



Pennsylvania's Building Code Advisory Commission Votes to Reject 2012 Model Building and Energy Codes, Extend Code Evaluation Cycle to Six Years

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According to the Department of Energy's Office of Energy Efficiency and Renewable Energy, residential and commercial buildings will account for 73.2 percent of total electricity consumption and 40.1 percent of the nation's total energy consumption in 2011, with approximately half of those totals attributable to commercial buildings alone. Furthermore, unlike other wide-scale consumers of energy like cars and appliances, buildings last much longer. A building built today will have an impact on our energy use for 50 to 100 years or more.

Building energy codes that require increased energy efficiency are one of the most effective mechanisms for reducing energy consumption of our building stock. It has been stated that building energy codes are the "quickest, cheapest and cleanest way to improve energy efficiency in the building sector."

Unfortunately, if the January 18, 2012 recommendations of the Uniform Construction Code Review and Advisory Council (the Advisory Council) go into effect, Pennsylvania will not adopt the 2012 updates to Pennsylvania's building and energy codes. The Advisory Council voted to reject the 2012 model codes issued by the International Code Council (ICC) in their entirety, except for a few provisions regarding accessibility for the disabled.

The Advisory Council also voted to recommend that the revision cycle for the Pennsylvania Construction Code be extended from three years, consistent with the international model code update schedule, to six years. If both the rejection of the 2012 codes and the extension of the code

revision cycle go into effect, the 2009 codes will be in place until at least 2018, and Pennsylvania may miss out on the environmental and financial benefits of the 2012 code updates, and perhaps even the 2015 updates, as well.

This means that much of Pennsylvania's new construction for the foreseeable future will be less energy efficient than "state-of-the-art" construction, placing owners and tenants at a competitive disadvantage compared to forward-thinking neighboring jurisdictions like New York City, Washington, D.C., and Maryland.

Since the Uniform Construction Code was enacted in 1999, Pennsylvania has been a national leader in adopting up-to-date building and energy codes for commercial buildings. In December, 2009, Pennsylvania adopted the 2009 model building and energy codes issued by the ICC, the most recently updated codes as of the writing of this alert, which includes the 2009 International Energy Conservation Code (IECC). The ICC updates the model codes every three years, so the 2012 codes were up for review by the Advisory Council.

The Advisory Council comprises 19 representatives of the construction industry and local government appointed by the governor and examines the model code revisions based on their impact on the health, safety and welfare of the public, the economic and financial impact, and technical feasibility.

The adoption of the 2009 model codes resulted in a 15 percent increase in building energy efficiency (in

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comparison to the 2006 code), and the adoption of the 2012 codes is anticipated to result in an additional increase in energy efficiency of 15 percent over the 2009 code, at limited incremental cost. A typical Philadelphia row home built to the 2012 International Energy Conservation Code requirements costs only \$1,222 to \$1,847 more than one built to the 2009 IECC requirements, yet will save the homeowner about \$200 per year. **These measures will completely offset the incremental increase in financing costs within the first four years of the home's occupancy and save the homeowner over \$5,000 in today's dollars over the next 25 years.** The results will be similar across the Commonwealth.

The Advisory Council's recommendation to extend the code adoption cycle may have an even greater impact on building efficiency than the failure to adopt the 2012 code. Buildings built to the 2012 International Energy Conservation Code are anticipated to be 30 percent more efficient than those built to the 2006 code. If Pennsylvania waits until 2018 before reevaluating the building codes, the lost opportunity for achieving building energy efficiency could be similarly substantial.

If Pennsylvania adopts the Advisory Council's recommendations, it will fall behind Maryland, New York City and Washington, D.C. Maryland adopted the 2012 codes in April, 2011. Just two weeks after the Advisory Council's vote,

Washington DC's RAC-equivalent voted to adopt the 2012 codes, with Mayor Vincent Gray stating, "By adopting the most recent ICC Codes, the District will be a national leader in requiring the most modern and sustainable building practices ... The adoption of new construction codes, in conjunction with implementation of the Green Building Act, will ensure that the District remains on the cutting edge of 'green' building practices."

Adoption of more efficient building codes is the only feasible measure available to help new building owners to save money on energy costs while keeping Pennsylvania competitive with neighboring jurisdictions. It may be that some of the 2012 code provisions need to be revised or even rejected, but rejecting the 2012 codes in their entirety seems rash, and not in the best interests of building owners, tenants, or the long-term competitiveness of our commonwealth. Extending the code-evaluation cycle to six years instead of three will only compound these impacts by extending the next upgrade to building code standards until at least 2018.

To discuss any questions you may have regarding the opinion discussed in this Alert, or how it may apply to your particular circumstances, please contact Shari Shapiro at sashapiro@cozen.com or 856.910.5050.