

April 24, 2025

To: House Energy and Digital Infrastructure Committee
Rep. Kathleen James, Chair
Rep. Scott Campbell, Vice-Chair
Rep. Richard Bailey
Rep. Christopher Howland
Rep. Bram Kleppner
Rep. Chris Morrow
Rep. Laura Sibilia
Rep. Mike Southworth

re: H.181

I'm writing to support the adoption of H.181. I'm an architect who was in active practice in Vermont for over 50 years from 1974 until the end of 2024. While my practice consisted primarily of commercial projects, I have also designed single family homes, renovations and additions over the course of my career. With minor exceptions for some municipalities that enforce a modicum of regulations over the construction and renovation of single-family homes, the vast majority of my work and the work of other designers and builders to design and build single family homes has not had any regulation or oversight by any code officials. And with the same exceptions for some municipalities who inspect plumbing/heating and electrical work, the only enforcement or regulation of those trades on single family homes is the requirement that the people who perform that work must be licensed by the State.

During the course of my career, the changes in building materials and building science have been staggering. Many common building materials today did not exist even 10 or 20 years ago, let alone 50 years ago. The skillset required to build today is not the skillset of our parents' or grandparents' generations, and keeping abreast of changes is a task requiring keen attention. While there are several efforts at play today to provide workforce training, much needs to be done. The evolving criteria of building science is critical to understand, in order to avoid construction errors that can lead to mold and moisture issues that will be far more costly to correct in the future than to have been prevented in the first place with proper plan and construction review, ideally promulgated and reviewed from the same place.

There are two key provisions in H.181 that are imperative to adopt if we are to insure that the housing we build is safe, in all the ways that term can be applied: safe from fire, safe from mold and mildew, safe from water intrusion, safe from structural failures, etc. While we all appreciate our independent spirit here in Vermont, I believe it is time we join nearly every other state in the Union to regulate single family residential construction, and create an entity to also regulate and enforce the advanced energy codes we have adopted through the Department of Public Service. Though it currently does not have staff or capacity to undertake these tasks, it is my belief the Division of Fire Safety is the appropriate place for this work of building and energy code enforcement to reside.

You have heard detailed testimony about the decreasing lack of compliance with RBES in particular as the code requirements are increasing. Patting ourselves on the back for having one of the most advanced energy codes in the country is meaningless if the code is followed less than

50% (AIA-VT thinks it's far less than this) of the time, and is not enforced at all, but for self-reporting.

The grace period for compliance with a newly adopted energy code should also be increased to 6 months. RBES also applies to multi-family buildings of 3 stories or less, and CBES applies to multi-family over three stories and all other commercial construction. The time it takes to design, permit and create construction documents for these complex projects can easily take 12-18 months. Increasing the time window for compliance with an updated code is necessary to allow architects and engineers to know that the code they designed to is the code that will be enforced during the permitting and construction processes.

I'd like to close by telling two anecdotes that illuminate the situation in which we find ourselves;

- 1) early in the pandemic era, an old client approached me to design an addition to their home. As we finished the drawings and specs, I included in the specifications a requirement that all work had to be in compliance with the 2020 Residential Building Energy Standards (RBES). The client searched high and low to find a builder during that time (not much has changed in that aspect), and was able to find three, two of whom had never heard of RBES and had no interest in complying or learning about it! Fortunately, they chose the third builder, but this underscores the construction/builder landscape here in Vermont: it ranges from a complete lack of understanding and knowledge to one of exceptional understanding and knowledge, and we need to close that gap;
- 2) a friend from Williston called to ask advice about deck railing and baluster replacement at her house, and wanting to do things correctly, asked what the code requirements were for handrails and balusters on her deck. The answer, of course, is there are no code requirements for single family homes in Vermont, unless a specific municipality has established its own requirements. So a railing gets built, without any rules for safety, and hopefully no one falls or gets hurt. I think this example underscores the need for a common enforceable set of rules to create safe housing.

Thank you for your time and consideration of this important legislation,

Bob Duncan, RA, AIA

Founding Principal
Duncan Wisniewski Architecture