March 31, 2023

The Honorable Brad Little
Office of the Governor
Idaho State Capitol
PO Box 83720
Boise, ID 83720

Delivered via email: Zach.Hauge@gov.idaho.gov

RE: HB 287 – Veto Request

Dear Governor Little:

The below listed industry organizations are writing to respectfully request that you veto HB 287, an overly vague proposal pertaining to the state energy code that may result in significant unintended consequences for state and local governments, as well as for homeowners and tenants.

Specifically, we oppose the provision that prohibits local jurisdictions from adopting “energy-related requirements through any code, ordinance, process, policy, or guidance” that differ from or are more extensive than the requirements of the Idaho Energy Conservation Code.

This bill has moved very quickly through the legislative process, which has allowed little time for adequate public review and comment. The bill language raises several questions as to how it will be interpreted and what kind of constraints it will place on local governments. Namely, it is unclear the types of energy-related activities that constitute “process, policy, or guidance” as drafted in the bill. It is possible that future discussions between localities and builders as to how energy and energy-related requirements could be met may be precluded by this bill. Further, the ambiguous language could discourage localities from issuing guidance on alternate standards and methods to meet current code requirements to avoid possible legal concerns.

In addition, the term “more extensive” is subject to broad interpretation. This could result in the inability of local authorities to make edits, additions, and deletions that are needed for their communities to address their needs and local building practices.

A negotiated legislative agreement was reached in 2018 that put a grandfather clause in place to preserve newer building codes that had already been adopted in a few local jurisdictions while providing other localities time to catch up. It is our understanding that localities have not adopted additional energy code requirements beyond what was agreed to in 2018 and have remained in accordance with state statute. For this reason, this bill appears to be a solution in search of a problem. This legislation goes beyond merely rolling back the grandfather clause that was agreed to in 2018 and prohibits any “energy-related” process, policy, or guidance from being adopted, which could ultimately weaken existing codes.
It is important to note that language in this bill may eliminate the acceptance of new energy efficient products and technologies entering the market as jurisdictions could not adopt any policy or guidance that differs from the current code to allow their acceptance. Since building codes, including the energy code, are not frequently updated in Idaho this could place a significant burden and cost on homeowners who will not be able to take advantage of the latest energy efficient products and technologies. These products and technologies benefit the homebuyer monetarily from the moment they move into their home. Homeowners promptly recoup their investment as the realized savings on their energy bills quickly offsets any additional construction costs related to the installation of energy efficient products.

Idaho families want comfortable, affordable homes, but considerations regarding affordability should stretch beyond looking at a home’s initial purchase price. During the 100-year lifespan of a home roughly 1,200 monthly energy bills will be generated. After rent or mortgage payments, energy bills are the largest component of home ownership costs. Across the United States, high utility bills are costing homeowners a significant portion of their monthly incomes. According to the most recent EIA Residential Energy Consumption Survey, about one in five households reported reducing or forgoing basic necessities like food and medicine to pay an energy bill. Stronger energy codes and more widespread code compliance can help change the tide on this type of energy poverty.

For these reasons, our collective organizations urge you to veto HB 287. Thank you in advance for considering our views.

Sincerely,

American Chemistry Council
Cellulose Industry Manufacturers Association
EPS Industry Alliance
Extruded Polystyrene Foam Association
Insulation Contractors Association of America
National Insulation Association
North American Insulation Manufacturers Association
Polyisocyanurate Insulation Manufacturers Association
Spray Polyurethane Foam Alliance
Structural Insulated Panel Association