

Here is a summary of the work of the Building Energy Code Study Committee of 2023.

The committee was created as a result of Act 47, the HOME bill. It consisted of 15 members representing State government offices that handle energy codes and building codes, public stakeholders, and two legislative members, Senator Chris Bray and myself (full list at the end). We met ten times from July 15 to Nov. 28 and submitted the final report on Dec. 1.

The charge to the committee was to:

- assess how building codes and energy codes interact;
- recommend ways to increase compliance with Vermont's energy codes, Residential Building Energy Standards (RBES) and Commercial BES (CBES), including potentially designating Div. of Fire Safety (DFS) as the administrative authority for RBES and CBES; and
- evaluate whether cost-effectiveness analyses required for RBES and CBES should include non-energy benefits such as public health and the external costs of carbon.

Vermont has had mandatory energy codes for many years (RBES since 1997, CBES since 2007), but we lack a formal administrative structure to know whether and to what extent codes are being followed. A study a few years ago indicated RBES compliance at about 54%, and CBES at 87%. Energy codes are scheduled to require "net-zero-ready" construction in 2030, so unless administration is formalized, compliance is likely to decline further.

A complicating factor is that Vermont has not adopted a residential *building* code, and so lacks any administrative infrastructure in residential construction, except in multifamily buildings (DFS has jurisdiction over all "public buildings", which includes residential rentals). Some municipalities have adopted a residential building code, but (a revelation during committee meetings) statute apparently is not clear on their authority to implement it.

In short, we don't know how many new single-family and small multifamily homes are below standard in some way, but we do know it's not zero. Obviously it makes no sense to build new sub-standard houses. Given the hundreds of millions now being invested in housing, this is an important issue.

Key committee recommendations:

1. **Establish AHJ.** Designate Div. of Fire Safety as the "authority having jurisdiction" for energy codes. As expected, DFS and Public Service (PSD) opposed on behalf of the Administration. Assoc. General Contractors also opposed, perhaps in solidarity.
2. **Adopt a residential building code.** Set up a committee to work through the steps needed for Vermont (DFS, renamed Div. of Fire *and Building* Safety) to adopt a residential building construction code.
3. **Improve contractor registry.** Direct OPR to make specific enhancements to its builder registry (a) to require contractors to explicitly acknowledge their awareness of RBES/

CBES, (b) to alert consumers to code requirements, and (c) to make the website far more user-friendly.

4. **Create energy code certification.** Direct the AHJ (DFBS) to develop a general energy code certification that contractors can include (voluntarily) on their OPR listing.
5. **Centralize energy code certificates with other permits.** Direct DFBS to add energy code components to its new database currently in procurement.

Other recommendations for raising energy code compliance included more and better training in both codes and building science; supporting builders in the field (answer questions, resolve conflicting requirements); and raising awareness among consumers.

The committee charge to evaluate the cost-effectiveness analyses for RBES and CBES was determined to require far more time and to be more technical than this group was equipped for. The committee recommended that a separate technical committee be established.

Two other points of note: (1) Energy Futures Group will use its US DOE \$1 million grant as "phase two" following up on the committee's recommendations. (2) Eric Forand, VT Emergency Management director, indicated on Dec. 1 that DFS will apply to FEMA for a \$2 million formula grant (as sub-recipient through VEM) to improve building codes for greater resilience; as I understand it, sub-recipient (DFS) deadline is Jan 12, recipient (VEM) deadline is Feb 29.