



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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Business*

February 3, 2009

To: Senator Andrea Stillman, Co-Chairman
Representative Steve Dargan, Co-Chairman
Members of the Public Safety and Security Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Raised Bill 6284, AAC Adoption of a Model Energy Code and Green Building Standards**

The HBA of Connecticut is a professional trade association with one thousand three hundred (1,300) member firms statewide employing tens of thousands of CT's citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry.

Summary & Background: **The HBA of Connecticut strongly supports RB 6284.** It is a critically necessary fix to PA 07-242, sec. 78, which amended the building code statute (29-256a) with language that requires certain green building construction practices as of Jan. 1, 2009. The entire design and construction industry, building code officials, the Dept. of Public Safety, and even the Attorney General's office do not know how to comply with this statute. The language of PA 07-242, sec. 78, is extremely confusing and has caused so much uncertainty within the construction industry that projects have been delayed or even halted.

We are not against green building. In fact we are heavily promoting green building practices to the residential construction industry and consumers through our Build Green Connecticut™ program (see www.hbact.org), which is based on the National Green Building Standard (see third bullet below). It is the placement of unknown requirements, many of which have nothing to do with building codes or construction practices, into the building code statute that has caused the confusion. **And we are not coming to this issue late.** We opposed the original unworkable language in 2007 and sought a corrective amendment in 2008 in both the regular and special sessions. This committee did in fact correct the 2007 act in 2008 on the Environment Committee's global warming bill but that correction was reversed by a House floor amendment.

What Needs to Change:

- **In 29-256a(b), change the effective date by referencing the effective date of the next State Building Code, rather than a date for constructing buildings.** The State Building Code is updated on a 3-4 year cycle. This simple date change in the statute will correct the disconnect between the statutory construction requirement and the requirements of the State Building Code. By placing a date certain in the statute rather than in the next adopted code, owners and builders would have to change their construction plans in the middle of ongoing projects on which building permits have already been issued.

- **If the policy of the state is to promote or require green building rating systems, the building code statute is the wrong place except for building code issues.** Green building rating systems include numerous “green” factors (e.g., obtaining lumber from a sustainable forest, use of bike racks, size of buildings, location of buildings in urban settings or near transit), and even some energy efficiency factors (e.g., use of Energy Star appliances), that are not regulated by the State Building Code. Section 29-256a is a building code statute and should be limited to building code matters.
- **If specific green building rating systems are to be referenced in the statutes, then nationally recognized, more consensus-based work products other than LEED are available and provide more flexibility and cost benefits for building owners.** For example, the NAHB National Green Building Standard (NGBS) is the premier green building rating standard for homes, and is a true standard (i.e., recently approved by ANSI, the American National Standards Institute, as the first nationally recognized, consensus-based green building standard; see attached). If reference to specific green rating systems is to remain in the statute, then the NGBS, which also requires third party verification, should be included.
- **“Building construction standards consistent with” LEED, Green Globes, National Green Building Standard, or an equivalent rating system needs to be defined in the building code.** Specific authority for the Codes & Standards Committee and State Building Inspector should be granted to identify the portions of these rating systems relevant to the building code. “Silver” or any other level of rating do not make sense in the building code or construction context because those rating levels are based on achieving points from the entire rating system. RB 6284 outlines those matters, e.g., thermal envelope and mechanical, lighting and electrical systems, that must be included in the next building code.
- **The 2007 adopted exemption language in 29-256a is not necessary and reference to the Institute for Sustainable Energy (ISE) should be removed.** The ISE is one professor and some student interns at Eastern Connecticut State University. The ISE is not equipped to conduct the analyses required on possibly many exemption requests. Rather, there is an existing project-specific code modification process that is sufficient to handle exemptions.
- **Other confusing statutory language needs to be changed.** “Renovation” needs to be changed to “alteration” to match existing definitions in the State Building Code. Thresholds for impacted project size should be based on square footage, a much more objective and reasonable basis to determine project size, but even square footage nuances need to be worked out in regulations, not the statute.

Conclusion: The design and construction industry, code officials and green building experts have come together to propose the corrective language in RB 6284.

Please support RB 6284 and help undo the logjam of confusion caused by PA 07-282, section 78, and put the state’s green building practices back on a logical, progressive path.