

**Act Number:** 09-192

**Bill Number:** 6284

**Senate Pages:** 5674, 5701-5703 4

**House Pages:** 6896-6903 8

**Committee:** Energy: 1275-1276, 1312-1314 Public Safety:32- 66  
33, 37-49, 56-61, 68-72, 86-114 Planning and  
Development: 1120-1121, 1133, 1275-1276, 1346

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 17  
5352 – 5682**

mhr  
SENATE

270  
June 2, 2009

There's a motion to place Calendar Number 695 on the Consent Calendar. With seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Moving to Calendar Page 19, Calendar 702, House Bill 6444. Mr. President, that item is marked go. Continuing Calendar Page 19, Mr. President, Calendar 699, House Bill 6284. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar Number 699 on the Consent Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Moving to Calendar Page 20, Mr. President, Calendar 160, Senate Bill 757 is marked go.

THE CHAIR:

Senator Looney, what -- could you repeat that number again on Page 20?

SENATOR LOONEY:

I believe it's Calendar 160, Senate Bill 75 --

THE CHAIR:

No.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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**VOL. 52  
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5683 – 5943**

mhr  
SENATE

297  
June 2, 2009

Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

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for House Bill 5883; Calendar Page 9, Calendar 619,  
House Bill 6343; Calendar 626, House Bill 6476;  
Calendar 629, substitute for House Bill 6232; Calendar  
Page 10, Calendar 634, House Bill 6544; Calendar 636,  
substitute for House Bill 6483; Calendar Page 11,  
Calendar 649, substitute for House Bill 6466; Calendar  
Page 13, Calendar 663, substitute for House Bill 5254;  
Calendar Page 15, Calendar 680, substitute for House  
Bill 5821; Calendar Page 16, Calendar 684, House  
Bill 6231; Calendar Page 17, Calendar 689, substitute  
for House Bill 5421; Calendar Page 18, Calendar 695,  
substitute for House Bill 6419; Calendar Page 19,  
Calendar 699, substitute for House Bill 6284; Calendar  
Page 21, Calendar 711, House Bill 5099; Calendar 712,  
substitute for House Bill 6025; Calendar Page 22,  
Calendar 718, substitute for House Bill 5861; Calendar  
Page 23, Calendar 720, substitute for House Bill 5108;  
Calendar Page 32, Calendar 450, House Bill 6233;  
Calendar 467, substitute for Senate Bill 1031; and,  
Calendar Page 35, Calendar 205, substitute for Senate  
Bill 948. Mr. President, that completes the items  
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The  
machine will be open.

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SENATE

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June 2, 2009

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar  
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

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the Senate.

Will the Clerk please call Calendar Number 79.

THE CLERK:

On page 27, Calendar 79 substitute for House Bill  
Number 6284, AN ACT CONCERNING ADOPTION OF A MODEL  
ENERGY CODE AND GREEN BUILDING STANDARDS, favorable  
report by the Committee on Energy and Technology.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Dargan, you have the floor, sir.

REP. DARGAN (115th):

Thank you, Madam Speaker. I move acceptance of  
the Committee's favorable report and passage of the  
bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on acceptance of the  
Joint Committee's favorable report and passage of the  
bill. Will you remark further?

REP. DARGAN (115th):

Thank you very much, Madam Speaker. I would  
first like to start out by thanking a number of  
people. First, my Ranking Member, Representative  
Perillo. My co-Chair in the Senate and Ranking  
Member in the Senate, the Chairs of Energy and  
Environment and also State agencies; Department of

Public Works, the A.G., and also the Commissioner of Public Safety.

Madam Speaker, there were a number of stakeholders that were involved in this process where for hours we sat in different rooms discussing on ways to revise the building code of 2007. Some of those stakeholders were the Connecticut Light and Power, the Connecticut Fund for the Environment, the Connecticut Realtors Association, the Sierra Club, the American Council of Engineering Companies, Commercial Real Estate Development Association, Coalition of Adoption of Unified Codes, also the Homebuilders Association of Connecticut, along with the Associated General Contractors of Connecticut, and American Forest and Paper Association. That's just to name a few, Madam Speaker, that were involved in sometimes a complicated process dealing with revisions to our building codes within our State.

The reasons for the revisions were that there were serious concerns from adoption of the 2007 code and it was felt that without modifications to existing statute it would be reasonable to anticipate not only increased costs and delays but also the potential for litigation and the disincentive really to build within

our State, Madam Speaker. So, I'm a happy.

A number of people that I already mentioned that were involved along with the leadership of our Majority Leader, Denise Merrill. Basically what this bill will do now, Madam Speaker, it will remove references to dollar thresholds that was dealing with reconstruction and new construction from two to five -- from two on reconstruction and five million on new construction.

It removes that threshold. It also speaks to portions of buildings that most direct effective energy. What we wanted to do was look at cost-saving measures in building new buildings within our State, be concerned of the green or clean energy that we would develop within the new buildings that we have. It also allows for equivalent standards and methods demonstrating compliance towards that end and it also provides compliance to be -- determining at that initial permitting stage.

So that, Madam Speaker, is just a quick overview of what -- what the underlying bill does but we realize that there were some other issues that we needed to deal with and for that purpose the Clerk is in possession of amendment LCO Number 8176. May you

please call and I be allowed to summarize?

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 8176 designated  
House Amendment A?

THE CLERK:

LCO 8176, House "A" offered by Representative  
Dargan, Senator Stillman, and Representative Merrill.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize.  
Is there any objection? Is there any objection?  
Hearing none, please proceed, sir.

REP. DARGAN (115th):

Thank you, Madam Speaker. Again with the number  
of stakeholders that I already mentioned that came to  
us with existing language that would further clarify  
and help as we move forward. This amendment adds a  
new member to the Codes and Standard Committee who has  
experience and expertise in energy efficiency.  
Already the Committee includes professionals with a  
variety of technical expertise including building fire  
codes and a number of other issues.

So we felt that adding someone with a background  
in energy efficiency will add value to the board  
process. It also -- State buildings and state-funded

buildings that are already required to apply -- comply with a higher environmental standard for its design equivalent to the silver rating of LEED is the standard in the industry. The bill clarifies that those projects are not subject to any additional requirements as the result of this bill and or amendment.

It also clarifies and attaches a timetable, 18 months to the process from the start to finish including the regulation and review process. That was one of the outstanding issues that we thought that was important because a number of times when contractors were looking for advice there was some misconception from the Department of Public Safety and the A.G.'s Office.

So we feel that this will help clarify those issues and hopefully it will get businesses back on track to actually build within our State. And finally it mirrors the current process of the Codes and Standards Committees, and it will ensure that we capture roughly 20 percent efficiency over already what we have today. And Madam Speaker, I move for its adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on adoption of House Amendment A. Will you remark? Representative Perillo. Good to see you feeling better, sir.

REP. PERILLO (113th):

Thank you, Madam Speaker. I appreciate that very much. I rise very briefly in support of the amendment before us right now. What this simply does is offer some clarity as to what the building code must look like and give the Department of Public Safety guidance as to the timeline they have with which to implement the changes that need to be made. This is a workable solution to a problem that we must address. And I urge adoption. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir. Will you remark? Will you remark further on House Amendment A? Representative Dargan, did you care to speak again? If not, let me try your minds. All those in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

Those opposed nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Representative Perillo, you have the floor, sir.

REP. PERILLO (113th):

Madam Speaker, thank you. I rise in support of the bill as amended and just briefly wish to thank the Chairman of the Public Safety and Security Committee, Representative Dargan and also to recognize the leadership of the Majority Leader in coming to a compromise on this that makes sense for all parties involved. This is a good end result and was accomplished in the way that we should be doing things with teamwork and bipartisanship. And I would urge passage of the bill. Thank you, Madam.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you. Will you remark? Will you remark further on the bill as amended? If not, staff and guests please come to the well. Members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted?

law/gbr  
HOUSE OF REPRESENTATIVES

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May 26, 2009

Please check the board to see that your vote has been properly cast. The machine will be locked and the Clerk will prepare the tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 6284 as amended by House "A"

Total number voting	145
Necessary for passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	6

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes.

Will the House stand at ease for a moment.

Will the House please come back to order. Will the House please come back to order. Will the Clerk please call Calendar Number 245.

THE CLERK:

On page five, Calendar 245, substitute for House Bill Number 6444, AN ACT CONCERNING AUTOMOBILE INSURANCE, favorable report by the Committee on Insurance.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Fontana, you have the floor, sir.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENERGY AND  
TECHNOLOGY  
PART 4  
1024 – 1365**

**2009**

MARTIN MADOR: Afternoon, members of the committee. I'm Martin Mador. I'm the Legislative and Political Chair for the Connecticut Sierra Club. I'm going to talk on 6605. I'm also going to mention 6284, but I'll be satisfied with the three minutes. Energy issues have taken center stage over the past few years as one of the most critical areas affecting our economy, our well-being, our security, the health of our environment, and even the future geography of our planet. Connecticut has delegated energy planning and programming to a number of offices and quasi-state agencies, but there is little coordination between them.

In the 1980s we had an energy office with a staff of over 80 people. Today we have a little corner of OPM with no more than six people there. We have no senior person at the commissioner level speaking with a strong voice on energy issues. We need to competently address long-standing energy issues as diverse as fossil fuel use, green buildings, conservation, and efficiency. We need to manage the transition to renewable or clean energy. Perhaps most importantly we need to use energy efficiency to reduce the carbon emissions which are a direct result of energy use and which so threaten the planet because of global warming.

Sierra feels Connecticut cannot manage these issues without a central department with oversight of these issues. This bill would establish such an office. We're concerned it may not go far enough and that it does not cover all energy issues in the state, but it is a worthy and necessary start; and so we endorse this bill. We understand there are issues about funding. Funding for this office this year is certainly not going to come from the general fund which is a problem, but we

feel that this is an exceptionally necessary thing for the state to establish.

I'll give you one quick example. We've been working on the issues of incorporating lead and green building issues into the state building code as a result of PAO 7242. We're -- this is bill 6284 which has passed public safety committee which I assume is on its way to this committee. We're going to recommend in there that one member of the codes and standards committee which writes the building code has expertise in energy efficiency. We would like to say that -- that this person will be appointed by the commissioner of energy. However, we don't have such a person; so we're going to have to say the appointment would come from the commissioner of DEP instead. That's just a small example of the need for this office and somebody with a loud voice on the issue. Thank you.

REP. NARDELLO: Are there questions from members of the committee for Mr. Mador?

No questions. Thank you very much, Mr. Mador.

MARTIN MADOR: Thank you.

REP. NARDELLO: Our next speaker is Kerry O'Neill.

KERRY O'NEILL: Good afternoon, Representative Nardello and members of the committee. My name is Kerry O'Neill, and thank you for the opportunity to address you today. I'm President and CEO of Earth Markets and I am speaking in support of Raised Bill No. 6603, An Act Concerning the Class Renewable Portfolio Standard. First I'd like to commend the committee members for being such strong advocates of

REP. REED: Unlike some boards I sit on.

DEREK PHELPS: You have to be there.

REP. REED: You have to be there. Thank you very much.

DEREK PHELPS: Yes ma'am. As I -- so my assistant attorney general has always told me.

REP. REED: Thank you. Thank you Madam Chair.

REP. NARDELLO: Are there other questions from members of the committee?

If not, thank you very much.

DEREK PHELPS: Thank you, Madam Chair.

REP. NARDELLO: Our next speaker is Donald Downes.

