



Municipal Guide for Vermont Energy Codes

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Introduction and Overview

Vermont’s Residential Energy Code applies to all residential new construction and certain renovation projects in homes containing no more than three stories. These requirements are known as the Residential Building Energy Standard (RBES).¹ In addition, the Commercial Building Energy Standards (CBES) set requirements for all new commercial construction (new buildings, additions, alterations, renovations, and repairs) that occurs in multifamily housing with four stories or more, and all commercial structures.² Collectively RBES and CBES may be referred to as “energy code” or “code” in this guide.

Why Build to Code?

- Building to RBES and CBES is required by Vermont law.
- Buildings that meet, or exceed, RBES and CBES requirements minimize impacts from market fluctuations in energy costs.
- It is far easier and less expensive to incorporate energy efficiency at the time of construction than it is to make buildings more efficient in the future, post-construction completion.
- It helps Vermont achieve its energy and climate goals.

The Easiest Way to Ensure Code Compliance

The best way to ensure that a home or building will exceed the energy code is to participate in Efficiency Vermont’s Residential and Commercial New Construction program offerings.^{3,4} Efficiency Vermont provides financial incentives to encourage building to efficiency levels that go above energy code requirements. Efficiency Vermont's technical team helps designers, builders, and homeowners understand both the requirements and the suitable opportunities for going above the energy code for the home or building they are constructing. While Efficiency Vermont provides technical assistance, they will not hold a compliance or enforcement role as it relates to the energy code.

¹ <https://publicservice.vermont.gov/efficiency/building-energy-standards/residential-building-energy-standards>

² <https://publicservice.vermont.gov/efficiency/building-energy-standards/commercial-building-energy-standards>

³ <https://www.encyvermont.com/services/renovation-construction/residential-new-construction>

⁴ <https://www.encyvermont.com/services/renovation-construction/commercial-new-construction>

In addition, energy code support is available through Efficiency Vermont's Energy Code Assistance Center at 855-887-0673 (toll free). More information can be found at: <https://www.encyvermont.com/trade-partners/energy-code-support>.

Code Requirements and Opportunities

This section of the guide provides information on both the Residential Building Energy Standards (RBES) and the Commercial Building Energy Standards (CBES). Vermont statute indicates that the Commissioner of the Vermont Department of Public Service (PSD) *may* direct the timely and appropriate revision of the RBES and/or CBES after the issuance of updated standards from the IECC and/or ASHRAE.

Act 89 Requirements⁵

RBES and CBES are the law in Vermont. They are not optional for the buildings to which they apply. Act 89, passed in 2013, strengthens the provisions of RBES and CBES by providing guidance to town officials for local support and enforcement. Specifically, Act 89 requires town officials to provide information about the energy codes at the time a permit or change of use application is submitted. The Act also stipulates provisions for town officials to obtain a signed Energy Code Certificate prior to issuance of a building's Certificate of Occupancy.

Statutory language enables municipalities to adopt a Stretch Code for RBES that requires construction efficiency standards that are higher than baseline Energy Code. Act 89 defines a Stretch Code as "... a building energy code for residential buildings that achieves greater energy savings than the RBES ..." ⁶ The statute goes on to say that the "... Commissioner may adopt a Stretch Code by rule." ⁷ The Stretch Code was

Act 89

Main provisions in Act 89 relating to the Energy Code:

- Town officials must provide RBES and CBES information when a building or zoning permit is applied for.
- Any building that requires a Certificate of Occupancy must be certified for RBES or CBES compliance before the CO is issued.
- Municipalities have the option of adopting the RBES Stretch Code to increase the energy efficiency of local construction.

⁵ Act 89 is also referenced as H.520 and can be found here:

<https://legislature.vermont.gov/Documents/2014/Docs/ACTS/ACT089/ACT089%20As%20Enacted.pdf>

⁶ 30 V.S.A. § 51 (<https://legislature.vermont.gov/statutes/section/30/002/00051>)

⁷ Commissioner refers to the Commissioner of the Department of Public Service, per 30 V.S.A. § 51 and 30 V.S.A. § 53.

adopted into the 2015 energy code statutory update. With those standards now in place, local municipalities have the option to adopt RBES Stretch Code requirements for buildings in their jurisdictions.⁸

Statute places requirements on municipalities related to Energy Codes. This guide does not provide legal advice on these requirements. However, the law does stipulate that town officials must provide information on the RBES and CBES requirements:

When an application for a municipal land use permit seeks approval of a structure, the administrative officer shall provide the applicant with a copy of the applicable building energy standards...⁹

To assist town officials in meeting this requirement, the Energy Code Assistance Center may provide digital or physical copies of the RBES Handbook.¹⁰ Inventory is limited so requests of ten or more books will likely be directed to utilize the digital copies available. Digital or hard copies of the RBES and CBES can be accessed through the International Code Council website, <https://codes.iccsafe.org/codes/vermont>.

