



Members of the Legislative Committee on Administrative Rules  
State House, 115 State Street  
Montpelier, Vermont

March 7, 2024

Dear Members of LCAR:

Last June, LCAR delayed Vermont's adoption of new Residential Building Energy Standards (RBES) to be not earlier than July 1, 2024, on a vote of 6-1-1. Architects and builders testified about significant, structural deficits in both the proposed standards and their administration. It was hoped these deficits would be addressed by the study committee created by S.100. In order for some of the recommendations in the report to be enacted, bills S.253 and H.792 need to be passed by the legislature. The General Assembly has not acted on the committee's recommendations yet.

Since then, the Department of Public Service has made changes to the 2024 RBES – without public input – that do not improve the provisions that seriously concern us. These last-minute changes further confuse the transition process: buildings being designed now will be subject to the new code, but no one knows what the final version of the code will be. Both problems are significant in construction and could lead to building defects.

We are exceedingly concerned for the health, safety and welfare of homeowners and occupants of new construction.

We understand there are two courses of action that can be taken at this time:

- 1) An emergency rule can be made to further delay adoption of the 2024 RBES by a maximum of 180 days.
- 2) The General Assembly can include provisions for permanent, enduring change in legislation passed this year. We have already submitted comments on H.792 and S.253 that focus on energy code reform, but key provisions could be inserted into other bills.

If LCAR cannot act unilaterally, we hope LCAR members will champion action in the House and Senate.

Once again, for emphasis: AIAVT and its members fully support building energy codes, including RBES updates. However Vermont has increased building standards without critical administration or builder training. Vermont already has too many building envelope failures, and we are deeply concerned that the new edition of RBES will result in even more failures. Vermonters deserve to have safe as well as energy-efficient homes.

We hope LCAR will act soon to delay or terminate the adoption of 2024 RBES as planned.

Sincerely,

Nathalia Ellis, AIA  
AIA Vermont President

Sincerely,

Dixie F. O'Connor  
President, VBRA

CC: Senate Committee on Natural Resources and Energy  
House Committee on Environment and Energy