DONALD DOWNES: Good afternoon, Madam Chairman and Mr. Chairman, distinguished ranking members and members of the committee. I filed testimony on all seven bills today, but as usual I'm not going to bother going directly to them. I told you all that I used to be house counsel, but -- well quite a long time ago sort of middle to the end of the Jurassic period, and I -- I couldn't help but notice the list of today's bills were particularly interesting. Several of them qualified as what we used to refer to in bill screening as PBEs or personal bad experiences. Two of these bills relate to somebody who would like to change around the economics of renewables. A couple of them relate to people who have problems with one kind of a facility or another. One would like to demonstrate new technologies, and one doesn't like charges

HB6603  
HB6605  
HB6607  
SB599  
SB1074  
SB1075  
SB1076

when they switch.

You know, these are -- it's always a little bit dangerous to go around changing general rules to fix individual problems. It sounds great on the surface, looks like a simple solution. Ninety-nine times out of a hundred these things have hidden costs or unintended consequences as most of these do; so my -- my advice to you all as you take these up is to proceed with great care and caution and look behind all of these carefully. A little bit of research will probably reveal to you who the ultimate sponsor is and what the purpose is. So that's what I have to say about those. And for once in my life, I'm under time. I'd like to save my time for later on. I was thinking about cloning myself and getting two bites like OCC, but I thought that was a little much, so --

REP. NARDELLO: Don, you don't have to clone yourself; just bring another commissioner up, and you get two bites. Hey.

DONALD DOWNES: Well, I got five of them; maybe I could get like 25 minutes if I work it right. Yes, ma'am. I'm happy to take questions, and I'd be happy to talk to people about the individual bills if they want to pursue them.

REP. NARDELLO: I am very -- you did an excellent job, I have to tell you, today, of, you know, sticking to the rules. I'm just --

DONALD DOWNES: And after 30 years of practice, you'd figure I'd get it right once in a while. So --

REP. NARDELLO: -- more than once in a while Don.

Are there questions from members of the committee?

Representative Williams.

REP. WILLIAMS: Thank you, Mr. Chairman, for being here. You're getting funnier as you get close to retirement, I got to say, and I've always gotten a kick out of you, but it's just getting better and better.

DONALD DOWNES: It's very liberating. (Inaudible).

REP. WILLIAMS: Thank you, Mr. Chairman. I was hoping -- you and I have long held the belief that changing -- as you indicated -- changing the rules over and over and over again sort of increases the -- the risk premium and the overall price to Connecticut ratepayers on a variety of different issues not just on this -- this -- this issue of changing our classes around in terms of renewables, but can you elaborate a little bit on the -- the two issues that we have in front of us with respect to renewables, with changing Class III and then adding Class IV? Obviously we have a number of new members of this committee and I'm always interested in -- in this part of our discussion as to how that may affect the investment in Connecticut and what that would do to overall rates.

DONALD DOWNES: Well the -- let's see 6603, the one that -- that changes around the renewable standard the -- the major operative section that says that 100 percent of the value of Class III credits would be given to residential customers who implement C&LM projects without taping into the existing funds. So in other words they're paying for 100 percent of it themselves and they would

**JOINT  
STANDING  
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HEARINGS**

**PUBLIC  
SAFETY AND  
SECURITY**

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arl/gbr PUBLIC SAFETY AND SECURITY 11:00 A.M.  
COMMITTEE

Joe Wrinn, to be followed by Chris Tracy and then Bruce Spiewak.

JOSEPH WRINN: Honorable Chairman, members of the committee, my name is Joe Wrinn, and I'm here representing the 18,000 realtors, Connecticut Association of Realtors membership as well as the Society of Industrial and Office Realtors. We're part of the coalition for a unified code and in support of House Bill 6284.

There are plenty of people here today that are going to testify to the flaws that are obvious in -- in the law of Public Act 0 -- section 78 of Public Act 07-242. Essentially it's -- it's -- there's a lot of confusion which the bill clears up. And I -- I think in these times the last thing we need as we come out of this recession is something that's putting a choke hold on economic development through renovations and expansions.

Any questions?

SENATOR STILLMAN: Thank you, sir. So your testimony, I haven't read it in its entirety. I thank you for it.

JOSEPH WRINN: Yes. I've written testimony that's in there I --

SENATOR STILLMAN: It is in support of the language that is in the bill?

JOSEPH WRINN: I trust you all -- yes, it is.

SENATOR STILLMAN: Okay. Thank you. I was just looking for clarification.

Thank you.

JOSEPH WRINN: All right.

SENATOR STILLMAN: Any questions for the gentleman?

Representative Dargan.

REP. DARGAN: Joe, just to make you aware, we had a bill here -- before us last year dealing with this, and we stripped something out in environment and put it back in, so we're trying to work with all the different state agencies and the environmentalists too, to go forward with something that actually works for the state of Connecticut. I just say that because I know there's a number of speakers that are signed up on this bill that are coming up --

JOSEPH WRINN: Eminently more qualified than I to answer so --

REP. CARUSO: No, we're definitely not saying that.

JOSEPH WRINN: No, I am.

SENATOR STILLMAN: Thank you, sir. Anyone else --

JOSEPH WRINN: My pleasure.

SENATOR STILLMAN: -- have a question for the gentleman?

Thank you and --

JOSEPH WRINN: Thank you.

SENATOR STILLMAN: -- don't sell yourself short.

Chris Tracy, followed by Bruce Spiewack,  
followed by Bill Ethier.

CHRISTOPHER TRACY: Thank you, Madam Chairman.

SB 759

arl/gbr PUBLIC SAFETY AND SECURITY 11:00 A.M.  
COMMITTEE

and it's been a great experience for them. So  
thank you very much.

JAMES J. STRILLACCI: Thank you, Representative.

And I'll assure you, by the way, that they're  
coming down in a month, and we'll have those  
repairs completed for them to go on with their  
Fire 1 training until such time as they get  
their own school.

REP. PERILLO: And I will convey that. Thank you.

SENATOR STILLMAN: Thank you, sir.

Any other questions?

No. We're all set. Thank you, again.

Next, Bruce Spiewak, followed by Bill Ethier  
and Don Dobson. Welcome.

BRUCE J. SPIEWAK: Madam Cochair, Senator Stillman,  
Mr. Chair, Representative Dargan and members  
of the Public Safety and Security Committee,  
thank you for the opportunity to speak. My  
name is Bruce Spiewak. I'm an architect and a  
registered building official. I spent the  
last 25 years consulting in code compliance in  
the state of Connecticut. I'm here  
representing the Coalition for the Adoption of  
a Unified Code today, in support of the  
proposed Raised Bill 6284.

We've submitted some written testimony. I'm  
not going to read that. I just want to point  
out some highlights of why we are in support  
of this language.

This language does two things. It clarifies  
the intent of Public Act 07-242, we believe.  
And it also revises the language so that

arl/gbr PUBLIC SAFETY AND SECURITY 11:00 A.M.  
COMMITTEE

enables the State Codes and Standards Committee and the State Building Inspector to respond to the mandate of this legislation and actually revise the state code in order to make it enforceable.

Some of the problems that were raised in direct response to the language of the original act, are summarized in our submittal to you and also in the letter from the Attorney General's office responding to the Commissioner of Public Safety and -- and Security and his frustration in having his professional staff unable to actually enact regulations.

For your information, Section 1 Part A of this statute is actually going into effect as of March. The code has been updated and its 2009 amendments to incorporate updates to the energy code. Section or Part B of 29-256(a) is the part that contains a lot of problematic language. What we've attempted to do in -- with -- as has been attempted in this -- in this draft of the proposed changes, we applaud, and what it does is it takes out the proscriptive requirements and makes them enabling and unties the hands of the State Codes and Standards Committee. And the State Building Inspector has been very frustrated in trying to upgrade the -- the regulation in accordance with this statute, and the language that you see before you gives them the ability to let loose and make it work.

So I thank you for raising this bill.

And I'm here to answer any questions.

SENATOR STILLMAN: Thank you, sir.

Any questions for the gentleman?

Representative Caruso.

REP. CARUSO: Yeah. Bruce, thank you for being here today. When you speak of a unified code, am I to believe that the code right now is town by town?

BRUCE J. SPIEWAK: No. Let me clarify, if I may?

REP. CARUSO: Yeah.

BRUCE J. SPIEWAK: It was around 2002, and then Deputy Commissioner George Luther brought together the Department of Public Safety and its constituencies, direct constituency, the Connecticut Fire Marshal's Association, Connecticut Building Officials Association, and said to them, basically, as we revise the codes, building code and fire safety code, in our next code cycle, we would like the codes to be more unified than they have ever been in the past. And part of the reason for the lack of unity was that there were different sources of -- of referenced codes and standards published by different organizations that were not coordinated with each other.

So his -- his request was that everyone get together, make some compromises and develop a unified code system that comes from a single source, if possible, and is totally coordinated. And that was the genesis of the Coalition for Adoption of a Unified Code, and it worked through the code cycle that generated the codes that we have today, the 2005 codes and also the 2009 amendments to those codes. And also it's continuing to work with the Department of Public Safety on the fire prevention code, which was about to come out and is going through the regulatory review process right now.

So this coalition, and you can see some of the members listed on the side of the -- of the letterhead, runs across the construction industry, has got a lot of good participation since 2002, and we have the fire marshals and the building officials organizations as members of this, and they've -- they've contributed to our -- our regular meetings. And we continue to meet in order to help be sort of a resource to both the State Department of Public Safety, and the committee, should you request it, we are available to provide resources in response to questions on what's affecting the construction industry.

And in this particular case, some of the frustration that was raised by the original language of Public Act 07-242, and we want to be proactive in assisting and getting it to be workable.

SENATOR STILLMAN: Thank you, Representative.

Representative Dargan.

REP. DARGAN: Bruce, if you can for a minute, because sometimes the building code regulations are more confusing than putting together the state budget, can you explain --

(Gap in tape.)

BRUCE J. SPIEWAK: -- to the concept of having a child. The issue comes up to -- to redo the code -- to bring it up-to-date. You talk about it for a long time amongst yourselves. Then you actually start on it, and it takes another nine months to get through the process. It takes a while for the State Codes and Standards Committee and the State Building

Inspector or the State Fire Marshal, respectively, to actually update the state codes.

We do have a -- a uniform code across the 169 jurisdictions. It is a state code since 1971, but it is based on nationally produced codes that are -- that are consensus standards in the industries. And so what our professional staff does, at the State Fire Marshal's office and the State Building Inspector's office, together with the appointed codes and standards committee is to look at those national standards, as they are updated every three years by the publishers and by the consensus groups that form them and to say what is it in the new standard that we need to adopt in Connecticut? How does that have to be revised in accordance with our statutes? And how does it have to be revised in accordance with our region of the country? Because these are national standards, and they don't necessarily, you know, have -- they have provisions that apply to areas that are warm climates, and so forth, that don't have snow predictions of two to four inches for today.

So that process is that the State Codes and Standards Committee and the respective State Fire Marshal or State Building Inspector or the designee get together, go through a code writing process to upgrade that code. And that takes, I would say, eight or nine months in order to just get through that to have it ready for going through the regulatory review process. And that then -- then it goes through public hearing. It gets revised. All the comments at the public hearing are responded to, and then it goes through to the AG's office and to regs and review.

And so it's a long process, and what we try to

do is to take some of the proscriptive requirements that might have been referred to in 07-242, for instance, remove those prescriptive requirements, because it's like hitting a moving target. If you say something like we need to be 20 percent better than X. Well, we have to respect the fact that X is getting better and better and better so if we take a snapshot and we say we need 20 percent better than X, that means one thing today, it will mean another thing tomorrow when X gets upgraded.

So what we would like to do is to keep those proscriptive requirements in the regulation, not in the statute to the greatest extent possible. And so you see some of the language here with the brackets are removing specific references, making them more generic. That is why that language that we see here, we can support and we endorse. Because while it doesn't remove all references to -- to systems that are available in the industry, it does say where equal. It does give the jurisdiction for actually writing the specific proscriptive requirements for the regulation to those -- those departments that have the professional staff and the resources to reach out to get what -- what resources they do not have in house without paying for it to groups like ours, who are offering our services to them. We attend the codes and standards committee subcommittee meetings where they talk about writing the code. We give them our advice. Nobody pays anybody for that. There's no unfunded mandate there.

