

Advanced Building Codes in S.2191

Lieberman-Warner Climate Security Act of 2007 (as passed the Environment and Public Works Committee)

SEC. 5201. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

(a) Updates-

(1) IN GENERAL- The Secretary shall support updating the national model building energy codes and standards not later than 3 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, and not less frequently every 3 years thereafter, to achieve overall energy savings, as compared to the IECC (2006) for residential buildings and ASHRAE Standard 90.1 (2004) for commercial buildings, of at least--

(A) 30 percent, with respect to each edition of a model code or standard published during the period beginning on January 1, 2010, and ending on December 31, 2019;

(B) 50 percent with respect to each edition of a model code or standard published on or after January 1, 2020; and

(C) targets for intermediate and subsequent years to be established by the Secretary not less than 3 years before the beginning on each target year, in coordination with IECC and ASHRAE Standard 90.1 cycles, at the maximum level of energy efficiency that is technologically feasible and lifecycle cost-effective.

(2) REVISIONS TO IECC AND ASHRAE.--

(A) IN GENERAL-If the IECC or ASHRAE Standard 90.1 regarding building energy use is revised, noT later than 1 year after the date of the revision, the Secretary shall determine whether the revision will--

(i) improve energy efficiency in buildings; and

(ii) meet the energy savings goals described in paragraph (1).

(B) MODIFICATIONS-

(i) IN GENERAL- If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the energy savings goals established under paragraph (1) or if a national model code or standard is not updated for more than 3 years, not later than 1 year after the determination or the

expiration of the 3-year period, the Secretary shall propose a modified code or standard that meets the energy savings goals.

˘ (ii) REQUIREMENTS-

˘ (I) ENERGY SAVINGS- A modification to a code or standard under clause (i) shall--

˘ (aa) achieve the maximum level of energy savings that is technically feasible and lifecycle cost-effective; and

˘ (bb) be achieved through an amendment or supplement to the most recent revision of the IECC or ASHRAE Standard 90.1 and taking into consideration other appropriate model codes and standards; and

˘ (cc) incorporate available appliances, technologies, and construction practices.

˘ (II) TREATMENT AS BASELINE- A modification to a code or standard under clause (i) shall serve as the baseline for the next applicable determination of the Secretary under subparagraph (A)(i).

˘ (C) PUBLIC PARTICIPATION- The Secretary shall--

˘ (i) publish in the Federal Register a notice relating to each goal, determination, and modification under this paragraph; and

˘ (ii) provide an opportunity for public comment regarding the goals, determinations, and modifications.

˘ (b) State Certification of Building Energy Code Updates-

˘ (1) GENERAL CERTIFICATION-

˘ (A) IN GENERAL- Not later than 2 years after the date of enactment of the Lieberman-Warner Climate Security Act of 2008, each State shall certify to the Secretary that the State has reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

˘ (B) ENERGY SAVINGS- A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed, as applicable--

˘ (i)(I) the IECC (2006) for residential buildings; or

˘ (II) the ASHRAE Standard 90.1 (2004) for commercial buildings; or

˘ (ii) the quantity of energy savings represented by the provisions referred to in clause (i).

˘ (2) REVISION OF CODES AND STANDARDS-

˘ (A) IN GENERAL- If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), not later than 2 years after the determination or proposal, each State shall certify that the State has

reviewed and updated the provisions of the residential and commercial building codes of the State regarding energy efficiency.

` (B) ENERGY SAVINGS- A certification under subparagraph (A) shall include a demonstration that the applicable provisions of the State code meet or exceed--

` (i) the modified code or standard; or

` (ii) the quantity of energy savings represented by the modified code or standard.

` (C) FAILURE TO DETERMINE- If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or if the Secretary makes a negative determination, not later than 2 years after the specified date or the date of the determination, each State shall certify that the State has--

` (i) reviewed the revised code or standard; and

` (ii) updated the provisions of the residential and commercial building codes of the State as necessary to meet or exceed, as applicable--

` (I) any provisions of a national code or standard determined to improve energy efficiency in buildings; or

` (II) energy savings achieved by those provisions through other means.

` (c) Achievement of Compliance by States-

` (1) IN GENERAL- Not later than 3 years after the date on which a State makes a certification under subsection (b), the State shall certify to the Secretary that the State has achieved compliance with the national building energy code that is the subject of the certification.

` (2) RATE OF COMPLIANCE- The certification shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the State code during the preceding calendar year.

` (3) COMPLIANCE- A State shall be considered to achieve compliance for purposes of paragraph (1) if--

` (A) at least 90 percent of new and renovated buildings covered by the State code during the preceding calendar year substantially meet all the requirements of the code; or

` (B) the estimated excess energy use of new and renovated buildings that did not meet the requirements of the State code during the preceding calendar year, as compared to a baseline of comparable buildings that meet the requirements of the code, is not more than 10 percent of the estimated energy use of all new and renovated buildings covered by the State code during the preceding calendar year.

` (d) Failure to Certify-

^ (1) EXTENSION OF DEADLINES- The Secretary shall extend a deadline for certification by a State under subsection (b) or (c) for not more than 1 additional year, if the State demonstrates to the satisfaction of the Secretary that the State has made--

^ (A) a good faith effort to comply with the certification requirement; and

^ (B) significant progress with respect to the compliance.

^ (2) NONCOMPLIANCE BY STATE-

^ (A) IN GENERAL- A State that fails to submit a certification required under subsection (b) or (c), and to which an extension is not provided under paragraph (1), shall be considered to be out of compliance with this section.

^ (B) EFFECT ON LOCAL GOVERNMENTS- A local government of a State that is out of compliance with this section may be considered to be in compliance with this section if the local government meets each applicable certification requirement of this section.

^ (e) Technical Assistance-

^ (1) IN GENERAL- The Secretary shall provide technical assistance (including building energy analysis and design tools, building demonstrations, and design assistance and training) to ensure that national model building energy codes and standards meet the goals described in subsection (a)(1).

^ (2) ASSISTANCE TO STATES- The Secretary shall provide technical assistance to States--

^ (A) to implement this section, including procedures for States to demonstrate that the codes of the States achieve equivalent or greater energy savings than the national model codes and standards;

^ (B) to improve and implement State residential and commercial building energy efficiency codes; and

^ (C) to otherwise promote the design and construction of energy-efficient buildings.

^ (f) Incentive Funding-

^ (1) IN GENERAL- The Secretary shall provide incentive funding to States--

^ (A) to implement this section; and

^ (B) to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with the codes.

^ (2) AMOUNT- In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall take into consideration actions proposed by the State--

^ (A) to implement this section;

