REGIONAL EVALUATION, MEASUREMENT & VERIFICATION FORUM

Regional EMV Forum and NEEP Public Policy Workshop: Roadmap to Claiming Savings from Building Energy Codes and Appliance Standards
September 28, 2010

Survey of Building Energy Code Activities in the Northeast

Region

The Building Energy Codes Project facilitated by Northeast Energy Efficiency Partnerships (NEEP), advocates for strong building energy codes and code-related public policies and supports states with training and technical support to enhance compliance with building energy codes. Project partners have included;

- Pacific Northwest National Laboratory and DOE's Building Energy Codes Program (PNNL)/(BECP)
- Energy Efficient Codes Coalition (EECC)
- The Responsible Energy Codes Alliance (RECA)
- Building Codes Assistance Project (BCAP)
- National Association of State Energy Officials (NASEO)

In addition NEEP also facilitates a regional building energy codes working group consisting of a diverse group of regional and national stakeholders that includes, state building code officials, state energy officials, building professionals and advocates.

.

Maine

Responsible state agency

Maine Department of Public Safety through the Technical Building and Energy Codes Board

Status of codes

Commercial: 2009 IECC
Residential: 2009 IECC

Policy Activity

The Maine Technical Building and Energy Codes Board voted to adopt the 2009 International Building Code (ICB), International Residential Code (IRC), International Energy Conservation Code (IECC) and the International Existing Building Code (IEBC) at its June 2010 meeting in Augusta. This marks the first time that Maine has mandated a statewide mandatory building and energy code. NEEP has worked as a member of the Technical Advisory Groups on Training & Certification and Energy to support the code adoption, particularly with regard to certification requirements for both local officials and third-party inspectors, and on continuing education criteria for local officials' code training. The Energy TAG recommended changes to the model code to meet legislative and regulatory requirements in state laws, and to coordinate with other existing regulations. The adoption in June by the TBEC Board of a comprehensive set of building and energy codes is to be effective starting December 1, 2010

Program activity

As of July 2, 2010, energy efficiency programs in the state are administered by the Efficiency Maine Trust, a new independent body that is overseen by a Board of Trustees, with program plans ultimately approved by the Public Utilities Commission. The EMT's first Triennial Plan requires it to "devote significant resources… to supporting others' efforts at ensuring compliance with the new building codes," including funding of "the Building and Energy Codes Board's training for code enforcement staff, while implementing a process for monitoring compliance. In FY 2012 and 2013, the Trust will continue to fund training as needed (although funding levels may change as certification fees are

introduced), but expects to shift its emphasis to sustained compliance monitoring and, if needed, to additional, targeted efforts to support compliance and enforcement in areas where performance may be lagging. The Trust will also continue to pursue its collaboration with state, regional, and national organizations as needed."

New Hampshire

Responsible state agency Public Utilities Commission
Status of codes Commercial: 2009 IECC Residential: 2009 IECC
Policy Activity NEEP participated in the working groups that developed the buildings sections of the state's Climate Change Action Plans, specifically authoring the sections on building energy codes as a key element of reducing energy use and greenhouse gas emissions in the state. NEEP has also helped advise the Office of Energy and Planning on its curriculum for energy code compliance training it is undertaking as a result of funding made available through ARRA.
Program activity Energy efficiency programs in the state are administered by the four distribution utilities as the "CORE" energy efficiency programs. To date, no activities with regard to codes have been undertaken.

Vermont

Responsible state agency Vermont Department of Public Service
Status of codes Commercial: 2004 IECC supplement with VT amendments or ASHRAE 90.1-2004 with VT amendments Residential: 2000 IECC with VT amendments Commercial: CBECS/2009 IECC is in draft form from Navigant Consulting and open for comments. Residential: RBECS/2009 IECC is in draft form and in the process of concluding its comment period.
Policy Activity NEEP recommended the adoption of third party compliance in Vermont, which provides code compliance assurance where local enforcement is absent or not required. NEEP also continues to push Vermont toward the adoption of a stretch energy code. NEEP's report, "Valuing Building Energy Efficiency Through Disclosure and Upgrade Policies: A Roadmap for the Northeast," was featured at the Annual Meeting of the Building Safety Association of Vermont, where NEEP addressed questions related to incorporating this strategy into the two proposed adoptions of the Vermont Residential and Commercial Building Energy Codes (RBECS/CBECS).
Program activity NEEP has submitted comments to both the CBECS and RBECS to correct conflicting provisions carried over from the 2005 adoptions, and to coordinate provisions with ARRA guidelines.

