

Summary

The Working Group included 19 legislators; 10 attended at least one meeting, 6 were regulars.

We held 4 meetings at 3-week intervals July through September. We received comments from one or more representatives of 24 stakeholder organizations. (List at the end.)

THERMAL EFFICIENCY POLICY PRIORITIES

1. Name Division of Fire Safety as the "authority having jurisdiction" for Residential Building Energy Standards, RBES, and Commercial, CBES, collectively known as "energy code."
2. Require documentation of compliance with energy code in residential new construction in order to complete sale and closing prior to occupancy.
3. Support passage of S.163 to require mandatory builder registration with voluntary certifications.
4. Increase sustained funding for Weatherization Assistance Program, and establish sustainable funding and financing for moderate-income weatherization.

Detailed Recommendations of Working Group

1. Implement **robust enforcement mechanisms of RBES.**
 - 1.1. **Establish a State 'authority having jurisdiction' (AHJ)** to interpret and enforce RBES.
 - 1.1.1. The AHJ is best located at the Division of Fire Safety (DFS, in Department of Public Safety), in coordination with the state energy office, the Public Service Department (PSD).¹
 - 1.1.2. Empower AHJ to house central database to track projects and compliance.
 - 1.1.3. Authorize staffing to carry out AHJ functions, at inception one FTE and part-time clerical assistance, to be funded initially by appropriation and on a continuing basis primarily by RBES filing fees.
 - 1.2. **Compliance Enforcement**
 - 1.2.1. **All except new construction:** No change to RBES § R401.3.² (Certification of compliance is currently required.)
 - 1.2.2. **New construction:** Require documentation at loan closing of proper filing of RBES certificate to avoid title defect.
 - 1.2.3. **Act 250 condition** (Act 250 projects only). Require energy modeling and design plan to meet RBES prior to obtaining Act 250 permit.

¹ DFS currently has jurisdiction over all "public buildings," which includes *all except* single-family detached owner-occupied houses. They administer all life-safety codes. They are best situated to resolve conflicts between code requirements.

² 2019 RBES, approved September 2019, adds "(Mandatory)" to section title.

- 1.3. **Incentivize energy audits for existing buildings** not served by current programs.³
2. **Endorse mandatory contractor registration** at Office of Professional Regulation, with voluntary state-sanctioned certifications.⁴
3. **Facilitate education and training opportunities** for builders, tradespeople, home inspectors, appraisers, realtors, mortgage lenders, and high school and adult students.
 - 3.1. As part of builder registration, direct OPR to identify and approve one of more **certifications for “home performance”** or building science knowledge.
 - 3.2. Direct DFS to identify and approve a **building science component for existing trade licensing** competency requirements.
 - 3.3. Require **sales industry** players (realtors, home inspectors, appraisers, and/or lenders) to provide nontechnical, **consumer-oriented RBES brochure** to buyers and re-financing owners, developed in coordination with PSD.
 - 3.4. **Establish incentives for training**, certification, and continuing education for builder, trade and sales industry.⁵

Possible venues:

 - non-traditional workers
 - adult Career & Tech Ed
 - new Americans
 - Dept of Corrections, offenders leaving incarceration; drug rehab programs
 - 3.5. Direct PSD to coordinate with Efficiency Vermont/VEIC to explore piloting **Green Mortgage program** with Fannie Mae and Freddie Mac.
 - 3.6. Require **disclosure of historic utility costs** on real estate sale listings.
 - 3.7. Continue work on **Energy Labeling**.⁶
 - 3.8. **General education.** Provide **training to instructors** in application of building science to high-school STEM, high-school and adult Career & Tech Ed, and K-12 science/physics.
4. **Increase sustained funding** for residential energy efficiency for —
 - low-income Weatherization Assistance Program (up to 80% area median income)
 - moderate-income households (~ 80-120% area median income)
5. **Expand SEMP** (School Energy Management Program), currently covering public school facilities, **to include Vermont State College system.**

³ Allows owners to prioritize improvements and have a roadmap to phase work as it can be done. Gets building performance specialist on site for rehab projects to provide training and RBES enforcement.

⁴ (S.163, now in H. Ways & Means). Offers fraud protection for consumers, creates a public list of builders and their certifications, and provides path to deliver training and certification opportunities to builders.

⁵ Act 80 (2019; H.533) identified weatherization training as a goal for Dept of Labor in coordination with Dept of Children & Families / OEO, "if funds are available." Report to legislature January 15.

⁶ Act 62 (2019; H.63) re-established working groups to develop labeling standards for Residential and Commercial/Multifamily buildings.

6. **Extend the collaboration** between Efficiency Vermont and the State's Building and General Services to be available **to municipal facilities**.
7. Ensure Public Service Dept establishes panel to **continue RBES/CBES update** cycle to meet 2016 Comprehensive Energy Plan goal of net-zero-ready new-construction standards by 2030.

Organizations and individuals providing comments to Thermal Efficiency Working Group

- American Institute of Architects, Vermont Chapter: Sandy Vitzthum, John Alden
- Associated General Contractors of Vermont: Matt Musgrave
- Bristol Energy Committee: John McCormick
- Building Performance Professionals Association of Vermont: Malcolm Gray
- Champlain Valley Office of Economic Opportunity Weatherization Service: Dwight DeCoster
- Consumer Protection Unit (Office of Attorney General): Chris Curtis
- Division of Fire Safety (Dept of Public Safety): Mike Desrochers, Joe Benard
- Efficiency Vermont VEIC: Jen Norz, Brian Sweeney, Chris Gordon, Karl Goetze
- Energy Futures Group: Richard Faesy
- Huntington Homes: Jason Webster
- Office of Professional Regulation (Secretary of State): Gabe Gilman
- Sustainable Energy Outreach Network (SEON): Guy Payne, Peter Yost
- Vermont Association of Realtors: Peter Tucker, Nancy Lynch
- Vermont Bankers Association: Chris D'Elia
- Vermont Builders and Remodelers Association: Jim Bradley, Lew Castle
- Vermont Gas Systems: Lauren Grimley
- Vermont Green Building Network: Brian Just
- Vermont Housing & Conservation Board: Jen Hollar
- Vermont Housing Finance Agency: Maura Collins
- Vermont Passive House: Enrique Bueno, Paul Sipple
- Vermont Public Power Supply Authority: Melissa Bailey
- VSECU (VGreen loan program offered with Efficiency VT): Laurie Fielder
- Weatherization Assistance Program (Dept of Children & Families, Office of Economic Opportunity): Geoff Wilcox
- YouthBuild: Andrew Jope