

Building Energy Code Working Group Meeting #3 Notes

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

Attendees

Name	Organization
<i>Committee Members</i>	
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
Chris Burns	Burlington Electric Department
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
Karen Horne (for Tim Perrin)	Vermont Gas Systems
Samantha Sheehan (for Ted Brady)	VT League of Cities and Towns
<i>Public/Other</i>	
Keith Levenson	VT Department of Public Service
Matt Musgrave	Associated Builders and Contractors of NH and VT
Ellen Czajkowski	VT Office of Legislative Counsel
Andrew Brewer	Downs, Rachlin, and Martin
Sandy Vitzthum	Sandy Vitzthum Architect
Collin Frisbee	Sterling Homes
Michelle Farnham	
William Nash	International Code Council
<i>Consulting Team</i>	
Richard Faesy	Energy Futures Group
Zack Tyler	Energy Futures Group

Meeting Agenda

1. **Approval of Meeting Minutes** – Chairs and Group Discussion
2. **Update on development of Contractor Certifications** – Jennifer Colin, Office of Professional Regulation
3. **Discuss any further action or recommendations regarding contractor certifications** – Group Discussion
4. **Quick status update on Charges #2 and #3 from Act 151 legislation** – Richard Faesy, Energy Futures Group
 - a. Charge #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
 - b. Charge #3: Consider whether or not the State should adopt a statewide building code
5. **Review Act 47 Building Energy Code Study Committee Recommendations and Consider Additions for Charge #1**– Richard Faesy and Group Discussion
 - a. Charge #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
6. **Update on data requests posted to SharePoint site** – Richard Faesy, Energy Futures Group; Matt Sharpe, Efficiency Vermont
 - a. RBES Cost-Effectiveness from LCAR
 - b. Operational costs of baseline homes vs. RBES-compliant homes
7. **Stakeholder/Public comments**

Key Takeaways

- OPR is developing contractor certifications with rulemaking expected to start in Q1 of 2025. Initial certifications that OPR is considering include OSHA standards/residential construction practices, building science principles, and RBES. The process involves broad stakeholder engagement and OPR will coordinate with DFS as well.
- DFS is working on expanding their permit database. They are open to the idea of including energy code certificates with permits for buildings under their jurisdiction.

- Multiple efforts are underway to improve energy code training, awareness, and compliance, including a circuit rider program for builders, municipal outreach, and targeted training for various stakeholders such as lenders, attorneys, and real estate professionals.
- Funding and implementation plans for energy code administration and compliance are in progress as part of DOE grant work, with discussions ongoing about the role of the EEs in supporting energy code compliance.
- Discussion of potential additional recommendations in response to Charge #1 (strategies to increase compliance and certification development) included potential improvements to OPR contractor registry website including improving the contractor search functionality, adding home inspectors and realtors trainings, and the addition of RBES and CBES certificates to the DFS permit database.

Topics

Vote on previous meeting minutes

- No edits to the minutes
- Motion to approve from Kelly Launder – minutes approved.

OPR Update on Contractor Registry and Certifications

- Approximately 1,500 contractors currently registered with OPR
- Registration is required for residential contractors with contracts over \$10,000 with homeowners
- OPR is developing voluntary certifications: OSHA standards/residential construction practices, building science principles, and RBES
- Aiming to start the rulemaking process for certifications in early 2025, potentially filing with ICAR in February/March
- Working to improve contractor search functionality on the OPR website, including a map feature showing contractor locations and specialties (e.g., roofing, tiling, insulation, etc.)
 - Expanding the functionality of the contractor registry would be valuable, but need to determine what is within OPR's scope
 - Challenges exist in balancing the needs of multiple professions within the same licensing platform OPR uses

- Enforcement actions for non-compliance from OPR for recognized professionals can range from warnings to fines and license revocation
- OPR is unlikely to consider an inaccurate RBES certificate as fraud

Status update on Charges #2 and #3 from legislation

- Charge #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
 - Deferring this conversation to the 10/22/24 meeting when DFS will be able to attend in person
- Charge #3: Consider whether or not the State should adopt a statewide building code
 - Group decided to defer this discussion to next year's working group sessions as DFS has a number of questions that need to be considered (e.g., impact on housing affordability, discrepancies with ICC/NFPA, sprinkler requirements, etc.) and has another working group focused on the possible adoption of the International Residential Code (IRC) in Vermont that will go beyond the November 15 deadline for the Act 151 report to the Legislature

Update on Charge #1 from legislation

- Charge #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

DFS Database and Energy Code Certificate Repository

- DFS is close to signing an IT contract for database expansion, expected within 2-3 weeks
- DFS is open to leveraging the database expansion to create a publicly accessible repository for energy code certificates for buildings under their jurisdiction
 - This would help resolve issues they see regarding the posting of certificates in phased construction projects
- DFS is open to stakeholder input on functionality and data extraction capabilities
- RBES/CBES certificate database could potentially replace the current physical certificate posting and filing requirements. Suggestion to ensure that incorporation

of RBES/CBES certificates in the permit database include more than just posting copies of the certificates

- Using a fillable PDF for certificates and extracting the information from each field into the database would increase the functionality and usefulness of the data

Energy Code Training and Awareness Initiatives

- Multiple builder/contractor trainings developed/planned through DOE grant and Efficiency Vermont
 - Six trainings developed and delivered previously this year (recordings publicly available at <https://www.encyvermont.com/online-trainings>) with four more to be developed in early 2025
- Certifications being developed with ICC specifically for an RBES program that OPR can reference
- Circuit rider program planned to provide on-site technical assistance, with over 200 visits planned for the next few years
- Municipal outreach and training in development, including sessions for local energy committees and town clerks
- Discussions on utility role in supporting code compliance and potentially claiming savings for bringing construction up to code are ongoing
- Training activities include materials for home inspectors, real estate agents, and lenders to increase awareness and understanding
- Exploring opportunities for broad distribution of training materials such as conferences, monthly organization/committee meetings, etc.

Funding and Implementation Planning

- DOE grant work includes developing cost estimates and a comprehensive plan for energy code administration
- Ongoing discussions about the role of EEU's in supporting both base and above-code compliance
- Considering options for third-party verification to improve the accuracy and reliability of energy code certificates

- Exploring potential incentives or grants to offset costs of certifications and training for contractors

Municipal Authority on Energy Requirements

- Municipalities can regulate some building energy standards, but new taxing authority requires legislative approval of charter changes
- Vermont follows Dillon's Rule, meaning municipalities derive their authority from state law
- Burlington recently gained authority to regulate building electrification and impose fees for non-compliance
- Capacity varies widely between municipalities to implement and enforce energy requirements
- More clarity needed on municipal authority to require specific compliance paths, such as mandating HERS ratings

Next Steps

- Continue development of contractor certifications and OPR website improvements, incorporating stakeholder feedback
- Proceed exploring DFS database expansion, incorporating stakeholder input on functionality and data accessibility
- Implement planned training and outreach initiatives, including the circuit rider program and municipal education efforts
- Further develop funding and implementation plans for energy code administration, including exploring EEU involvement
- Clarify municipal authority questions around energy code requirements and potential for mandating specific compliance paths
- Compile suggestions for improving public awareness and accessibility of contractor and energy code information
- Working Group members to provide any additional or modified code compliance improvement ideas to Richard and Zack to capture in the Act 151 report to the Legislature
- Next meeting scheduled for October 22nd, 1:00-3:30 PM, to continue discussions and review progress