Massachusetts

Responsible state agency Board Of Building Regulations and Standards
Status of codes

Commercial: 2009 IECC Residential: 2009 IECC
Policy Activity NEEP has chosen Massachusetts to participate as a pilot state in a Pacific Northwest National Laboratory-funded project to test energy code compliance tools being developed at the Department of Energy. With assistance from National Grid, NEEP also provided Massachusetts the "stretch" energy code which was adopted by the state in the spring of 2009 as the first of its kind in the country, offering a local option beyond code option for attaining energy savings of some 20 percent better than the base state energy code. NEEP has also worked with the Boston Society of Architects (BSA) to develop outreach materials on the stretch code for communities and design professionals. To date, 47 municipalities have adopted the stretch energy code in Massachusetts.
Program activity Energy efficiency programs in the state are administered by the electric and gas distribution utilities, as well as the Cape Light Compact, a municipal aggregator serving Cape Code. NEEP has facilitated a dialogue among stakeholders, program administrators and state officials on developing a metric for codes and standards activity undertaken by the efficiency administrators in the state, including today's workshop.

Rhode Island

Responsible state agency Department of Administration
Status of codes Commercial: 2009 IECC Residential: 2009 IECC
Policy Activity Having served on the technical advisory committees overseeing regular code adoptions in the state, NEEP is now working with the Rhode Island Building Code Commission to review the International Green Construction Code (IGCC) for possible future adoption. The provisions of the IGCC complement the RI 2009 IECC adoption, but elevate energy efficiency and require building commissioning, among other items.
Program activity The efficiency programs in the state are administered by National Grid.

Connecticut

Responsible state agency Department of Public Safety
Status of codes Commercial: 2009 IECC – Pending/Proceeding to administrative certification and adoption Residential: 2009 IECC – Codes Subcommittee still working on changes and comments to the model code
Policy Activity NEEP has worked with Connecticut to assist development of code adoption, recommending the IECC 2009, with ASHRAE 90.1-2007 as the alternative compliance option. In response to legislative mandates for greater energy efficiency in public buildings, NEEP recommended adoption of the stretch code and continues working with the state to address related concerns. In 2007 Connecticut adopted a statute requiring a commercial code of LEED Silver (or equivalent), which proved impossible to administer by the DPS due to the fact that LEED is neither written as or enforceable as code. The resulting delay has set the state back in its code update process.
Program activity The energy efficiency programs in the state are administered by the electric and gas distribution utilities, as well as through the state's municipal cooperative. In 2010, the Department of Public Utility

Control directed the electric utilities to expend up to $200,000 on code activities in the state, and to return in their 2011 filings with a plan for claiming savings from code related activities.

New York

Responsible state agency New York Department of State through the State Fire Prevention and Building Code Council
Status of codes Commercial: The Energy Conservation Construction Code of New York (ECCCNYS 2007), and ASHRAE 90.1-2004 w/NY Amendments Residential: 2007 IECC w/NY Amendments
Policy Activity This past spring, New York's State Fire Prevention and Building Code Council voted to update the state's energy code to the IECC 2009 as the basis for the 2010 Energy Conservation Construction Code of New York State. Pending legislative approval, the code is expected to become effective in December. NEEP worked with the Department of State and NYSERDA on updates and improvements to its energy conservation codes.
Program activity The DOS has requested, and NYSERDA has agreed, to provide support to the Department for certain codes and standards activities, but those activities must be approved by the Public Service Commission.

New Jersey

Responsible state agency Department of Community Affairs
Status of codes Commercial: 2006 IECC Residential: 2006 IECC
Policy Activity On September 7, 2010, a New Jersey Department of Community Affairs final rule adopting new state building codes was published in the New Jersey Register (42 N.J.R. 2043a) and became effective. This was nearly one year to the day after DCA initially proposed the rule (41 NJR 3140a) in September 2009. The energy sub-code of the New Jersey Uniform Construction Code (NJAC 5.23-3) has been amended to incorporate the 2009 IECC and the ASHRAE Standard 90.1-2007 (in lieu of Chapter 5 of the IECC).
Program activity Much of the Clean Energy Program work in the state has been suspended due to a loss of significant portions of the fund, which were redirected by the Governor to the general state budget.

