

CHAPTER 1

ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. This code shall be known as the 2011 *Residential Building Energy Standards* (RBES), and shall be cited as such. It is referred to herein as “this code.”

101.2 Scope. This code applies to *residential buildings*.

101.3 Intent. This code shall regulate the design and construction of buildings for the effective use of energy. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

101.4 Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

101.4.1 Existing buildings. Except as specified in this chapter, this code shall not be used to require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

101.4.2 Historic buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, are exempt from this code.

101.4.3 Additions, alterations, renovations or repairs. Additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.
4. Construction where the existing roof, wall or floor cavity is not exposed.
5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate *conditioned space* from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a *conditioned space* from the exterior shall not be removed.
7. Alterations that replace less than 50 percent of the luminaires in the space where the alteration is taking place, provided that such alterations do not increase the installed interior lighting power.
8. Alterations that replace only the bulb and ballast within the existing luminaires in a space, provided that the *alteration* does not increase the installed interior lighting power.

101.4.4 Change in occupancy or use. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code.

101.4.5 Change in space conditioning. Any nonconditioned space that is altered to become *conditioned space* shall be required to be brought into full compliance with this code.

101.4.6 Mixed occupancy. Where a building includes both *residential* and *commercial* occupancies, each occupancy shall be separately considered and meet the applicable provisions of Chapter 4 for *residential portions of the building and the Commercial Building Energy Standards* (CBES) for *commercial portions of the building*.

101.5 Compliance. Residential buildings shall meet the provisions of Chapter 4.

101.5.1 Compliance materials. The code official or other authority having jurisdiction shall be permitted to approve specific computer software, worksheets, compliance man-

uals and other similar materials that meet the intent of this code.

101.5.2 Exempt buildings. The following buildings, or portions thereof, shall be exempt from the provisions of this code:

1. Low Energy Use Buildings. Those with a peak design rate of energy usage less than 3.4 Btu/h-ft² (10.7 W/m²) or 1.0 watt/ft² (10.7 W/m²) of floor area for space conditioning purposes.
2. Unconditioned Buildings. Those that do not contain *conditioned space*.
3. Mobile homes. Homes subject to Title VI of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401-5426).
4. Hunting camps. Residential buildings shall not include hunting camps.
5. Owner-built homes. Residential construction by an owner, if all of the following apply:
 1. The owner of the residential construction is the *builder*, as defined in 21 V.S.A ss 266 a1, and;
 2. The residential construction is used as a dwelling by the owner, and;
 3. The owner in fact directs the details of construction with regard to the installation of materials not in compliance with the RBES, and;
 4. The owner discloses in writing to a prospective buyer, before entering into a binding purchase and sales agreement, with respect to the nature and extent of any noncompliance with the RBES.

Any statement or certificate given to a prospective buyer shall itemize how the home does not comply with RBES, and shall itemize which measures do not meet the RBES in effect at the time construction commenced. Any certificate given under this subsection shall be recorded in the land records where the property is located, and sent to the department of public service, within 30 days following sale of the property by the owner. The department of public service will develop and make available to the public a certificate that itemizes how the home does not comply with RBES.

SECTION 102 ALTERNATE MATERIALS—METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

102.1 General. This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been *approved* by the *code official or other authority having jurisdiction* as meeting the intent of this code.

102.1.1 Above code programs. The *code official* or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this code. The requirements identified as “mandatory” in Chapter 4 of this code, as applicable, shall be met.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 CONSTRUCTION DOCUMENTS

103.1 General. Where required, construction documents and other supporting data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official or other authority having jurisdiction* is authorized to require necessary construction documents to be prepared by a registered design professional.

103.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when *approved by the code official or other authority having jurisdiction*. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their *R*-values; fenestration *U*-factor; area-weighted *U*-factor; mechanical system design criteria; mechanical and service water heating system and equipment types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower (hp) and controls; duct sealing, duct and pipe insulation and location; lighting fixture schedule with wattage and control narrative; and air sealing details.

103.3 Examination of documents. The *code official or other authority having jurisdiction* shall examine or cause to be examined the accompanying construction documents and shall ascertain whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

103.3.1 Approval of construction documents. When the *code official or other authority having jurisdiction* issues a permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “Reviewed for Code Compliance.” Such approved construction documents shall not be changed, modified or altered without authorization from the code official or other authority having jurisdiction. Work shall be done in accordance with the *approved* construction documents.

One set of construction documents so reviewed shall be retained by the *code official or other authority having jurisdiction*. The other set shall be returned to the applicant, kept at the site of work and shall be open to inspection by the *code official* or a duly authorized representative.

103.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

103.3.3 Phased approval. The *code official or other authority having jurisdiction* shall have the authority to issue a permit, where applicable, for the construction of part of an energy conservation system before the construction documents for the entire system have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire energy conservation system will be granted.

103.4 Amended construction documents. Changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

103.5 Retention of construction documents. One set of *approved* construction documents shall be retained by the *code official or other authority having jurisdiction* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 104 INSPECTIONS

104.1 General. Where required, construction or work for which a permit is required shall be subject to inspection by the *code official or other authority having jurisdiction*.

104.2 Required approvals. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official or other authority having jurisdiction*. The *code official or other authority having jurisdiction*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official or other authority having jurisdiction*.

104.3 Final inspection. The building shall have a final inspection and not be occupied until *approved*, where required, by a code official or other authority having jurisdiction.

104.4 Reinspection. A building shall be reinspected when determined necessary by the *code official or other authority having jurisdiction*.

104.5 Approved inspection agencies. The *code official or other authority having jurisdiction* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

104.6 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official or other authority having jurisdiction* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

104.7 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official or other authority having jurisdiction* for inspection and testing.

104.8 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the *code official or other authority having jurisdiction*.

104.8.1 Revocation. The *code official or other authority having jurisdiction* is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 105 VALIDITY

105.1 General. If a portion of this code is held to be illegal or void, such a decision shall not affect the validity of the remainder of this code.

SECTION 106 REFERENCED STANDARDS

106.1 General. The codes and standards referenced in this code shall be those listed in Chapter 6, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference.

106.2 Conflicting requirements. Where the provisions of this code and the referenced standards conflict, the provisions of this code shall take precedence.

106.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

106.4 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

