

Building Energy Code Study Committee

Proposed Responsibilities for Commercial, Multi-Family, and Rented Lodging/Residences

	Current	by 2024	by 2026	by 2030
General Authority				
General authority over public buildings	DFS	DFS	DFS	DFS
Building energy codes (CBES)	PSD	DFS	DFS	DFS
All other building codes (<i>note 1</i>)	DFS	DFS	DFS	DFS
Ability to delegate to municipalities	DFS	DFS	DFS	DFS
Clear chain from municipality to Legislature	DFS	DFS	DFS	DFS
Promulgation				
Promulgation of CBES base code	PSD	PSD	DFS	DFS
Promulgation of CBES stretch code	PSD	PSD	PSD	DFS + PSD
Compliance (<i>note 2</i>)				
Variances & code-conflict resolution	none	DFS	DFS	DFS
Appeals process	none	DFS	DFS	DFS
Operate call center that can interpret	none	DFS	DFS	DFS
Building permit application w/stamped analyses	none	DFS	DFS	DFS
Inspections and collect certification of systems	none	DFS	DFS	DFS
Ability to stop work	none	DFS	DFS	DFS
Verification + Documentation				
Confirm CBES certificate is on site	DFS	DFS	DFS	DFS
Issue certificates of occupancy (C.O.s)	DFS	DFS	DFS	DFS
Maintain statewide database of permits & C.O.s	none	DFS	DFS	DFS
Training + Education				
Report to Legislature on progress towards goals	PSD	PSD	PSD	DFS + PSD
Develop targets for future energy codes	PSD	PSD	PSD	DFS + PSD
License building trades (<i>note 3</i>)	DFS	DFS	DFS	DFS
Establish CBES training standards	none	DFS	DFS	DFS

note 1 Other codes: Building (IBC), Fire Safety (NFPA), Accessibility (ADA), Plumbing (IPC), Electrical, Elevators, Existing Buildings.

note 2 Responsibility for compliance for building codes **except RBES and CBES** currently lies with DFS.

note 3 Building trades: Electricians, Plumbers, Elevator Installers, Gas, Oil, Sprinkler, Fire Alarms, Chemical Suppression, Fire Sprinklers, Chimney Sweeps, Generator Installers. OPR regulates property inspectors. No one regulates solar installers or energy consultants.

Summary / Overall Approach:

2024: Give DFS authority over commercial energy codes except promulgation. Add energy code analysis to the list of requirements to receive a building permit. (Already done by designers, just not submitted.) Continue to require certificate at end. As the DFS permit database is developed, include a subsection for energy certificates like all other certificates (eg elevator). With PSD input, increase the number of energy code CEUs for DFS-licensed trades.

2026: From this point on, DFS should take over base code promulgation. It can be legislated that it is the current IECC without amendments for accelerated LCAR approval. NOTE PSD retains authority over updating the CBES stretch code.

2030: Consider moving stretch code promulgation to DFS from PSD.