



STATE OF VERMONT

Legislative Committee on Administrative Rules (LCAR)

MEMO TO: Brittney Wilson, Deputy Commissioner, Department of Public Service

FROM: Legislative Committee on Administrative Rules

DATE: April 30, 2026

SUBJECT: **25-P047 Vermont Residential Building Energy Standards (RBES) Amendments & 25-P048 Vermont Commercial Building Energy Standards (CBES) Amendments**

The Legislative Committee on Administrative Rules (LCAR) considered the abovementioned rules at its meeting on April 2, 2026. The Committee decided to neither approve nor object to these rules. LCAR based this decision on witness testimony, testimony from the Office of Legislative Counsel, memos from legislators regarding legislative intent, and individual opinions of the members of LCAR. This memo describes the concerns members of LCAR raised regarding these rules.

LCAR is concerned with the process the Department of Public Service (the Department) engaged in to develop these rules. LCAR notes that the law requires that the Department convene an Advisory Committee when revising these rules ([30 V.S.A. § 51\(c\)](#); [30 V.S.A. § 53\(c\)](#)). The Department has not done so.

The Department asserts that both rules respond “to unintended impacts and worsening economic conditions that have materialized since the 2024 standards were developed.” However, the Department’s economic impact analysis lacks specificity on the increase in costs for the construction of new buildings since the 2024 rules were adopted. Pursuant to [3 V.S.A. § 838\(b\)](#), agencies must include an economic impact analysis that examines the costs and benefits of the rule.

LCAR is also concerned with the final proposed rules. For witnesses who support the proposed rule amendments, their primary concerns with the 2024 RBES and CBES included difficulty with compliance, including lack of compliance software, and cost. Pursuant to [3 V.S.A. § 838\(b\) and \(c\)](#), agencies must also examine alternatives to the rule when analyzing the economic and environmental impact of the rule. In addition, pursuant to [30 V.S.A. § 51\(c\)\(1\)](#), amendments to the RBES are required to be consistent with Vermont’s energy policy and housing policy, evaluated relative to their technical applicability and reliability, and cost-effective and affordable from the consumer’s perspective. Pursuant to [30 V.S.A. § 53\(c\)\(1\)](#), amendments to the CBES are required to be consistent with Vermont’s energy policy and evaluated relative to their technical applicability and reliability.

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For these rules, the Department did not examine the possibility of creating an updated RBES and CBES that addressed cost concerns while also balancing other energy policy concerns. Instead of reverting to a past version of the rule as an option for compliance, LCAR recommends that the Department engage in a more robust public comment and stakeholder feedback process that results in a new rule with clear compliance standards that more appropriately address cost and other energy policy concerns.

Finally, LCAR recommends that the Department consider the availability of resources or software that architects, developers, and other building professionals may use to ensure compliance with the RBES and CBES when revising these rules.

LCAR encourages the Department to update the RBES and CBES rules to address the concerns in this memo and to ensure that building and design professionals are able to transition more smoothly to meet the State's net-zero ready code standards by 2030. LCAR looks forward to engaging with the Department on these rules in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Squirrell".

Rep. Trevor Squirrell
Chair, Legislative Committee on
Administrative Rules