

Frequently Asked Questions (FAQs) about ICC’s 2019 Code Cycle B and Development of the 2021 International Energy Conservation Code (IECC)

Over a two-week window in November 2019, ICC’s Governmental Members will cast online votes to complete the 2021 IECC, the final step in a year-long, triennial update of the current version, the 2018 IECC. We hope these FAQs will help participants understand the process and prepare to participate.

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About Updating America's Model Energy Code (the IECC) Every Three Years

What is the IECC and Why Is It So Important?

- Buildings use 40% of America's energy and last 100+ years, so constructing them to be as efficient as possible is important. How local government officials from jurisdictions across the nation vote on the 2021 International Energy Conservation Code (IECC) this year will impact family budgets, housing markets, local economies and the American economy as a whole for generations to come.
- The International Energy Conservation Code (IECC) is considered America's 'model building energy code' because it is the basis for nearly every state's residential and commercial energy code. It is updated every three years to keep up-to-date with modern technology and building practices. The IECC helps protect us where we work and live by assuring that new buildings are more durable, safe, and affordable.
- The IECC has attained national significance with strong bipartisan support of Presidents and Congress because: 1) it is the universal model for energy codes in virtually every state or locality, 2) it is the product of votes cast primarily by local and state governmental officials, and 3) it addresses energy demand from buildings – the largest U.S. energy consuming sector – making it a pivotal part of sound national energy policy. It is the only "I-Code" published by the International Code Council (ICC) that is referenced in federal statute.¹
- The IECC is updated every three years through a year-long process administered by the ICC. While local building officials who inspect and administer permits for new and renovated buildings have traditionally represented the lion's share of ICC Governmental Member Voting Representatives (GMVRs), any local or state government employee engaged in "the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare" can register as an ICC Governmental Member and vote in person at ICC hearings and/or online in final action voting in November.
- The ICC process of updating the 2021 IECC officially began on January 14, 2019 – the deadline for submittal of code change proposals – and will culminate with a two-week window of electronic voting that begins approximately two weeks after the ICC's October 23-30 Public Comment Hearing in Las Vegas, NV – **roughly November 13-27**.
- With the exception of recent structural ICC hurdles that make efficiency improvements extremely difficult to win², the ICC's process of code development and updates is extremely democratic. Any individual or group can author code change proposals and attend and testify at ICC's hearings. In addition, the ICC's year-long code development cycle offers ample opportunity to offer public, televised testimony and to submit written public comments on the proposed changes to the IECC.

¹ While the Energy Policy Act of 1992 cites both the IECC and ASHRAE's 90.1 Standard most states adopt the IECC .

² Beginning with the 2015 IECC code cycle, the ICC Board gave the National Association of Homebuilders (NAHB) – whose members are regulated by some version of the IECC in nearly every state – 4 of the 11 voting seats on the Residential Energy Committee (REC) that makes recommendations on code proposals to the ICC membership. Because NAHB's four representatives consistently oppose proposals that boost the IECC's efficiency, IECC and other proponents must win support of 6 of the 7 non-NAHB members (86%) to win a favorable REC recommendation.

- Nearly all states enact, enforce, and regularly update some form of both the residential and commercial building chapters of the IECC. Under federal statutes, the U.S. Department of Energy (DOE) reviews each published IECC update to determine if it achieves greater energy efficiency than the previous IECC. If the determination is positive, states have two years to certify that they have reviewed the new IECC and whether they plan to update their existing code.
- The historic efficiency gains of the 2009 and 2012 IECCs have already had an appreciable impact on US electricity consumption, noted by Duke Energy CEO Lynn Good when she told the Financial Times in January 2014 that “improvements in energy efficiency for buildings and appliances appear to have broken the traditional connection between electricity demand and economic growth.” *Translated: Despite growing GDP, no new power plants need to be built.*

How Are Various Levels of Government Involved in IECC Updates?

Local Governments Develop, Adopt, & Enforce Energy Codes

While all levels of government are involved in the IECC, local jurisdictions and their *building, fire, sustainability, utility, and other officials* play the principal role in:

- Developing, debating, and voting on updates to the model code; and
- Enforcing the code that their state or jurisdiction has adopted.

In home rule states like Arizona, Colorado, Missouri, and Texas, many local jurisdictions adopt energy code updates.

