

Building Energy Code Working Group Meeting #5 Notes

Vermont State House, Room 9, 115 State Street, Montpelier
 Virtual via Teams Meeting
 November 11, 2024
 9:30-12:00 pm

Attendees

Name	Organization
Committee Members	
Scott Campbell	VT House of Representatives
Christopher Bray	VT Senate
Kelly Launder	VT Department of Public Service
Craig Peltier	VT Housing and Conservation Board
Mike Desrochers	VT Department of Public Safety – Division of Fire Safety
Matt Sharpe	Efficiency Vermont
Jennifer Colin	Office of Professional Regulation
Peter Tucker	Vermont Association of Realtors
Matt Bushey	American Institute of Architects - VT
Jim Bradley	Vermont Builders and Remodelers Association
Tim Perrin	Vermont Gas Systems
Samantha Sheehan (for Ted Brady)	VT League of Cities and Towns
Richard Wobby	Association of General Contractors
Chris Company	Vermont Association of Planning and Development Agencies
Public/Other	
Keith Levenson	VT Department of Public Service
Mandy Wooster	VT Department of Public Safety – Division of Fire Safety
Landon Wheeler	VT Department of Public Safety – Division of Fire Safety
Ellen Czajkowski	VT Office of Legislative Counsel
Andrew Brewer	Downs, Rachlin, and Martin
Sandy Vitzthum	Sandy Vitzthum Architect
Collin Frisbee	Sterling Homes
John Rodenburg	Twin Pines
Michelle Farnham	Primmer Piper Eggleston & Cramer
Karen Horne	Vermont Gas Systems
Consulting Team	
Richard Faesy	Energy Futures Group (EFG)
Zack Tyler	Energy Futures Group (EFG)

Meeting Agenda

1. **Approval of Meeting Minutes** – Chairs and Group Discussion (*5 minutes*)
2. **Vote on Draft Recommendations for the Report to the Legislature** – Richard Faesy, Energy Futures Group; Group Discussion (*90 minutes*)
3. **Discuss Draft Report Sections and Details** – Zack Tyler, Energy Futures Group; Group Discussion (*20 minutes*)
4. **Discuss Next Steps to Finalize Report to the Legislature** – Richard Faesy, Energy Futures Group (*15 minutes*)
5. **Timeline/Schedule for 2025 Building Energy Code Working Group** – Zack Tyler, Energy Futures Group (*10 minutes*)
6. **Stakeholder/Public comments** (*10 minutes*)

Key Takeaways

- The group reviewed and debated draft recommendations, making real-time edits to improve clarity and address concerns.
- Significant discussion centered on the potential designation of the Division of Fire Safety (DFS) as the statewide Authority Having Jurisdiction (AHJ) for all building construction.
- Members discussed the new tables and figures developed by AIA-VT and VBRA but determined most of those materials were not ready to be included in the report to the legislature as they had not yet been reviewed or discussed in detail by the BECWG. These materials will be discussed at the 2025 BECWG meetings.
- A structured timeline was established to finalize and submit the report by November 15th, including opportunities for dissenting opinions in writing.

Topics

Vote on previous meeting minutes

- Senator Bray moved to approve the minutes, seconded by Peter Tucker. No objections.
- Minutes approved unanimously.

Review of Draft Recommendations

- The group systematically went through each recommendation, discussing and refining language:

1.1: Support OPR with the rulemaking process to establish voluntary specialty certifications for residential contractors that are registered in the OPR contractor registry.

- Clarified language around "exam certifications" to "requirements for certifications"
- Discussed the need for flexibility in determining certification processes

1.2: Support OPR for website improvements

- Added language to "investigate the feasibility" of adding filtering capabilities
- Discussed potential IT challenges and resource needs

1.3: Work with lenders, attorneys, real estate professionals, and home inspectors to include acknowledgement of RBES in the residential real estate transaction process.

- Minor clarifications requested and subsequently provided

1.4: Include municipal floodplain administrators in RBES and CBES education and outreach efforts.

- Included Department of Environmental Conservation (DEC) under the list of responsible entities

2.1: Incorporate RBES and CBES certificates, for buildings currently under DFS jurisdiction, into the DFS permit database expansion.

- Clarified the recommendation is for 'buildings currently under DFS jurisdiction'

2.2: Ensure that the detailed inputs from RBES and CBES certificates are logged as unique data points in the database to ensure the data are accessible for future analyses.

- No substantive discussion, no dissenters

2.3: Establish a process to transition away from municipal staff filing RBES and CBES certificates in town records and towards a process where certificates are filed directly with the state.

- Discussed moving this as a sub-bullet under 2.6 that would be conditional upon recommendation 2.6 being included in the report
- Debated implications for single-family homes vs. buildings currently under DFS jurisdiction
- Concerns raised about the potential confusion for municipalities that would be generated under a bifurcated approach where they need to file certificates for some buildings and not for others
- Discussed that this would require statutory changes

2.4: Establish a role for EEUs to play in supporting energy codes compliance, including how EEU efforts could be used to collaboratively support a comprehensive RBES and CBES program at the DFS.

- Discussed moving the EEU aspects of this to Charge #1
- Discussed moving aspects of this to 2.6 as a sub bullet if DFS becomes AHJ
- Removed language about DFS collaboration pending further discussion
- Debated EEUs' role in tracking new construction and compliance rates
- Agreed to keep language about using EEU programs to encourage certificate filing

2.5: Create a comprehensive document detailing the costs associated with RBES and CBES energy code administration at DFS and calculate the incremental permit fees that would be required to support ongoing energy code administration.

- Discussed need to include both costs and benefits in analysis
- Agreed to avoid specific dollar figures in current report due to incomplete data
- Added language about including return on investment considerations

2.6: Designate the DFS as the statewide “authority having jurisdiction” over all building construction – public, private, commercial, residential.

- DFS expressed strong concerns about resource limitations and current priorities. Focus is on immediate life-safety issues first
- Others argued it's crucial for improving compliance and housing quality long-term

- Conducted straw poll showing majority support, but with significant opposition from DFS, PSD, and AGC
- Agreed to continue detailed analysis and discussions in 2025
- Group discussed potential phased approach and need for appropriate funding
- Concerns raised about putting "cart before horse" by planning implementation before full cost-benefit analysis

3.1: Provide the necessary resources to ensure the DFS and the IRC Working Group can answer key questions about the costs and impacts associated with adopting the IRC.

- Made a few modifications to the language and agreed that the adoption of the IRC would be a continued discussion for the 2025 BECWG

Report Finalization Process

- Draft report reflecting meeting discussion to be circulated by EFG by COB Monday, November 4, 2024
- Members to submit dissenting comments and final clarifications by COB Wednesday, November 6, 2024
- Dissenting comments and final clarification incorporated for final review draft which will be distributed by EFG by COB Friday, November 8, 2024
- Final clarifications/review due by COB Wednesday, November 13, 2024
- Report submitted on Friday, November 15, 2024

2025 Work Group Planning

- Agreed to start meetings earlier in the year, potentially monthly June through August
- Will continue in-depth analysis of costs, benefits, and implementation scenarios in the interim
- Plans to review and refine draft tables and graphics that need further development