So that's how the system works, and the biggest problem that I've seen and that many have seen that's frustrating over the years is that when the statute becomes too proscriptive, it hamstring the regulations.

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And you'll see that coming up directly with the new fire prevention code. In order to enact that new fire prevention code, we have to deal with the issues of all the statutory requirements that are outdated. Reference standards that are in the statutes, we need to somehow pull them out of the statute, and -- and enact the new regulation, but we can't be left with nothing. So we have to do this delicate balancing act as to how do we remove statutes and then enforce the regulation. That's what we're trying to avoid. When we endorse this language here, we're endorsing, eliminating that problem from the future.

So thank you for the language that we have here. We really do support it.

SENATOR STILLMAN: Thank you very much for that explanation. I'm sure it was helpful. I know it was to me.

Any other questions for the gentleman?

Thank you, again.

BRUCE J. SPIEWAK: Thank you.

SENATOR STILLMAN: Bill Ethier, followed by Don Dobson and Charles Rothenberger.

WILLIAM H. ETHIER: Thank you Senator Stillman, Representative Dargan, members of the public safety committee. My name is Bill Ethier, I'm the CEO of the Home Builders Association of Connecticut, and we're a member of the code coalition to which Bruce Spiewak spoke about.

I've submitted written testimony that I'll just summarize. But we're in strong support of the -- the Green Building Standards Bill, 6284. And just to quickly summarize my -- my

written testimony. Basically, the law that was adopted two years ago, in '07, is extremely confusing. The -- the contractors, the designers, the code officials, the Department of Public Safety do not know how to comply with the language of that statute, and that's all that's before you is a -- a corrective fix to make it so that the Closing Standards Committee can adopt regulations to comply with the intent of that.

I want to emphasize that we, both the Home Builders and Code Coalition, we are not against green building. What we are against is the -- the incorporation of many things in that law that are not related to the building code. We just want to make sure that the building code statute contains items that are related to how you construct an actual building. There are many issues, factors for receiving points in the green building rating systems that have nothing to do with construction, and are not impacted by the -- the state building code, and they don't belong in that statute. Perhaps they belong somewhere else in the -- in law, but not within the building code statute.

So I've -- I've listed -- bulleted some of the specific items that we're trying to change in the -- in this particular statute.

Representative Dargan, you are correct, that this committee did correct this last year. We're not coming to this late, but if there was a House floor (inaudible) with, I think, a week to go in the session last year that undid what this committee corrected, so restoring the -- the '07 language.

But just quickly, some particular points. We're changing the effective date, but it's not just to push off the implementation of

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this. The problem is -- the conflict, the statute that was adopted said as of January 1, '09, all building that met the threshold shall be constructed a certain way. And that sets up an automatic conflict with the state building code.

REP. DARGAN: Could I just interrupt you and -- just to explain to the committee what a threshold is and what that amount is, please.

WILLIAM H. ETHIER: Well, the law that was adopted was a dollar threshold, in the '07 law. There was -- for new construction it was \$5 million; renovation was \$2 million. And then there was an exemption for residential of four units to a building or less. Some have asked, well, why are we concerned. Well my -- my members build all residential. Everything residential from apartment towers to townhomes that have six, ten units to a building, condominiums. We're -- my members are very much affected by that.

Our proposal, and the proposal you have before you, removes that dollar threshold because that makes no sense when you compare \$2 million of renovation work in Fairfield County, which frankly could be a garage on some houses, to \$2 million up in Windham County. The dollar threshold doesn't -- doesn't make sense.

So we remove that in the coalition, we met -- we spent a whole meeting on this threshold issue. We talked about it really makes much more sense to have a square foot threshold. But then there are nuances even with that. We can identify the square foot of new -- in renovation that makes sense, but then what do you do when all -- all you're doing is just

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replacing a roof on a building? You know, how does that relate to square foot? So we really need to delegate this to the codes and standards committee and the regulatory process to -- to really flesh out what the appropriate square foot threshold should be with those nuances that I just mentioned.

So in -- and actually that brings up a point, with the actual legislation that you have before you, it was drafted slightly different than what the coalition offered to the -- to the chairs, and if you look at line 20 the -- you won't see the -- the word "threshold" in there, and I would suggest that it should be put back in. It says: Include provisions requiring certain buildings that qualify as new construction. I -- I would just respectfully ask that you add the word "threshold" so it says, requiring certain threshold buildings, and then let the codes and standards committee work that out. Otherwise, you could read this as saying it applies to all new construction, including single-family homes, which I don't think is the intent.

So, you know, I won't belabor the -- the other bulleted points that I have, other than to point out that what we focused on in the proposal before you is we did spell out the factors that are building code related. That -- that those should be spelled out in the statute, that weren't in those seven things like, the thermal envelope of a building, mechanical systems that would include indoor air quality, water conservation, lighting and electrical systems. All those things are in the -- the bill before you and should be part of the building code addressing the -- how the building could be constructed green to meet those -- those

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issues.

So there's been a log jam in the industry, and I would just urge you to pass this out and work with the Environment Committee and the Energy and Technology Committee that, I assume, this bill would have to go before to -- to help us work with those committees to -- to get the bill through the entire process.

I'd be happy to answer any other questions.

SENATOR STILLMAN: Thank you, Bill.

I have a question on that. On Line 21, while we're looking at the proposed language here, what is considered a major alteration? Would adding the word "threshold" make that clearer? Because, you know, it --

WILLIAM H. ETHIER: Well, I think it does that -- actually major alteration is, I believe -- I'm sure somebody else will correct me -- I think that's defined under the -- in the state building code. By the way I read this -- just the way that where the commas are placed and all that, you have require certain buildings, and then you qualify that as new construction or a major renovation. So major renovation is a threshold, but new construction is not. I -- I read that with out the word "threshold" and before buildings, I suppose it could be read -- and that's my fear, that it would be read to include all new construction, including even a single-family home.

SENATOR STILLMAN: Thank you.

WILLIAM H. ETHIER: Sure.

SENATOR STILLMAN: I appreciate that.

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Any other questions for Bill?

Yes. Representative Perillo.

REP. PERILLO: Bill, just very briefly, you mentioned a number of times there are specific things in LEED list of points that don't have anything to do with building code. What are some of those?

WILLIAM H. ETHIER: Well, it's not just LEED, there's LEED it -- the three main green building rating systems are LEED, Green Globes, and the National Green Building Standard, which applies to residential, not just single-family homes but all residential. I mean you -- you can build a townhome with, as I said, six, ten units in the building that could be built to the National Green Building Standards so those become applicable, but some of the items that are not building code related -- there are -- there are many. This is the -- the National Green Building guidelines. It's -- it's very lengthy on which the National Green Building standard is based.

Some of the issues that are -- and the reason I wrote this out was we met with Vicky Nardello yesterday because the bill's going to be going before Energy at some point, and she asked the same question. So I wrote these out this morning. There are a number of different factors: Avoiding environmentally sensitive areas, you know, you get points if you do these things under the -- to get a certain rating; choosing infill sites, or brownfield sites, or grayfield sites, you know, abandoned parking lots; placing bike racks on your -- your project to encourage that type of -- of modality; conducting on-site recycling, you know, putting a grinder on site and -- and

recycling materials on site and reusing the recycled materials on site for -- for, you know, woodchips, or what have you. Using ultra-low flow toilets or composting toilets or waterless toilets on site. You know, if you do those things, some of those things might be controlled by the building code, but the building code doesn't require you to do that.

Other things, such as providing a manual to the owner of the building. You can get points if you provide a -- a good manual to the owner of how to operate the building properly to maintain those green features that are in the building. Those aren't controlled by the building code. None of these items are. And the list goes on and on and on.

REP. PERILLO: Thank. That helps quite a bit.

SENATOR STILLMAN: Thank you.

Any other questions?

Thank you very much.

WILLIAM H. ETHIER: Thank you.

SENATOR STILLMAN: Donn Dobson, followed by Charles Rothenberger, followed by Fred Wajcs.

If I mispronounce anyone's name, I apologize but, some of your handwriting is difficult to read so, Mr. Dobson.

DONN DOBSON: Good afternoon Senator Stillman, members of the Public Safety Committee.

My name is Donn Dobson. I'm the fire marshal for the town of Old Saybrook. I'm here to speak on -- in favor of the Raised Bill 6289,

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Thank you, sir.

CHARLES J. ROTHENBERGER: Good morning Senator Stillman, and members of the public safety committee. My name is Charles Rothenberger. I'm a staff attorney with Connecticut Fund for the Environment.

While Connecticut has been recognized as a leader when it comes to energy efficiency, it has been lagging in a couple of very important areas. The American Council for an Energy Efficient Economy puts out a scorecard ranking states nationally every year. And in this last ranking, while Connecticut ranked high in the area of utility efficiency and the (inaudible) combined heat and power, it ranked in the bottom 25 percent of states with respect the adoption and enforcement of building energy codes.

I think that Raised Bill 6284 is definitely a step in the right direction towards rectifying that failure, but as I look at it there are several significant defects.

First, we believe that the legislation should specify the level of energy performance that will be required. At this stage it's -- there's -- there's really no standard offered at all. It's left entirely to the codes and standards committee. And having spoken with several energy and building professionals, we believe that a target of 21 percent better in the case of new construction or 14 percent better in the case of major renovations than the most current state building code, would be an appropriate target to give guidance and direction to the codes and standards committee.

Second, and this is an issue that was

addressed by several of the earlier speakers, the legislation should specify the class of building subject to the enhanced energy performance requirements. And, again, through conversations, it's been suggested that a residential buildings that leased 40,000 -- excuse me 4,000 square feet and nonresidential or commercial building that are at least 20,000 square feet would be best served by these enhanced energy performance requirements.

And I will note that we're pleased to see that this does try to redress some the -- the lack of enforcement of the state energy code that's been plaguing the state as well in terms of allowing third-party inspection certification of energy performance. So we think that that portion of the bill is -- is laudable.

So, in conclusion, CFE thinks that 6284 is a step in the right direction, and we certainly hope that the Legislature will address it's current shortcomings and that the bill will continue to improve as it moves through the committee process.

Thank you.

SENATOR STILLMAN: Thank you, sir.

Any questions?

I have one. The current language --

CHARLES J. ROTHENBERGER: Uh-huh.

SENATOR STILLMAN: -- not the proposal that's in front of us, existing language. As we've all heard was amended on the floor of the house and et cetera. If you had your druthers, would you rather see it the way it is, or do

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you think it still needs some tweaking?

CHARLES J. ROTHENBERGER: We're -- we're talking about this now? Current language?

SENATOR STILLMAN: We're talking about the existing language --

CHARLES J. ROTHENBERGER: The existing language.

SENATOR STILLMAN: -- that was adopted as of January of '09, et cetera, et cetera.

CHARLES J. ROTHENBERGER: I agree that that language is problematic because as -- as Bill Ethier mentioned, it does bring in a bunch of requirements that really are not within the realm of the current building code, so it makes it very difficult to write them into the building code.

I think that the original intention of the legislation was really to try to provide that full range of green building characteristics for -- for buildings here in the state of Connecticut. I think that's still something that we -- we should be pursuing and that's something, certainly, that Connecticut Fund for the Environment will be -- will be working on. But I think everybody is in agreement that the state building code is not necessarily the place to mandate those issues. It will have to look to other areas, in terms of requiring certain -- certain characteristics for buildings.

SENATOR STILLMAN: Is this -- I mean obviously we have to do something about the bill because we have a problem that has to be fixed. I haven't spoken to my cochair about this, but we might want to ask people who are on -- who have certain requests in front of us now,

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maybe to come together and see if we can't resolve this so that we all can agree and get a bill out of here that works, rather than amending it on the floor of the House or the Senate and then we end up making mistakes.

