

1 H.719

2 Introduced by Representatives Campbell of St. Johnsbury, Austin of
3 Colchester, Bartholomew of Hartland, Chesnut-Tangerman of
4 Middletown Springs, Colburn of Burlington, Cordes of Lincoln,
5 Dolan of Waitsfield, Gonzalez of Winooski, LaLonde of South
6 Burlington, McCarthy of St. Albans City, Morris of Springfield,
7 Patt of Worcester, Ralph of Hartland, Squirrell of Underhill,
8 Sullivan of Burlington, Till of Jericho, Troiano of Stannard,
9 White of Hartford, and Yantachka of Charlotte

10 Referred to Committee on

11 Date:

12 Subject: Public service; residential building energy standards; internal security
13 and public safety; fire safety; inspections

14 Statement of purpose of bill as introduced: This bill proposes to improve
15 compliance with the Residential Building Energy Standards and to allow the
16 Fire Safety Division to conduct inspections of newly constructed single-family
17 homes for compliance with those standards.

18 An act relating to the Residential Building Energy Standards

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 30 V.S.A. § 51 is amended to read:

3 § 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH
4 CODE

5 * * *

6 (b) Adoption of Residential Building Energy Standards (RBES).

7 Residential construction shall be in compliance with the standards adopted by
8 the Commissioner of Public Service in accordance with subsection (c) of this
9 section. A certification pursuant to subsection (f) of this section shall be issued
10 and a copy provided to the Department of Public Service prior to a one-family
11 dwelling being occupied.

12 * * *

13 (f) Certification.

14 * * *

15 (2) Condition precedent. Provision of a certificate as required by
16 subdivision (1) of this subsection shall be a condition precedent to:

17 (A) issuance by the Commissioner of Public Safety or a municipal
18 official acting under 20 V.S.A. § 2736 of any final occupancy permit required
19 by the rules of the Commissioner of Public Safety for use or occupancy of
20 residential construction commencing on or after July 1, 2013 that is also a
21 public building as defined in 20 V.S.A. § 2730(a); ~~and~~

1 (B) issuance by a municipality of a certificate of occupancy for
2 residential construction commencing on or after July 1, 2013, if the
3 municipality requires such a certificate under 24 V.S.A. chapter 117; and

4 (C) a one-family dwelling being occupied.

5 * * *

6 (i) Title validity ~~not affected~~.

7 (1) ~~A~~ For two-family dwellings and multi-family dwellings, a defect in
8 marketable title shall not be created by a failure to issue certification or a
9 certificate, as required under subsection (f) or subdivision (h)(4) of this section,
10 or by a failure under that subsection to: affix a certificate; to provide a copy of
11 a certificate to the Department of Public Service; or to record and index a
12 certificate in the town records.

13 (2) For one-family dwellings, a defect in marketable title shall be
14 created by a failure to issue certification or a certificate, as required under
15 subsection (f) or subdivision (h)(4) of this section, or by a failure under that
16 subsection to: affix a certificate, provide a copy of a certificate to the
17 Department of Public Service, or record and index a certificate in the town
18 records.

19 (j) The Commissioner of Public Safety, pursuant to 20 V.S.A. § 2731, may
20 conduct inspections of one-family dwellings to ensure that a certificate has
21 been provided pursuant to this section.

1 Sec. 2. 20 V.S.A. § 2731 is amended to read:

2 § 2731. RULES; INSPECTIONS; VARIANCES

3 * * *

4 (b) Inspections. The Commissioner shall conduct inspections of premises
5 to ~~assure~~ ensure that the rules adopted under this subchapter are being
6 observed and may establish priorities for enforcing these rules and standards
7 based on the relative risks to persons and property from fire of particular types
8 of premises. The Commissioner may also conduct inspections to ~~assure~~ ensure
9 that buildings are constructed in accordance with approved plans and drawings
10 and to ensure that a certificate has been provided pursuant to 30 V.S.A.
11 § 51(f)(2)(C) and subsection (l) of this section.

12 * * *

13 (l) Energy standard certificates. Provision of a certificate as required by
14 30 V.S.A. § 51 (residential building energy standards) or 53 (commercial
15 building energy standards) shall be a condition precedent to the issuance of a
16 certificate of use or occupancy for a public building under the rules adopted
17 pursuant to this section. Provision of a certificate as required by 30 V.S.A.
18 § 51(f)(2)(C) shall be a condition precedent to a one-family dwelling being
19 occupied.

1 Sec. 3. POSITIONS

2 (a) The following positions are created in the Department of Public Safety,
3 Fire Safety Division in fiscal year 2021:

4 (1) one full-time exempt position to conduct inspections and perform
5 duties relating to the interpretation and application of Residential Building
6 Energy Standards and Commercial Building Energy Standards and the
7 individual hired to fill this position shall have knowledge and experience in
8 building science and energy efficiency and performance; and

9 (2) one part-time exempt clerical position.

10 (b) These positions shall be transferred and converted from existing vacant
11 positions in the Executive Branch of State government.

12 Sec. 4. APPROPRIATION

13 There is appropriated to the Department of Public Safety \$150,000.00 from
14 the General Fund in fiscal year 2021 for the positions created pursuant to
15 Sec. 3 of this act.

16 Sec. 5. EFFECTIVE DATES

17 This act shall take effect on July 1, 2020, except that Secs. 1 and 2 shall
18 take effect on July 1, 2022.