State Governments Adopt Energy Codes & Support Code Compliance & Enforcement Training

States evaluate and nearly all adopt or enact a version of the IECC for both residential & commercial buildings (*either as-is or with amendments*).

Within 2 years after the U.S. Department of Energy (DOE) renders a favorable determination for an IECC update, states are required to adopt a commercial code at least as stringent as the national model. For residential codes, states must certify to the DOE Secretary that they have reviewed the updated code and will either adopt it or explain why they choose not to.

States are also involved in developing updates to the IECC through the ICC code development process (typically through participation by state energy officials).

The Federal Government Evaluates IECC Updates & Supports Their Adoption If They Improve Efficiency

Within one year after an IECC update is published by ICC, two significant federal statutory requirements are triggered:

1. The Energy Conservation & Production Act (EPCA) requires the Department of Energy (DOE) to determine whether the amended model code saves energy compared to the previous version. The federal government cannot force states to adopt each code but requires them to certify that they have reviewed it.

2. The Energy Independence and Security Act of 2007 requires HUD and USDA to establish the new IECC as the minimum efficiency standard for new homes with federal mortgages and new public housing. This policy protects homeowners and renters in those homes from high energy bills, protects the agencies from loan defaults by reducing volatility of homeowner expenses, and protects the environment by reducing energy waste.

Sections 304-308 of EPCA also require DOE to participate in the ICC’s IECC development process. In response to this Congressional mandate, DOE submits code change proposals following an extensive & transparent process of stakeholder input.

Finally, if a code update improves efficiency, DOE can encourage its adoption and provide funding for builder and code official training.

Participating in the Development of the 2021 IECC

How can governmental jurisdictions maximize their participation in the development of the 2021 IECC?

- ICC By-Laws state that any “governmental unit, department or agency engaged in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare” is eligible to become a Governmental Member of the ICC.
- Under this definition, a jurisdiction can have multiple Governmental Memberships, each of which will be eligible to field a full roster of GMVRs, provided that their ICC dues are paid or renewed by the March 29, 2019 deadline for online voting.
- The population served by the ICC Governmental Member determines both the cost of membership and the maximum number of votes (4, 8, or 12) they can cast online or at Public Comment Hearings for updates to the IECC and the ICC’s other 14 “I-Codes:”

<u>Population Served by Government Jurisdiction</u>	<u>Maximum Number of Eligible Votes</u>	<u>Annual Dues</u>
0-50,000	Four (4)	\$ 135
50,001-150,000	Eight (8)	\$ 240
Over 150,000	Twelve (12)	\$ 370

- ICC Governmental Member Voting Representatives (GMVRs) can vote on the 2021 International Energy Conservation Code (IECC), as long as:
 1. The Governmental Member’s new or renewed/updated [membership application and dues payment](#) was received by **March 29, 2019**, and
 2. The slate of voting representatives is designated by the Governmental Member’s Primary Member Representative by **September 23, 2019**.

How do ICC Governmental Members register or revalidate their slate of Voting Representatives for the Public Comment hearings?

Upon joining or renewing their ICC membership, each *Governmental Member* designates a “*Primary Representative*,” who is charged with registering that *Governmental Member’s* slate

of *Voting Representatives* (including those who have been registered at previous hearings) online at <https://www.iccsafe.org/voter-validation-process-faqs/> by **September 23, 2019**. The *Primary Representative* is the only person with access to this new *GMVR* validation system.

To participate in the Committee Action Hearings Online and in the Governmental Consensus Vote which follows the hearings, ICC Governmental Memberships must be current by **March 29, 2019**. Details are available at <https://www.iccsafe.org/voter-validation-process-faqs/>.

What happened at ICC’s Committee Action Hearings (CAH) in Albuquerque, NM?

The ICC’s Committee Action Hearing (April 28 – May 8, 2019) was the first public step in the ultimate development of the 2021 IECC. In addition to the Administrative updates to the first chapter of each I-Code (**ADMIN**), the IECC Commercial Chapter (**IECC-C**), and the IECC Residential Chapter (**IECC-R**, which also becomes the International Residential Energy Chapter, “**IRC-E**”), the ICC’s Committee Action Hearing (CAH) and Public Comment Hearing (PCH) addressed four other I-Codes:

- IBC-S – International Building Code - Structural
- IEBC - International Existing Building Code
- IgCC – International Green Construction Code (Chapter 1)
- IRC-B – International Residential Code - Building

The published proposals to update each of the above I-Codes were heard by a Development Committee that is led by a Chairman, who votes only to break a tie. For example, the Commercial and Residential Chapters of the IECC were heard by the [Commercial Energy Code Development Committee \(CECDC\)](#) and the [Residential Energy Code Development Committee \(RECDC\)](#), respectively.