So I would hope that if it comes -- if it comes to that, where we can't come up with some agreement that we can at least sit down and talk about it and see how we can all live with both the environmental community and the builders can live with some language that works.

CHARLES J. ROTHENBERGER: I agree. And Connecticut Fund for the Environment and the Sierra Club and other groups have been having ongoing conversation with the Coalition for a Unified Code who proposed this language. Those conversations I anticipate will continue. So we have been working to -- to reach a compromise.

SENATOR STILLMAN: Thank you.

Any other questions?

Thank you, sir.

CHARLES J. ROTHENBERGER: Thanks.

SENATOR STILLMAN: Fred -- is it Wajcs?

FREDERICK F. WAJCS, JR.: Wajcs.

SENATOR STILLMAN: Wajcs. Okay.

FREDERICK F. WAJCS, JR.: You did an excellent job.

SENATOR STILLMAN: Thank you.

FREDERICK F. WAJCS, JR.: Better than 90 percent of

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the people (inaudible).

SENATOR STILLMAN: Paul Brady will follow Fred and then Anthony Martino.

Welcome, sir.

FREDERICK F. WAJCS, JR.: Good afternoon, Representative Dargan and Senator Stillman and the rest of the committee.

My name is Fred Wajcs. I'm a senior energy engineer with the conservation and load management department in CL&P, and we are a member of the Coalition for the Adoption of a Unified Code. We are here to support Bill 6284.

I have submitted testimony so I won't read that to you. But the key issue that we will present is the message that a code that is consistent, coordinated, is an enforceable code. This -- this bill is enabling legislation that will allow the codes and standards committee to develop building code requirements that are consistent and coordinated and work towards the achievement of the intent of the current statute.

That's the end of my comments. I'll thank you very much for your time, and I'll answer any questions if there are any.

SENATOR STILLMAN: Thank you. Any questions?

Gentlemen, we do have your testimony, so thank you very much for that. We're all set. Thank you.

Paul Brady, followed by Anthony Martino, followed by Kevin Kowalski and then Martin Mador and that's the end of the list as far as

I know so --

PAUL BRADY: Well, good afternoon. I'm Paul Brady. I'm the executive director for the American Council of Engineering Companies of Connecticut. I'm here to support House Bill 6284, An Act Concerning Adoption of Model Energy Code and Green Building Standards.

You have my written testimony before you, and I won't read that to you, but we're in support of this. I think this legislation will enable Codes and Standards to develop a workable, you know, building code that incorporates the intent of the original legislation. We've been working with codes and standards and with local building officials to try to come up with some solutions to these -- how -- how we're actually going to do this in the, you know, in the field-type issues. We're looking at enforcement issues, and we think we can come up with some -- some workable solutions to this. Particularly at the state level when you have a local building official who is, you know, under -- undermanned and understaffed and really doesn't have the -- the capabilities perhaps that some of the larger municipalities have. You know, we want to make sure this is done properly and the, you know, the intent of this legislation is carried out.

I'd be happy to answer any questions you might have.

SENATOR STILLMAN: Thank you, sir.

Any questions for the gentleman?

No. Thank you.

PAUL BRADY: Thank you.

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SENATOR STILLMAN: Thank you very much.

Any other questions, comments?

Thank you.

KEVIN KOWALSKI: Thank you.

SENATOR STILLMAN: Appreciate it.

Is Anthony Martino here? Did anyone find him to tell him his name was called? No, okay. Then we'll move on to Martin Mador, and then John Butts.

REP. DARGAN: Martin, just one minute before you give your testimony. To people that have an issue dealing with the building codes, if you could hang around for five or ten minutes afterwards, just try to stay in this room so we could talk, because our caucus room is not available, so we could figure out where we got to go next. If that's okay with everyone that's here, including people from the Department of Public Safety.

Thank you.

MARTIN MADOR: Afternoon members of the committee. I'm Martin Mador. I'm the legislative and political chair for the Connecticut Sierra Club. I have a master's degree in environmental management from Yale. I am LEED accredited. I'm the author and editor of a book on architecture and the natural world. On the original drafter of the legislation here, requiring green schools. I've been working on green building legislation and the Legislature since 2002.

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I have talked with members of the unified code group that you've heard from already. We are

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not a member to that group, but I have communicated with them over the -- over the problem that we face here.

07-242, require LEED be added to the state building code. My testimony explains why we have this problem. LEED is an optional point system, you can't put an optional point system into a building code. It's simply is not possible, and that's the crux of the problem.

However, the motives were good here, and the idea was that we wanted to bring the green building standards to a number of different sectors of architecture. We have the requirement for state office buildings and for schools. This would bring the requirement to the commercial sector.

However, 07-242 to be -- to be clear has created havoc in the architectural community because nobody knows how to implement this. Effective date was the beginning of January. One thing nobody said so far is, the solution in the Legislature needs to be fast tracked. We need to come up with a replacement for this as soon as possible so that we can plant -- send clear signals to the architectural community. This -- this should not wait till June to have a definitive end. It really needs to be done now.

I think we're all on the same page of what we would like to see. There's -- I think there's an issue about the language which actually implements this. I'm not particularly happy with the draft language of this because I don't really understand its implications. I think I understand them, and I'm in full agreement with -- with what they're trying to do, but I don't think they express the language well. I suggest two alternatives.

One, is simply requiring LEED certification for all commercial buildings at some level. Silver level is pretty much regarded as a national standard now. There may be some reluctance from the Legislature to impose this requirement, although I do believe the state has the power to do it. Green buildings can -- for a host of benefits on society as whole, and I mention these in my testimony. But without going there I think that the best thing to do is what I describe on the second page of my testimony, which is simply to require that we incorporate as many of the individual LEED credits as is feasible into the state building code. That has the same result as the existing language and makes it clearer that it's giving the discretion to the Codes and Standards Committee to decide which of these points are actually appropriate to a building code.

As Bill Ethier said, there are many of them which don't belong in a building code, either such things as site design, site impacts, don't really work in a building code. This gives clear legislative intent to Codes and Standards that we want green buildings to the extent feasible. It transfers the decision making to Codes and Standards to say which of LEED -- the 59 LEED credits is really appropriate to do.

So again same result --

SENATOR STILLMAN: Thank you.

MARTIN MADOR: -- but I think different language.

Energy, however, needs to be expressed explicitly because the LEED sections energy simply says the better your energy performance

the more points you get, there's no clear direction, and I believe the Legislature does have to set a target -- a minimum target level for codes and standards. And I --

SENATOR STILLMAN: Thank you, sir.

MARTIN MADOR: -- I agree with -- with Charles testimony on that.

SENATOR STILLMAN: Thank you.

Any questions for the gentleman?

Thank you.

John Butts.

JOHN BUTTS: Representative Dargan, Senator Stillman, my name is John Butts. I am the assistant executive director of the Associated General Contractors of Connecticut. We are a division of the Connecticut Construction Industries Association. We represent commercial building contractors. I'll be mercifully brief, because I'm the -- the last person on the docket.

Suffice it to say we're very much in support of HB 6284. Commercial building contractors have been confused about the enforceability of it. Mainly going through a state building -- through the building code, we just want to see -- make sure that the -- the -- the solution is done right. I will say that the -- we support what the other supporters have said. Right now there is a committee that the American Society of Heating, Refrigerating and Air Conditioning Engineers and the U.S. Building Council is trying to put together to solve the problem of how you incorporate green building standards into a building code.

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They're not there yet. Suffice it to say we are obviously trying to -- looking at that development, and we'd like to be involved in any kind of discussions that are -- that are ongoing on this.

So with that, I will close out my testimony and say that if you're interested in -- in contacting us, please contact me or Matt Halacy who is CCI's lobbyist as well.

So, thank you very much.

SENATOR STILLMAN: Thank you, sir.

Any questions?

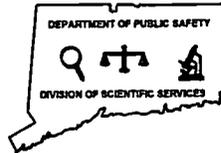
Thank you.

Is -- Anthony Martino come back?

Okay. Anyone else who would like to speak at the public hearing before we close it out? Okay. Thank you very much. That completes the list of folks who've signed up to testify. So we'll close the public hearing and we now have to reopen the meeting and close it.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONERJohn A. Danaher III  
CommissionerLieutenant Edwin S. Henion  
Chief of Staff

February 3, 2009

Rep. Stephen Dargan, Co-Chairman  
 Sen. Andrea Stillman, Co-Chairman  
 Public Safety and Security Committee  
 Legislative Office Building  
 Hartford, CT 06106

**HB 6284 AN ACT CONCERNING ADOPTION OF A MODEL ENERGY CODE AND GREEN BUILDING STANDARDS**

***The Department of Public Safety supports this bill.***

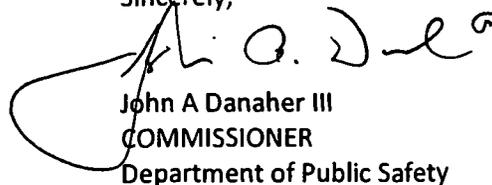
The Department of Public Safety recognizes the importance of the sustainable design and energy conservation goals of Public Act 07-242, but the language of the act creates problems due to the unique nature of how building codes are adopted and administered. For instance, a project is subject to the requirements of the State Building Code in effect at the time of building permit application. By providing a date certain for compliance, the act creates a situation whereby requirements may change over the life of a project, resulting in unnecessary cost, confusion and inconsistent uniform code enforcement problems. The agency has been advised that this is having a chilling effect on projects throughout the state.

Limiting the application of the rating systems named in the statute avoids having to include things that building codes do not address, such as a requirement that bicycle racks be installed or lumber for the project be obtained from certain types of forests. Instead, the bill makes clear that it only applies to building envelope and mechanical systems, topics traditionally addressed by building codes.

Removal of the construction dollar cost stipulation threshold is necessary due to the wide variety of financial demographics prevalent in the State. Building construction costs vary considerably from portions of the state that are adjacent to other neighboring states as well as from a city to a town. Removal of the previous waiver language is also important. The Institute for Sustainable Energy at Eastern Connecticut State University consists of a professor and several student interns. They are not equipped to handle the volume of requests that will come in from private development projects throughout the state. Instead, removal of this language allows the typical building code modification process to apply.

Finally, the additional time to adopt the new requirements will give the agency the opportunity to develop new code language, utilize and implement uniform available International Energy Codes, and take it through the regulation adoption process. This process typically takes up to a year from the date the final draft is completed by the agency.

Sincerely,



John A Danaher III  
COMMISSIONER  
Department of Public Safety

Oct. 28, 2008 8:45AM

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**RICHARD BLUMENTHAL**  
**ATTORNEY GENERAL**



6284  
 Main Justice Hall  
 110 Sherman Street  
 Hartford, CT 06105-2222

**Office of The Attorney General**  
**State of Connecticut**

Tel: (860) 808-5450  
 Fax: (860) 808-3591

October 28, 2008

**John A. Danaher, III**  
**Commissioner**  
**Department of Public Safety**  
**1111 Country Club Road**  
**Middletown, CT 06457**

Dear Commissioner Danaher:

You have requested my informal advice on the requirements of Section 78 of Public Act 07-242.<sup>1</sup> You state that this public act directs the State Building Inspector and the Codes and Standards Committee to revise the State Building Code (Code) to require that certain building construction projects to meet energy conservation standards. You further state that Section 78 of Public Act 07-242 requires that the provisions of the Code apply to certain buildings if constructed after January 1, 2009. You have advised me that due to the complexity of the revisions and the regulation adoption process, the revisions to the Code will not be effective on January 1, 2009. You ask me whether the provisions of Section 78 of Public Act 07-242 can be implemented absent adoption of the revised Code. My answer is no.

