

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

TDHCA Governing Board Approved Draft of

10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities

Disclaimer

Attached is a proposed four-year rule review and proposed readoption for 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities. This four-year review was approved by the TDHCA Governing Board on January 15, 2026. This document, including its preamble, is expected to be published in the February 6, 2026, edition of the *Texas Register* and that published version will constitute the official version for purposes of public comment and can be found at the following link: <https://www.sos.texas.gov/texreg/index.shtml>.

In compliance with §2001.023, Texas Government Code, a summary of the proposed action follows:

The Department last performed a Four-Year rule review on 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, including §§21.1 through 21.6, in January 2022. Therefore, under Tex. Gov't Code §2001.039, which requires that state agencies review a rule every four years to assess whether the reasons for initially adopting the rule continue to exist, the rule is due to be evaluated in 2026. Staff has determined that there is a continuing need for this rule to exist and that no revisions are currently warranted. The Secretary of State requires that even when no revisions are proposed, the rule be released for a public comment period. Therefore, the rule will be made available for public comment from February 6, 2026 through March 8, 2026, and returned to the Board for final approval.

Note that while the submission to the *Texas Register* does not require the text of the rule to be included in the submission or publication, staff has included the text of the rule for the public comment.

Public Comment

Public Comment Period: Start: 8:00 a.m. Austin local time on February 6, 2026

End: 5:00 p.m. Austin local time on March 8, 2026

Comments received after 5:00 p.m. Austin local time on March 8, 2026, will not be accepted. Written comments may be submitted electronically within the designated public comment period to:

brooke.boston@tdhca.state.tx.us.

Those making public comment are encouraged to reference the specific draft rule, policy, or plan related to their comment as well as a specific reference or cite associated with each comment. Please be aware that all comments submitted to the TDHCA will be considered public information.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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DEPARTAMENTO DE VIVIENDA Y ASUNTOS COMUNITARIOS DE TEXAS

Borrador aprobado por la Junta Directiva del TDHCA respecto al capítulo 21 [“Requisitos mínimos de eficiencia energética para actividades de construcción de viviendas unifamiliares”] del título 10 del Código Administrativo de Texas (TAC)

Descargo de responsabilidad

Se adjunta una propuesta de revisión de reglas cada cuatro años y una nueva adopción propuesta respecto al capítulo 21 [“Requisitos mínimos de eficiencia energética para actividades de construcción de viviendas unifamiliares”] del título 10 del Código Administrativo de Texas (TAC). Esta revisión cada cuatro años recibió aprobación por parte de la Junta Directiva del Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA) el 15 de enero de 2026. Se espera que este documento, incluyendo su preámbulo, se publique en la edición del *Texas Register* del 6 de febrero de 2026. Esa versión publicada constituirá la versión oficial para fines de comentarios del público y se puede encontrar en el siguiente enlace: <https://www.sos.texas.gov/texreg/index.shtml>.

De conformidad con la sección [§] 2001.023 del Código de Gobierno de Texas, se incluye a continuación un resumen de la acción propuesta:

En enero de 2022, el Departamento efectuó por última vez una revisión de reglas cada cuatro años respecto al capítulo 21 [“Requisitos mínimos de eficiencia energética para actividades de construcción de viviendas unifamiliares”], que incluye las secciones [§§] 21.1 a 21.6, del título 10 del Código Administrativo de Texas (TAC). Por lo tanto, en virtud de la sección [§] 2001.039 del Código de Gobierno de Texas, que exige que las agencias estatales revisen una regla cada cuatro años para evaluar si continúan existiendo las razones para adoptarla inicialmente, la evaluación de esta regla está prevista para el año 2026. El personal ha determinado que existe una necesidad continua de la existencia de esta regla y que no se justifican modificaciones en la actualidad. La Secretaría de Estado exige que la regla se publique para un período de comentarios del público, incluso cuando no se propongan modificaciones. Por lo tanto, la regla estará disponible para comentarios del público desde el 6 de febrero de 2026 hasta el 8 de marzo de 2026, y se remitirá a la Junta para su aprobación definitiva.

Tenga en cuenta que, si bien la presentación al *Texas Register* no exige que el texto de la regla se incluya en la presentación o publicación, el personal ha incluido el texto de la regla para los comentarios del público.

