

# **Some background on the residential construction situation in Vermont**

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**Vermont is...**

**... old buildings**

One of the highest percentages in the nation - 80% twenty years ago.

**... COLD!!**

One of the coldest states in the nation

**... independently minded**

“Live free or die” and “a man’s home is his castle” are still mottos.

**... rooted to the earth and caring for the future**

“Thrifty” yet building for generations has long been our culture.



**Vermont is sadly also...**

**... more and more  
unaffordable**

The percentage of renting Vermonters who can afford to buy a home has dropped from 23% to 6%.

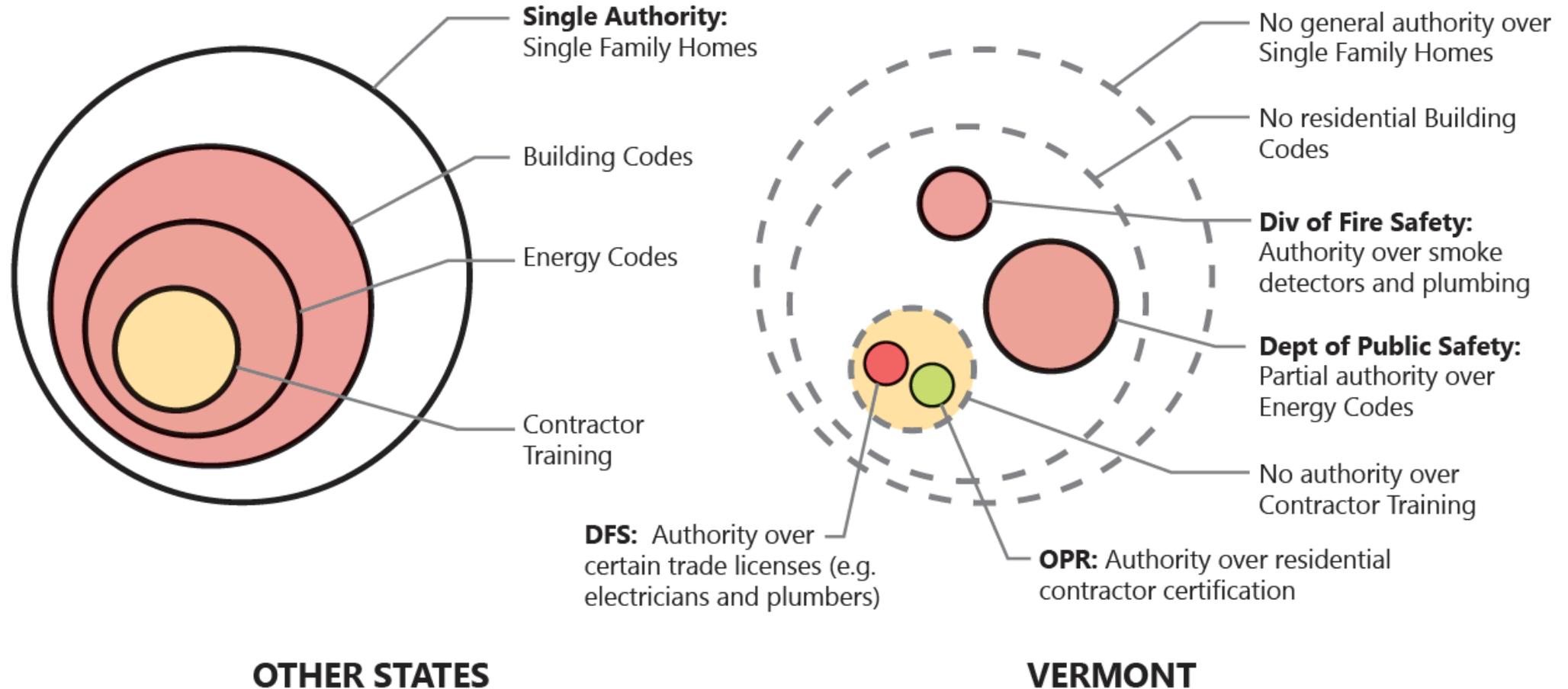
**... assaulted by floods**

**... experiencing more envelope failures**

Like mold, poor air quality, and even structural deterioration.