Section 78 of Public Act 07-242 states in part as follows:

(b) Notwithstanding subsection (a) of this section, the State Building Inspector and the Codes and Standards Committee shall revise the State Building Code to require that any (1) building, except a residential building with no more than four units, constructed after January 1, 2009, that is projected to cost not less than five million dollars, and (2) renovation to any building, except a residential building with no more than four units, started after January 1, 2010, that is projected to cost not less than two million dollars shall be built or renovated using building construction standards consistent with or exceeding the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program. The

<sup>1</sup> Section 78 of Public Act 07-242 is codified in the 2008 Supplement of Conn. Gen. Stat. 29-256a.

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inspector and the committee shall provide for an exemption for any building if the Institute for Sustainable Energy finds, in a written analysis, that the cost of such compliance significantly outweighs the benefits.

From discussions with members of the Codes and Standards Committee and the State Building Inspector, I have learned that a number of issues will need to be resolved before the requirements of Section 78 of Public Act 07-242 can be implemented. Among some of the issues to be resolved are:

(1) What is included in the cost for a building "constructed . . . that is projected to cost not less than five million dollars"?

(2) How is "constructed" defined?

(3) What is included in the cost for "renovation to any building . . . that is projected to cost not less than two million dollars"?

(4) How is "renovation" defined?

(5) What body determines what "an equivalent standard" is?

(6) What is the "exemption process"?

(7) What will the "written analysis" consist of?

(8) What baseline will be used to determine when "the cost of such compliance significantly outweighs benefits"?

(9) Is the Institute for Sustainable Energy positioned to conduct such reviews, via staff, funding and technical expertise?

(10) What is an applicant's appeal process if an exemption is denied?<sup>2</sup>

These representative issues are significant and must be addressed and incorporated in the revised Code before Section 78 of Public Act 07-242 can be implemented.

You have confirmed for me that the provisions of the Code do not ordinarily become effective until after the Code is adopted. Moreover, you have also confirmed that the provisions of the Code apply only to building permits issued after the effective date of the Code. This is

<sup>2</sup> It should be noted that these issues are only a representative sample of the many issues involved with implementing Section 78 of Public Act 07-242.

Oct 28, 2008 8:45AM

No. 4266 P.

October 28, 2008  
Page 3

done so that those who are affected by the Code know what is required of them. Based on the above representations and the fact that those affected by the Code will need definite guidance on how to comply with the requirements of Section 78 of Public Act 07-242, it is my opinion that those requirements cannot be implemented until the revised Code is adopted. I note, moreover, that some of the issues raised by the Codes and Standards Committee and the State Building Inspector can only be addressed through legislation.

The foregoing analysis is that of the undersigned. It is provided to you as guidance in carrying out your statutory duties. It should not be considered a formal opinion of the Office of the Attorney General.

Very truly yours,



Henri Alexandre  
Assistant Attorney General

060000

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AMERICAN FOREST &amp; PAPER ASSOCIATION

GROWING WITH AMERICA SINCE 1861

**American Forest & Paper Association**

**Testimony Submitted for the Record**

**Public Services and Security Committee Public Hearing**

**An Act Concerning Adoption of a Model Energy Code and Green Building Standards**

**February 3, 2009**

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The American Forest & Paper Association (AF&PA) appreciates the opportunity to comment on **HB 6284 An Act Concerning Adoption of a Model Energy Code and Green Building Standards**. AF&PA supports the objective and approach to green building in Connecticut as outlined in this proposal.

AF&PA is the national trade association of the forest, pulp, paper, paperboard, and wood products industry. We represent 130 companies and related associations focused on producing essential products for people from renewable and recyclable resources that sustain the environment. The forest products industry generates \$200 billion a year in sales and employs more than one million workers — on par with the nations automotive and plastics industries. The industry is among the top 10 manufacturing sector employers in 48 states. In Connecticut, our industry employs more than 7,000 individuals and operates more than 80 manufacturing facilities.

AF&PA and its members are committed to reducing the environmental impact of buildings by encouraging energy-efficient, environmentally responsible choices during the design and building process. We support scientifically justified systems and standards to reduce environmental impacts. *We support this legislation because it gives equal credit to multiple green building rating systems - Leadership in Energy and Environmental Design (LEED®), Green Globes system, and NAHB National Green Building Program™ - providing for market competition and improved efficiencies.*

AF&PA is aware the design and construction industry, code officials and green building experts came together to propose these corrective language changes to PA 07-242, sec. 78. These changes are necessary to keep Connecticut a leader in green building practices.

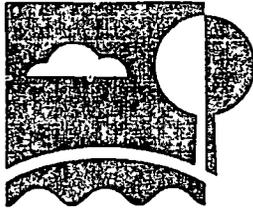
Wood is a vital part of any sustainable green building practice. It is among the most energy-efficient and environmentally benign of all building materials. Wood can make essential contributions to green building that competing materials cannot given that wood is a renewable resource that sequesters significant amounts of carbon — both in

forests and in products – and provides high levels of energy efficiency. Nearly one-third of carbon sequestered in trees remains sequestered in wood products for the remainder of their useful life, which in the case of some products (such as building materials) can be decades or centuries. According to EPA estimates, wood and paper products produced each year store the equivalent of 100 million tons of carbon dioxide. This is equivalent to eliminating the carbon dioxide emissions from 18 million passenger cars - 13% of all passenger cars on the road in the U.S.

Connecticut will be recognizing multiple rating systems. By allowing choice among multiple rating systems, builders, designers, and developers in Connecticut will be able to use the system(s) that best fit its regional needs and products. Further, the natural competition that will exist between these rating systems will have the added benefit of improving all of them.

*The forest products industry supports the construction of environmentally-friendly and energy efficient green buildings as proposed in HB 6284.* Wood products can contribute greatly toward the benefits offered by green buildings. AF&PA appreciates this opportunity to present its views to the Committee regarding the design and construction of green buildings in Connecticut.

Please contact our legislative advocate TJ Casey, at (860) 229-0301, with any questions. Thank you for your consideration.



**Connecticut Fund  
for the Environment**

February 3, 2009

Dear Senator Stillman, Representative Dargan, and members of the Public Safety and Security Committee,

I write regarding Raised Bill No. 6284, AN ACT CONCERNING ADOPTION OF A MODEL ENERGY CODE AND GREEN BUILDING STANDARDS.

Representatives of the construction industry have indicated both their openness to new green building and energy efficiency standards and their frustration with the existing language, which is not specific enough for them to plan around. I applaud the committee for its efforts to clarify the standards, as this will streamline the code's implementation and get the green, efficient building industry working to improve the state's air quality and construction market.

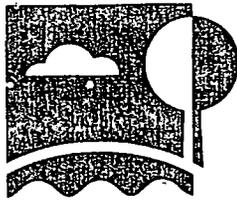
I urge the committee to approve a bill with standards that are as ambitious, specific, and clear as possible. The language should identify quantitative targets for energy efficiency and specify which buildings will be covered by the changes.

A strong, detailed Energy Code and Green Building Standards bill will help Connecticut's construction industry by communicating clearly and early what the requirements will be so that architects, engineers, and construction companies can plan ahead and design appropriately. This will save the companies money and create new high-skilled jobs and new entry-level jobs in the green building field.

At the same time, it will reduce emissions quickly and cost-effectively. To meet our carbon reduction mandates, we must institute aggressive efficiency measures that will eliminate the need for some fossil fuel-burning power plants. That will have great impacts on our state's air quality, reducing health costs and improving quality of life for people with asthma and other health problems. Efficiency improvements can do this at very low or no cost to the state.

Finally, improvements to energy efficiency will benefit consumers directly by reducing their energy bills. Studies have shown that saving energy through improved efficiency is three to four times cheaper than buying that energy would be, even if the energy were generated by our cheapest, dirtiest coal-fired plants. Efficiency measures also help reduce peak demand, which means that electrical generation and distribution charges would drop. When consumers save money on their utility bills, they are able to spend it elsewhere, which boosts the state's overall economy.

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**Connecticut Fund  
for the Environment**

February 3, 2009

TO: The Honorable Memebers of the Public Safety Committee  
FROM: Letitia L. Ferguson, Outreach Director

**RE: HB6284, AAC Adoption of a Model Energy Code and Green Building Standards.**

Connecticut has been a leader in state energy efficiency policy, and this measure will help to keep us in the forefront of environmentally sustainable development standards.

It is well established that buildings are the site of enormous energy consumption and greenhouse gas (GHG) emissions and grossly inefficient in their energy use.

Energy efficiency is the cheapest, most reliable, and climate-friendly way of meeting energy needs. Wise investment in improving building energy efficiency can save ratepayers money and earn investors an attractive return.

“Retrofitting” buildings with current materials and technology to gain energy efficiency requires a lot of labor — ranging from essentially unskilled to very skilled — which means jobs creation.

Energy efficiency standards improvement has no capital investment cost – just better planning & oversight for the future.

For these reasons, I urge you to vote for HB6284, AAC Adoption of a Model Energy Code and Green Building Standards.

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A bill with clear requirements is our best bet to get these benefits accruing rapidly and reliably.

Sincerely,  
Laura McMillan  
Global Warming Outreach Associate, CT Fund for the Environment

71 Canner St  
New Haven, CT 06511

CC:  
Sen. Martin Looney  
Rep. Cam Staples



**Public Safety Committee  
Public Hearing  
February 3, 2009**

Submitted by: Lynn Taborsak, Climate Change Specialist

Comments on:

**RB 6284: AAC Adoption of a Model Energy Code and Green  
Building Standards**

The League of Women Voters of Connecticut is a non-partisan, statewide organization comprised of nearly 2,400 members and committed to effective public policy and the active involvement of citizens in their government. On behalf of the League, I would like to thank you for the opportunity to comment on this measure.

Energy is finite. We need to make energy conservation and energy efficiency of paramount importance in our state building code going forward. If we succeed in making new construction and major renovations part of a new green infrastructure, there will be enough energy left to create jobs and grow the state's economy. We don't have time or energy to waste this year.

This bill can be strengthened to require that new buildings exceed the ASHRAE 90.1 standard by 10% or 20% or earn a silver rating under the LEED system. It is also important to define what buildings will be required to meet the new standards. Will it include public projects and schools as well as private sector development?

The League believes that green building standards will reduce energy use and thereby reduce greenhouse gas emissions. Efficient lighting and natural light, energy efficient heating and cooling equipment, passive and active solar design and improved insulation can dramatically reduce energy use. Not wasting energy provides us with the energy we will need for industrial uses.

# NAIOP

COMMERCIAL REAL ESTATE  
DEVELOPMENT ASSOCIATION

CONNECTICUT AND  
SUBURBAN NEW YORK CHAPTER

February 2, 2009  
Honorable Representative Stephen D. Dargan  
Chair, Public Safety and Security Committee  
Legislative Office Building, Room 3603  
Hartford, CT 06106-1591

RE: HB 6284

Dear Senator Dargan:

With almost 17,000 members, and comprised of owners, investors, and developers of commercial, industrial, and mixed use real estate, NAIOP (Commercial Real Estate Development Association) is the nation's largest commercial real estate trade organization. I serve as chair of NAIOP's Connecticut and Suburban New York Chapter. I write on behalf of our organization in support of HB 6284. As explained in more detail below, this legislation will (i) correct a near impossible requirement on the State Building Inspector imposed by current law, (ii) prevent dire economic consequences to the state, and (iii) advance the state's interest in energy efficiency and sustainable development.

NAIOP has a strong and committed interest in advancing the principals of environmentally sustainable design throughout the nation. Consistent with this interest, our local NAIOP Chapter has already expressed to the legislature its serious concern about changes to the Connecticut State Building Code it mandated in Sec. 10 of P.A. 07-242. That law mandated the State Building Inspector to amend the State Building code to require (1) buildings costing \$5 million or more built after January 1, 2009 and (2) renovations costing \$2 million or more starting January 1, 2010 to meet the Leadership in Energy and Environmental Design (LEED) silver standard or its equivalent. Those requirements would apply to private and public sector projects, other than residential buildings with up to four units. Under the existing statute the Codes and Standards Committee of the Office of the Building Inspector could not issue code amendments that provided adequate guidance to the community that must abide by the State Building Code. Without a change in the law, as would result from enactment of HB 6284, we could reasonably anticipate not only increased costs and delays, but also the potential of litigation and the disincentive to build in Connecticut rather than in neighboring states.

