



December 23, 2025

Theresa Smith
Hearing Officer
Department of Natural Resources and Environmental Control
Office of the Secretary
89 Kings Highway
Dover, DE 19901

Re: Public Comment on Proposed 2101 Regulations for State Energy Conservation Code (DOCKET # 2025-R-CCE-0008)

Submitted via email: DNRECHearingComments@delaware.gov

Dear Ms. Smith,

On behalf of [Northeast Energy Efficiency Partnerships](#)¹ (NEEP), we are pleased to submit comments to the Department of Natural Resources and Environmental Control of the State of Delaware (DNREC) on the proposed 2101 Regulations for State Energy Conservation Code (DOCKET # 2025-R-CCE-0008), published in the December 2025 issue of the Register of Regulations (Volume 29, Issue 6). NEEP is an independent, nonpartisan, non-profit organization that advances energy efficiency in the Northeast and Mid-Atlantic to improve energy affordability, reduce greenhouse gas emissions, lower air pollution, and promote economic development. NEEP has supported DNREC during this energy code development cycle through participation in the Delaware Energy Code Collaborative as well as two NEEP-facilitated energy code collaboratives: the Mid-Atlantic Energy Codes Coalition and the 2024 International Energy Conservation Code (IECC) Working Group.

In consideration of Secretary Patterson's decision not to approve the first version of the proposed code published in the July 2025 issue of the Register of Regulations (Volume 29, Issue 1), NEEP submits the following recommendations to address the Secretary's concerns and deliver important energy, economic, reliability, and health benefits to the state's residents and businesses while contributing to the state's climate goals.

In July 2025, DNREC staff proposed an updated [State Energy Conservation Code](#) based on the 2024 IECC with strengthening amendments. The proposed amendments improved energy efficiency across all

¹ These comments are offered by NEEP staff and do not necessarily represent the view of the NEEP Board of Directors, sponsors, or partners. NEEP is a 501 (c)(3) non-profit organization.



compliance paths in support of Delaware's zero net energy capable requirement for all new residential building construction by December 31, 2025. The Code also included optional Passive House and Zero Energy Ready Homes (ZERH) compliance paths to meet the residential zero net energy capable requirement.

Based on public feedback on the zero net energy capable amendments, Secretary Patterson declined to approve the proposed Code, citing two reasons:

1. The construction industry is not adequately prepared to meet a zero net energy capable standard.
2. The cost impacts of zero net energy capable requirements are not well understood; builders cite higher costs, with the potential to exacerbate the housing affordability crisis.

In light of these concerns, the Secretary directed DNREC to "re-propose a modified form of these regulations without a requirement of zero net energy capable construction." The re-proposed code offers an opportunity to immediately address the Secretary's concerns.

NEEP emphasizes that the re-proposed code currently may inadvertently limit this opportunity, and offers two recommendations to address the Secretary's concerns and strengthen alignment with state climate goals:

1. **To assist with preparing the construction industry to eventually meet a zero net energy capable standard, NEEP recommends that Appendix RG: 2024 IECC Stretch Code is incorporated into the re-proposed Code as an optional compliance overlay to the base code compliance paths.**

Without offering a stepwise alternative for the construction industry to meet zero net energy capable requirements, the state risks perpetuating the problem that the construction industry is not prepared and forestalls the benefits of enhanced energy efficiency for consumers. As a Stretch Code, Appendix RG offers an intermediate target for energy efficiency across all three base code compliance paths: the prescriptive path, the ERI-based compliance path, and the simulated building performance path. Table 1 illustrates how the requirements in Appendix RG strike a middle ground between the efficiency levels of the 2024 IECC base code and the zero net energy capable amendments originally proposed by DNREC.

Table 1. Comparison of efficiency requirements.



	Compliance path and energy efficiency requirement		
	Performance-based compliance: number of additional efficiency credits from not less than two measures	ERI-based compliance: ERI for Climate Zone 4	Simulated building performance compliance: the relative annual energy cost of the dwelling unit compared to the standard reference design.
2024 IECC base code	Not less than 10 credits	ERI = 54	80% (20% lower energy costs)
Appendix RG: IECC 2024 stretch code	Not less than 20 credits	ERI = 48	70% (30% lower energy costs)
2024 IECC base code plus strengthening amendments ^A	Not less than 30 credits	ERI = 42	60% (40% lower energy costs)

Note: A. The energy efficiency requirements listed in 2024 IECC base code plus strengthening amendments are zero net energy capable amendments that were included in DNREC's first proposed code.

2. **To assist practitioners who are ready to deliver zero net energy buildings, NEEP recommends that the re-proposed code includes the Passive House and DOE ZERH *optional* compliance paths to the residential code.**

These standards were included as optional compliance paths in the first version of the code. Critical public comment on the first version of the code was aimed at strengthening amendments of the base code, not these enhanced optional compliance paths. The Secretary's direction to remove the "*requirement* of zero net energy capable construction" (emphasis added) in the re-proposed code should not be interpreted as a directive to remove all *options* for zero net energy capable residential construction. Removing the Passive House and ZERH optional compliance paths would leave a void in guidance for industry leaders who are ready to meet zero net energy requirements, dampening the signal to the construction industry to prepare to meet these requirements in the future, and weakening the utility of the energy code as a tool to lower energy costs and support long-term resilience for Delaware residents. Moreover, the Passive House and DOE ZERH compliance paths were reviewed in the outreach process that DNREC carried out preceding the promulgation process and were vetted as an acceptable addition to the Code.

Implementing these two recommendations will immediately address the concerns that led to the rejection of the original proposed code. Providing intermediate and zero net energy capable compliance options shows builders how to incrementally adapt their practices towards meeting the zero net energy capable mandate and enables leading builders who are ready to implement zero net energy capable practices.

Offering these standards as options provides flexibility for builders who are not prepared to meet higher levels of efficiency. However, it also signals how the code can evolve in future iterations to comply with



zero net energy laws, encouraging them to prepare for these changes. In addition, providing options to builders to meet these higher levels of efficiency aligns with the directive adopted in the 2023 Climate Change Solution Act for the State Energy Office to encourage and promote the conservation of energy. Most importantly, implementing these recommendations maximizes the use of the code as a tool to improve energy affordability, building performance, health, and resiliency for Delaware residents.

Sincerely,

A handwritten signature in black ink that reads "Charlotte Weigel". The signature is fluid and cursive, with "Charlotte" on the top line and "Weigel" on the bottom line.

Charlotte Weigel, Manager, Codes and Standards