It is important to note that Energy Code compliance certificates are required for any new commercial and residential buildings in Vermont, and for most renovations and alterations, and in some cases repairs. Occupancy may be denied in absence of compliance certificates for commercial buildings,¹¹ for any residential buildings that are regulated as "public" buildings,¹² and any residential buildings in towns that require a Certificate of Occupancy. Act 89 states:

(2) Condition precedent. Provision of a (RBES) certificate as required...shall be a condition precedent to:

"(A) issuance by the Commissioner of Public Safety or a municipal official acting under 20 V.S.A. § 2736 of any final

⁸ The 2015 CBES included Stretch Code provisions, but those were removed for the 2020 and 2024 CBES.

⁹ 24 V.S.A. § 4449 (<https://legislature.vermont.gov/statutes/section/24/117/04449>)

¹⁰ Act 89 specifies that the Residential Building Energy Code Handbook can be provided in lieu of the full Code. The most recent version of the Handbook is available through the following link: <https://publicservice.vermont.gov/efficiency/building-energy-standards/residential-building-energy-standards>

¹¹ Vermont required documentation of CBES compliance for commercial buildings before a Certificate of Occupancy could be issued. Act 89 extended that requirement to residential buildings.

¹² Public buildings primarily are those used for public purposes: workplaces, buildings that are owned by public entities such as schools and firehouses, and any residential property that is rented for either a short term or a long term. A list of public buildings is available at: https://firesafety.vermont.gov/sites/firesafety/files/documents/dfs_codesheet_state%20permits%20poster.pdf

occupancy permit required by the rules of the Commissioner of Public Safety for use or occupancy of residential construction commencing on or after July 1, 2013 that is also a public building as defined in 20 V.S.A. § 2730(a); and

(B) issuance by a municipality of a certificate of occupancy for residential construction commencing on or after July 1, 2013, if the municipality requires such a certificate under 24 V.S.A. chapter 117.¹³

Efficiency Vermont does not have a role in energy code enforcement, nor in assuring that RBES and CBES certificates are filed prior to issuing Certificates of Occupancy. Technical assistance is available from Efficiency Vermont to towns to help understand the energy code and what builders must do to complete an RBES or CBES certificate.

Residential Building Energy Standards

The Vermont Residential Energy Code, officially called the "Residential Building Energy Standards" (RBES) and generally referred to as the "Residential Energy Code" or "Energy Code", are effectively regulations that were adopted by the Vermont legislature in 1997. It is a minimum standard of energy efficiency that has applied to virtually all new residential construction in Vermont since July 1, 1998, with regulatory updates in 2006, 2011, 2015, 2020, and 2024. The 2024 RBES, based on Vermont amendments to the 2021 and 2024 International Energy Conservation Code (IECC), became effective on July 1, 2024. Any home built after 1998 should have an RBES Certificate filed with the municipality. In the event that one was not filed, the owner of the property can seek remedy for verified completion of the document by the original builder or seek recourse from the original builder for non-compliance with RBES within a 6-year window from the time the house was complete.

RBES applies to:

- New single-family homes (including modular, tiny, and log homes),
- New multifamily homes (buildings three stories or less), and
- Additions, alterations, renovations, and repairs (only applies to the portion being worked on)

¹³ 30 V.S.A. § 51 (<https://legislature.vermont.gov/statutes/section/30/002/00051>)

RBES has two requirements:

- A technical requirement – energy-efficient building components and construction
- A certification requirement for reporting compliance

RBES is one of the few codes in the country in which the builder self-certifies compliance. No plan reviews or final inspections are involved, unless required by a municipality or Act 250 (see below for more information). The RBES includes an exemption for owner-builders for the technical requirements of the Energy Code. However, in the case of non-compliance, owner-builders must complete and submit a disclosure statement to subsequent buyers specifying that the technical requirements of the Energy Code have not been met. According to 30 V.S.A §51, the owner of these projects must disclose the nature and extent of any non-compliance with RBES before entering into a binding purchase and sale agreement.¹⁴

The process can be summarized as follows:

1. Builder or homeowner determines whether a project needs to comply with the Energy Code.
2. Builder or homeowner follows the guidelines for building to the Energy Code.
3. Builder fills out and posts compliance certificate in the home, and files copies with the municipality and the Department of Public Service (PSD).