We made our concerns about Sec. 10 of P.A. 07-242 known both to the State Building Inspector and to the Legislature in a series of letters last year. We pointed out, for example, that the current language of the law does not provide any

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**Executive Director**

Barbara Chase  
NAIOP Office Headquarters  
46 Ralsey Road  
Stamford, CT 06902  
Phone: 203-653-2883  
Fax: 203-323-9677  
execdir@naiopct.org

Honorable Representative Stephen D. Dargan  
February 2, 2009  
Page 2

guidance on how to calculate threshold amounts. Do the amounts include expenses for environmental remediation or the cost of installing energy efficient materials? Will the new code requirements give any guidance as to what constitutes equivalency to the LEED silver standard? Will accommodations be made to recognize differing climate conditions unique to Connecticut or differentiate among office, warehouse, industrial, and multifamily properties, all of which require differing construction techniques? What will happen if LEED certification or an equivalency determination is delayed or denied? Will this result in the refusal to grant a Certificate of Occupancy or a penalty? A memo dated October 28, 2008 from Assistant Attorney General, Henri Alexandre to the State Building Inspector expressed similar concerns.

Our questions and concerns and those of the Attorney General, if not answered prudently, could result in unjustifiable, potentially unconstitutional deprivations of property, which in turn could lead to litigation and in the inhibition both of new construction and much needed renovation, required to keep our Connecticut building inventory safe, productive, and energy efficient.

HB 6284 eliminates these difficult questions and substantially alleviates our concerns.

1. It removes reference to dollar thresholds and leaves the determination of application criteria, such as a square footage threshold, to the Codes and Standards Committee.
2. It speaks to the portions of buildings that most directly effect energy consumption, specific to mechanical, electrical and thermal envelope.
3. It allows for equivalent standards and a method for demonstrating compliance.
4. It provides for compliance to be determined at the permitting stage.

We at NAIOP would be very pleased to provide additional information about our concerns. Please feel free to call me to discuss this personally at 203-363-7670.

Very truly yours,



Barry J. Trilling  
Chair, Public Affairs Committee  
Connecticut and Suburban New York Chapter  
NAIOP

**NAIOP**

COMMERCIAL REAL ESTATE  
DEVELOPMENT ASSOCIATION  
CONNECTICUT AND  
SUBURBAN NEW YORK CHAPTER

Honorable Representative Stephen D. Dargan  
February 2, 2009  
Page 3

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Thomas J. Bisacchino, NAIOP National President

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Public Safety Committee  
February 3, 2009  
Testimony of Martin Mador  
HB 6284 an Act Concerning Adoption of a Model Energy Code  
and Green Building Standards

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club. I possess a Master's of Environmental Management degree from Yale. I am LEED accredited by the US Green Building Council. I am the co-editor and chapter author of Biophilic Design, the Theory, Science, and Practice of Bringing Buildings to Life (Wiley, 2008), a book about architecture and the natural world. I am the original drafter of green schools legislation in Connecticut, and have testified in public hearings on green buildings every year since 2002.

PA 07-242 required LEED be added to the state building code, making it applicable to all major construction in the state, including commercial. However, LEED is an optional point system. An owner/builder decides which of the 59 LEED points is appropriate for the project. There are only a few prerequisites. The more points earned, the higher the certification level. LEED silver requires at least 33 of any of the 59 points, with at least 2 energy points earned. It is not possible to fit an optional point system such as LEED into a building code.

The purposes of PA 07-242 were laudable: to require major commercial construction in Connecticut be built to green standards. As green buildings have many public benefits, it is appropriate to require them, even for private construction. These benefits include minimal damage and site impacts to the surrounding environment; decreased water consumption (demand on potable water supply); less construction material sent to landfills, minimal impacts of stormwater runoff (need for infrastructure); promotion of mass transit, and manifold health benefits to occupants of the building. Decreased energy consumption means less fossil fuel use, decreased global warming emissions, decreased need for additional electrical generating capacity, and decreased air pollution.

HB 6284 is an attempt to craft a workable replacement for this provision of PA 07-242. It does not do that as drafted. It could do this by actually requiring LEED certification at the Silver level or beyond. I believe the state does have the power to require such certification. Certification using an equivalent standard to LEED-silver, if such an alternative actually exists, could be required, as long as third party certification was required. Green Globes, while similar to LEED, is not as strong a protocol as LEED, and does not have adequate third party certification. I do not consider it a functional equivalent, and recommend any reference to it be dropped. The National Association of Home Builders' standard is not relevant in this context, as this will apply to larger commercial buildings.

I recommend the following to this Committee Require that Codes and Standards incorporate as many of the individual LEED credits, except energy, into the state building code as they deem practical There are several efforts underway nationally to establish a green building code incorporating all aspects of green building, but none of them have been completed or released If they become available during the deliberation process, Codes and Standards should be directed to consider them.

Energy, however, is a special case, as LEED simply provides for a range of points depending on the energy performance beyond baseline. The bill should specify that building energy performance "exceed the requirements of the version of ASHRAE 90.1 current at the time of adoption by x percent". Using 20 % for "x" would be a modest aspiration, and the minimal reasonable amount Anything greater than 20% would signal a desire for significant improvement

The legislature should specify which buildings are subject to the requirement This is more properly a legislative decision than a code writing decision. It should refer to minimum building size, rather than cost. I suggest all buildings greater than 25,000 or perhaps 35,000 square feet be subject to the requirements Residential buildings with no more than four units should be exempt

**THE ASSOCIATED GENERAL CONTRACTORS OF CONNECTICUT, INC.**

A Division of Connecticut Construction Industries Association, Inc.

912 SILAS DEANE HIGHWAY, WETHERSFIELD, CT 06109-3433

Telephone (860) 529-6855

Fax (860) 563-0616

E-mail: ccia@ctconstruction.org



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**House Bill 6284, An Act Concerning Adoption of a Model Energy Code and Green Building Standards****Public Safety and Security Committee****February 3, 2009****AGC/CT Position: Support**

Associated General Contractors of Connecticut (AGC/CT), a division of Connecticut Construction Industries Association, is the Connecticut chapter of the Associated General Contractors of America, a national construction contractors trade association. AGC/CT represents commercial, industrial, and institutional construction contractors, subcontractors, material suppliers and professionals serving the construction industry.

AGC/CT supports House Bill 6294, An Act Concerning Adoption of a Model Energy Code and Green Building Standards. The bill would require the State Building Inspector and Codes and Standards Committee to revise the State Building Code to include a model energy code and green building standards for certain new construction or renovation projects beginning July 1, 2010. This is a reasonable time period for industry and the state to implement sustainable construction standards.

In 2007, the legislature adopted Public Act 07-242, which mandated changes to the State Building Code to require buildings costing \$5 million or more constructed after January 1, 2009, and renovations costing \$2 million or more started after January 1, 2010, to meet the Leadership in Energy and Environmental Design's silver standard or its equivalent. The requirements, which may be waived if the Institute for Sustainable Energy finds that the cost of compliance significantly outweighs the benefits, apply to projects other than residential buildings with no more than four units. Since its adoption, industry groups and the Office of the State Building Inspector have grappled with its requirements.

While AGC/CT supports the public policy goals behind the legislation, the time periods in PA 07-242 were unattainable for the state and industry. Further, some of its requirements simply are not workable. The LEED rating system is not intended as a building code and it cannot be enforced as such, as evidenced by the challenges in drafting the standards into the State Building Code. A committee including the American Society of Heating, Refrigerating and Air Conditioning Engineers Inc. (ASHRAE) and the U.S. Green Building Council has been working for two years to develop a green building standard that building code officials could mandate in lieu of LEED. The committee recently expanded to include more representation from owners, the steel sector and the construction industry.

Meanwhile, House Bill 6294 is a significant improvement and goes a long way to clarify and improve the law. A model energy code is more workable. It makes sense for the design and

construction community and would be more easily implemented and enforced by administrative authorities. The bill should be adopted.

For additional information, please contact John Butts, assistant executive director of AGC/CT or Matthew Hallisey of CClA at (860) 529-6855.



AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of Connecticut

T1

TESTIMONY BEFORE THE PUBLIC SAFETY AND SECURITY COMMITTEE  
REGARDING RAISED HOUSE BILL 6284  
February 3, 2009

Good morning, my name is Paul Brady. I am the Executive Director of the American Council of Engineering Companies of Connecticut, representing some 100 consulting engineering firms in the state. I would like to testify in support of Raised House Bill 6284, AN ACT CONCERNING ADOPTION OF A MODEL ENERGY CODE AND GREEN BUILDING STANDARDS.

Section 78 of Public Act 07-242 required the State Codes and Standards Committee to include in the State Building Code that many building projects meet LEED Silver, Two Green Globes or equivalent requirements as of January 1, 2009. The language of these new requirements is extremely confusing. The design and construction industry, building code officials, the Department of Public Safety, and even the Attorney General's office acknowledge that this statute needs to be revamped. This uncertainty is delaying projects, driving construction and related jobs out of Connecticut and increasing the cost of public works projects.

The changes proposed in this bill would authorize the Codes and Standards Committee and the State Building Inspector to develop a state energy code and other sustainable building standards which are enforceable, understandable and workable. It gives the code officials the flexibility to adjust to new and changing standards and technologies. It also allows code officials to develop a workable protocol for complying with these new requirements.

By passing this legislation, Connecticut can resume a leadership role in green building design and construction. We believe that such a program can preserve our environment, save energy and other natural resources and make Connecticut an inviting place to build homes and businesses.

Thank you for your time and consideration.



Connecticut  
Light & Power

T1

107 Selden Street, Berlin, CT 06037

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P O Box 270  
Hartford, CT 06141-0270  
(860) 665-5000  
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The Northeast Utilities System

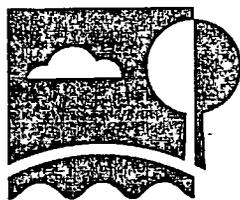
Testimony in Support of Raised Bill No. 6284  
Committee on Public Safety and Security  
February 3, 2009 Public Hearing

My name is Frederick F. Wajcs, Jr. I am a Senior Energy Engineer in CL&P's Conservation and Load Management Department and I am here to speak in support of Raised Bill No. 6284.

An understanding of the building code by design professionals, building officials and contractors is critical for compliance. The current statute is written in a way that makes it difficult to incorporate the "LEED Silver" requirements into the energy section of the State Building Code. A difficult to understand code will result in a code requirement that is difficult to implement and enforce. The lack of clarity in the current statute will result in limited attainment of its intended benefits.

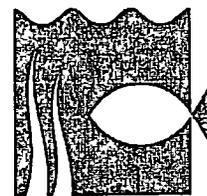
The raised bill is enabling legislation that will direct the Codes and Standards Committee to create requirements in the energy code that will improve the energy efficiency of new construction and major alterations. Because it is enabling legislation it will allow the Codes and Standards Committee to amend the building code so as to incorporate sustainability concepts. Clear and consistent requirements in all sections of the building code will result in more energy efficient buildings and a more sustainable environment.

Thank you very much for your time.



**Connecticut Fund  
for the Environment**

TI



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**Public Safety Committee  
Public Hearing  
February 3, 2009**

Submitted by: Charles J. Rothenberger, Staff Attorney

Comments on:

**RB 6284: AAC Adoption of a Model Energy Code and Green  
Building Standards**

*Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 6,500 members statewide. For more than twenty-five years, CFE has used law, science and education protect and preserve Connecticut's natural resources.*

The built environment has a profound impact on the natural world. In Connecticut, the building sector is responsible for 40 percent of the state greenhouse gas emissions. Clearly, if the state is to meet its climate change reduction goals, more energy efficient buildings are essential.

