

March 4, 2020

Energy and Technology Committee
Legislative Office Building
300 Capitol Ave.
Hartford, CT 06106

In Support of Governor’s Bill No. 5008, AN ACT CONCERNING THE ESTABLISHMENT OF HIGH PERFORMANCE GREEN BUILDING STANDARDS FOR VOLUNTARY ADOPTION BY MUNICIPALITIES

Honorable Co-Chairs Needleman and Arconti, Ranking Members Formica and Ferraro, and Members of the Energy and Technology Committee:

Residential, industrial, and commercial uses of energy – primarily for heating and cooling buildings – constitute 35 percent of greenhouse gas (GHG) emissions (Connecticut Comprehensive Energy Strategy, Feb. 8, 2018; using data from the U. S. Energy Information Agency). The buildings sector may be the most refractory of the sectors in our energy economy to the state’s efforts to approach net zero emissions by about 2040-2050. Much of Connecticut’s building stock is old (and likely poorly insulated). Many residential properties are occupied by low-to-middle income families (see, for example, the New Haven Climate and Sustainability Framework, January 2018 http://www.ct.gov/deep/lib/deep/climatechange/publications/city_of_new_haven_climate_and_sustainability.pdf) for whom the ability to upgrade these structures is poor, and an incentive to do so is lacking. Yet we should strive to improve our built environment as ambitiously as we can.

Governor’s Bill No. 5008, AN ACT CONCERNING THE ESTABLISHMENT OF HIGH PERFORMANCE GREEN BUILDING STANDARDS FOR VOLUNTARY ADOPTION BY MUNICIPALITIES, offers one opportunity to do so. It states the “Commissioner of Energy and Environmental Protection...shall adopt regulations... to adopt (1) state building construction standards, and (2) residential and commercial building construction standards that may be adopted by municipalities.” The standards for crafting these regulations are described broadly as being “based on a nationally recognized model for sustainable construction codes that promotes the construction of high performance green buildings”.

I enthusiastically support Governor’s Bill No. 5008 and urge favorable action by the Committee. In addition I offer two suggestions here for improving it.

(A) Sections 1-4, following, offer a proposed means to **provide incentives for property owners to carry out energy efficiency retrofits**. These are directed especially to owners of rental property, and to property owned by or rented to low-to-middle income households.

1. With respect to an energy efficiency retrofit for space heating and cooling of a property (here called “retrofit”), where a retrofit includes replacement of an oil-burning boiler or furnace, a natural gas- or propane-burning boiler or furnace, and/or conventional air conditioning equipment (here called “conventional equipment”) on a property carried out under the regulations to be established under Governor’s Bill No. 5008, a municipality may require that the conventional equipment be replaced with all-electric heat pump equipment. The State of Connecticut and/or the municipality may provide an incentive for said retrofit as specified in Sections 2 or 3. In order to claim said incentive said retrofit shall be contracted by a

deadline date no later than [a number of years (intended to account for the expected lifetime of said conventional equipment) to be specified by municipal ordinance] after the most recent date that said conventional equipment was originally installed. The right to claim such incentive shall expire if the retrofit is contracted after the deadline date.

2. The State of Connecticut shall enact a program providing an incentive for the retrofits in Section 1. [An incentive may be, by way of nonlimiting example, a rebate analogous to that provided in the CHEAPR program for electric vehicles, or a tax credit based on the cost of the retrofit.]
3. Notwithstanding the state incentive provided in Section 2, a municipality may enact an ordinance providing an incentive for the retrofits in Section 2. By way of nonlimiting example such an incentive may:
 - a) amend or relax the requirements of an ordinance or regulation affecting the owner of the property on which a retrofit is undertaken in such a way as to benefit the owner; or
 - b) the municipality may offer a tax abatement or tax credit to the owner of the property on which a retrofit was undertaken for [a number of years specified by municipal ordinance] after the retrofit is completed.Any incentive granted to a property owner according to Sections 2 or 3 shall not preclude the property owner from benefitting from other available financial incentives.
4. 30%-or-40%-or-50% of the rebates in Sections 2 or 3 shall be directed to property owned by or rented to low-to-middle income households.

(B) Lines 53-57 of Bill No. 5008 contain one occurrence of “reduced” and two occurrences of “enhanced”. As used, these words are implied comparatives that lack a reference value or status that would complete the comparison. This grammatical deficiency renders lines 53-57 vague and therefore potentially provides weaknesses in any future litigation involving these lines. As an illustration of appropriate comparative phrasing in a Connecticut statute please refer to P. A. 18-82 Sec. 7. Subsection (a). In the following paragraph I offer a suggested amendment to correct this perceived deficiency.

“...high performance green buildings that have [reduced] emissions that are lower than (a stated value or emissions status), have [enhanced] building occupant health and comfort that are better than (a stated value or status), are designed to conserve water resources, are designed to promote sustainable and regenerative materials cycles and provide [enhanced] resilience to natural, technological and human-caused hazards that is better than (a stated value or status),...”

I encourage the Committee to consider the changes the Bill that are suggested here.

In addition I urge the Committee to report Governor’s Bill No. 5008 favorably for consideration by the General Assembly.

Respectfully,

Henry E. Auer

New Haven, CT 06511