In order to comply with the Residential Energy Code, a home, as built, must meet all of the basic requirements, ventilation and combustion safety requirements, and the performance requirements, via one of the compliance methods described in the RBES Code:

<p>Package-Plus-Points Method</p>	<p>This method provides a simple and flexible way to plan for and demonstrate compliance.</p>
<p>REScheck Software Method</p>	<p>This performance-based approach utilizes software (REScheck) that allows for more flexibility in how the builder/owner achieves code compliance based on the attributes of the building envelope.</p>

¹⁴ 30 V.S.A. § 51 (<https://legislature.vermont.gov/statutes/section/30/002/00051>)

Home Energy Rating Method

This comprehensive, performance-based approach gives the highest degree of flexibility for code compliance by accounting for a broader range of measures that can be traded off against each other, including air tightness, efficient heating and domestic hot water heating, and solar orientation.

With the 2015 RBES update, a Stretch Code was established that has increased energy efficiency standards over the baseline Residential Energy Code. All projects permitted through Act 250 on or after December 1, 2015, are required to meet Stretch Code criteria.¹⁵ Stretch Code is also an option for towns wishing to have a higher efficiency baseline than the standard Energy Code.

For assistance in understanding and complying with RBES, call 855-887-0673. Detailed information on the RBES compliance requirements and process can be obtained by downloading the latest version of the *Residential Building Energy Code Handbook*.¹⁶

Commercial Building Energy Standards

The CBES, also known as the Commercial Energy Code, defines the minimum efficiency requirements for all commercial buildings in Vermont. The Vermont Commercial Building Energy Standards applies to all new commercial construction: new buildings, additions, alterations, renovations, and repairs. The 2024 CBES, based on Vermont amendments to the International Energy Conservation Code (IECC) 2018 Supplement, became effective on July 1, 2024. The CBES allows the use of an alternate compliance path by following ASHRAE/IESNA Standard 90.1, but certain requirements listed in the CBES must still be met.

Hard copies of the CBES are available from the Energy Code Assistance Center and an electronic copy is available on the International Code Council (ICC) website.¹⁷ Note that there is not a separate "code handbook" for CBES as there is for RBES. The CBES ICC standards are the principal reference document for the Commercial Energy Code.

¹⁵ Act 250 is Vermont's land use and development law. Details can be found at the following link or by contacting an Act 250 District Coordination. <https://act250.vermont.gov/contact-us>

¹⁶ The most recent version of the handbook can be found here: <https://publicservice.vermont.gov/efficiency/building-energy-standards/residential-building-energy-standards>

¹⁷ <https://www.iccsafe.org/>

21 V.S.A. §268 requires certification that both the design and the construction of a commercial building are in compliance with the CBES. The design must be certified by the primary designer; if a licensed professional engineer or a licensed architect is not involved in designing the project, the builder issues the certification. The construction of a commercial building is to be certified as compliant with CBES by the party having primary responsibility for coordinating the construction of the building. This is typically the general contractor or construction manager. In the absence of such a party, the owner must certify compliance. The completed CBES certificate must be posted in the building, and a copy of the certificate with two accompanying affidavits must also be filed with the Department of Public Service (DPS).

For assistance in understanding and complying with CBES or to request a copy of the Commercial Energy Code, designers, builders, or owners may call the Energy Code Assistance Center at 855-887-0673. For more information, including access to CBES certificates and compliance software, go to the PSD website linked in the footnote below.¹⁸

Options for Municipalities

The following options will help increase energy efficiency in local construction:

Educate new homeowners and owners of homes that are undergoing rehabilitation: Municipalities can provide valuable information to their communities on Code requirements and on above-code programs. Town offices can request a brochure from Efficiency Vermont's Energy Code Assistance Center (see sample brochure to the right).

Provide relevant language on the town website: One easy way to help raise awareness about both RBES and CBES is to provide information on town websites about the Energy Code. Sample language that can be considered:

Vermont's Building Energy Codes – the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES) are minimum



¹⁸ <https://publicservice.vermont.gov/efficiency/building-energy-standards/commercial-building-energy-standards>

standards of energy efficiency that apply to all new construction, renovations, alterations, and repairs in Vermont. The Energy Code Assistance Center provides toll-free assistance at 1-855-887-0673. Information is also available on the Department of Public Service website.

