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
AS AMENDED BY
SENATE AMENDMENT NO. 3

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 (IECC). In effect, the highest available energy conservation code of the ICC/IECC 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 governments may exclude agricultural structures from these provisions. The Delaware Energy Office shall adopt these updates pursuant to 29 Del. C. Chapter 101.

(b) The Delaware Energy Office, or its successor, shall promulgate procedures for certification of compliance with these codes and standards; to be utilized by respective local governments, provided, however, with

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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, in consultation with the Green Building Council of the Home Builders Association of Delaware, shall establish programs to promote the construction of zero net energy homes. A zero net energy home or building is defined as a residence or commercial building that, through the use of energy efficient construction, lighting, appliances and on-site renewable energy generation, results in zero net energy consumption from the utility provider. Therefore, a net zero energy capable home must be energy efficient enough that if the home or building owner chooses to add on-site generation, net zero energy consumption could be achieved. 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 shall become effective on July 1, 2010.

(f) From January 1, 2010 to June 30, 2010 sellers of new construction shall notify buyers of an option to purchase the construction built to the ICC/IECC 2009 code standard.

(g) The Delaware Energy Office will conduct energy code training work shops for code officials, builders, architects, and engineers prior to the 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.

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