



**Written Testimony of Jim O'Reilly, Director of Public Policy
Northeast Energy Efficiency Partnerships (NEEP)
Before the House Executive Departments and Administration Committee
Regarding HB 1315 - An act relative to the effective date of revisions to the state
building code and HB 1539 - An act relative to the state building code.
January 23, 2012**

Chairman McGuire, Vice Chairman Hawkins, and Members of the Committee:

On behalf of Northeast Energy Efficiency Partnerships (NEEP)¹, thank you for the opportunity to provide written testimony on House Bill 1315, "An act relative to the effective date of revisions to the state building code" and House Bill 1539, "An act relative to the state building code."

NEEP is a regional non-profit organization founded in 1996 whose mission is to promote the efficient use of energy in homes, buildings, and industry throughout the Northeast and Mid-Atlantic through regionally coordinated programs and policies that increase the use of energy efficient products, services and practices, and help achieve a cleaner environment and a more reliable and affordable energy system.

NEEP has a long history of working on energy efficiency policies and programs in the state of New Hampshire. Since its inception, NEEP has partnered with a number of stakeholder organizations inside and outside of government on a variety of initiatives that increase the energy savings potential of homes and businesses in New Hampshire. Together, NEEP and our New Hampshire partners have worked on a number of regional collaborative projects to transform markets, readying them for more energy efficient products and services, as well as complementary public policy projects, like building energy codes. NEEP has supported the state in its adoption of new appliance efficiency standards, as well as in its development, adoption and administration of building energy codes and high performance school policies, among other measures.

NEEP's Northeast States Building Energy Codes Project, one of our oldest endeavors, aims to achieve significant energy savings in new construction, remodeling and renovations by advocating for strong building energy codes and code-related public policies. Collectively, we have over 75 years of experience on staff with regard to building energy codes, including that of our codes project manager, Don Vigneau, who is a registered architect, former state building inspector for the state of Connecticut, and a recognized code training expert who taught hundreds of code course throughout the region, including in New Hampshire, and who contributed to these comments.

¹ These comments are offered by NEEP staff and do not necessarily represent the view of the NEEP Board of Directors, sponsors or partners.



Why Maintaining the State Building Energy Code is Important

We oppose HB 1315 and HB 1539 on the grounds that they propose to delay the effective date of New Hampshire's state building code, and, in the case of HB 1539, place significant obstacles in the way of new code adoption, particularly for New Hampshire cities and towns. New Hampshire has for many years had an effective and consensus driven process for updating the state's building energy code, which NEEP supports and often references. And, thus, NEEP supports New Hampshire's implementation and enforcement of the latest version of the state building code, including energy, which is based off of the 2009 International Energy Conservation Code (IECC). This implementation will help ensure that every buyer of a new home gets a home that uses no more energy than it should by incorporating up-to-date, safe and widely accepted building practices. And it ensures that owners or operators of commercial buildings receive the benefits of modern, safe and energy efficient buildings that keep their utility costs in check and improve their operating margins. Any amendments/proposals that attempt to weaken or delay the state building energy code only serve to reduce energy savings available to New Hampshire's residents and businesses at a time that they can ill afford to pay more for energy than they already are.

Comprehensive, unified code adoptions (corresponding to the International Code Council, or [ICC](#), code development cycle) reduce the expenses associated with owning and operating buildings and homes, and assure that the adopted health, safety and welfare requirements work in concert with the complementary codes governing safety, health, sanitation and general construction practices, now and into the future. Any delay in implementing the building energy portion of the code would result in residents and businesses using more energy and enduring higher operating costs than they should.

In past code cycles, New Hampshire has been supportive of the adoption of the latest iterations of the IECC and ASHRAE codes and standards. Adoption of 2009 IECC, without amendments, represents a step in the right direction in terms of New Hampshire providing the best regulatory protection for their residents and businesses.

Statewide building energy code adoptions have existed since 1971 throughout the Northeast region, and that experience has continually shown us that a uniform statewide building and energy code system, consistent with the national model code development cycles, *helps*, rather than hinders, construction processes and schedules, while setting minimum standards of quality, safety and health for all to follow. Practitioners, including home builders, architects and engineers, come to expect that consistent set of ground rules that are developed, updated and adopted on a regular basis will help guide their professions while instituting vital public safety and consumer protection mechanisms. Adopting the 2009 IECC, in its entirety, provides value to the entire construction industry by establishing regulations governing the building process in New Hampshire that is consistent with other regions of the country.

Moreover, HB 1539 would impose two additional harms on the code adoption process. The first is a requirement that the State Building Code Review Board consider any "undue economic impacts on the public by considering the costs of such [code] amendments...", but makes no mention of any analysis of the significant economic *benefits* to the occupants and owners of homes and commercial buildings that are built to the latest energy code. Clearly,



this language is meant to only allow for an analysis of the *first* costs of building a new home or building to the updated building energy code, without allowing for consideration of the *subsequent* and *ongoing* cost *benefits* of owning or operating a home or business that is built to save more energy than one built to prior code requirements.

The second provision would hinder the ability of individual cities and towns to adopt building energy codes that result in greater savings than those ensured by the baseline state code. New Hampshire has a long and proud history of allowing municipalities to direct their own public policies in ways that benefit their local citizenry provided those local laws are not inconsistent with the state constitution or overall governing framework. In recent years a number of communities have chosen to enact local energy policies designed to save even greater amounts of energy than the baseline state code would allow. Such efforts should be encouraged, rather than hindered, which is unfortunately what would occur should HB 1539 be enacted.

Conclusion - NEEP urges the Committee to report unfavorably on both HB1315 and HB1539, as the bills would result in higher energy costs to home and business owners in the state and create inconsistencies between the state energy code process and other code update and development processes, creating confusion and uncertainty.

Thank you once again for the opportunity to provide our perspectives on why this legislation is a major concern for economic and energy policy for the state of New Hampshire. Please accept my offer of support to work with this committee and all other building and energy codes stakeholders to address specific concerns in the implementation of latest state building energy code as originally conceived.

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