Hearing Agenda. An agenda that included a list of all proposed code changes and the order in which they will be considered was published in advance of the hearing and proposed changes to the order were resolved at the beginning of the hearing. The hearing then took up each code change proposal in turn, completing action on each before proceeding to the next proposal.

Floor Discussion. As each code change proposal was brought up, the Moderator called for:

1. Testimony by proponents (*customarily limited to 2 minutes*),
2. Testimony by opponents (*customarily limited to 2 minutes*),
3. Rebuttal by proponents to points raised by opponents (*customarily limited to 1 minute*), and
4. Re-rebuttal by opponents in response to points raised in proponent rebuttals (*customarily limited to 2 minutes*).

While there is no limit to the number of proponents or opponents who testify, the Moderator will strictly enforce the time limits set for each statement and will stop repetitive testimony.

Development Committee Action. At the completion of floor discussion, the Development Committee will discuss the proposal, then accept, and vote on, a committee motion to:

1. Approve the code change As Submitted (AS),
2. Approve the code change proposal As Modified (AM), or
3. Disapprove the code change proposal (D).

Committee action on the proposal is complete when the committee has approved one of the above motions by a majority vote and a committee member has provided a reason statement supporting that motion.

Assembly Action. Anyone in the hearing room who objects to a Development Committee's recommendation can offer a dissenting "Assembly Motion" to:

1. Approve the code change As Submitted from the Floor (ASF),
2. Approve the code change proposal As Modified from the Floor by a specific modification that has been previously offered and ruled in order by the Chairman during discussion (AMF), or
3. Disapprove the code change proposal (DF).

All seconded motions for Assembly Action were compiled in an online ballot that was offered to all members of the ICC after the code hearing. The ballot identified the code change as published, the committee action/reason, the floor motion with modifications (if any), a link to the proposal's complete audio/video proceedings, and the window of time to cast on-line votes. The online voting window was announced after completion of the CAH and was open approximately two weeks later (roughly **May 22 - June 5, 2019**).

The final report of the Committee Action Hearings, including the successful Assembly Actions which automatically became a public comment that will be submitted for consideration at the Public Comment Hearing in Las Vegas, [can be found here](#).

Who was eligible to participate in and vote at the Albuquerque Committee Action Hearing?

- *The Committee Action Hearings are free to attend and [online pre-registration](#) is encouraged.* So whether you attend the hearings in person or participate online using cdpACCESS, you can help to ensure the next generation of I-Codes benefit public safety and energy efficiency.

When will the IECC Committee Action Hearings begin and end?

- The two tracks of Committee Action Hearings began at 1:00 PM on Sunday, April 28 and concluded at or before 7:00 PM on Wednesday, May 8.
- The ICC published an estimated window for IECC's Commercial and Residential Energy hearings in February 2019.
- The **2019** IECC Residential and Commercial Energy Committee hearings dominated Track Two of the CAH (together with the hearing addressing Administrative issues).

- [The hearing results were posted on June 11, 2019](#), including the results of assembly motions that were determined during ICC's two-week **online voting** (roughly **May 22 - June 5, 2019**).

About the ICC's Public Comment Hearings (PCH) in Las Vegas, NV (October 23-30, 2019)

If online voting after the PCH determines the final 2021 IECC, why is it important for Governmental Members to send Voting Representatives (GMVRs) to Las Vegas?