Pennsylvania

Responsible state agency Public Utilities Commission
Status of codes Commercial: 2009 IECC Residential: 2009 IECC
Policy Activity A lawsuit to block implementation of the adoption has been rejected, with NEEP supporting the governor's office in both the initial adoption of legislation automatically updating the state building energy code, and with recommendations on blocking efforts by the state home builders association to

thwart implementation.
Program activity In 2009, Act 129 for the first time directed the state's utilities to expend ratepayer dollars to meet energy efficiency savings targets in the state. No program activities related to codes have yet developed.

Maryland

Responsible state agency Public Utilities Commission
Status of codes Commercial: 2009 IECC; ASHRAE 90.1-2007 Residential: 2009 IECC The new NJ codes became effective September 7, 2010, with a concurrence period of 6 months with the existing codes.
Policy Activity This past spring, NEEP worked with stakeholders in Maryland on proposed legislation that would have required the benchmarking and disclosure of commercial buildings including all state-owned facilities. The bill was ultimately withdrawn without prejudice due to opposition from the state's largest utility company, because of concerns over privacy issues related to the disclosure of customer utility data. The bill's sponsor has vowed to reintroduce the legislation, and NEEP plans to support this, as well as work with the utilities and others to address concerns.
Program activity The EmPower Maryland Act, setting an energy efficiency portfolio standard for the state, includes a target of 15 percent energy savings by 2015, with 10 percent of the savings coming from energy efficiency programs administered by the distribution utilities, and the remaining five percent from the Maryland Energy Administration. Of that five percent, the MEA has identified that a significant portion of the savings can come from codes and standards.

DC

Responsible state agency The city council has approval on all code changes.
Status of codes Commercial: 2009 IECC Residential: 2009 IECC
Policy Activity The District has adopted some aggressive building energy efficiency standards over the last five years. In 2008, the City Council adopted "the 30% solution," a residential energy code that had been proposed as the savings target for the 2009 IECC, but which was ultimately rejected due to opposition from home builder interests. The code projected energy savings of approximately 30 percent above the 2006 IECC, and some 15 percent better than the 2009 IECC. The companion commercial code also presented additional savings of some seven percent greater than the 2009 IECC. The Council has also adopted a number of other "green building" initiatives. Energy conservation systems and components in existing buildings undergoing repair, alteration, or addition, and change of occupancy, shall comply with the Existing Building Code.

REGIONAL EVALUATION, MEASUREMENT & VERIFICATION FORUM

Building Energy Codes Resources

Model Progressive Building Energy Codes Policy

http://neep.org/uploads/NEEPResources/id187/neep_building_energy_codes_policy_march%202009.pdf

The Model Policy gives a set of interconnected recommendations aimed at ensuring that states adopt progressively more efficient building energy codes. It also offers recommendations for improving the rate at which buildings and dwellings comply with the code and measuring the actual building energy performance of buildings and dwellings to see how they compare to predicted energy savings.

The Policy is for code officials, advocates, utilities and other energy codes related stakeholders in creating and/or adopting building energy policies that will lead to large-scale energy and carbon emissions savings in the built environment across the Northeast.

Valuing Building Energy Efficiency Through Disclosure and Upgrade Policies: A Roadmap for the Northeast

http://neep.org/public-policy/building-energy-codes/building-energy-rating

A report commissioned by NEEP, says that Northeast states could greatly increase the energy efficiency of homes and buildings through a public policy requiring the rating and disclosure of a building's energy performance. As states and municipalities across the Northeast seek ways to increase their energy and carbon saving goals a valuable consideration for policy makers is the implementation of mandatory building energy ratings, a powerful tool that can transform markets by requiring that meaningful information about building energy performance be disclosed to potential buyers, renters and the public. A sister tool, mandatory upgrade policies, would require adoption of certain cost-effective energy efficiency measures. A largely untapped market, improving the energy performance of existing homes and buildings presents the biggest opportunity for energy savings.

For more information on building energy codes in the Northeast states please visit:
http://neep.org/public-policy/4/78/Building-Energy-Codes

Or contact:
Don Vigneau, Building Energy Codes Project Manager dvigneau@neep.org 781-860-9177 x 136
Carolyn Sarno, Senior Program Manager, High Performance Buildings csarno@neep.org 781-860-9177 x 119