

H.181 Testimony: Further responses and Follow ups from AIAVT Testimony 4/23/25 and 4/24/25

April 29, 2025

What happens if a home is built as an owner-occupied single family home, then rented later? Doesn't this bypass the inspection and certification process for building codes? Yes, this happens in Vermont. If owner-occupied single family homes were under the jurisdiction of DFS and subject to permits, inspections, and a final certificate of occupancy, the loophole would end.

Is there any benefit for a contractor to file an RBES certificate? No, except that s/he can avoid future obligations to fill it out years after completion. There is no punishment for not filing. There is also no punishment for filing false information.

Where is the RBES certificate filed? It is filed with the Town Clerk; not clear if it goes in the deed records like a waste water permit. A certificate is also supposed to be filed with the Department of Public Service.

What is the most common AHJ in other states? The most common arrangement is to have a statewide authority with delegated authority to towns or counties. In some states, the highest authority is the county. One consideration is uniformity of building codes... builders and designers often work outside jurisdictions and it helps if rules are similar. One typically sees total county authority in very large states/counties.

Note on Alaska's code situation: One representative pointed out that, like Vermont, Alaska has little authority statewide over single family homes. It is true that most building codes for SFHs in Alaska are by towns/counties. However Alaska has no energy code except in some municipalities, so they are not in the same tension that Vermont has (stringent energy code, no building code) for single family homes.

Are all architects in Vermont using the IRC for single family homes? Architects are obligated to follow the law, but there is no building code for single family homes (or even duplexes). We are also obligated to follow a "standard of care," and we are trained to the IRC for national licensure, but the standard of care is murky in Vermont. Those of us who practice in adjacent states certainly keep the IRC on our bookshelf or computer. But there is no assurance of that standard, and certainly not on jobsites.

Grace period for the RBES updates: The key need for both builders and designers is to have the complete set of code information (rules, handbook, and computer software) available for six months – at the very least, preferably one year – before the new rules become effective. In the last update, the rule was adopted June 2023, it became effective July 2024, but the handbook was not available for many months afterwards and is still defective. The software – 10 months later – is still not available. Moreover, the rules themselves are not published. We have to use the redline version that is posted online.