- While GMVR votes cast at the Las Vegas PCH do not resolve code change proposals, they will be posted roughly one week before the ICC online voting window opens and added to online voting totals. **A strong in-person show of support for or opposition to code change proposals and amendments is a powerful way for efficiency proponents – and opponents – to sway voters who aren't able to attend the PCH in person.**
- Equally important, the online ballot voting options will be fewer than those that come before in-person GMVRs. In fact, the in-person voting will actually determine how proposals will appear on the online ballot and which Public Comments (amendments) will even be considered by online GMVRs. Because Public Comments are submitted to improve a proposal or address concerns raised by the Residential or Commercial Energy Committees or other witnesses at the Committee Action Hearings (CAH), they are an essential part of the development process.
- In addition, the PCH is an opportunity for Governmental Members to speak in favor or against proposals and Public Comments that are important to their jurisdiction and to urge support for their position by other GMVRs in attendance. Because their testimony is streamed live on the web and recorded for later viewing by online GMVRs, attendees will be able to include their views in the official ICC record for the 2021 IECC.
- Finally, GMVRs at the PCH will vote on Assembly Actions from the CAH. An Assembly Action's principal purpose is to formally state disagreement with specific Committee recommendations made in Albuquerque. Because efficiency opponents will have four voting members – 36% — of the 11 voting members of the Residential Energy Committee, pro-efficiency recommendations will require 6 of the 7 remaining members to receive a favorable recommendation. Assembly Actions allow governmental and other ICC members to signal their support for these proposals to the in-person and online GMVRs whose voting will finalize the 2021 IECC.

When will those at the ICC Public Comment Hearing (or following it online through cdpACCESS) vote on important proposals that boost or roll back the efficiency of the 2021 IECC?

- Voting on the proposals by GMVRs in attendance the Public Comment Hearing will be compiled and reported in advance of the Online Consensus Vote . In addition, in-person GMVR voting will determine the motions that appear on the ensuing ballot for online voting that will determine the content of the 2021 IECC. The ICC will post a PCH

Agenda on September 4, 2019 that will indicate the earliest time when testimony and votes on each I-Code in Code Cycle B will begin – including the Residential and Commercial Chapters of the International Energy Conservation Code (IECC) – as well as an anticipated time of completion. The Residential Chapter of the IECC is traditionally considered prior to the Commercial Chapter. While some of the hundreds of IECC proposals that will be heard in Albuquerque will be withdrawn prior to the PCH and other non-controversial proposals will be grouped together on a “Consent Calendar” and adopted by a single voice vote, the ICC will take up each remaining proposal in turn and will continue debate until a vote is taken. Only then will ICC move on to the next proposal on the agenda.

How will the Las Vegas Public Comment Hearings (PCH) work?

- **Public Comments on actions taken at the Committee Action Hearings must be filed by July 24, 2019:** Public comments provide an opportunity to improve and reconsider proposals that were recommended for disapproval by the Development Committee or by a subsequent assembly vote of the ICC membership (using cdpACCESS), as well as to improve proposals that were recommended for approval.
- Anyone may submit a public comment, regardless of whether or not they are ICC members. EECC will submit public comments on some of its proposals to amend the IECC, as well as those offered by others. In many cases, our comments will recommend modifications to the original proposals. The specifics of each comment, including the proposal history and reasons for our position, will be posted on [EECC's website](#)
- On **September 4**, ICC will post all IECC public comments on its website. EECC's Technical Committee will review all of these comments and begin developing our recommendations on each proposal that will be debated and voted on in Las Vegas. Our recommendations will then be listed on [EECC's website](#).
- Under ICC rules, proposals that the Development Committee recommended for approval, but which **do not** receive public comments will be bundled together and considered en masse in a single “Consent Agenda” vote in Las Vegas.
- Any proposal receiving public comments – regardless of its respective Development Committee recommendation – will be debated and resolved in turn at the Public Comment Hearings. Anyone registered for the Public Comment Hearings is eligible to testify in person; **registration for the hearings is free**. After public testimony for and against a proposal is complete, a preliminary vote will be taken by the ICC Governmental Member Voting Representatives (GMVRs) present at the hearing in Las Vegas. These in-person GMVR votes will both set and pare down the online ballot but will also be published for online voters (approximately one week prior to the ICC's anticipated November 13-27 online voting period) and added to the online voting tallies.
- **In-person and electronic voting will determine the new 2021 IECC:** Voting to affirm recommendations by the Residential and Commercial Energy Committees requires only a simple majority vote of the GMVRs, but **overturning** recommendations to **disapprove** a proposal requires a 2/3rds majority of the voting GMVRs (this includes any **Assembly**

Motions that support overturning a committee's recommendation to disapprove a proposal).

How will the Public Comment Hearing (PCH) generally proceed?