VT RBES: <https://publicservice.vermont.gov/efficiency/building-energy-standards/residential-building-energy-standards>

VT CBES: <https://publicservice.vermont.gov/efficiency/building-energy-standards/commercial-building-energy-standards>

Incorporate RBES, CBES, and above-code into building permit process or fees: Towns that require building permits can consider adding language on the permit that contains a sign-off line indicating acknowledgment of the requirement and agreement to comply with RBES or CBES, as applicable. Understandably, towns might not be able to consider additional compliance options beyond that required by Act 89, but even the simple inclusion of this language can have an effect by reinforcing the expectation of compliance. Dorset, for example, provides the following language in its zoning permit application:

I swear under the pains and penalties of perjury that the statements contained in this application are true to the best of my knowledge and belief. I also agree that development will be in accordance with current Town of Dorset Zoning Bylaws, the VT Residential Building Energy Standards, and other applicable ordinances unless otherwise approved.

Towns can also consider the modest financial benefits linked to higher levels of efficiency. For instance, towns could enact a tiered permit fee structure, where building to higher efficiency levels results in a lower permit fee.

Adopt Stretch Codes, per Act 89: The RBES Stretch Code is an optional standard that municipalities can now choose to adopt. The effect will be more stringent energy efficiency standards for construction within the local community. The Efficiency Vermont Energy Code Assistance Center can provide expertise about how to comply with Stretch Code and the State or Regional Planning Commission can provide information on what local communities need to do to adopt the Stretch Code. See the language from South Burlington’s Land Use Regulations below.¹⁹

¹⁹ <https://www.southburlingtonvt.gov/188/Planning-Zoning>

B. Residential Building Energy Standards (RBES); Stretch Code and Electric Vehicle Charging

- (1) **Stretch Code.** Residential buildings, as defined by 30 V.S.A. § 51(a)(2), that are principal building, shall comply with the Stretch Code, as defined by 30 V.S.A. § 53(a). Such buildings for which the RBES Certificate certifying compliance with the Stretch Code is not recorded in the South Burlington Land Records shall be deemed land development without a zoning permit in violation of these Regulations.

Call attention to RBES and CBES requirements that address renovation projects:

Although the Energy Codes include renovation and rehabilitation projects, in reality these projects have not received the attention that new construction has. Raising the bar on energy code compliance in renovation projects is nonetheless an important component of achieving greater energy efficiency in buildings. There is much more renovation and rehabilitation construction than new construction. Towns can consider new and creative ways to call attention to the requirements for renovations.

Incorporate into town planning and zoning: When contemplating updates to town plans and zoning ordinances, local officials can consider incorporating language into the town plan and zoning ordinances requiring new homes and commercial buildings to be built to code (or even higher levels of efficiency). This ties both to the idea of including code compliance language in building permits, and also to the adoption of local Stretch Codes.

Incorporate into building codes: Towns with building codes could incorporate the Energy Code into the building code and into building inspections by verifying the existence of an Energy Code certificate. Building code inspectors already perform compliance inspections for other codes, and RBES / CBES compliance inspections could also be incorporated in the process.

Q&A on Vermont Building Energy Code

Jurisdiction of Municipalities

1. Do municipalities have the authority to administer the building Energy Code they adopt?
 - a. From the Act 47 Building Energy Code Study Committee Report²⁰

It appears the General Assembly has not clearly specified whether municipalities have the authority to administer the building energy codes (RBES and CBES) at the local level. By contrast, there is clear and specific authority under 20 V.S.A. § 2736 for a municipality to enforce the building and fire safety code adopted by DFS if the municipality is assigned that responsibility by the Commissioner of Public Safety.²¹ There is also a path for variance requests and appeals to move up through the levels of authority. The statewide building and fire safety code applies to a wide variety of buildings (“public buildings” as defined in 20 V.S.A. § 2730(a)) but generally does not apply to owner-occupied single-family residences. For municipalities then, the landscape includes (1) a building energy code applicable to single-family residential construction (RBES), without clarity as to municipal authority, and (2) a building and fire safety code where the potential role of municipalities is clear, but that generally does not apply to single-family residential construction:

- 30 V.S.A. §§ 51 and 53 provide for the establishment of the RBES and CBES (the residential and commercial building energy codes) and describe PSD’s and other parties’ responsibilities as to those codes. The RBES generally applies to owner-occupied single-family residences. However, 30 V.S.A. §§ 51 and 53 do not specifically provide for municipal administration of the building energy codes at the local level.²²
- 24 V.S.A. Chapter 83 gives municipalities authority to adopt building codes and regulations, and authority to appoint building inspectors with right of enforcement, as long as the codes adopted are consistent with the current rules and standards adopted by DFS.