Comentarios del público**Periodo de comentarios del público:**

Inicio: 8:00 a. m., hora local de Austin, del 6 de febrero de 2026

Finalización: 5:00 p. m., hora local de Austin, del 8 de marzo de 2026

No se aceptarán los comentarios que se reciban después de las 5:00 p. m., hora local de Austin, del 8 de marzo de 2026. Los comentarios por escrito pueden enviarse de manera electrónica dentro del período designado de comentarios del público a brooke.boston@tdhca.state.tx.us.

Se anima a quienes formulen comentarios públicos a que hagan referencia al borrador de la regla, política o plan específico relacionado con su comentario, así como una referencia o cita específica asociada a cada comentario. Tenga en cuenta que todos los comentarios enviados al TDHCA se considerarán información pública.

DEPARTAMENTO DE VIVIENDA Y ASUNTOS COMUNITARIOS DE TEXAS

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Attachment 1: Notice of Proposed Rule Review for 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, including §§21.1 through 21.6

The Texas Department of Housing and Community Affairs (the Department) files this notice of rule review for 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, including §§21.1 through 21.6. The purpose of the proposed action is to conduct a rule review in accordance with Tex. Gov't Code §2001.039, which requires a state agency to review its rules every four years.

The Department has determined that there continues to be a need for this rule to comply with Tex. Gov't Code §2306.187, which requires that the Department develop and adopt rules relating to Minimum Energy Efficiency requirements for new construction, reconstruction, and rehabilitation activities in Single Family Programs. The Department has also determined that no changes to this rule are necessary. This rule proposed for readoption will be noted in the Texas Register's Review of Agency Rules section without publication of the text.

REQUEST FOR PUBLIC COMMENT. The Department requests comments on the rule review. All comments or questions in response to this notice of rule review may be submitted in writing from February 6, 2026, through March 8, 2026. Written comments may be submitted to Brooke Boston by email to bboston@tdhca.texas.gov. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m. Austin local time, March 8, 2026.

Attachment 2: Text of Rule as Currently in Effect for 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, including §§21.1 through 21.6

§21.1 Purpose

(a) Tex. Gov't Code, §2306.187 requires that the Department develop and adopt rules relating to Minimum Energy Efficiency requirements for new construction, reconstruction, and rehabilitation activities in Single Family Programs.

(b) This chapter describes the Minimum Energy Efficiency Requirements for all single family construction activities, which includes the Department's HOME Investments Partnership Program (HOME), Texas Housing Trust Fund (Texas HTF), Neighborhood Stabilization Program (NSP), Office of Colonia Initiatives (OCI) Programs, and other single family Programs as developed by the Department.

§21.2 General Requirements

Unless otherwise noted, this chapter only applies to single family Programs. Program rules may impose additional requirements related to any provision of this chapter. Elements of local residential building codes that require a greater degree of energy efficiency than this chapter, in part or in whole, shall also be followed.

§21.3 Definitions

(a) Any capitalized terms that are defined in Tex. Gov't Code Chapter 2306, and Chapter 1 of this title (relating to Administration), Chapter 2 of this title (relating to Enforcement), Chapter 20 of this title (relating to Single Family Programs Umbrella Rule), or other applicable Department Program Rule, have, when capitalized, the meanings ascribed to them therein.

(b) The following words and terms, when used in this chapter, shall have the following meanings, unless the context or the Notice of Funding Availability (NOFA) indicates otherwise.

(1) ENERGY STAR Certified Appliances, Equipment, and Products--Labeled appliances, equipment, and products that are independently certified to save energy without sacrificing features or functionality, meeting the U.S. EPA's specifications for energy efficiency and performance.

(2) ENERGY STAR Certified Home--A new construction home that has earned the ENERGY STAR label and has undergone a process of inspections, testing, and verification to meet requirements set forth by the U.S. EPA.

(3) ENERGY STAR Certified Manufactured Housing Unit--A manufactured home that has been designed, produced, and installed by the home manufacturer to meet ENERGY STAR requirements for energy efficiency.

(4) RESNET--Residential Energy Services Network. RESNET is an independent, nonprofit organization established in 1995 to help homeowners reduce the cost of their utility bills by

making their homes more energy efficient. RESNET-certified Home Energy Systems Raters are required to inspect, test, and verify homes for ENERGY STAR certification.