- The [ICC's Code Development Policy \(CP#28-05\)](#) governs the conduct of the Public Comment Hearing and should be consulted for specific questions. *Only the ICC website has comprehensive answers to all questions related to this process.*
- The PCH in Las Vegas will address the ICC's Administrative provisions and six different I-Codes, some of which customarily have relatively few proposals on their dockets. As a result, both the Residential and Commercial chapters of the International Energy Conservation Code (IECC) and the International Residential Code (IRC) are expected to consume the lion's share of the anticipated seven days of hearings.
- Once final action begins on the **IECC Residential and Commercial chapters**, the assembled Governmental Members of the ICC will hear and vote on each code proposal in turn. Generally, they are handled in the order published in advance of the hearing but - subject to ICC rules, the proposals can be reordered under certain circumstances, so it is important to pay close attention to which proposal is being heard. In addition, proposals may be withdrawn by the proponent and public comments may be withdrawn by the public commenter.
- The Moderator will call each proposal and start the testimony. Two microphones face the ICC membership; the standing motion is in support of the Committee action. In general, supporters and opponents of that action will line up to testify.
- Individuals speaking in favor of the action of the Committee will speak first, and each person gets the same amount of time, generally up to two minutes to make their points (slides or other props are not allowed.) The ICC moderator starts a two-minute countdown timer for each speaker and will cut off testimony when time runs out. This process continues until all persons supporting the committee's recommended action have been heard. Testifiers are strongly encouraged to submit new testimony and not repeat previous testimony. The process is then repeated for testimony by opponents of the Committee recommendation. Rebuttal and re-rebuttal testimony then begins, using the same format; supporters and opponents once again line up at the microphones with each person allowed one minute to speak in rebuttal. At the end of the testimony, eligible GMVRs in attendance cast their votes on the proposal.
- If the Committee recommended a proposal's disapproval, that decision will have to be overturned in order for the original proposal or a modified version to be considered. Once all votes on a proposal are taken, the Moderator then takes up the next proposal in order.
- In the event there is a proposal to modify a recommendation by the Committee for approval as submitted or as modified, the motion for the modification will typically be made during testimony; then testimony shifts to the proposed modification (in this case, those who seek approval of the modification do not need to wait until the Committee's recommendation is voted down). Once voting on the modification is complete, then the testimony returns to the main motion.

- **Consider Sending 1 or 2 GMVRs to the PCH.** GMVR votes cast at the Public Comment Hearing do not resolve proposals, but they are tallied and reported to online voters and, significantly, they determine how those proposals and any public comments (amendments) will appear on the online ballot. In and of itself, voting to set the ballot is a compelling reason for GMVRs to attend the PCH, but the added fact that these votes will be posted prior to the online voting could make them influential to the online voting of GMVRs who did not attend the PCH.
- **Consider joining the ICC.** Although Governmental Members are required to join ICC to send delegations, membership is entirely optional for non-Governmental Members who wish to participate in and speak at the Public Comment Hearing. For membership, see: [Join ICC](#). You can download a membership application there.

Logistics for ICC's Annual Meeting and Public Comment Hearings in Las Vegas

How Do I Register for the Las Vegas Hearing?

- ICC's [advance PCH registration](#) is free and will save time at the registration desk. The registration form, as well as information and fees to attend the full conference and related events can be found on [ICC's Annual Conference website](#). As these are public hearings, anyone registered for the [free] hearings is eligible to be heard.

Where will the Public Comment Hearings be held?

- The Public Comment Hearings will be held at the Rio Hotel & Convention Center; 3700 W. Flamingo Road; Las Vegas, NV 89103; phone # [\(866\) 746-7671](#). The hearings will begin at noon on Wednesday, October 23rd and are expected to run until 7:00 PM on Wednesday, October 30th. The IECC is likely to take as many as three days to complete.

Where can I stay in Las Vegas?

- ICC has posted information about [hotels and special hotel rates for registrants](#) and [transportation to and from the hotel](#).

Where can I get more information on the Las Vegas Public Comment Hearings?

- [Click here for ICC's Annual Conference and Public Comment Hearings 2019 web site](#), which includes additional information on the Las Vegas hearings.
- On September 4, 2009 ICC is expected to publish the Public Comment Agenda for the Las Vegas hearings.
- [EECC's website](#) will also be frequently updated with any new information from the coalition or from ICC (as it becomes available) including EECC's proposals and sample ballot, a completed listing of pro-efficiency voting recommendations on all of the proposed changes to the IECC.

NOTE: Unless you want the complete texts of the proposals, [EECC's website](#) will probably be an easier to use and navigate source for code proposal summaries, voting recommendations, and other key voting information.