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**S.253**

Introduced by Senators Bray, Hardy, and White

**Subject:** Public safety; public service; building energy; residential building energy codes;  
commercial building energy codes

**Statement of purpose of bill:** This bill proposes to require the Division of Fire and Building Safety to adopt a statewide residential building code for duplexes and rentals, to regulate certain building trades, to modify requirements for residential contractor-owner agreements, to ease the requirement for the Department of Public Service to update building energy codes every three years, and to delay the adoption of the 2024 edition of the Residential Building Energy Standards (RBES).

**An act relating to the Residential and Commercial  
Building Energy Standards**

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

**Sec. 1. FINDINGS AND INTENT**

(a) The General Assembly finds that:

(1) Vermont established Residential Building Energy Standards (RBES) in 1997 and Commercial Building Energy Standards (CBES) in 2007. Collectively, these standards are Vermont’s building energy codes and, like fire or building codes where they have been adopted, are mandatory and have the force of law.

(2) Though the RBES and CBES are mandatory, there is no single State office designated to administer, interpret, adjudicate conflicts, issue variances, and enforce compliance with them.

1           (3) The Department of Public Service is responsible for adopting and updating the RBES  
2           and CBES regularly but does not have the capacity to fully administer and enforce them.

3           (4) The Division of Fire Safety (DFS) in the Department of Public Safety is responsible  
4           for developing, administering, and enforcing building codes, but does not currently have  
5           the expertise or capacity to also administer or enforce the RBES and CBES.

6           (5) DFS has jurisdiction over all “public buildings,” which includes commercial buildings  
7           and most habitable buildings but does not include owner-occupied single-family homes.

8           (6) Vermont has not adopted a residential building construction code and has no  
9           statewide construction standards for duplexes or single-family homes. Vermont’s lack of  
10           a statewide residential building construction code hinders energy code administration  
11           because the State lacks basic administrative infrastructure that a statewide residential  
12           building construction code would provide. The lack of a statewide residential building  
13           construction code may also limit the State’s ability to access certain federal funding.

14           (7) While the RBES do apply to single-family residences, the Department of Public  
15           Service has advised the General Assembly that the enabling legislation does not provide  
16           clear authority for municipalities to administer and enforce the RBES at the local level.

17           (8) Designating a single State office to administer both the building construction codes  
18           and the RBES and CBES will promote efficiency, streamline services, provide clarity to  
19           both industry and members of the general public, and advance sound, building science-  
20           based practices that create safer, healthier, more comfortable, more durable, and more  
21           efficient buildings. Vermont is the only state that does not have the means to provide  
22           unified administration of building construction codes and energy standards at either the  
23           State or local level.

1 (9) Recent studies indicate that compliance with RBES is at about 54 percent and  
2 compliance with CBES is at about 87 percent, and both rates of compliance are declining.  
3 Both the RBES and CBES are scheduled to become more stringent to meet the goal of  
4 “net-zero-ready” by 2030. Without a comprehensive strategy to improve administration,  
5 train the construction workforce, and increase compliance, the rates are likely to continue  
6 to decline.

7 (10) 2023 Acts and Resolves No. 47 created the Building Energy Code Study Committee  
8 to recommend strategies for increasing compliance with the RBES and CBES. The  
9 Committee’s report was submitted to the General Assembly in December 2023.

10 (b) It is the intent of the General Assembly to:

11 (1) adopt recommendations made by the Building Energy Code Study Committee;

12 (2) address systemic deficiencies in Vermont state government by moving towards one  
13 unified authority over all building construction;

14 (3) increase awareness and compliance with the RBES and CBES by moving towards a  
15 single state entity over both building codes and building energy codes;

16 (4) begin the process of adopting a statewide residential building construction code;

17 (5) resolve immediate residential building energy code issues by canceling the  
18 forthcoming update.

19 **Sec. 2. ADOPTION OF A RESIDENTIAL BUILDING CODE FOR PUBLIC**  
20 **RESIDENTIAL BUILDINGS**

21 The Division of Fire and Building Safety shall adopt a building code for the construction of  
22 public residential buildings, namely duplexes and rented single-family homes.

