

COMMITTEE ON GOVERNMENT AND ENVIRONMENT

SENATE AMENDMENTS TO H.B. 2404

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 “Section 1. Title 9, chapter 7, article 1, Arizona Revised Statutes,
3 is amended by adding section 9-808, to read:

4 9-808. Affordable housing and residential energy conservation or
5 efficiency; state preemption; conformation; definitions

6 A. AFFORDABLE HOUSING AND THE REGULATION OF RESIDENTIAL ENERGY
7 CONSUMPTION AND ENERGY EFFICIENCY IS OF STATEWIDE CONCERN. AFFORDABLE
8 HOUSING AND THE REGULATION OF RESIDENTIAL ENERGY CONSUMPTION AND ENERGY
9 EFFICIENCY PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION BY A
10 COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

11 B. A RESIDENTIAL BUILDING THAT ACHIEVES A HOME ENERGY RATING SYSTEM
12 INDEX SCORE OF SEVENTY-THREE OR LOWER IN ARIZONA CLIMATE ZONES TWO AND THREE,
13 SEVENTY-SIX OR LOWER IN ARIZONA CLIMATE ZONE FOUR OR EIGHTY OR LOWER IN
14 ARIZONA CLIMATE ZONE FIVE THAT IS CONFIRMED IN WRITING BY A HOME ENERGY
15 RATING PROVIDER SHALL BE DEEMED TO COMPLY WITH ANY, OR PART OF ANY, BUILDING
16 ENERGY CODE, ORDINANCE, STIPULATION OR OTHER LEGAL REQUIREMENT RELATING TO
17 ENERGY CONSERVATION OR ENERGY EFFICIENCY ADOPTED OR ENFORCED BY A CITY OR
18 TOWN. THE WRITTEN CONFIRMATION OF THE HOME ENERGY RATING SYSTEM INDEX SCORE
19 SHALL BE PROVIDED TO THE CITY OR TOWN IN WHICH THE RESIDENTIAL BUILDING IS
20 LOCATED.

21 C. NOTHING IN THIS SECTION SHALL PROHIBIT A CITY OR TOWN FROM ADOPTING
22 THE INTERNATIONAL ENERGY CONSERVATION CODE OR INTERNATIONAL RESIDENTIAL CODE.
23 A CITY OR TOWN SHALL NOT BE REQUIRED TO ADOPT ANY, OR PART OF ANY, BUILDING
24 ENERGY CODE, ORDINANCE, STIPULATION OR OTHER LEGAL REQUIREMENT RELATING TO
25 ENERGY CONSERVATION OR ENERGY EFFICIENCY.

1 D. THE LEGISLATURE MAY PERIODICALLY REVIEW AND ASSESS THIS SECTION TO
2 ENSURE THAT IT IS CONSISTENT WITH THE STATE'S GOALS ON AFFORDABLE HOUSING AND
3 ENERGY EFFICIENCY.

4 E. FOR THE PURPOSES OF THIS SECTION:

5 1. "ARIZONA CLIMATE ZONE FIVE" INCLUDES CITIES AND TOWNS LOCATED IN
6 APACHE COUNTY, COCONINO COUNTY AND NAVAJO COUNTY.

7 2. "ARIZONA CLIMATE ZONE FOUR" INCLUDES CITIES AND TOWNS LOCATED IN
8 GILA COUNTY AND YAVAPAI COUNTY.

9 3. "ARIZONA CLIMATE ZONE THREE" INCLUDES CITIES AND TOWNS LOCATED IN
10 GRAHAM COUNTY, GREENLEE COUNTY AND SANTA CRUZ COUNTY.

11 4. "ARIZONA CLIMATE ZONE TWO" INCLUDES CITIES AND TOWNS LOCATED IN
12 COCHISE COUNTY, LA PAZ COUNTY, MARICOPA COUNTY, MOHAVE COUNTY, PIMA COUNTY,
13 PINAL COUNTY AND YUMA COUNTY.

14 5. "BUILDING ENERGY CODE" MEANS CONSTRUCTION CODES, INCLUDING THE
15 INTERNATIONAL ENERGY CONSERVATION CODE AND THE ENERGY CONSERVATION CHAPTER OF
16 THE INTERNATIONAL RESIDENTIAL CODE, HOWEVER DENOMINATED.

17 6. "HOME ENERGY RATING PROVIDER" MEANS AN ORGANIZATION THAT IS
18 ACCREDITED BY THE RESIDENTIAL ENERGY SERVICES NETWORK AND THAT DEVELOPS,
19 MANAGES AND OPERATES A HOME ENERGY RATING PROGRAM ACCORDING TO THE
20 PROCEDURES, RULES AND GUIDELINES SPECIFIED BY THE RESIDENTIAL ENERGY SERVICES
21 NETWORK.

22 7. "HOME ENERGY RATING SYSTEM INDEX" MEANS A NUMERICAL INTEGER VALUE
23 THAT REPRESENTS THE RELATIVE ENERGY USE OF A RATED HOME AS COMPARED WITH THE
24 ENERGY USE OF THE HOME ENERGY RATING SYSTEM REFERENCE HOME AND WHERE AN INDEX
25 VALUE OF ONE HUNDRED REPRESENTS THE ENERGY USE OF THE HOME ENERGY RATING
26 SYSTEM REFERENCE HOME AND AN INDEX VALUE OF ZERO REPRESENTS A HOME THAT USES
27 ZERO NET PURCHASED ENERGY.