# The #1 problem is a lack of unified authority.



# In fact, Vermont is the only state in the nation without a path to jurisdiction over single family homes.

Northeast States											
State	CT	DE	MA	MD	ME	NH	NJ	NY	PA	RI	VT
Commercial: Edition of IBC with amend's	2021	By County	2015	2021	2015	2018	2021	2018	2018	2018	2015
Commercial Energy Code	2021	2018	2018	2021	2015	2018	ASHRAE 90.1-2019	2018	2018	2018	2018
Small Resid'l: Edition of IRC with amend's	2021	By County	2015	2021	2015	2018	2021	2018	2018	2018	NONE
Residential Energy Code	2021	2018	2018	2021	2015	2018	2021	2018	2018	2018	2018

Plains States				North-Central States									
KS	ND	NE	OK	SD	TX	IA	IL	IN	MI	MN	MO	OH	WI
By County	2021	2018	2018	2021	2012	2015	2021	2012	2015	2018	By County	2021	2015
2006	2021	2018	2006	2015	2015	2012	2021	2010	2015	2018	By County	2012	2015
By County	2021	2018	2018	2015	2012	2015	2021	2018	2015 structure	2018	By County	2018	2015
By County	2021	2018	2009	2009	2015	2012	2021	2018	2015	2018	By County	2018	2015

Southeast States												
State	AL	AR	FL	GA	KY	LA	MS	NC	SC	TN	VA	WV
Commercial: Edition of IBC with amend's	2021	2021	2018	2018	2015	2021	2018	2018	2021	2012	2018	2018
Commercial Energy Code	ASHRAE 90.1-2013	2018/2021	2018	2015	2012	2021	2018	2018	2009	2012	2018	ASHRAE 90.1-2013
Small Resid'l: Edition of IRC with amend's	By County	2021	2018	2018	2018	2021	2018	2018	2021	2018	2018	2018
Residential Energy Code	2015	2018/2021	2018	2015	2012	2021	2018	2018	2009	2018	2018	2015

Pacific States			Mountain States									
AK	CA	HI	OR	WA	AZ	CO	ID	MT	NM	NV	UT	WY
2021	2021	2018	2021	2021	By county	By county	2018	2021	2021	2018	2021	2021
None	2022 CA Code	2021	ASHRAE 90.1-2019	2021	By county	By county	2018	2021	2018	2021	2021	By County
None	2021	2018	2018	2021	By county	By county	2018	2021	2021	2018	2021	By County
2018	2022 CA Code	2021	2018	2021	By county	By county	2018	2021	2018	2021	2015	By County

## Comparison of all 50 States' Building Codes

Level of building code authority and administration (including enforcement)

- Statewide authority; mandated local or state administration
- Statewide authority; optional town or county administration
- Authority and administration is by town or county (optional)
- No authority over single family homes

DOE Building Energy Codes Program: rates level of Energy Code goals (not level of enforcement)

- Statewide to ASHRAE 2019 or better
- Statewide to ASHRAE 2013 or better
- Statewide at some minimum level
- No energy code except in some municipalities

## Other states have:

- A coordinated system of building codes, including energy codes.
- A simple way to permit projects, including energy code details.
- Site inspection during construction.
- A certificate of occupancy upon completion.
- Coordinated training for builders and subs.
- Authority over builders and subs.

