

## 2018 IECC Residential Provisions Webinar - Questions and Answers

1. During the 04/22/2020 webinar, Lynn mentioned that Nebraska has a statute that keeps the 50% rule in place for renovations under the new code. Do you have a reference of that statute?

The statute reference is:

### Nebraska Revised Statute 81-1609

#### **Terms, defined.**

*(6) Renovation means alterations on an existing building which will cost more than fifty percent of the replacement cost of such building at the time work is commenced or which was not previously heated or cooled, for which a heating or cooling system is now proposed, except that the restoration of historical buildings shall not be included;*

2. How would a city opt out of certain provisions of the energy code?

The statutory requirements for counties, cities or villages that want to adopt and enforce a local energy code may waive a specific requirement of the Nebraska Energy Code as described in the 2<sup>nd</sup> paragraph of Nebraska Revised Statute 81-1618:

### Nebraska Revised Statute 81-1618

#### **Local energy code; fees; waiver; procedure.**

Any county, city, or village may adopt and enforce a local energy code. Such local energy code shall be deemed equivalent to the Nebraska Energy Code if it does not result in energy consumption greater than would result from the strict application of the Nebraska Energy Code and is reasonably consistent with the intent of sections 81-1608 to 81-1626. Any building or portion thereof subject to the jurisdiction of and inspected by such county, city, or village shall be deemed to comply with sections 81-1608 to 81-1626 if it meets the standards of such local energy code. Such county, city, or village may by ordinance or resolution prescribe a schedule of fees sufficient to pay the costs incurred pursuant to sections 81-1608 to 81-1626.

*Any county, city, or village which adopts and enforces a local energy code may waive a specific requirement of the Nebraska Energy Code when meeting such requirement is not economically justified. The local code authority shall submit to the department its analysis for determining that a specific requirement is not justified. The department shall review such analysis and transmit its findings and conclusions to the local code authority within a reasonable time. The local code authority shall submit to the department its explanation as to how the original code or any revised code addresses the issues raised by the department. After a local code authority has submitted such explanation, the authority may proceed to enforce its local energy code.*

As Lynn indicated in the presentation, if a client in a local jurisdiction requests a state inspection based on an energy code compliance, our office would still be required to complete that inspection and provide a follow-up report regarding the building's compliance with *state statute*. At that point the local jurisdiction would be responsible for providing information to the building owner regarding why they "opted out" of any specific code requirements.

Do they have to adopt and enforce their own code, or can they simply opt out of certain provisions of the state code?

As described in the statute above, jurisdictions are required to evaluate specific requirements of the energy code, based on economic justification. If a jurisdiction chooses not to adopt any local energy or thermal code (or delete chapter 11 of their IRC) then the state code is the default. At that point enforcement falls to the State with a compliance inspection, generally being completed following a building owner complaint.

3. When does the 2018 IECC Residential provisions apply in Nebraska?

July 1, 2020

4. Is there a place I can go to download the printed information from the seminar?

The webinar information should be available early next week on the NDEE website. You will need to go to <http://dee.ne.gov/> and search video events in the search box. The slides should be posted on the same page as well. You can contact Lynn Chamberlin (our presenter) at [lynn.chamberlin@nebraska.gov](mailto:lynn.chamberlin@nebraska.gov) with any follow up questions you may have.

5. Are insulation contractors allowed to do blower door testing if they are qualified/certified? Is this something that may be “policed” by NEO or Building & Safety, if qualified insulation contractors are allowed to perform testing?

**Section R402.4.1.2 Testing** of the 2018 IECC indicates the ASTM testing requirements and describes the required testing conditions in the home. It also requires that a testing report be signed by the tester and provided to the code official. The 2018 IECC does not restrict “who” can or cannot do the testing but it does provide that *“Where required by the code official, testing shall be conducted by an approved third party.”* So it does allow code jurisdictions to restrict testing providers!

6. What are the code requirements for fireplaces and outdoor combustion air?

**Section R402.4.2 Fireplaces** of the 2018 IECC indicates that new wood burning fireplaces shall have tight fitting flue dampers or doors, **and outdoor combustion air**. Where using tight-fitting doors on factory built fireplaces listed and labeled in accordance with UL 127, the doors shall be tested and listed for the fireplace.

7. Do the state have a standardized form for opting out of any of the provisions of the 2018 IECC as was talked about in the presentation?

No, there is no “standardized Form”. The requirements for jurisdictions to adopt and enforce a local energy code that may waive a specific requirement of the Nebraska Energy Code is discussed in Question 2 above.