

FACT SHEET

ENERGY CODE COMPLIANCE

For further information, please contact

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All fifty states accepted State Energy Program funding under the American Recovery and Reinvestment Act of 2009. By accepting funding, they are required to adopt energy codes equivalent to the 2009 IECC and ASHRAE standard 90.1-2007 and achieve 90 percent compliance by 2017.

Statewide reports demonstrate that there is a widespread lack of energy code compliance. Code enforcement may even be completely absent in some regions.

Bolstering State Support of Local Code Enforcement

State and even county governments can create structures for code enforcement or increase support at the local level by implementing some of the following best practices:

Provide technical assistance

The state government can create educational resources for local governments or take over inspections and plan review for complex projects. For example, the Kentucky Department of Housing and Building Construction conducts plan reviews and inspections and enforces building codes for all buildings with occupancies greater than 100 people, as well as for daycare centers, schools, healthcare facilities, correctional facilities, industrialized building systems, institutional buildings and state-owned buildings.

Third Party Inspections

One strategy that does not entail much overhead or administrative work is to require all construction uninspected by a local code official to be inspected by third-party inspectors. The state could create a database of approved companies; external certification programs, like Home Energy Rating System (HERS) Rater, National Comfort Institute (NCI) Analyst or Building Performance Institute (BPI) Building Analyst, can be used so that the state does not have to create its own credentialing system. This strategy could be passed at the state level to ensure construction in rural and unincorporated areas is permitted and inspected.

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Regional Inspectors

The state can take over enforcement in underserved locations. For example, New Mexico employs 75 inspectors to perform inspections and verify code compliance in outlying areas. As aforementioned, Kentucky performs plan reviews and inspections for complex projects at the state level. Plan reviews are done in the Department of Housing and Building Construction headquarters. The state employs 16 regional code inspectors that are each responsible for a specified sector of the state. Furthermore, Kentucky requires separate permits and inspections for all new HVAC systems (both commercial and residential) by state-certified inspectors. Both of these programs are funded through permit and inspection fees; Kentucky also received federal stimulus funds for its HVAC inspection program.

Structures for Design Professional Accountability

This compliance strategy requires licensed design professionals to complete a statement of compliance, confirming that the final construction of a building conforms to the approved plans, which obliges design professionals to be more actively involved in the construction process and more accountable for their work. After a statement of compliance is completed, an inspection by a jurisdiction’s code official still needs to be performed, but this requirement acts as a safety net for code officials and reduces the number of inspections in non-compliant buildings. For example, Wisconsin requires a compliance statement for commercial buildings 50,000 cubic feet or larger. The state receives only a few non-compliant statements every year, saving the building department time and money, because design professionals avoid sending non-compliant statements to prevent delaying building occupancy and consequences for improper or false completion of the statement. According to a U.S. Department of Energy-supported compliance pilot study, commercial buildings had a 95 percent compliance rate with the 2006 IECC.

OTHER RESOURCES

For more information about the specific examples used in this fact sheet, visit Building Codes Assistance Project’s website:
<http://bcap-ocean.org/resource/kentucky-gap-analysis-report>
<http://bcap-ocean.org/resource/illinois-strategic-compliance-plan>
<http://bcap-ocean.org/resource/new-mexico-gap-analysis-report>

Also, check out IMT’s case studies at <http://www.imt.org/codecompliance> for more information about the individual strategies:

[Third-Party Performance Testing](#)

[Design Professional Accountability](#)

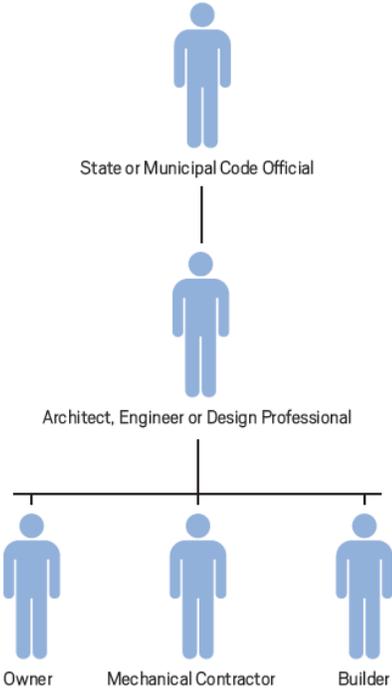


Figure 1. Licensed professionals are the link between stakeholders in the construction process and the code official.