**This way everyone knows the rules, the paperwork is simple, and homeowners can trust the marketplace. There is one place to go when things go wrong.**

# Unified authority over residential construction

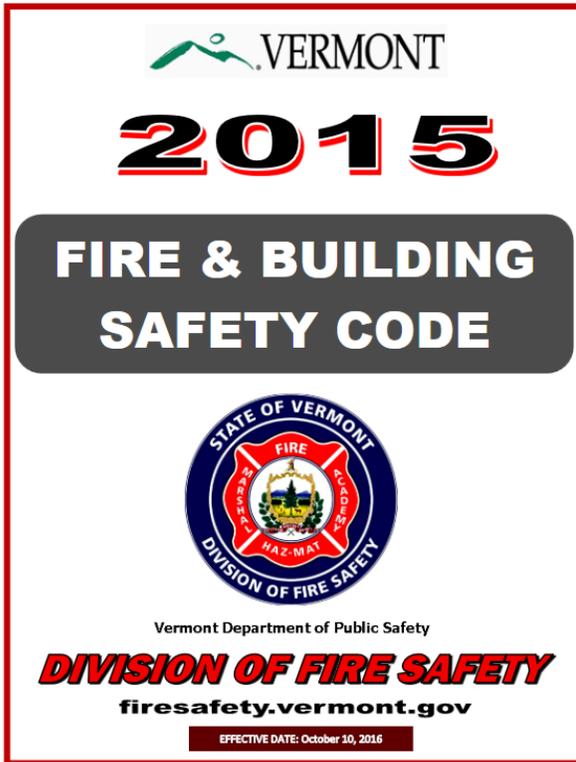


**It is the opinion of AIA-VT and VBRA that the Division of Fire Safety is best equipped for this job.**

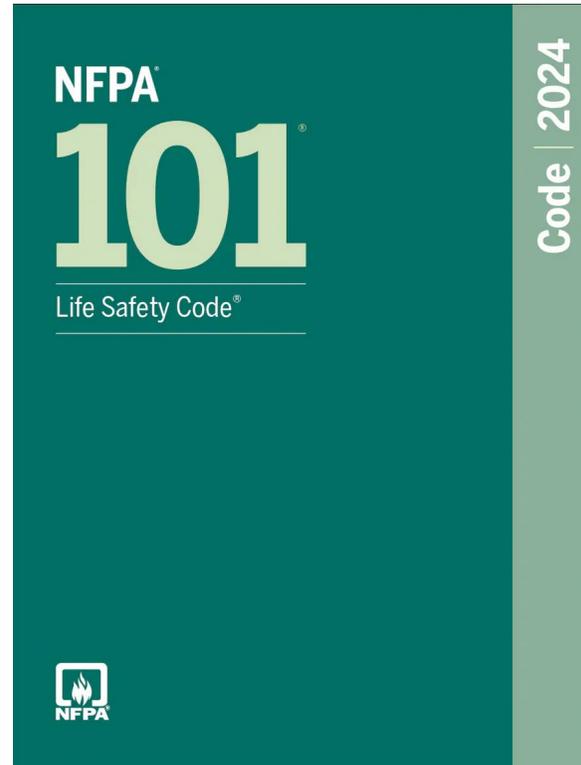
DFS already has jurisdiction over duplexes and multi-family homes, and all rentals (including rented single family homes).

DFS already oversees key building trades: electricians, plumbers, mechanical, and chimney sweeps. DFS has efficient administration in place.

