

1 S.253

2 Introduced by Senators Bray, Hardy and White

3 Referred to Committee on

4 Date:

5 Subject: Public service; building energy; residential building energy codes;
6 commercial building energy codes

7 Statement of purpose of bill as introduced: This bill proposes to establish the
8 Building Energy Code Working Group. It would also allow the residential
9 building energy codes and the commercial building energy codes to be updated
10 at the discretion of the Commissioner of Public Service.

11 An act relating to building energy codes

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

13 Sec. 1. FINDINGS

14 The General Assembly finds:

15 (1) According to the most recent State of Vermont Greenhouse Gas
16 Emissions Inventory Update and Forecast, home and business heating and
17 cooling is the second largest source of greenhouse gas (GHG) emissions in
18 Vermont.

19 (2) Under 10 V.S.A. § 578, the State has an obligation to meet named
20 GHG reduction requirements. In order to attain these reductions, GHG

1 emissions from the thermal sector, that is, the heating and cooling of homes
2 and businesses, must be reduced.

3 (3) One method of reducing thermal sector emissions is to increase the
4 energy efficiency of Vermont’s homes and businesses through building to an
5 energy-efficient building energy standard.

6 (4) Vermont established the Residential Building Energy Standards
7 (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in
8 2007. The Department of Public Service is responsible for adopting and
9 updating these codes regularly but does not have the capacity to administer or
10 enforce them.

11 (5) The RBES and CBES are mandatory, but while municipalities with
12 building departments handle some aspects of review and inspection, there is no
13 State agency or office designated to interpret, administer, and enforce them.

14 (6) The Division of Fire Safety in the Department of Public Safety is
15 responsible for development, administration, and enforcement of building
16 codes but does not currently have expertise or capacity to add administration or
17 enforcement of energy codes in buildings.

18 (7) Studies in recent years show compliance with the RBES at about
19 54 percent and CBES at about 87 percent, with both rates declining. Both
20 codes are scheduled to become more stringent with the goal of “net-zero
21 ready” by 2030.

1 Sec. 2. ENERGY CODE COMPLIANCE; WORKING GROUP

2 (a) Creation. There is created the Building Energy Code Working Group to
3 recommend strategies for increasing compliance with the Residential Building
4 Energy Standards (RBES) and Commercial Building Energy Standards
5 (CBES).

6 (b) Membership. The Working Group shall have 13 members with
7 applicable expertise, to include program design and implementation, building
8 code administration and enforcement, and Vermont's construction industry.

9 The Committee on Committees shall appoint one Senator. The Speaker of the
10 House shall appoint one member of the House. The remaining members shall
11 be the following:

12 (1) the Commissioner of Public Service or designee;

13 (2) the Director of Fire Safety or designee;

14 (3) a representative of Efficiency Vermont;

15 (4) a representative of American Institute of Architects–Vermont;

16 (5) a representative of the Vermont Builders and Remodelers

17 Association;

18 (6) a representative the Burlington Electric Department;

19 (7) a representative of Vermont Gas Systems;

20 (8) a representative of the Association of General Contractors of
21 Vermont;

1 (9) a representative of the Vermont League of Cities and Towns;

2 (10) a representative from a regional planning commission; and

3 (11) a representative from the Vermont Housing and Conservation
4 Board.

5 (c) Powers and duties. The Working Group shall:

6 (1) consider and recommend strategies to increase awareness of and
7 compliance with the RBES and CBES, including the designation of a statewide
8 authority having jurisdiction for administration, interpretation, and
9 enforcement;

10 (2) assess how the building energy codes interact with the fire and
11 building safety codes; and

12 (3) assess and make recommendations on any other topics related to the
13 creation and operation of an integrated, comprehensive program of commercial
14 and residential construction according to the principals of building science
15 designed to optimize their energy efficiency and make them conducive to the
16 health and well-being of their occupants.

17 (d) Assistance. The Working Group shall have the administrative and legal
18 assistance of the Office of Legislative Counsel, the Office of Legislative
19 Operations, and the Joint Fiscal Office. The Department of Public Service
20 shall provide technical assistance to the Working Group. The Working Group
21 may hire a third-party consultant to assist and staff the Working Group, which

1 may be funded by monies appropriated by the General Assembly, or any grant
2 funding received.

3 (e) Report. On or before January 15, 2025, and annually thereafter, the
4 Working Group shall submit a written report to the General Assembly with its
5 findings and recommendations for legislative action.

6 (f) Meetings.

7 (1) The Office of Legislative Counsel shall call the first meeting of the
8 Working Group to occur on or before July 15, 2024.

9 (2) The Working Group shall elect a chair from among its members at
10 the first meeting.

11 (3) A majority of the membership shall constitute a quorum.

12 (g) Compensation and reimbursement.

13 (1) For attendance at meetings during adjournment of the General
14 Assembly, a legislative member of the Working Group serving in the
15 legislator's capacity as a legislator shall be entitled to per diem compensation
16 and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than
17 eight meetings in fiscal year 2025.

18 (2) Other members of the Working Group who are not otherwise
19 compensated by their employer shall be entitled to per diem compensation and
20 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
21 than eight meetings in fiscal year 2025.

1 (3) The payments under this subsection shall be made from monies
2 appropriated by the General Assembly or any grant funding received.

3 Sec. 3. 30 V.S.A. § 51(c) is amended to read:

4 (c) Revision and interpretation of energy standards. The Commissioner of
5 Public Service shall amend and update the RBES by means of administrative
6 rules adopted in accordance with 3 V.S.A. chapter 25. On or before January 1,
7 2011, the Commissioner shall complete rulemaking to amend the energy
8 standards to ensure that, to comply with the standards, residential construction
9 must be designed and constructed in a manner that complies with the 2009
10 edition of the IECC. After January 1, 2011, the Commissioner ~~shall ensure~~
11 ~~that appropriate revisions are made promptly~~ may direct the timely and
12 appropriate revision of the RBES after the issuance of updated standards for
13 residential construction under the IECC. The Department of Public Service
14 shall provide technical assistance and expert advice to the Commissioner in the
15 interpretation of the RBES and in the formulation of specific proposals for
16 amending the RBES. Prior to final adoption of each required revision of the
17 RBES, the Department of Public Service shall convene an Advisory
18 Committee to include one or more mortgage lenders, builders, building
19 designers, utility representatives, and other persons with experience and
20 expertise, such as consumer advocates and energy conservation experts. The

1 Advisory Committee may provide the Commissioner with additional
2 recommendations for revision of the RBES.

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4 Sec. 4. 30 V.S.A. § 53(c) is amended to read:

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

1 expertise, such as consumer advocates and energy conservation experts. The
2 Advisory Committee may provide the Commissioner of Public Service with
3 additional recommendations for revision of the CBES.

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5 Sec. 5. EFFECTIVE DATE

6 This act shall take effect on passage.