Although Connecticut has been recognized as a leader when it comes to energy efficiency, it has lagged in a couple of important areas. According to the American Council for an Energy-Efficient Economy (ACEEE) 2008 State Energy Efficiency Scorecard, the failure of the state to keep pace with the most current model energy codes and the lack of enforcement of its energy code saw Connecticut's standing drop from first place last year to third place this year. While the state ranked high in the area of utility efficiency and the promotion of combined heat and power, it ranked in the bottom quarter of states with respect to the adoption and enforcement of building energy codes.

While RB 6284 is a step in the right direction towards rectifying that failure, there are several significant defects. First, the legislation should specify the level of energy performance that will be required. Having spoken with several energy and building professionals, CFE believes that a target of twenty-one percent better, in the case of new construction, or fourteen percent better, in the case of major renovations, than the most current Connecticut State Building Code is the appropriate target.

Second, the legislation should specify the class of buildings subject to the enhanced energy performance requirements. CFE believes that buildings should be identified on the basis of size, rather than cost. CFE believes that these performance standards should apply to residential buildings that are at least 4,000 square feet and non-residential buildings that are at least 20,000 square feet.

This bill represents a step in the right direction, and CFE hopes that the legislature addresses its current defects and that it will continue to improve as it moves through the committee process.



**HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.**  
 1245 FARMINGTON AVENUE, 2<sup>nd</sup> Floor, WEST HARTFORD, CT 06107  
 Tel: 860-521-1905 Fax: 860-521-3107 Web: [www.hbact.org](http://www.hbact.org)

*Your Home  
 Is Our  
 Business*

February 3, 2009

T1

To: Senator Andrea Stillman, Co-Chairman  
 Representative Steve Dargan, Co-Chairman  
 Members of the Public Safety and Security Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Raised Bill 6284, AAC Adoption of a Model Energy Code and Green Building Standards**

The HBA of Connecticut is a professional trade association with one thousand three hundred (1,300) member firms statewide employing tens of thousands of CT's citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry.

**Summary & Background:** **The HBA of Connecticut strongly supports RB 6284.** It is a critically necessary fix to PA 07-242, sec. 78, which amended the building code statute (29-256a) with language that requires certain green building construction practices as of Jan. 1, 2009. The entire design and construction industry, building code officials, the Dept. of Public Safety, and even the Attorney General's office do not know how to comply with this statute. The language of PA 07-242, sec. 78, is extremely confusing and has caused so much uncertainty within the construction industry that projects have been delayed or even halted.

**We are not against green building.** In fact we are heavily promoting green building practices to the residential construction industry and consumers through our Build Green Connecticut™ program (see [www.hbact.org](http://www.hbact.org)), which is based on the National Green Building Standard (see third bullet below). It is the placement of unknown requirements, many of which have nothing to do with building codes or construction practices, into the building code statute that has caused the confusion. **And we are not coming to this issue late.** We opposed the original unworkable language in 2007 and sought a corrective amendment in 2008 in both the regular and special sessions. This committee did in fact correct the 2007 act in 2008 on the Environment Committee's global warming bill but that correction was reversed by a House floor amendment.

**What Needs to Change:**

- **In 29-256a(b), change the effective date by referencing the effective date of the next State Building Code, rather than a date for constructing buildings.** The State Building Code is updated on a 3-4 year cycle. This simple date change in the statute will correct the disconnect between the statutory construction requirement and the requirements of the State Building Code. By placing a date certain in the statute rather than in the next adopted code, owners and builders would have to change their construction plans in the middle of ongoing projects on which building permits have already been issued.

Testimony, Home Builders Association of Connecticut, Inc.  
RB 6284, AAC Adoption of a Model Energy Code and Green Building Standards  
February 3, 2009, page 2

- **If the policy of the state is to promote or require green building rating systems, the building code statute is the wrong place except for building code issues.** Green building rating systems include numerous “green” factors (e.g., obtaining lumber from a sustainable forest, use of bike racks, size of buildings, location of buildings in urban settings or near transit), and even some energy efficiency factors (e.g., use of Energy Star appliances), that are not regulated by the State Building Code. Section 29-256a is a building code statute and should be limited to building code matters.
- **If specific green building rating systems are to be referenced in the statutes, then nationally recognized, more consensus-based work products other than LEED are available and provide more flexibility and cost benefits for building owners.** For example, the NAHB National Green Building Standard (NGBS) is the premier green building rating standard for homes, and is a true standard (i.e., recently approved by ANSI, the American National Standards Institute, as the first nationally recognized, consensus-based green building standard; see attached). If reference to specific green rating systems is to remain in the statute, then the NGBS, which also requires third party verification, should be included.
- **“Building construction standards consistent with” LEED, Green Globes, National Green Building Standard, or an equivalent rating system needs to be defined in the building code.** Specific authority for the Codes & Standards Committee and State Building Inspector should be granted to identify the portions of these rating systems relevant to the building code. “Silver” or any other level of rating do not make sense in the building code or construction context because those rating levels are based on achieving points from the entire rating system. RB 6284 outlines those matters, e.g., thermal envelope and mechanical, lighting and electrical systems, that must be included in the next building code.
- **The 2007 adopted exemption language in 29-256a is not necessary and reference to the Institute for Sustainable Energy (ISE) should be removed.** The ISE is one professor and some student interns at Eastern Connecticut State University. The ISE is not equipped to conduct the analyses required on possibly many exemption requests. Rather, there is an existing project-specific code modification process that is sufficient to handle exemptions.
- **Other confusing statutory language needs to be changed.** “Renovation” needs to be changed to “alteration” to match existing definitions in the State Building Code. Thresholds for impacted project size should be based on square footage, a much more objective and reasonable basis to determine project size, but even square footage nuances need to be worked out in regulations, not the statute.

**Conclusion:** The design and construction industry, code officials and green building experts have come together to propose the corrective language in RB 6284.

Please support RB 6284 and help undo the logjam of confusion caused by PA 07-282, section 78, and put the state’s green building practices back on a logical, progressive path.

## **NAHB Applauds ANSI Approval of National Green Building Standard™**

The approval of the standard signals a new era for the nation's builders, remodelers and developers and also provides an extra measure of reassurance for home buyers, said Joe Robson, a home builder in Tulsa, Okla., and Chairman of the National Association of Home Builders (NAHB).

"The National Green Building Standard is now the first and only green building rating system approved by ANSI, making it the benchmark for green homes," said Ron Jones, who chaired the consensus committee charged with developing the standard.

"The standard provides home builders and remodelers with a much more expansive third-party rating system that they can use to achieve 'Green' certification under NAHBGreen and the National Green Building Certification Program," said Mike Luzier, CEO of the NAHB Research Center.



The Research Center provides certification for NAHBGreen projects, which until now have only included single-family homes. "Consumers are looking for authentic, verifiable green building practices, and now they'll find them with a true industry consensus standard for residential green building," Luzier said.

The standard defines what green practices can be incorporated into residential development and construction and how home owners can operate and maintain their green homes.

But the National Green Building Standard also provides for flexibility – allowing home builders and home buyers to make green choices based on climate and geography as well as style preferences and budget.

As part of the stringent process required by ANSI, NAHB and the International Code Council gathered a fully inclusive and representative consensus committee composed of a broad spectrum of builders, architects, product manufacturers, regulators and environmental experts. The work of the consensus committee was administered by the NAHB Research Center, an ANSI Accredited Standards Developer.

The consensus committee deliberated the content of the standard for more than a year, held four public hearings and evaluated 2,000 public comments before submitting the standard to ANSI in April 2008.

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**Coalition for the Adoption of a Unified Code (CAUC)**  
370 James Street, Suite 402  
New Haven, Connecticut 06513

(phone) 203.865.2195  
(fax) 203.562.5378

American Council of  
Engineering Companies  
of Connecticut / Structural  
Engineers Coalition

American Institute of  
Architects,  
Connecticut Chapter

American Society of  
Landscape Architects,  
Connecticut Chapter

Associated Builders and  
Contractors, Connecticut

Associated General  
Contractors of Connecticut

Connecticut Association  
of Land Surveyors

Connecticut Association  
of REALTORS, Inc.

Connecticut Building  
Officials Association "CBOA"

Connecticut Energy  
Efficiency Fund

Connecticut Fire Marshals  
Association "CFMA"

Connecticut Property  
Owners Association "CPOA"

Home Builders Association  
of Connecticut

International Council of  
Shopping Centers

International Masonry  
Institute

National Association of  
Industrial and Office  
Properties

**Change to Building Code Statute CGA 29-256a**  
**Please Support Raised Bill 6284 Offered by Public Safety Committee**

**Background:** PA 07-242, sec. 78 amended a building code statute (29-256a), with language that requires certain green building construction practices as of January 1, 2009. Despite the good intention of this legislation, in its current state, its confusing language makes it unworkable. **The design and construction industry does not know how to comply with the language as it now stands; building code officials and the Department of Public Safety are challenged by it; and the Attorney General's office has identified a number of enforcement problems. Moreover, the inability to implement this legislation is causing the delay of private projects.**

**Changes in Proposed Amendment:**

\*Change the effective date by referencing the effective date of the next State Building Code, rather than an arbitrary date in the statute. The State Building Code is updated on a 3-4 year cycle. A simple change in the statute will correct the disconnect between this statutory construction requirement and the requirements of the State Building Code. Without this date change, owners and builders would have to change their construction plans in the middle of ongoing projects on which building permits have already been issued. Without this change, delayed projects will adversely affect government revenues.

\* Because they are constantly changing, it is not a sound idea to reference specific green building rating systems in statute. For flexibility, the proposal does add the NAHB National Green Building Standard for residential structures to LEED™ and Green Globes™ and references the overall rating systems only to allow the State Codes and Standards committee to establish details of appropriateness.

\*Similarly, the proposal identifies the thermal envelope, mechanical and electrical systems, and lighting for consideration within these rating systems, as these are the only areas regulated by the building code. "Green" factors (e.g., obtaining lumber from a sustainable forest, use of bike racks, size of buildings) are not regulated by the State Building Code. Sec 29-256a should be limited to building code matters. A verification of compliance requirement for the relevant portions of the rating systems has been added.

\*"Building construction standards consistent with" LEED, Green Globes, National Green Building Standard, or an equivalent rating system needs to be defined in the building code. Thus, specific authority for the Codes & Standards Committee and State Building Inspector should be granted to identify these standards.

\*Exemption language in 29-256a is not necessary, and reference to the Institute for Sustainable Energy (ISE) should be removed. The ISE, one professor and some student interns at Eastern Connecticut State University, is not equipped to conduct the analyses required on exemption requests. The existing project-specific code modification process is sufficient to handle exemptions.

\* To match existing definitions in the State Building Code, confusing statutory language has been changed, such as "renovation" to "alteration". The Codes and Standards committee may determine a more objective and reasonable basis for the thresholds for impacted projects, such as square footage rather than size.

**The design and construction industry and code officials have come together to propose corrective language. Please Support This Improvement to the Building Code Statute!**  
*February 2, 2009*

SPIEWAK



CONNECTICUT ASSOCIATION OF  
**REALTORS<sup>®</sup>** INC.

Statement on

**H.B. 6284: AN ACT CONCERNING ADOPTION OF A MODEL ENERGY CODE AND GREEN BUILDING STANDARDS. ...SUPPORT**

Submitted to Public Safety and Security Committee  
February 3, 2009

by

Joseph Wrinn, SIOR

Good morning. My name is Joseph Wrinn. I'm a member of the Society of Industrial and Office REALTORS<sup>®</sup> and my comments represent the views of the Connecticut Association of REALTORS<sup>®</sup>.