23 **Sec. 3. 26 V.S.A. subchapters 5503 – 5509 are amended to read:**

1 Subchapter 1: General Provisions

2 \* \* \*

3 § 5503. MANDATORY REGISTRATION AND VOLUNTARY CERTIFICATION  
4 DISTINGUISHED

5 (a)(1) The system of mandatory registration established by this chapter is intended to protect  
6 against fraud, deception, breach of contract, and violations of law but is not intended to establish  
7 standards for professional qualifications or workmanship that is otherwise lawful.

8 (2) The provisions of 3 V.S.A. § 129a, with respect to a registration, shall be construed in a  
9 manner consistent with the limitations of this subsection.

10 (b) The system of voluntary certification established in this chapter is intended to provide  
11 consumers and contractors with a publicly available, noncommercial venue for contractors to list  
12 optional approved certifications. ~~The Director of Professional Regulation, in consultation with  
13 public safety officials and recognized associations or boards of builders, remodelers, architects,  
14 and engineers, may:~~

15 ~~(1) adopt rules providing for the issuance of voluntary certifications, as defined in  
16 subdivision 3101a(1) of this title, that signify demonstrated competence in particular subfields  
17 and specialties related to residential construction;~~

18 ~~(2) establish minimum qualifications, and standards for performance and conduct,  
19 necessary for certification; and~~

20 ~~(3) discipline a certificant for violating adopted standards or other law, with or without  
21 affecting the underlying registration. (Added 2021, No. 182 (Adj. Sess.), § 14, eff. July 1, 2022.)~~

22 Subchapter 2: Administration

23 § 5505. DUTIES OF THE DIRECTOR

1 (a) The Director of Professional Regulation shall:

2 (1) provide information to the public concerning registration, certification, appeal  
3 procedures, and complaint procedures;

4 (2) administer fees established under this chapter;

5 (3) receive applications for registration ~~or certification~~; issue registrations ~~and~~  
6 ~~certifications~~ to applicants qualified under this chapter; deny or renew registrations ~~or~~  
7 ~~certifications~~; and issue, revoke, suspend, condition, and reinstate registrations ~~and certifications~~  
8 as ordered by an administrative law officer.

9 (4) prepare and maintain a registry of registrants and certificants; and

10 ~~(5) use the registry to timely communicate with registrants and certificants concerning~~  
11 ~~issues of health and safety, building codes, environmental and energy issues, and State and~~  
12 ~~federal incentive programs.~~

13 \* \* \*

14 § 5507. FEES

15 A person regulated under this chapter shall pay the following fees at initial application and  
16 biennial renewal:

17 (1) Registration, individual: \$75.00.

18 (2) Registration, business organization: \$250.00.

19 ~~(3) State certifications: \$75.00 for a first certification and \$25.00 for each~~  
20 ~~additional certification. (Added 2021, No. 182 (Adj. Sess.), § 14, eff. July 1, 2022.)~~

21 \* \* \*

22 Subchapter 3. Registrations

23 § 5509. REQUIREMENTS OF REGISTRANTS

1 \* \* \*

2 (b) Writing.

3 \* \* \*

4 (4) Any contract for the residential construction services of a person registered under this  
5 chapter shall stipulate that the project is required to comply with 30 V.S.A. § 51  
6 (residential building energy standards).

7 \* \* \*

8 **Sec. 4. 26 V.S.A. subchapter § 5511 is added to read:**

9 Subchapter 4. Certification

10 § 5511. RESIDENTIAL CONTRACTOR CERTIFICATION

11 (a) The Commissioner of Public Safety shall compile and maintain a list of trade services offered  
12 as residential construction work by persons registered under 26 V.S.A. chapter 106 by the Office  
13 of Professional Regulation under the Secretary of State.

14 (b) For each identified trade, the Commissioner shall, in consultation with the Department of  
15 Public Service and representatives of interested parties, including builders, tradespeople,  
16 building designers, and building science experts, develop a voluntary certification as that term is  
17 defined in 26 V.S.A. § 3101 recognizing proficiency in applicable building codes and building  
18 science under 30 V.S.A. § 51. If the Commissioner determines the qualifications required for a  
19 trade service are substantially similar to those required for performance of another trade service,  
20 the Division may employ one certification for each such trade service.