²⁰<https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Environment/Reports%20and%20Resources/W~Building%20Energy%20Code%20Study%20Committee%20~Act%2047%20Building%20Energy%20Code%20Study%20Committee%20Report%20to%20The%20Vermont%20Legislature~1-3-2024.pdf>

²¹ While municipalities can be assigned responsibility for enforcement, the Commission of Public Safety and DFS also retain authority and may revoke the assignment under certain circumstances.

²² The statutes do discuss the role of municipalities in certain areas. The statute governing RBES explains that if a Stretch Code is adopted by PSD, “The Stretch Code shall be available for adoption by municipalities under 24 V.S.A. chapter 117.” Both statutes also explain that an RBES or CBES certificate is required before:

- A. A municipal official acting under 20 V.S.A. § 2736 issues any final occupancy permit required by the rules of the Commissioner of Public Safety for use or occupancy of residential [or commercial] construction that is also a public building as defined in 20 V.S.A. § 2730(a); and
- B. A municipality issues a certificate of occupancy for residential [or commercial] construction if the municipality requires certificates of occupancy under 24 V.S.A. Chapter 117.

- 20 V.S.A. Chapter 173 provides that a municipality may be assigned responsibility for enforcement of the statewide building and fire safety code, if the Commissioner of Public Safety determines that the municipality has appointed adequately trained and qualified officials and has established satisfactory procedures.

Procedures for Municipalities

2. Exactly what information do municipalities present to an applicant for a residential building permit? How should we provide it?
 - a. A copy of the Residential Energy Code (RBES) is available on the PSD website.²³ Municipalities may elect to amend their application for a zoning permit to include a check box where the zoning administrator can indicate that the code has been provided to the applicant.
3. What are municipalities required to give to an applicant for commercial construction?
 - a. A copy of the Commercial Energy Code (CBES), available at <https://publicservice.vermont.gov/efficiency/building-energy-standards/commercial-building-energy-standards>.
4. Does a hard copy of the energy certificate have to be recorded with the municipality?
 - a. Yes, the law requires that the person certifying compliance (i.e., Town Clerk) ensures that the energy certificate is recorded and indexed in the town land records. 30 V.S.A. §51 (f)
5. Is seeing the complete certificate enough for a municipality to issue a Certificate of Occupancy (CO)? Does the municipality need to check whether it has been filed in the land records?
 - a. Simply seeing the certificate is insufficient. While the statute places the obligation on the certifying individual or entity to “assure that the certificate is recorded and indexed in the town land records” 30 V.S.A. §51(f)(1), it also states that the certificate is provided to the municipality as a condition precedent to the issuance of a Certificate of Occupancy. This language suggests that an actual copy should be produced and should remain with the town. Furthermore, as municipalities have authority over and access to land records it is both practical as well as logical for a municipality to verify that the recordation of the certificate has occurred before issuing a certificate of occupancy. A notation of the certificate of occupancy of the Book, Page

²³ <https://publicservice.vermont.gov/efficiency/building-energy-standards/residential-building-energy-standards>

Number, and Date of the recordation of the Energy Code certificate would be an effective and permanent means of demonstrating that the statute has been satisfied.

6. Can I accept an email that says the certificate was completed?
 - a. No. Municipalities may elect to accept an electronic version of a completed certificate, but a certificate must be received in some recordable form. See the answer to the previous question for more detail.
7. If energy code compliance is NOT required, how is the municipality supposed to document that? Is there a way to certify and record that compliance is NOT required?
 - a. It is recommended that the municipality ask applicants to provide a written statement asserting that the code does not apply to their project, and why.
8. If municipalities do not require permits for remodeling jobs, how should they ensure that remodeling jobs comply with the Energy Codes?
 - a. Municipalities do not have any obligation to ensure compliance with energy codes. Their obligation under the law is, where applicable, to issue Certificates of Occupancy. In that situation, the municipality must be provided with the Energy Code certificate before the CO is issued. As noted above, it is suggested that municipalities verify the recordation of the Energy Code certificate prior to the issuance of a CO.