28 8. "RESIDENTIAL BUILDING" MEANS ANY DETACHED ONE-FAMILY AND TWO-FAMILY
29 DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS, INCLUDING MULTIFAMILY
30 BUILDINGS THAT ARE THREE STORIES OR LESS IN HEIGHT ABOVE GRADE PLANE.

31 Sec. 2. Title 11, chapter 6, article 5, Arizona Revised Statutes, is
32 amended by adding section 11-867, to read:

11-867. Affordable housing and residential energy conservation or efficiency; state preemption; conformation; definitions

A. AFFORDABLE HOUSING AND THE REGULATION OF RESIDENTIAL ENERGY CONSUMPTION AND ENERGY EFFICIENCY IS OF STATEWIDE CONCERN. AFFORDABLE HOUSING AND THE REGULATION OF RESIDENTIAL ENERGY CONSUMPTION AND ENERGY EFFICIENCY PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

B. A RESIDENTIAL BUILDING THAT ACHIEVES A HOME ENERGY RATING SYSTEM INDEX SCORE OF SEVENTY-THREE OR LOWER IN ARIZONA CLIMATE ZONES TWO AND THREE, SEVENTY-SIX OR LOWER IN ARIZONA CLIMATE ZONE FOUR OR EIGHTY OR LOWER IN ARIZONA CLIMATE ZONE FIVE THAT IS CONFIRMED IN WRITING BY A HOME ENERGY RATING PROVIDER SHALL BE DEEMED TO COMPLY WITH ANY, OR PART OF ANY, BUILDING ENERGY CODE, ORDINANCE, STIPULATION OR OTHER LEGAL REQUIREMENT RELATING TO ENERGY CONSERVATION OR ENERGY EFFICIENCY ADOPTED OR ENFORCED BY A COUNTY. THE WRITTEN CONFIRMATION OF THE HOME ENERGY RATING SYSTEM INDEX SCORE SHALL BE PROVIDED TO THE COUNTY IN WHICH THE RESIDENTIAL BUILDING IS LOCATED.

C. NOTHING IN THIS SECTION SHALL PROHIBIT A COUNTY FROM ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE OR INTERNATIONAL RESIDENTIAL CODE. A COUNTY SHALL NOT BE REQUIRED TO ADOPT ANY, OR PART OF ANY, BUILDING ENERGY CODE, ORDINANCE, STIPULATION OR OTHER LEGAL REQUIREMENT RELATING TO ENERGY CONSERVATION OR ENERGY EFFICIENCY.

D. THE LEGISLATURE MAY PERIODICALLY REVIEW AND ASSESS THIS SECTION TO ENSURE THAT IT IS CONSISTENT WITH THE STATE'S GOALS ON AFFORDABLE HOUSING AND ENERGY EFFICIENCY.

E. FOR THE PURPOSES OF THIS SECTION:

1. "ARIZONA CLIMATE ZONE FIVE" INCLUDES APACHE COUNTY, COCONINO COUNTY AND NAVAJO COUNTY.

2. "ARIZONA CLIMATE ZONE FOUR" INCLUDES GILA COUNTY AND YAVAPAI COUNTY.

3. "ARIZONA CLIMATE ZONE THREE" INCLUDES GRAHAM COUNTY, GREENLEE COUNTY AND SANTA CRUZ COUNTY.

4. "ARIZONA CLIMATE ZONE TWO" INCLUDES COCHISE COUNTY, LA PAZ COUNTY, MARICOPA COUNTY, MOHAVE COUNTY, PIMA COUNTY, PINAL COUNTY AND YUMA COUNTY.

1 5. "BUILDING ENERGY CODE" MEANS CONSTRUCTION CODES, INCLUDING THE
2 INTERNATIONAL ENERGY CONSERVATION CODE AND THE ENERGY CONSERVATION CHAPTER OF
3 THE INTERNATIONAL RESIDENTIAL CODE, HOWEVER DENOMINATED.

4 6. "HOME ENERGY RATING PROVIDER" MEANS AN ORGANIZATION THAT IS
5 ACCREDITED BY THE RESIDENTIAL ENERGY SERVICES NETWORK AND THAT DEVELOPS,
6 MANAGES AND OPERATES A HOME ENERGY RATING PROGRAM ACCORDING TO THE
7 PROCEDURES, RULES AND GUIDELINES SPECIFIED BY THE RESIDENTIAL ENERGY SERVICES
8 NETWORK.

9 7. "HOME ENERGY RATING SYSTEM INDEX" MEANS A NUMERICAL INTEGER VALUE
10 THAT REPRESENTS THE RELATIVE ENERGY USE OF A RATED HOME AS COMPARED WITH THE
11 ENERGY USE OF THE HOME ENERGY RATING SYSTEM REFERENCE HOME AND WHERE AN INDEX
12 VALUE OF ONE HUNDRED REPRESENTS THE ENERGY USE OF THE HOME ENERGY RATING
13 SYSTEM REFERENCE HOME AND AN INDEX VALUE OF ZERO REPRESENTS A HOME THAT USES
14 ZERO NET PURCHASED ENERGY.

15 8. "RESIDENTIAL BUILDING" MEANS ANY DETACHED ONE-FAMILY AND TWO-FAMILY
16 DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS, INCLUDING MULTIFAMILY
17 BUILDINGS THAT ARE THREE STORIES OR LESS IN HEIGHT ABOVE GRADE PLANE."

18 Amend title to conform

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