



## **HB 2439 by Phelan (Joint Authors Rodriguez, Collier, Schaefer) & Buckingham Help stop governmental entities from requiring the use of vendor specific building materials**

SB 1266 and HB 2439 allow a city to enact building codes with local amendments but it prohibits a city from using a building code or other local ordinance powers to mandate VENDOR driven and PRODUCT SPECIFIC MANDATES in construction, which result in the direct or indirect prohibition of other products approved by national codes and standards.

Cities and other governmental entities should not be in the business of picking winners and losers in the competitive market if the products have been approved as safe and fit for their intended use per consensus-based building codes and the installation of these products adhere to nationally adopted codes and standards for construction.

### **Housing Affordability**

These activities create monopolies, increase the cost of construction and ultimately price thousands of Texans out of the housing market.

- According to a study by the National Association of Home Builders, regulations imposed by government at all levels account for 25% of the final price of a new single-family home built for sale.
- The Real Estate Center at Texas A&M University indicates that for every \$1,000 increase in the cost of a home, roughly 22,000 households are priced out of the market.

The SBMAT coalition has worked closely with TDHCA, GLO, TWIA, Texas Historic Commission and numerous cities to craft the language and address unique concerns throughout the legislative committee process.

### **Examples of mandates**

- One city requires a vacuum test on a home and the only way to pass it is the installation of spray foam insulation—which adds roughly \$2,000 to an average house.
- One city requires copper pipe to be used for plumbing instead of more reasonably priced PEX plumbing pipe.
- A few cities have limited four manufacturers' gas pipe products by mandating a competitor's specific product listing criteria by ordinance.
- Other cities require masonry products (brick, block or stone) be used for the exterior for single, multi-family and commercial construction. These ordinances prohibit stucco, fiber cement, wood, engineered wood, metal, glass, steel and other siding product alternatives—all of which are approved by national codes and standards.
- These mandates can increase the cost of a home by tens of thousands of dollars, pricing many Texans out of the American Dream of homeownership.