In towns that do not issue certificates of occupancy, zoning administrators still must provide building energy standards material to applicants.

"Regardless of whether a town has amended its by-laws to be consistent with this state law, it must issue permits in accordance with it. If a town fails to do so, it faces possible legal action, either as an appeal to the Environmental Court or as a lawsuit instituted by the Vermont Attorney General."²⁴

9. Does the municipality need to track the number of certificates filed?
 - a. No.
10. Who is responsible for completing the code certificate on commercial projects?
 - a. Both the builder and the primary designer (usually the architect but can be anyone responsible for the building design).

²⁴ VLCT notice to town regarding Act 89.

11. For commercial projects, if there is no architect, who is responsible for filing the code certificate?
 - a. The builder.
12. What becomes of the Owner-Builder disclosure? Does that get filed somewhere?
 - a. It is filed with the municipality and the Department of Public Service - the same as the regular code certificate. Unlike the regular code certificate, it does not need to be filed until the property is listed for sale, and it must be provided to potential buyers before entering into a purchase and sale agreement.
13. What if the municipality's zoning bylaws require a Certificate of Compliance or a Certificate of Completion? Are these the same as a Certificate of Occupancy? Do we still have to require Energy Code compliance certificates before we issue these?
 - a. Yes. The statutory definition of a CO includes a certificate of completion, certificate of compliance, and any other certification attesting to project completion. The Building Energy Code obligations in 30 V.S.A. § 51 relate to a certificate of occupancy as referenced in 24 V.S.A. § 4449(a)(2) and defined in 24 V.S.A. § 4303(11)(D).
14. What is the guidance on how municipal regulations can be revised to allow the zoning administrator the authority to require the code certificate?
 - a. If a municipality adopts bylaws that require a certificate of occupancy under 24 V.S.A. § 4449(a)(2) then the obligations of 30 V.S.A. § 51 also become effective. Municipalities who seek to implement Building Energy Codes through other avenues should seek the advice of their attorney on how best to proceed.

Legal Obligations of the Municipality

15. What if a code certificate is not complete or is wrong? Do municipal officials need to determine if it is filled out correctly?
 - a. Although municipalities do not have an obligation to review code certifications for accuracy, they should reject obviously incomplete or incorrect certificates (such as not having a signature).

What happens if someone does not file a certificate?

16. How does it relate to future property sales?

- a. The validity of a title is not affected by the failure to issue or submit a certificate. [30 V.S.A. §51 (i)].
17. How does it affect the municipality?
- a. The municipality is not affected.
18. How does it affect the builder?
- a. If the certificate was not issued by a licensed professional engineer, a licensed architect, or an accredited home energy rating organization, it was the obligation of the builder to do so. 30 V.S.A. § 51(f)(1). A person aggrieved by noncompliance with the statutory requirements has the right to initiate a legal action for damages. 30 V.S.A. § 51(g).
19. How does it affect the owner?
- a. Whether the failure to file a certificate will have an impact on an owner is not possible to predict, as this is not determinative of whether the building was compliant with the applicable Energy Code. However, an owner if aggrieved by noncompliance with the statutory requirements has the right to initiate a legal action for damages. 30 V.S.A. § 51(g).
20. How does it affect the architect?
- a. On commercial projects, the architect may be liable under 30 V.S.A. § 53(d). On residential projects, the architect has no legal obligation regarding the Energy Code unless they sign the code certificate. 30 V.S.A. § 51(f)(1) and 30 V.S.A. § 51(g).
21. Does the municipality face any liability issues if it fails to comply with the provisions of Act 89?
- a. A municipality may always be held liable for failure to comply with a statutory directive.
22. What if the builder filed a certificate but actually hasn't complied with the building Energy Codes (i.e., the construction itself is not compliant)? Can the municipality be held liable even if it complied with the requirements of Act 89, e.g., required the builder to record the energy certificate?
- a. No, the municipality cannot be held liable. If the municipality is provided the energy certificate, and then issues a CO on that basis, it has complied with its legal obligations. If a CO has been issued based on a misleading energy certificate, then the builder may be sued by the owner for failing to comply with code provisions.

