<u>TITUS</u>	<u>3.2</u>
<u>BURLESON</u>	<u>2.2</u>	<u>HAMILTON</u>	<u>3.2</u>	<u>MATAGORDA</u>	<u>2.1</u>	<u>TRAVIS</u>	<u>2.2</u>
<u>BURNET</u>	<u>3.1</u>	<u>HARDIN</u>	<u>2.2</u>	<u>MAVERICK</u>	<u>2.1</u>	<u>TRINITY</u>	<u>2.2</u>
<u>CALDWELL</u>	<u>2.2</u>	<u>HARRIS</u>	<u>2.2</u>	<u>MCLENNAN</u>	<u>2.2</u>	<u>TYLER</u>	<u>2.2</u>
<u>CALHOUN</u>	<u>2.1</u>	<u>HARRISON</u>	<u>3.2</u>	<u>MCMULLEN</u>	<u>2.1</u>	<u>UPSHUR</u>	<u>3.2</u>
<u>CAMERON</u>	<u>2.1</u>	<u>HAYS</u>	<u>2.2</u>	<u>MEDINA</u>	<u>2.2</u>	<u>UVALDE</u>	<u>2.2</u>
<u>CHAMBERS</u>	<u>2.2</u>	<u>HENDERSON</u>	<u>3.2</u>	<u>MILAM</u>	<u>2.2</u>	<u>VAL VERDE</u>	<u>2.2</u>
<u>CAMP</u>	<u>3.2</u>	<u>HIDALGO</u>	<u>2.1</u>	<u>MILLS</u>	<u>3.2</u>	<u>VAN ZANDT</u>	<u>3.2</u>
<u>CASS</u>	<u>3.2</u>	<u>HOOD</u>	<u>3.2</u>	<u>MONTGOMERY</u>	<u>2.2</u>	<u>VICTORIA</u>	<u>2.1</u>
<u>CHEROKEE</u>	<u>2.2</u>	<u>HOPKINS</u>	<u>3.2</u>	<u>MORRIS</u>	<u>3.2</u>	<u>WALKER</u>	<u>2.2</u>
<u>COLLIN</u>	<u>3.2</u>	<u>HILL</u>	<u>2.2</u>	<u>NACOGDOCHES</u>	<u>3.2</u>	<u>WALLER</u>	<u>2.2</u>
<u>COLORADO</u>	<u>2.2</u>	<u>HOUSTON</u>	<u>2.2</u>	<u>NAVARRO</u>	<u>3.2</u>	<u>WASHINGTON</u>	<u>2.2</u>
<u>COMAL</u>	<u>2.2</u>	<u>HUNT</u>	<u>3.2</u>	<u>NEWTON</u>	<u>2.2</u>	<u>WEBB</u>	<u>2.1</u>
<u>COMANCHE</u>	<u>3.2</u>	<u>JACKSON</u>	<u>2.1</u>	<u>NUECES</u>	<u>2.1</u>	<u>WHARTON</u>	<u>2.1</u>
<u>CORYELL</u>	<u>2.2</u>	<u>JASPER</u>	<u>2.2</u>	<u>ORANGE</u>	<u>2.2</u>	<u>WILLACY</u>	<u>2.1</u>



**TABLE 301.2(1) WARM HUMID COUNTIES FOR TEXAS - RESIDENTIAL**

<u>DALLAS</u>	<u>3.2</u>	<u>JEFFERSON</u>	<u>2.2</u>	<u>PALO PINTO</u>	<u>3.2</u>	<u>WILLIAMSON</u>	<u>2.2</u>
<u>DELTA</u>	<u>3.2</u>	<u>JIM HOGG</u>	<u>2.1</u>	<u>PANOLA</u>	<u>3.2</u>	<u>WILSON</u>	<u>2.2</u>
<u>DENTON</u>	<u>3.2</u>	<u>JIM WELLS</u>	<u>2.1</u>	<u>PARKER</u>	<u>3.2</u>	<u>WOOD</u>	<u>3.2</u>
<u>DE WITT</u>	<u>2.1</u>	<u>JOHNSON</u>	<u>3.2</u>	<u>POLK</u>	<u>2.2</u>	<u>ZAPATA</u>	<u>2.1</u>
<u>DIMITT</u>	<u>2.1</u>	<u>KARNES</u>	<u>2.1</u>	<u>RAINS</u>	<u>3.2</u>	<u>ZAVALA</u>	<u>2.1</u>

