SPONSOR: Sen. McDowell & Rep. Kowalko
Sens. Katz, Bunting, DeLuca, Hall-Long, Henry, Sokola, Blevins, Sorenson, Reps. Gilligan, J. Johnson, Brady, Longhurst, Mitchell, Mulrooney, Plant, D.E. Williams, D.P. Williams

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 59

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ENERGY CONSERVATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 76, Title 16 of the Delaware Code, by striking § 7602 thereof in its entirety and by substituting in lieu thereof the following:

"§ 7602. Code for Energy Conservation.

(a) Except as herein noted, no county or municipal building or plumbing code shall contain any provision which shall be materially at variance with most recent version of the International Code Council (ICC), International Energy Conservation Code, jointly prepared by the Building Officials and Code Administrators International, Inc. (BOCA), the International Conference of Building Officials (ICBO) and the Southern Building Code Congress International, Inc. (SBCCI). In effect, the highest available energy conservation code as determined by the Delaware Energy Office shall be the referenced energy code for all new detached 1 and 2-story family dwellings and all other new residential buildings 3 stories or less in height. Energy standards for all other new buildings, to include high-rise residential, shall be established to meet the latest available standard of the American Society of Heating, Refrigerating and Air Conditioning Engineers/Illuminating Engineering Society of North America (ASHRAE/IESNA) as determined by the Delaware Energy Office; provided, however, the respective county or municipal government may exclude agricultural structures from these provisions.

(b) The Delaware Energy Office, or its successor, shall promulgate procedures for certification of compliance with these codes and standards; provided, however, with respect to compliance with these codes and standards for a commercial building of less than 5,000 square feet in size, the respective local government, rather than requiring that such compliance be certified by licensed engineers or architects, as is required with commercial buildings of 5,000 square feet or more, may elect to utilize a commercial buildings ASHRAE/IESNA Compliance Guide, to include computerized software compliance packages such as the Department of Energy developed COMcheck compliance software for insuring commercial energy code compliance and the Department of Energy developed

RESCheck compliance software for residential energy code compliance. An alternate compliance method for residential code compliance using ENERGY STAR documentation software may be used in lieu of the RESCheck software. Code officials shall allow submission of documents that demonstrate energy efficiency that exceeds the requirements of the code when these State, local or national programs have been demonstrated to exceed the requirements of the code.

(c) The Delaware Energy Office, or its successor, shall establish programs to promote the construction of zero net energy capable homes. A zero net energy capable home is defined as a commercial building or residence that annually, through the use of energy efficient construction, lighting, appliances, and on site renewable energy generation uses no more energy than is produced on site (zero net energy consumption from the utility provider). As of December 31, 2025 all new residential building construction in the state of Delaware Shall be zero net energy capable. As of December 31, 2030 all new commercial building construction must also be zero net energy capable.

(d) The Delaware Energy Office shall review the State Energy Code triennially for potential updates to the IECC energy code and ASHRAE energy code standard.

(e) This Act will take effect 180 days from date of enactment but no later than January 1, 2010. The Delaware Energy Office will conduct energy code training workshops for code officials, builders, architects, and engineers prior to this effective date."

Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the individual provision or application; and, to that end, the provisions of this Act are declared to be severable.

SYNOPSIS

This Act updates building code requirements for energy efficiency. Updating building codes in this act will ensure that Delaware will receive its full share of Federal Stimulus dollars.

Author: Senator McDowell