

## Key Points

AIAVT advocates that Vermont's Commercial Building Energy Standards (CBES), Residential Building Energy Standards (RBES), and all other building codes be administered by one unified authority. A "one-stop shop" approach will lead to better accountability and efficiency, both for state government and for the marketplace.

The Division of Fire Safety should be named that authority and be responsible for all aspects of code administration, including promulgation, project support, and education for all building types. Except for the Energy Standards, DFS currently oversees all other regulated aspects of construction in Vermont.

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AIA Vermont  
47 Maple Street, Suite 211B  
Burlington, VT  
05401

T 802-448-2169  
E [info@aiaVT.org](mailto:info@aiaVT.org)  
[www.aiaVT.org](http://www.aiaVT.org)

## S. 253 and H.792, Acts Relating to Building Energy Codes

*AIAVT and VBRA have revised this position statement to focus on legislation we believe is critical to pass this year as Vermont tries to meet its energy conservation goals.*

**Vermont stands out in the nation for its lack of coordination in administering building energy codes, and this is resulting in poorly built structures that jeopardize occupants' and owners' welfare.** Architects and builders across Vermont are observing an increase in the number of serious building failures, putting Vermont homeowners and occupants at risk. We believe this is in part due to Vermont's increasingly stringent and complicated energy code that continues to be adopted without sufficient oversight or enforcement.

In December 2023, Vermont's Building Energy Code Study Committee issued a comprehensive report that outlined these issues and a series of recommended solutions. We urge legislators to review this report in order to understand this critical issue:

[Act 47 Building Energy Code Study Committee Report to the Legislature](#)

### **AIAVT supports the following proposed statutory reform, with item #1 being our highest priority.**

1. Designate the Division of Fire Safety (DFS) as the statewide "authority having jurisdiction" (AHJ) over all building construction. This can be in name only at the present time, with specific scope and duties to be determined on a four-year timeline.
  - a. Change the name of DFS to Division of Fire and Building Safety (DFBS).
  - b. Establish a study committee to consider adopting a statewide residential building code for single family homes, to advise on the transition of energy codes to DFBS, to consider DFBS oversight of all construction trades, to establish the specific scope and duties of DFBS, to establish the timeline for transition, to establish costs, and to identify funding sources to cover those costs.
  - c. Clarify the statutory chain of authority from the General Assembly, through DFBS, to municipalities for building code administration.
  - d. Establish a point of contact in DFBS now to begin collecting data on building failures (including single family homes). Appropriate \$20,000 for 4 years to set up, administer, and advertise this point of contact.
2. Amend the statutory requirement for updating energy codes every three years by changing "shall" to "may."
3. Delay the adoption of 2024 RBES until its technical issues are resolved. Require RBES to identify DFBS as the point of contact to report building failures.
4. Revise statutory requirements for homebuilder-owner agreements to include a clause acknowledging that energy code compliance is required by law.
5. Require DFS to adopt International Residential Code (IRC) now for public residential buildings (duplexes and rented single family homes).

**Realizing that S.253 as introduced contains "placeholder" language, and needs substantial revision, AIAVT and VBRA look forward to working closely with the Senate to develop specific language for this bill.**