- (10) Add “*Section 401.2.1 Compliance software tools*” to read as follows: “Software tools to demonstrate energy code compliance may be used if deemed acceptable by the code official or other authority having jurisdiction. The software program REScheck may be used to demonstrate energy code compliance provided the code checked to is the 2003 IECC. The International Code Compliance Calculator (ICCC) from the Texas Energy System Laboratory may be used to demonstrate energy code compliance.”
- (11) Amend “*Section 402.1.1 Insulation and fenestration criteria*” by adding the following: “When compliance using Table 402.1.1 is demonstrated with a ceiling *R*-value of R30 or less, no more than 33% of the total projected ceiling area may be of cathedral type construction (ceiling joist/roof rafter assembly) and the required insulation *R*-value may be reduced to a minimum of R22 insulation when the remaining ceiling area insulation is increased to R38.”
- (12) Replace “*Table 402.1.1 Insulation and Fenestration Requirements by Component*” with new “*Table 402.1.1 Insulation and Fenestration Requirements by Component (Texas)*” as shown in Exhibit 4.
- (13) Replace “*Table 402.1.3 Equivalent U-Factors*” with new “*Table 402.1.3 Equivalent U-Factors (Texas)*” as shown in Exhibit 5.
- (14) Amend “*Section 402.3.2 Glazed fenestration SHGC*” by adding the following: “The area-weighted average SHGC of all glazed fenestration products in the building shall not exceed 0.40 in climate zones 2.1, 2.2, 3.1, 3.2, and 3.3.”
- (15) Amend “*Section 402.3.3 Glazed fenestration exemption*” to read as follows: “Up to 1 percent of glazed fenestration per dwelling unit shall be permitted to be exempt from U-factor and SHGC requirements in Section 402.1.1.”
- (16) Amend “*Section 402.3.5 Thermally isolated sunroom U-factor*” by deleting the first sentence.
- (17) Amend “*Section 402.3.6 Replacement fenestration*” by adding the following 2 exceptions.
- (A) “1. Replacement fenestration units may comply with the original construction documents.”
- (B) “2. The area weighted average SHGC shall not exceed 0.40 in sub climate zones 2.1, 2.2, 3.1, 3.2, and 3.3.”
- (18) Add “*Section 402.3.7 Prescriptive path for additions*” to read as follows. “As an alternative for demonstrating compliance, additions with a conditioned floor area less than 500 square feet (46.5 m<sup>2</sup>) to existing single-family residential buildings and structures shall meet the prescriptive envelope component criteria in Table 402.3.7 for the sub climate zone applicable to the location. The *U*-factor of each individual fenestration product (windows, doors and skylights) shall be used to calculate an area-weighted average fenestration product *U*-factor for the addition, which shall not exceed the applicable listed values in Table 402.3.7. For additions, other than sunroom additions, the total area of fenestration products shall not exceed 40 percent of the gross wall and roof area of the addition. The *R*-values for opaque thermal envelope components shall be equal to or greater than the applicable listed values in Table 402.3.7.
- (A) Conditioned sunroom additions shall maintain thermal isolation and shall not be used as kitchens or sleeping rooms.
- (B) In sub climate zones 2.1, 2.2, 3.1, 3.2 and 3.3, the area weighted average solar heat gain coefficient of all glazed fenestration products used in additions in accordance with this section shall not exceed 0.40.”

- (19) Add “*Table 402.3.7 Prescriptive Envelope Component Criteria Additions to and Replacement Windows for Existing Detached One- and Two-Family Dwellings*” as shown in Exhibit 6.
- (20) Add “*Section 501.3 Compliance software tools*” to read as follows. “Software tools used to demonstrate energy code compliance that are deemed acceptable by the code official may only utilize the energy chapter of the 2006 International Energy Conservation Code or the 2004 Edition of AHSRAE 90.1 Energy Standard for Buildings Except Low-rise Residential Buildings when code edition and/or standard selection is available. The PNNL software program COMcheck may be used to demonstrate energy code compliance.”
- (21) Amend “*Chapter 6 Referenced Standards*” as follows.
- (A) Add PNNL/DOE, Pacific Northwest National Laboratory/Department of Energy, <http://www.energycodes.gov/> as a promulgating agency and add the following as referenced standards.
- (i) REScheck Version 4.1.1 or later, Residential Energy Compliance Software, referenced in code section N1101.2.2.
- (ii) COMcheck, Version 3.5.1 or later, Commercial Energy Compliance Software, referenced in code section 501.3.
- (B) Add Texas Energy System Laboratory, Energy Systems Laboratory, Room #214, Wisenbaker Engineering Research Center, Bizzell Street, 3581 TAMU, Texas A&M University, College Station, Texas 77843-3581 as a promulgating agency and add ICC, v2.0.8.1 or later, International Code Compliance Calculator, referenced in code section number N1101.2.2 as the referenced standard.
- (k) The *ICC Electrical Code* shall be amended as follows.
- (1) Amend “*Section 101.1 Title*” to read as follows: “These regulations shall be known as the *Electrical Code—Administrative Provisions* of the Texas Industrialized Housing and Buildings Program, hereinafter referred to as ‘this code.’”
- (2) Amend “*Section 101.3 Intent*” to add the following: “Where conflicts occur between the provisions of this code and the provisions of Texas Occupations Code, Chapter 1202, Industrialized Housing and Buildings, or the provisions of 16 Texas Administrative Code, Chapter 70, rules governing the Texas Industrialized Housing and Buildings program, the provisions of Texas Occupations Code, Chapter 1202 and 16 Texas Administrative Code, Chapter 70 shall control.”
- (3) Amend “*Section 102.1.5 Moved buildings*” to read as follows: “The provisions of the *International Existing Building Code* shall apply to all matters governing the repair, alterations or additions, and changes of existing previously occupied industrialized buildings that are designed to be transported from one commercial site to another commercial site.”
- (4) Amend “*Section 102.6 Referenced codes and standards*” by adding the following: “Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendment as well.”
- (5) Amend “*Section 1201.1.1 Adoption*” to read as follows: “Electrical systems and equipment shall be designed and constructed in accordance with the NFPA 70 except as otherwise provided in this code.”
- (6) Revise “*Chapter 13 Referenced standards*” to read as follows.
- (A) Add ICC standard IEBC-06, *International Existing Building Code*, referenced in code section 102.1.5.
- (B) Delete NFPA Standard 70-05 and replace with NFPA Standard 70-08.