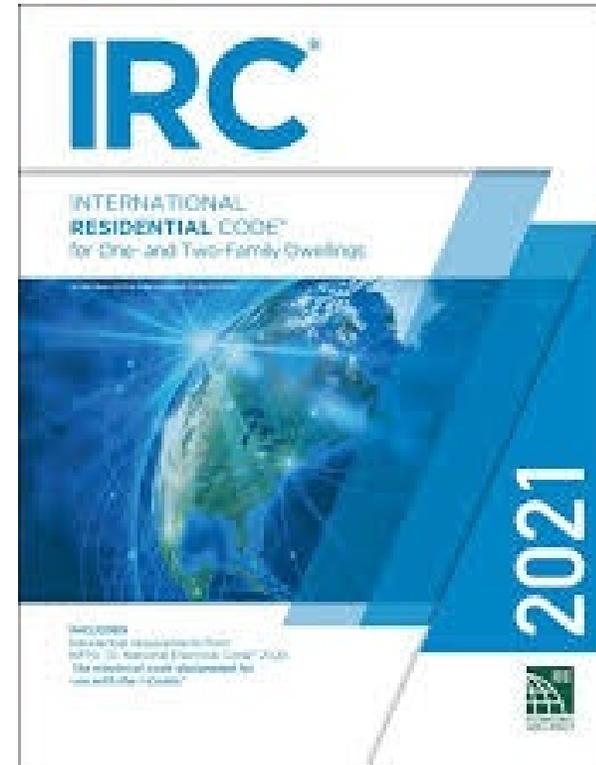
# Unified authority over all building codes



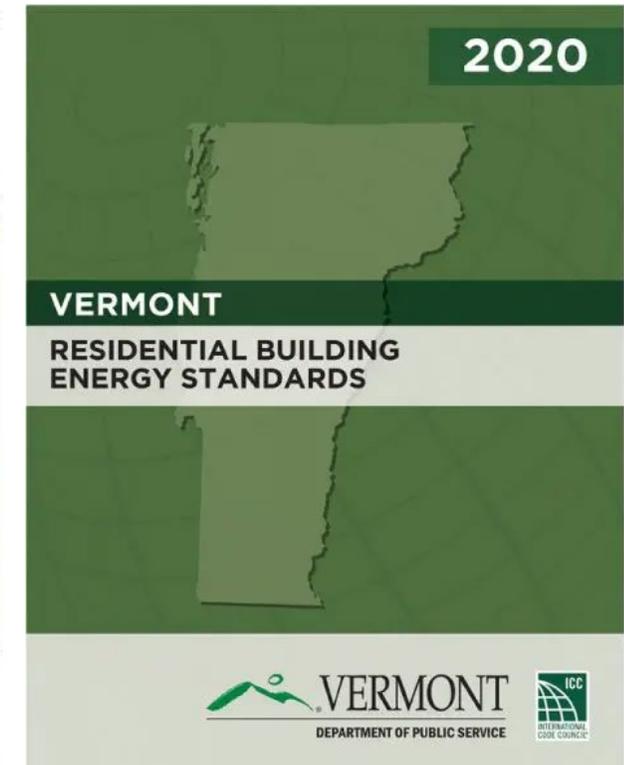
Vermont's core code – explicitly excludes owner-occupied single family dwellings.



