



# SUGGESTED AMENDMENTS TO HB 316 S04



Utah Office of  
Consumer Services



**HB 316 S04 is not a compromise.** As written, this bill ignores concerns voiced by large energy consumers, low income home builders, consumer advocates, and energy efficiency and air quality advocates. Rather, this bill allows home builders to continue to build drafty, high emitting homes that do not take advantage of modern building practices and are unnecessarily expensive to operate. This bill amounts to a missed opportunity to keep energy bills low, improve the quality of new homes, and improve local air quality. **Utah families deserve better!**

**We are already behind** - it is 2016 and Utah's new homes are currently built just a little better than the **2006** model energy code! **37** other states have stronger residential energy codes than Utah.

This bill also restricts the Department of Environmental Quality's ability to advance or enforce new smart, cost effective solutions to address emissions from homes and buildings in the future. This is a huge problem because **homes and buildings currently contribute 39%** of the air pollution along the Wasatch Front, and **are projected to contribute 60% by 2050!**

This bill also **harms all ratepayers** because energy savings in new homes would delay the need for new energy resources, which saves money for all energy users, not just individual homeowners.

This bill would result in **more pollution** and **dramatically reduced energy savings** than the recommendations made by Utah's Uniform Building Code Commission (the body of experts tasked with examining the model code and selecting elements that are cost-effective and work for Utah).

Specifically, as compared to the Commission recommendation, HB 316 S04 proposes:

- **NO improvements in home envelope efficiency**, which allows poorly insulated exterior walls to continue to be built in new homes. This amounts to no reduction in natural gas combustion and in turn, no reduction in air pollution emissions. This element is important because it is extremely difficult and costly for homeowners to upgrade inefficient walls after they are built. **The UBCC recommended a 10% improvement.**
- **Reduced improvement in air leakage from air ducts.** Leaky ducts mean wasted energy. This amendment results in wasted energy and more pollution from the home. It is very difficult for homeowners to upgrade air duct tightness after the home is built.

Other problems with HB 316 S04:

- Creates a new requirement for complex cost/benefit analyses without providing information about who will conduct the analysis and how it will be funded;
- Prohibits consideration of updated model codes until **2024**, and then every **9** years thereafter (new codes are currently reviewed every 3 years);
- Includes a provision to regulate **distributors** of appliances (water heaters) in the building code, which is outside of the purview of the building code.

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## 1. Remove 9-year extension of building code review cycle (page 5, lines 138-154)

Extension of the building code review cycle from 3 to 9 years has wide-reaching implications for the health and safety of home owners and the population at large. **No other state has moved to a 9-year code adoption cycle.** This should be considered as a stand-alone issue that is considered by the legislature based on its own merits.

## 2. Change cost benefit language (page 6, lines 153-154 and lines 167-168)

Information about the relative costs and benefits of improved codes is important for the UBCC and Legislature. However, the 2018 building codes, currently in development, already contains cost/benefit information, making this new provision unnecessary. In addition, this bill provides no funding for the UBCC to conduct the proposed complex analyses. The UBCC should be directed to study this issue and develop a recommendation to the Utah Legislature, including funding estimates.

**Proposed amendments: Strike:** 15A-1-204(4)(a)(ii) and 15A-1-204(5)(a)(ii).

15A-1-204(3)(a) For each update of a nationally recognized construction code, the commission shall prepare a report described in Subsection (4).

(b) For the provisions of a nationally recognized construction code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the commission shall:

(i) prepare a recommendation about whether or not to modify the requirement for the commission to review and recommend code amendments in a year of a regularly scheduled update of a nationally recognized code, or if such review and recommendations should occur for every other year of a regularly scheduled update, or another schedule, and present the recommendation to the Business and Labor Interim Committee.

(ii) prepare a report describing the technical capacity of the commission to analyze the costs and benefits of each recommended change in the commission's recommendations to the Utah Legislature, and make recommendations for funding allocation to enable the commission to provide such analysis.

## 3. Strike new language restricting future action on area source emissions (page 8, lines 218-233)

## 4. Increase building envelope efficiency (page 49, lines 1434-1435; repeated on page 79, lines 2280-2281)

Amend bill by requiring 10% improvement in building envelope efficiency (current language requires "0% better than code") and add an alternative prescriptive requirement of at least R-15 for wood frame walls when using the Utah REScheck software to demonstrate compliance with the energy code.

**Proposed amendment:** "Exception: A project complies if the project demonstrates compliance with '10 percent better than code' using the software RESCheck 2012 Utah Energy Conservation Code, or includes a wood frame wall R value of R15 or greater using the software RESCheck 2012 Utah Energy Conservation Code."

## 5. Increase air duct tightness (page 52, lines 1498-1499; repeated on page 82, lines 2343-2344)

Current language allows air ducts to leak more than recommended by the UBCC. This provision should be amended to include the original values as recommended by the UBCC, which also corrects a technical error in this section.

**Proposed amendment:** "...the number 4 is changed to 6, the number 113.3 is changed to 170, the number 3 is changed to 5..."

## 6. Remove "Additional Construction Requirement" for Ultra-low NOx water heaters (pages 98-100, lines 2815-2873)

While ultra-low NOx water heaters are highly cost effective tools for reducing local air pollution, provisions regulating appliances do not belong in the building code because they are not "construction requirements." In a letter to the Utah Natural Resources, Agriculture, and Environment Interim Committee (January 25, 2016), the UBCC determined that *"the adoption of rules to control emissions from appliances like ultra-low NOx water heaters is not within its purview, but recommends referencing to such DAQ rules into the relevant building codes, much like the Division of Water Quality rules are referenced in the code."*

**Proposed amendment:** 15A-6-102(1) Water heaters installed on or after July 1, 2018 shall meet the requirements of Utah Code Section 19-2-107.7. [From HB 250 Air Quality Amendments]