**70.102. Use and Construction of Codes.** *(Amended effective May 17, 2004, 29 TexReg 4867; amended effective May 1, 2005, 30 TexReg 2504)*

- (a) Industrialized housing or buildings shall be constructed to meet or exceed the mandatory building code standards and requirements referenced in §70.100 and §70.101 in effect at the time of construction. A building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the mandatory building codes referenced in §70.100 and §70.101 for new construction. Industrialized housing and buildings shall be installed in accordance with the mandatory building code standards and requirements referenced in §70.100 and §70.101.
- (b) Alterations of industrialized housing and permanent industrialized buildings shall be in accordance with §70.74 and shall comply with the provisions of the codes referenced in §70.100 and §70.101 for new structures.
- (c) Industrialized buildings designed to be moved from one commercial site to another commercial site shall be recertified or altered in accordance with the mandatory building code standards and requirements referenced in §70.100 and §70.101 and in accordance with §70.74. Alterations of buildings shall comply with the standards and requirements of the following codes for each type of recertification class.
  - (1) Recertification class 1 and class 4: Alterations shall comply with the International Existing Building Code as referenced in §70.101. Alterations of buildings that have not been previously occupied or used for their intended purpose shall comply with the provisions of the codes referenced in §70.100 and §70.101 for new construction.
  - (2) Recertification class 2 and class 3: The existing building as altered, and additional alterations to the building, shall comply with the provisions of the International Existing Building Code as referenced in §70.101.
- (d) The codes adopted in §70.100 and §70.101 shall be construed to conform to the intent of Chapter 1202 and these rules and regulations. For example, where reference is made in any of the codes to the building official, the plumbing or mechanical official, or the administrative authority or enforcement official, such reference shall be construed pursuant to Chapter 1202 and the sections in this chapter to mean, where applicable, the council, the local building official, or the department.

**70.103. Alternate Materials and Methods.** *(Amended effective December 1, 2003, 28 TexReg 10458; amended effective May 1, 2008, 33 TexReg 3409)*

- (a) Alternate materials or methods of construction other than as authorized by the mandatory codes set forth in §70.100 must be approved by the council.
- (b) Manufacturers or industrialized builders shall submit descriptions of alternate methods or materials required to be approved by the council to the executive director for consideration by the council. The submittal shall include either 15 legible hard copies of drawings, specifications, and substantiating evidence for each such alternate method or material or all supporting documentation shall be submitted electronically and be in a format that will allow for electronic disbursement of these materials to the council.
- (c) The following types of alternate materials or methods of construction have been approved by the council and do not require the manufacturer or industrialized builder to submit descriptions to the council for approval. Materials or methods of construction shall be used and identified in accordance with the applicable code or product evaluation report or listing.
  - (1) Alternate materials or methods with a current code evaluation report from ICC ES. An industrialized house or building with a code evaluation report is not exempt from the requirements of Texas Occupations Code, Chapter 1202.
  - (2) Alternate materials or methods of construction with a current product evaluation report or listing from a product certification agency accredited by the IAS that shows compliance with the applicable mandatory building codes. An industrialized house or building with a product evaluation report or listing is not exempt from the requirements of Texas Occupations Code, Chapter 1202.

**70.120. Intent.**

The 69th Legislature has found and determined that there is great need to provide safe, durable code-constructed housing and buildings and to encourage the economics realized through mass production and assembly line building techniques in order to produce and provide more affordable dwellings and buildings. The 69th legislature, 1985, has also found and determined that existing statutes and regulations prior to September 1, 1985, are not adequate to coordinate properly the interests of both the state and local political subdivisions including home rule cities. In recognition of its findings, and in order to promote the public health, safety, and welfare, the 69th Legislature, 1985, enacted House Bill 1213 mandating the regulation of industrialized housing and buildings and provided that such Act shall be liberally construed and applied to encourage innovative building and construction techniques (Chapter 84, 69th Legislature, 1985, Vernon's Law Service, 1985, page 332).