NFPA codes could easily cover owner-occupied single family dwellings



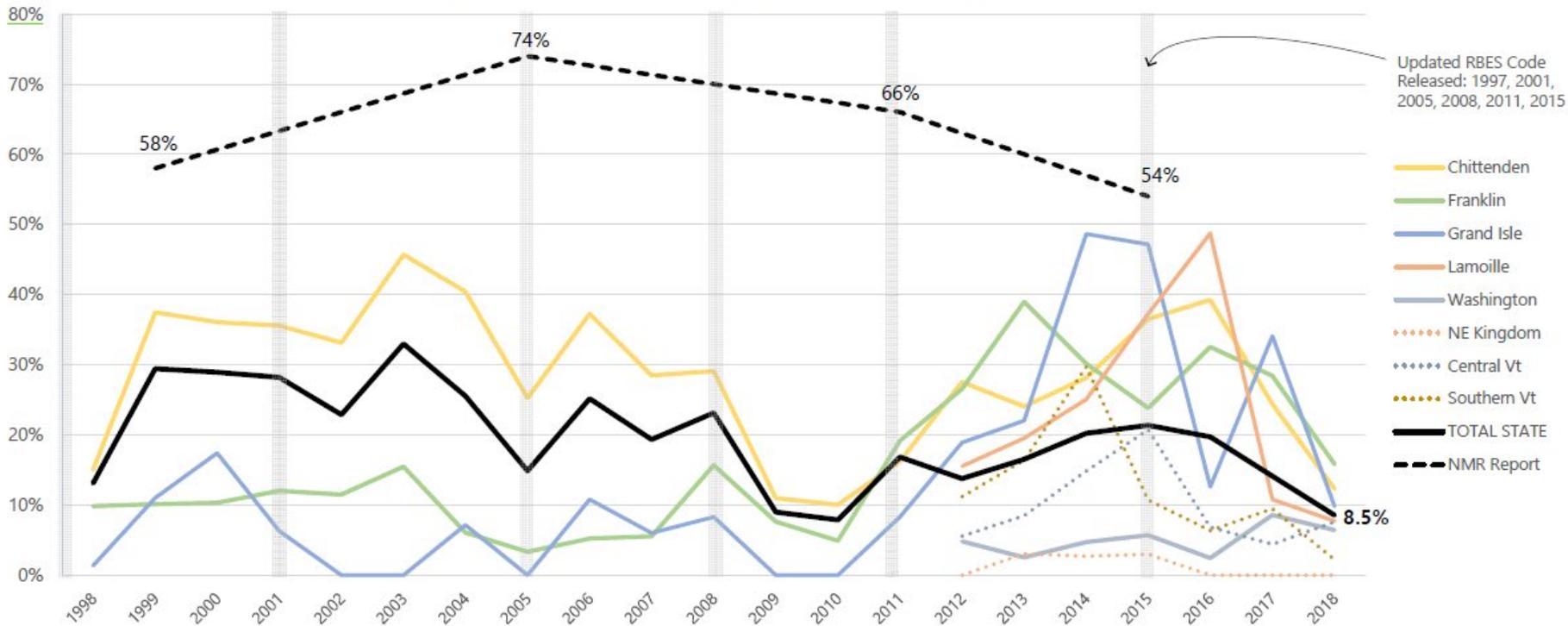
Vermont adopts a building code for all other building types except one- and two-family dwellings.



Public Service adopts an energy code that is not tied to a building code. It has almost no administrative authority.

# Bizarrely, Vermont has one of the most advanced energy codes in the nation with no administrative power and no coordinated workforce training.

Percentage of RBES Certificates Filed per total SFH Building Permits, 1998 - 2018



It is no surprise that few RBES certificates are filed and that compliance is dropping.

# Unified authority over builder training and certification



**It is the opinion of VBRA that the Division of Fire Safety is best equipped for this job.**

It is key that the authority who creates building codes also oversees education and training.

DFS creates an advisory board and helps with mentoring on building sites.

For the foreseeable future, training could be voluntary and certification based.

# Unified building permit application



**Again, the Division of Fire Safety is best equipped for this oversight.**

DFS is already implementing an online, digital database that can incorporate energy code certificates.

AIAVT and VBRA hope that this database will evolve to include a unified building permit that establishes conformance with the energy codes before construction starts.

# Building Energy Code Working Group Charges

- 1) Recommend strategies and programs to increase awareness of and compliance with the RBES and CBES, including the use of appropriate certifications for contractors trained on the energy codes;
- 2) Develop plans and recommendations for a potential transition to a comprehensive program for the RBES and CBES at the Division of Fire Safety, including potential funding sources; and
- 3) Consider whether or not the State should adopt a statewide building code (for owner-occupied single family homes).

# H.181 – First Steps

- 1) The Building Energy Code Working Group needs to continue until this situation is resolved.
- 2) Vermont's efficiency programs should incentivize code compliance, not just above-code work.
- 3) The RBES code update process needs to be improved by (a) updating the Handbook and software at the same time as the rules, with input from the Advisory Committee; and (b) creating a six-month "grandfather" period where either the old or the new code may be used.