(5) U.S. EPA--United States Environmental Protection Agency.

(6) WaterSense Labeled Fixtures--Labeled products that are backed by independent, third-party testing and certification, meeting the U.S. EPA's specifications for water efficiency and performance.

§21.4 New Construction and Reconstruction Activities

a) Single family residential dwellings, as defined in §388.002 of the Texas Health and Safety Code, that are newly constructed or reconstructed shall comply with the more stringent of §388 of the Health and Safety Code (Texas Building Energy Performance Standards), or the standards adopted by the local jurisdiction.

(b) Effective September 1, 2016, the Texas State Energy Conservation Office adopted the 2015 International Residential Code (Chapter 11) as the state-mandated energy code for all residential construction, which includes one- and two-family residences of three stories or less above grade.

(c) For federally-funded single family residential dwellings for which funds are committed on or after November 28, 2024, and that are covered under FR-6271-N-03 (inclusive of the HOME program, but excluding CDBG) housing must comply with the 2021 International Energy Conservation Code (IECC); or must comply with a federally approved alternative compliance pathway.

§21.5 Manufactured Housing Unit Activities

(a) All Manufactured Housing Units installed as replacement for sub-standard housing shall be ENERGY STAR certified; or

(b) In cases where the type of product is not ENERGY STAR, or if ENERGY STAR products are not reasonably available due to supply shortages or cost limitations, Administrators may select the highest rated product available, so long as the product delivers at least 10% energy savings in comparison to products meeting the minimum code.

§21.6 Rehabilitation Activities

(a) All Rehabilitation activities shall comply with this chapter.

(b) Certifications of compliance with this chapter shall be conducted by the Administrator or a code or other qualified inspector for release of final payment from the Department as outlined in the Program Rule. Inspectors selected by the Administrator to verify compliance with this chapter must be certified by the Administrator to have sufficient professional certifications, relevant education, or experience in a field directly related to home inspection, which may include, but is not limited to, installing, servicing, repairing or maintaining the structural, mechanical, plumbing, and electrical systems found in Single Family Housing Units.

(c) If the proposed scope of work or the awarded construction contract for the Rehabilitation of an existing single family residential unit includes an item described in paragraphs (1) - (10) of this subsection, the specific requirement so noted in paragraphs (1) - (10) of this subsection shall apply:

- (1) Replacement or installation of central heating and cooling equipment and appliances shall be installed in accordance with the manufacturer's instructions and the requirements of Chapter 14 of the 2015 International Residential Code;
- (2) Replacement or installation of duct systems serving heating, cooling, and ventilation equipment shall be installed in accordance with the provisions of Chapter 16 of the 2015 International Residential Code;
- (3) If central heating and cooling equipment is replaced or installed, attic insulation shall be installed or increased according to Chapter 11, Figure N1102.1.2 of the 2015 International Residential Code, including insulation covering the top plates of exterior walls. Eave baffles and access hatches shall be installed as specified in Chapter 11, Sections N1102.2.3-N1102.2.4 of the 2015 International Residential Code;
- (4) If ductless heating and cooling systems (also known as mini-split, multi-split, or variable refrigerant flow (VRF) heat pump systems) are replaced or installed, they shall be ENERGY STAR certified;
- (5) If exhaust fans are replaced or installed in bathrooms or kitchens, they shall be ENERGY STAR certified and installed in accordance with Chapter 15 of the 2015 International Residential Code;
- (6) If windows are installed, they shall be ENERGY STAR certified windows, meeting the U-factor and Solar Heat Gain Coefficient for the climate zone of the dwelling as identified in Chapter 11, Table N1102.1.2 of the 2015 International Residential Code;
- (7) If doors are installed, they shall be ENERGY STAR certified doors;
- (8) Electrical fixtures, equipment, and appliances that are replaced or installed, where applicable, shall be ENERGY STAR certified products;
- (9) Plumbing fixtures that are replaced or installed, where applicable, shall be WaterSense labeled products; and
- (10) Domestic water heaters, storage and tankless, when replaced or installed, shall meet the Federal Energy Conservation Standards required by 10 CFR §430.32, as they may be revised from time to time.