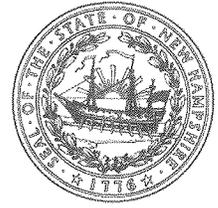




The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



January 29, 2015

The Honorable James Belanger, Chairman
House Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, New Hampshire 03301

Re: House Bill 288, relative to the code for energy conservation in new building construction

Dear Chairman Belanger and Members of the Committee:

Thank you for the opportunity to provide testimony relative to House Bill 188 which would make enforcement of building energy codes for new construction and major renovations optional for municipalities and allow individuals to build non-compliant structures. The Department of Environmental Services (DES) opposes this bill.

Energy use for heating and electrical use in residential and commercial buildings accounts for about half of all energy consumed in the state. Maximizing building efficiency during new construction and major renovations saves money, reduces air pollution, increases the durability of the building, and provides increased safety and comfort. Reducing the amount spent on building energy also benefits the broader New Hampshire economy as those energy dollars, which primarily go to pay for energy sources from outside the region and/or country, are spent on goods and services that directly support the local economy.

The 2009 *New Hampshire Climate Action Plan*¹ was developed by the twenty-nine member Climate Change Policy Task Force (comprised of a broad array of business and energy interests in the state) after many months of studying the issue and receiving input from hundreds of New Hampshire businesses, interest groups and citizens. Regular updates to New Hampshire building energy codes that take advantage of, and push the development of, new materials and technologies are central to reducing energy demand and greenhouse gas (GHG) emissions from the built environment. The NH Climate Action Plan includes maximizing building energy efficiency as one of the ten over-arching strategies to achieve the State's GHG reduction goals.

An updated International Energy Conservation Code (IECC) is issued every three years and is the result of an in-depth review of available technologies, materials, and costs, and is adopted via a process that allows for significant input from all sectors. New Hampshire adopts updated

¹ http://des.nh.gov/organization/divisions/air/tsb/tps/climate/action_plan/nh_climate_action_plan.htm



energy codes after review and recommendation from the Building Code Review Board, which conducts their own in-depth review of the IECC code. Energy efficiency is the lowest cost energy source. The reduction in energy demand from highly efficient new buildings can reduce energy costs for all New Hampshire ratepayers by delaying or eliminating the need for additional electric generation facilities or transmission upgrades.

Enforcement of energy codes also provides significant consumer protection. Construction of an energy efficient building reduces energy costs. By establishing the very minimum requirements, building energy codes set the baseline for energy efficiency in new construction and renovations to which further design upgrades and strategies may be compared. A structure built to the 2009 energy code requirements will be 14% more energy efficient than one built to the 2006 code. Likewise, the 2012 code represents a 30% improvement in energy performance over the 2006 code. This translates to a significant savings in energy costs. Buyers of new buildings are rarely qualified to determine whether a building has been built to current energy code. The average consumer would assume that a new building will be more efficient than an older building. Inspection of new buildings by state or municipal code officials provide assurance to consumers that they are getting what they are paying for. Absent enforcement, buyers are at risk of finding out later that a building does not meet the energy code. That building will then cost that owner more to operate and will likely have a lower resale value. Allowing an individual to opt out of building to code also presents risks to future buyers of that building who might also assume newer is better.

New Hampshire has made a commitment to the US Department of Energy to develop and implement a plan, including active training and enforcement provisions, to achieve 90 percent compliance with the 2009 energy codes by 2017. The New Hampshire Building Energy Code Collaborative, which includes representatives from many sectors including home builders, architects, code enforcement officers, historical preservation, environment, energy, realtors and utilities, has been formed to help the state achieve widespread compliance with energy codes. The State's plan for achieving 90% compliance would necessarily rely on increased enforcement of the code, not a reduction as proposed in this bill.

Thank you for the opportunity to provide testimony in opposition to this bill. Should you have further questions or need additional information, please feel free to contact Rebecca Ohler, Technical Programs Manager (271-6749, rebecca.ohler@des.nh.gov) or Michael Fitzgerald, Assistant Director, Air Resources Division (271-6390, Michael.fitzgerald@des.nh.gov).

Sincerely,



Thomas S. Burack
Commissioner

cc: HB 288 sponsors