23. If the municipality issues the CO in accordance with Act 89, but the builder never properly recorded the Energy Code compliance certificate, can the municipality be held liable?
- The certifying entity or individual must record the Energy Code certificate, and there is a municipal obligation to issue the CO. If a municipality issues a CO without having first been provided with a copy of the completed certificate, they could be held liable.
24. How can the municipality ensure that the Energy Code was provided to an applicant?
- The building permit application could be amended to include documentation that the code was provided.
25. Is the municipality liable if the builder/owner/architect files a false certificate?
- No.

Mechanics of How the Code Works

26. Which projects need to comply with the Energy Code?
- All new construction and additions, and most renovation projects that affect the energy use of the building (unless expressly exempt). Examples include creating new conditioned space, changing the location of the thermal envelope, adding insulation, replacing windows, and some types of changes to heating and cooling systems. Work that does not need to comply includes spaces not heated or cooled, regular maintenance and repair, storm windows, and existing walls, ceilings, and floors if the cavities are not exposed.
27. Do seasonal homes need to comply?
- Yes, if they are heated or cooled using either electricity or fossil fuels. The code does not distinguish between year-round and seasonal homes. They are subject to the same requirements, except for hunting camps, summer camps, mobile homes, and buildings that are neither heated nor cooled.
28. Who is required to file the code certificate?
- Both the builder and architect/engineer for commercial projects; the builder or architect/engineer for residential projects.
29. What projects qualify for the owner-builder exemption?
- An owner-builder must own the building, must live in the building, and must be the individual directing the details of construction.
30. What recourse does an owner have if a previous owner-builder did not follow the

code?

- a. There is no recourse as an owner-builder does not have to follow code, although they do need to disclose the nature and extent of any non-compliance by completing an "Owner/Builder Disclosure Statement," available in the RBES Handbook.

31. Does a project need to comply with the Energy Code that is in effect when the application is filed or the code that is in effect when construction starts?

- a. Residential projects need to comply with the Energy Code that is in effect when construction starts. For commercial projects, persons submitting an application for any local permit authorizing commercial construction, or an application for construction plan approval by the Commissioner of Public Safety pursuant to 20 V.S.A. chapter 173, before the effective date of the amended CBES shall have the option of complying with the applicable provisions of the earlier or the amended CBES. After the effective date of the original or the amended CBES, any person submitting such an application for commercial construction in an area subject to the CBES shall comply with the most recent version of the CBES.

32. What happens if the code certificate is not available at the time of closing?

- a. Lack of a code certificate does not cloud the title, so the sale can go ahead as long as all parties are willing.

Other

33. How are the Stretch Codes different from the current Energy Codes?

- a. Stretch codes are defined in state statute as a building Energy Code that achieves greater energy savings than the base Energy Code. The Residential Stretch Code is now required for all residential projects that go through the Act 250 process. The Stretch Code may be voluntarily adopted by municipalities. The current base Energy Codes are mandatory state-wide and will continue to be so except for Act 250 projects as described above.

34. If we want to adopt a Stretch Code, how do we do that?

- a. The Stretch Code would be adopted using the same process as any other municipal regulation.

35. Should municipalities amend permit applications and/or COs to include reference to the Energy Codes?

- a. Amending permit applications and/or COs is a good way to remind everyone

of the requirements and to document that the municipality has fulfilled its obligation.

36. If a home or building is LEED certified, does that mean that it also meets the code?
 - a. Not necessarily. Although they both have efficiency requirements, there are some things required by the code that are not covered in the Leadership in Energy and Environmental Design (LEED) system.
37. When will the next Energy Code revision take place?
 - a. Vermont statute suggests that the Energy Code may be updated on a three-year cycle in coordination with updates to the model Energy Code. The next iteration of the IECC, the 2027 IECC, is likely to be published sometime in 2026.
38. How does Efficiency Vermont assist municipalities with meeting the Energy Code?
 - a. The Energy Code Assistance Center (ECAC), operated by Efficiency Vermont, is the central clearinghouse for information about the code. It provides printed materials and workshops and maintains a toll-free hotline at 855-887-0673. Municipal officials are invited to call the ECAC Monday-Friday 8:00am-5:00pm.
39. If the top of my garage is converted to an office, which code is applicable – the commercial code or the residential code?
 - a. This would likely be the residential code.
40. Does the Division of Fire Safety have any obligations regarding the Energy Codes?
 - a. Fire Marshalls check for the RBES and CBES certificates posted on site in all public buildings and list a missing certificate as a deficiency.