I'm here today to ask you to support Raised House Bill 6284: Concerning Adoption of a Model Energy Code and Green Building Standards. This bill will correct a seriously flawed statute affecting building and renovation projects.

The problem stems from section 78 of Public Act 07-242, a well-intended law requiring a variety of properties to be built or renovated using the "building construction standards" of the LEED, Green Globes or an equivalent green building standard. The legislative language is set forth in extremely vague terms, failing to say if the January 1, 2009 effective date is linked to when a building permit is taken, how you measure the "costs" of the projects that trigger the new standards (i.e., how do you compute the \$ 5 million threshold - - are legal costs included? interior finishes?).

If enforcement is based on building permits taken before January 1, but where construction is still underway this year, forcing changes midstream will adversely affect development. Some businesses simply will not build or expand their facilities.

Revenues to State and Town governments will further decline when uncertainty confronts developers, architects, builders, engineers and others. REALTORS<sup>®</sup> have joined these professionals as part of the Coalition to Adopt a Unified Code. We support their proposal to amend the statute by having more workable language that gives the State Codes and Standards Committee a stronger role in implementing sustainable energy requirements.

(Continued)



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*CONNECTICUT ASSOCIATION OF REALTORS**p.2*

More workable language allows experts on the Codes and Standards Committee to set detailed green buildings standards as appropriate to the State Building Code. That panel of professionals needs the latitude and authority to do their job.

In conclusion, REALTORS® favor green buildings practices that are economically feasible. Our headquarters in Washington, D.C., was the first privately owned commercial office building built with a LEED - Silver Certification. In Torrington, some of our members worked with the Home Builders to construct a sustainable, energy-efficient home. We are educating our members and consumers about the benefits of green features and a reduced carbon footprint. The bill before you will fix a situation that is counterproductive to all these efforts

Are there any questions? Thank you.



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To the Public Safety and Security Committee

February 3, 2009

HB 6284

Dear Legislators,

My name is Judi Friedman. I reside at 101 Lawton Rd in Canton and I am Chair of PACE (PEOPLE'S ACTION FOR CLEAN ENERGY). Our organization is deeply interested in green building codes and energy efficient technologies. These concepts not only provide health benefits but also spawn jobs and help electricity costs.

We are very pleased that this bill is under consideration but we support the position of the Connecticut Fund for the Environment in its concern about the failure of the bill to identify specific energy targets and to define what buildings will be subject to the heightened requirements.

Thank you for your good work in the important field of environmental energy issues.

Sincerely,

Judi Friedman

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 4  
1038 - 1383**

**2009**

**TESTIMONY OF**  
**THE LUMBER DEALERS' ASSOCIATION OF CONNECTICUT**

BEFORE  
THE LEGISLATURE'S PLANNING & DEVELOPMENT COMMITTEE

FRIDAY, MARCH 6, 2009  
1:00 PM, ROOM 2A LEGISLATIVE OFFICE BUILDING

Good afternoon. My name is Marshall Collins. I am appearing in my capacity as the Counsel for Government Relations for the Lumber Dealers' Association of Connecticut ("LDAC". The LDAC represents approximately 100 independent Connecticut suppliers of building materials. LDAC members have been an integral part of our communities for nearly 150 years.

**LDAC must express its concern with the language of SB 1033 An Act Establishing A Tax Credit For Green Buildings.**

**SB 1033** would extend the credit only for projects that meet or exceed the "applicable LEED Green Building Rating System gold certification:

“(3) “Eligible project” means ...only that building or building within such project that is designed to meet or exceed the applicable LEED Green Building Rating System gold certification...”.

The language is unnecessarily restrictive and has the potential to disrupt the supply of certified lumber products to LDAC members. In this extraordinarily difficult economy, such disruption could put virtually all of LDAC's member companies out of business.

For several years, LDAC has supported green building standards that promote use of products from certified sustainable forests. Without sustainable forests, LDAC members have no lumber products to sell. However the LEED standard is not the only accepted international standard for sustainable forests. LDAC has joined with legislators and other groups in supporting green building standards, which include the following language:

**“Such provisions shall reference nationally accepted green building rating systems, including, but not limited to, the Leadership in Energy and Environmental Design rating system, the Green Globes USA design program, as established by the Green Building Initiative, the National Green Building Standard, as established by the National Association of Home Builders, or an equivalent rating system approved by the State Building Inspector and the Codes and Standards Committee.”**

This language is consistent with **Substitute House Bill 6284, File No. 21 AAC Adoption Of A Model Energy Code And Green Building Standards, as well as existing State Building Code Requirements.**

LDAC members will sell whatever products are required under Connecticut Statutes. However, please recognize that the vast majority of sustainable forests in North America, which meet the LEED standard, are frequently under contract to major chains of suppliers of building materials. We do not believe that it is in the public interest to create monopolies, which drive independent lumber dealers out of business.

LDAC supports green building initiatives, but requests that you amend SB 1033 so that it is consistent with existing statutes and HB 6284, File No. 21 which included the language listed above. The existence of LDAC's members would be jeopardized if there were a policy change that didn't recognize the existence of additional sustainable forest standards other than LEED. Green Globes USA has been statutorily acknowledged as appropriate for Connecticut's State Building Code.

**If SB 1033 is to be favorably reported, please amend the language as set forth above.** LDAC is willing to work with any parties to help in the passage of this legislation so long as supply monopolies will not be created. The existence of our members depends on it.

This completes my testimony. Thank you for your consideration.



**HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.**  
 1245 FARMINGTON AVENUE, 2<sup>nd</sup> Floor, WEST HARTFORD, CT 06107  
 Tel: 860-521-1905 Fax: 860-521-3107 Web: [www.hbact.org](http://www.hbact.org)

*Your Home  
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March 6, 2009

To: Senator Eric Coleman, Co-Chairman  
 Representative Brendan Sharkey, Co-Chairman  
 Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Raised Bill 1033, An Act Establishing a Tax Credit for Green Buildings

The HBA of Connecticut is a professional trade association with almost one thousand, three hundred (1,300) member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

**The HBA of Connecticut is deeply involved in green building issues and we conduct our own Build Green Connecticut™ Program** (see our web site at [www.hbact.org](http://www.hbact.org) and click on Build Green Connecticut near the bottom of the home page). **Tax incentives to help move the marketplace toward green building are a good idea, but we strongly urge the committee to amend RB 1033 to include other nationally recognized green building rating systems or standards.**

**In particular, we urge the committee to review Raised Bill 6284 (File Copy # 21), AAC Adoption of a Model Energy Code and Green Building Standards, unanimously passed by the Public Safety Committee.** RB 6284 recognizes that three green building rating systems or standards are nationally recognized. In addition to the LEED Green Building Rating System, there exists the Green Globes rating system for commercial buildings and the National Green Building Standard for residential construction.

**The National Green Building Standard is the only green building rating system that has been approved by ANSI, American National Standards Institute, as a national standard.** LEED and Green Globes have not attained this status. LEED, Green Globes and the National Green Building Standard all compete for the attention of the marketplace. Adopting a tax credit for only one such system inappropriately interferes in this competition and ignores the reality that other nationally recognized rating systems or standards are equally, if not more, deserving of official state promotion.

**Therefore, we respectfully request that the committee incorporate the National Green Building Standard, as approved by ANSI, in the bill to help move the residential marketplace toward more green building.**

Thank you for the opportunity to comment on this important legislation.

we're partnered with the Department of Labor, who are offering the initial slots and we're also looking to do some other exciting things. But more importantly, what you'll find is the opportunity to get people placed due to the fact that we're in a recession, you know, our President Obama has a stimulus package. Well, there's nobody hiring, you know, these are all small local businesses and no one is hiring so we're looking at the OJT as kind of our own stimulus, as our own ignition to kick the ball up. Most of our subcontractors aren't talking about hiring. They're talking about the 20 guys they laid off, which would include minorities, as well as Hartford residents. So by focusing our attention and our contractors attention on getting people, Hartford residents and minorities, black, Hispanic, and everybody in between, trained in on the job from day one with that on the job focus. On the job training focus, is absolutely the way to go on this, and so that RFP will be back on the street and we're looking for a community based organization that partner with employers to get people on the job, boots on the ground, and ready to go with a paycheck.

SENATOR COLEMAN: Okay. Thank you. Are there questions for Mr. Jefferson? Seeing none, thank you both for your testimony.

MIKE JEFFERSON: Yes, sir. Thank you.

SENATOR COLEMAN: Martin Mador is next.

MARTIN MADOR: Good afternoon members of the committee, I'm Martin Mador. I am the Legislative and Political Chair for the Connecticut Sierra Club. It's a pleasure to be back before this committee, after an absence of I believe, three days.

SB1042  
SB1043  
HB1284

I'm going to talk about Senate Bills 1042 and 1043 which require that zoning and subdivision regulations call for permit applicants to demonstrate energy efficient design and promotion of solar energy techniques.

Energy was first put into the underlying statutes in 1978 by PA 78-314. There have been really no updates to that since PA 81-334, which added some incentives. That added a carrot, this adds a mandate. Energy has become an issue of prime national importance. It now figures prominently in residential and commercial utility bills, national economic security, state economic health, fossil fuel extraction, transportation and use, and of course, CO2 emissions and global warming. Energy has become a critically important issue for the state, for the country, for consumers, for building owners and operators.

We are now looking at energy in a wide variety of ways. We're looking at housing patterns and transportations costs, and promoting something called Transit Oriented Development. Green Building design is finally perceived as critically significant in numerous ways, so we now mandate consideration of these protocols in a numbers of ways. At this point, it's been for state office buildings and for schools, and we're looking at green building additions to the state building code. There's a bill that we've been working on that's in the legislature now, 6284, which has to do with green building requirements added to the state building code.

These two bills recognize that energy consequences of land use development are



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.  
 1245 FARMINGTON AVENUE, 2<sup>nd</sup> Floor, WEST HARTFORD, CT 06107  
 Tel: 860-521-1905 Fax: 860-521-3107 Web: [www.hbact.org](http://www.hbact.org)

*Your Home  
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March 9, 2009

To: Senator Eric Coleman, Co-Chairman  
 Representative Brendan Sharkey, Co-Chairman  
 Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Raised Bill 1042, AAC Energy Efficient Developments

The HBA of Connecticut is a professional trade association with almost one thousand, three hundred (1,300) member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

**The HBA of Connecticut opposes RB 1042.** The bill amends 8-2, the zoning enabling act, by requiring "that applicants to the zoning commission have the burden to demonstrate that a proposed development is energy efficient."

Given that the State Building Code currently requires energy efficient construction of buildings, which will be enhanced further by HB 6284 (unanimously passed by the Public Safety Committee, and which we strongly support), the "energy efficiency" of a development could include many unknown other requirements. Passive solar energy residences is the only suggested method to demonstrate compliance with the new requirement. But passive solar energy is not always feasible nor desirable by the marketplace. Home buyers may want trees in close proximity to their homes, the shade from which can adversely affect solar access. Home buyers may also want a configuration of their home, due to site terrain, views, lot configuration or other matters that cannot accommodate passive solar access. In cases where passive solar access is not available, or even where it is, what other energy efficient requirements will be placed on developments? Travel time restrictions to workplaces? Proximity to mass transit? Use or reuse of certain construction or land development materials? The list of possible requirements in this new, unknown enabling authority is endless. And, what would non-residential developments have to do to demonstrate that they are energy efficient?

Beyond the requirements of the State Building Code for constructing buildings, we urge the committee to let the marketplace determine what types of further energy efficient development practices it wants (and wants to pay for). We do not need another vague layer of regulatory controls in our zoning enabling statute.

**Please do not support this bill.** Thank you for the opportunity to comment on this legislation.

Representing the Home Building, Remodeling and Land Development Industries In Connecticut  
*"Enhancing Our Member's Value to Their Customers and Our Industry's Value to Society"*