21 (c) The Commissioner shall establish an advanced certification for contractors and tradespeople  
22 who want more stringent training. This certification will focus on high performance construction,  
23 advanced building science, and other skills that support the Stretch Code of RBES.

1 (d) Upon demonstration by the provider or trainer that a contractor or tradesperson has met the  
2 requirements for their trade, the Commissioner shall issue a certificate to the contractor or  
3 tradesperson plus supply the certification to the Office of Professional Regulation.

4 **Sec. 5. 30 V.S.A. Subchapter 51 is amended to read:**

5 § 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH CODE

6 \* \* \*

7 (c) Revision ~~and interpretation~~ of energy standards.

8 The Commissioner of Public Service shall amend and update the RBES by means of  
9 administrative rules adopted in accordance with 3 V.S.A. chapter 25. ~~On or before January 1,~~  
10 ~~2011, the Commissioner shall complete rulemaking to amend the energy standards to ensure that,~~  
11 ~~to comply with the standards, residential construction must be designed and constructed in a~~  
12 ~~manner that complies with the 2009 edition of the IECC. After January 1, 2011~~ Whenever  
13 practicable and appropriate, the Commissioner shall ensure that appropriate revisions are made  
14 promptly after the issuance of updated standards for residential construction under the IECC. The  
15 Department of Public Service shall provide technical assistance and expert advice to the  
16 Commissioner in the interpretation of the RBES and in the formulation of specific proposals for  
17 amending the RBES. Prior to final adoption of each required revision of the RBES, the  
18 Department of Public Service shall convene an Advisory Committee to include one or more  
19 mortgage lenders, builders, building designers, utility representatives, and other persons with  
20 experience and expertise, such as consumer advocates and energy conservation experts. The  
21 Advisory Committee may provide the Commissioner with additional recommendations for  
22 revision of the RBES.

23 \* \* \*

1 **Sec. 6: 30 V.S.A. Subchapter 53 is amended to read:**

2 § 53. COMMERCIAL BUILDING ENERGY STANDARDS; STRETCH CODE

3 \* \* \*

4 (c) Revision ~~and interpretation~~ of energy standards.

5 Whenever practicable and appropriate, the ~~Commissioner shall ensure that appropriate~~  
6 ~~amendments complete rulemaking to amend the commercial building energy standards to ensure~~  
7 ~~that commercial building construction must be designed and constructed in a manner that~~  
8 ~~complies with ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition of the IECC,~~  
9 ~~whichever provides the greatest level of energy savings. At least every three years after January~~  
10 ~~1, 2011, the Commissioner of Public Service shall amend and update the CBES by means of~~  
11 ~~administrative rules adopted in accordance with 3 V.S.A. chapter 25. The Commissioner shall~~  
12 ensure that appropriate revisions are made promptly after the issuance of updated standards for  
13 commercial construction under the IECC or ASHRAE/ANSI/IESNA standard 90.1, whichever  
14 provides the greatest level of energy savings. Prior to final adoption of each required revision of  
15 the CBES, the Department of Public Service shall convene an Advisory Committee to include  
16 one or more mortgage lenders; builders; building designers; architects; civil, mechanical, and  
17 electrical engineers; utility representatives; and other persons with experience and expertise, such  
18 as consumer advocates and energy conservation experts. The Advisory Committee may provide  
19 the Commissioner of Public Service with additional recommendations for revision of the CBES.

20 \* \* \*

21 **Sec. 7. RESIDENTIAL AND COMMERCIAL BUILDING ENERGY STANDARDS;**

22 **TRANSITION**



1 Current editions of the RBES and CBES (2020) shall remain in effect until the Division of Public  
2 Service can amend both codes to reflect administrative changes, technical details, and recent  
3 national code updates (IECC 2024). The planned RBES update for July 1, 2024, shall not go  
4 into effect.

5 **Sec. 8. EFFECTIVE DATES**

6 (a) This section and Secs. 1 and 4-7 shall take effect on passage.

7 (b) Sec. 2 shall take effect on January 1, 2025.

8 (c) Sec. 3 shall take effect on January 1, 2026.