

FACT SHEET

EFFICIENCY AND RENEWABLE ENERGY DIVISION

PERMITTING WHICH SPANS AN UPDATE OF THE ENERGY STANDARDS

Subdivision Build-Outs

If an application for a master plan community is submitted before January 1, 2010, can all of the homes under that plan be built under the 2005 Building Energy Efficiency Standards, even though the build-out of the subdivision may take several years?

No, each building in the master plan must comply with the current Standards and codes at the time each building permit application is submitted. The effective date of the 2008 Building Energy Efficiency Standards for Residential and Nonresidential Buildings is January 1, 2010. Builders often build 20 or so buildings at a time and submit applications for permits, pay fees, etc. at the time each phase of construction is set to begin. An application for a building permit for each building must be submitted prior to January 1, 2010 to show compliance under the 2005 Building Energy Efficiency Standards. Applications received January 1, 2010 or after must show compliance with the 2008 Building Energy Efficiency Standards.

Separate Permits for Siting and Building Construction

If a permit for site work and grading is issued before January 1, 2010, but the permit for the building construction is issued on or after January 1, 2010, which Energy Standards must be complied with for the building construction?

The building construction permit application must show compliance with the 2008 Energy Standards because it is submitted on or after January 1, 2010.

Expired Building Permits

If a building permit which was issued under a previous set of Energy Standards has expired, can the new application show compliance under the Energy Standards which were in effect when the expired permit was applied for, or does the new application need to show compliance with the current Energy Standards?

The new application needs to show compliance with the Energy Standards which are in effect when it is submitted. If the application is submitted after January 1, 2010, it needs to show compliance with the 2008 Energy Standards.

(See reverse)

Permit Extensions

If a builder wishes to extend a permit which was approved under a previous set of Energy Standards, will the permit need to comply with the current Energy Standards in order to be extended?

No, extending a 2005 compliant building permit would not require compliance with the 2008 Energy Standards. Per Section 10-103(d)1 of the Administrative Regulations (Title 24, Part 1), the enforcement agency may issue a building permit when the construction is designed to meet the requirements of Title 24, Part 6 that are in effect on the date of the building permit application. This means that building permit applications submitted before January 1, 2010 shall demonstrate compliance with the 2005 Energy Standards. For these applications, once compliance with the 2005 Energy Standards has been determined by the enforcement agency, a building permit may be issued for construction. If the applicant applies for an extension of this building permit, the applicant does not need to demonstrate compliance with the 2008 Energy Standards because they are extending a valid (non-expired) building permit that was approved and already demonstrated compliance with the Energy Standards in effect (2005) when the building permit application was submitted.

On the other hand, if a building permit has been issued under the 2005 Energy Standards, there has been no construction under the permit, and the permit expires on or after January 1, 2010, the applicant will have to submit a new building permit application for construction, which would require compliance with the 2008 Energy Standards.

What the Law Says:

TITLE 24, PART 1, SECTION 10-103(d)1

An enforcement agency shall not issue a building permit for any construction unless the enforcement agency determines in writing that the construction is designed to comply with the requirements of Part 6 that are in effect on the date the building permit was applied for.

If a building permit has been previously issued, there has been no construction under the permit, and the permit has expired, the enforcement agency shall not issue a new permit unless the enforcement agency determines in writing that the construction is designed to comply with the requirements in Part 6 in effect on the date the new permit is applied for.

“Determines in writing” includes, but is not limited to, approval of a building permit with a stamp normally used by the enforcement agency.