



8/21/2023

RE: Recommendations for the Act 47 Study Group

Introduction: This draft document is to be considered by the Act 47 Study Group as a starting point and the Associated General Contractors of Vermont (AGC/VT) will review the final work before agreeing to recommend to the Vermont Legislature. This recommendation is based on the first requirement of the act which requires us to study (1) consider and recommend strategies to increase awareness of and compliance with the RBES and CBES including whether Department of Fire and Safety DFS should be Agency Having Jurisdiction (AHJ).

AGC/VT recommendation considers the following (1) there is currently no budget available to implement any programs and will need to be negotiated in the legislature (2) no feasibility studies have been completed to consider recommendations that have large budget requirements (3) towns/cities are already stretched to their limit in funding and personnel to achieve their basic necessities (4) to date there have been no efforts to promote compliance or education and (5) a residential contractor registration requirement was created to address the need to communicate with the profession.

AGC/VT is recommending a phased approach to achieving the first requirement of Act 47. This recommendation would be a “first stop” that could be improved if compliance goals are not met.

Recommendations:

Residential Building Energy Standards:

1. Establish whether or not RBES is optional and if not introduce legislation that makes it required.
2. As a stipulation to be registered with the Office of Professional Regulation (OPR) as a residential builder applicants must agree in writing (web portal) that they have either been trained, certified or are competent in the RBES standards. If a registrant is found later to have not been following the standards, they can be removed from registration or sanctioned by OPR similarly to other industries. This may not require legislation as OPR can address this in rulemaking. This would prevent an owner from “shopping around” for builders who were opposed to the RBES if they were afraid to lose their ability to complete projects in Vermont.
3. Residential builders can receive training **at their own expense** as they do for the rest of their training. Through OPR they can identify continuing education opportunities like other licensees/registrants. If they receive a certification OPR is already positioned to make that data available through their web portal. They may choose instead to create an apprenticeship program or work study.
4. If cities/towns, choose to add RBES/CBES inspections to their general building codes it can be done through the charter change process.
5. Residential building inspectors and other for-profit businesses who choose to become certified in an approved program or study can offer those services to new home builders, home owners,



and potential buyers. Potential buyers could use it as a contingency to the sale should they choose to.

6. Do **NOT** expand on the impacts on title for property. Lawsuits arising from fraud already cause title issues whereas the mere accusation that a home wasn't built to code without ripping the property apart would be difficult if not impossible to prove which could cause unnecessary harm.
7. The AHJ first step should be a simple database of newly built homes showing their certificate. This record/account can be used to get real data to establish the compliance rate. This can be in addition to or instead of the existing reporting done with local zoning officials. A mere database can continue to reside at the Department of Public Service and if there is a need to go to a more stringent inspection standard it can be easily moved to DFS. This would require no more than one Full Time Employee to manage a database.

Commercial Building Energy Standards- Compliance is well above the residential standards and builders are generally working with architects and engineers prior to building. Its reasonable however that if a statewide database is created as in section (5) above it could be required that commercial properties be included.