



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
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OFFICE OF THE
SECRETARY

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Secretary's Order No.: 2026-CCE-0002

RE: Approving Final Regulations to Amend 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code*

Date of Issuance: March 10, 2026
Effective Date of the Amendment: April 11, 2026

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 *Del.C.* §§6006 and 6010, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

Background, Procedural History and Findings of Fact

This Order relates to the proposed amendments ("Amendments") to 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code* ("Regulation"). Pursuant to 16 *Del. C.* §7602, Delaware's *Energy Conservation Code Act*, the Department proposes to adopt the most recent or highest available version of the International Energy Conservation Code ("IECC"), and the latest American Society of Heating, Refrigerating and Air-Conditioning Engineers/Illuminating Engineering Society of North America ("ASHRAE") energy standard, as determined by the Department on a triennial basis. The Department is also required to implement measures under 16 *Del. C.* § 7605 and 16 *Del. C.* Ch.80.

In June of 2020, pursuant to 16 *Del.C.* § 7602, the Department adopted by reference the 2018 IECC and ASHRAE 90.1-2016 in their entirety. The Department began its next triennial review in the Fall of 2022 to review the two available adoption options (2021 and 2024 IECC) by holding two stakeholder meetings and reviewing technical analyses. In addition, the Department reviewed appendices of the 2024 IECC pursuant to 16 *Del. C.* § 7605, which requires the Department to implement measures mandating that all new commercial and high-rise residential building construction include a solar-ready zone and to also establish requirements for electric vehicle ("EV") charging infrastructure for new residential construction, pursuant to 16 *Del. C.* Ch.80.

Codified in 16 *Del. C.* § 7602(c), all new residential building construction in Delaware must be Zero Net Energy (“ZNE”)-capable by December 31, 2025, and all new commercial and high-rise residential building construction must be ZNE-capable by December 31, 2030. A ZNE-capable building is constructed to a level of energy efficiency such that, with the addition of on-site renewable energy generation, it could achieve zero net energy consumption from the utility provider. Pursuant to 7 *Del. C.* § 6010, and in consideration of Delaware’s ongoing housing affordability challenges, the Department determined that implementation of these ZNE-capable provisions is not appropriate at this time. The Department defers to the General Assembly and the Governor to consider whether and how to address the statutory ZNE-capable mandate during the 2026 legislative session.

Having determined that the ZNE-capable mandate will not be implemented at this time, the Department considered the remaining statutory requirements and the appropriate method of compliance.

Based on the triennial review and with the consideration of Delaware’s ongoing housing affordability challenges, the Department proposes to adopt by reference the 2024 IECC for new residential construction buildings. The Department has included all compliance paths of the 2024 IECC for new residential buildings: (1) the Prescriptive Path, (2) the Simulated Building Performance Path (3) the Energy Rating Index (ERI) Path and (4) the Tropical Climate Region Path.

In addition, the Department proposes to adopt three compliance options for new commercial and high-rise residential building construction: (1) the 2024 IECC Prescriptive compliance option, (2) the 2024 IECC Simulated Building Performance option, and (3) ASHRAE 90.1-2022.

Finally, to align with requirements established in 16 *Del. C.* Ch. 80 and 16 *Del. C.* §7605, the Department also proposes to adopt, with amendments, Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone*.

Pursuant to 16 *Del. C.* Ch.80, the Department proposes to adopt Appendix RE: *EV Charging Infrastructure* with amendments, to set requirements for Electric Vehicles (“EV”) charging infrastructure in new residential buildings (single-family, townhouses, low-rise multifamily) in order to make future EV charging easier and less expensive. It provides that new 1 and 2 dwelling units and townhouses with a designated attached or detached garage, or other on-site private parking adjacent to the dwelling unit, shall have one EV Ready or EV Space per dwelling unit available. Additionally, low-rise multifamily buildings (R-2 occupancies) in mixed-use development shall be provided with an EV Ready space or EV Supply Equipment space for 20 percent of the dwelling units or automobile parking spaces, whichever is less.

Pursuant to 16 *Del. C.* §7605, the Department proposes to adopt Appendix CB: *Solar-Ready Zone* with amendments to ensure that new commercial and high-rise residential building construction is designed and constructed to facilitate future installation of solar systems. It defines a “solar-ready zone” as 40% of the gross roof area with orientation between 110 and 270 degrees of true north. Construction documents must indicate the solar-ready zone area and pathways for routing conduit, and must also reserve space on the electric service panel. This requirement does not mandate installation of a solar system.

The Department anticipates that the benefits of adopting the 2024 IECC for residential buildings and the 2024 IECC/ASHRAE 90.1- 2022 for commercial and high-rise residential buildings, along with Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone*, with amendments, will increase energy efficiency, reduce emissions, reduce costs for residential and commercial building owners seeking to install energy efficiency measures, and provide improved health and comfort for occupants.

The Department published its initial proposed amendments in the July 1, 2025, *Delaware Register of Regulations*, and then subsequently revised the proposed amendments, that were thoroughly vetted at time of the virtual public hearing regarding this matter that was held on July 22, 2025. The revisions included a correction to the Register Notice published in the July 1st *Delaware Register of Regulations* to reflect Appendix RE and Appendix CB as the only adopted appendices; and adding R408.2.1.4 in Table R408.2 as written for Zone 4 in the 2024 IECC.

Pursuant to 29 *Del. C.* §10118(a), the Hearing Record (“Record”) remained open for receipt of written comment for 15 days following the public hearing. The Record formally closed for comment in this matter on August 6, 2025, with a total of forty (40) comments received by the Department throughout the regulatory development process. At the request of Hearing Officer, Theresa Smith, the Department’s Division of Climate Control and Energy (“DCCE”), provided a Technical Response Memorandum (“TRM”), dated September 2, 2025, that provided a detailed review of the *revised* proposed Amendments, identified all the concerns raised by the public, and responded to the concerns in a balanced manner, accurately reflecting the information contained in the Record of information. As a result of technical feedback from public comment, the Department has made additional revisions to the *revised* proposed amendments to improve clarity and consistency. These non-substantive revisions included ensuring consistent terminology (e.g., Phius verifiers versus raters) and clarifying window U-factor values in Table R408.2.1.2.

In accordance with 7 *Del. C.* § 6010, a review of the Record, the comments received, and with the consideration of Delaware’s ongoing housing affordability crisis, the Department re-proposed modified amendments as published in the December 1, 2025, *Delaware Registrar of Regulations*. At that time, the Department re-opened the public comment period of an additional 30-days. Subsequently, the DCCE provided a Supplemental TRM, dated February 10, 2026, that also responded to comments received in a balanced manner, accurately reflecting the information contained in the Record of information. There were no additional changes made to the *modified* proposed amendments.

Thereafter, Hearing Officer Theresa Smith prepared her report dated March 2, 2026 (“Report”), which expressly incorporated into the Record the *modified* proposed Amendments the TRM, the Supplemental TRM, are attached thereto as Appendix “A”, Appendix “B”, and Appendix “C”, respectively. Mrs. Smith’s Report set forth the procedural history, summarized and established the Record relied on in the Report and provided findings of fact, reasons, and conclusions that recommend the approval of the proposed *modified* amendments pending before the Department.

The Department has the statutory basis and legal authority to act with regard to the formal promulgation of these proposed *modified* amendments, pursuant to 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80. All notification and noticing requirements concerning this matter were met by the Department and proper notice of the hearing was provided as required by law.

Reasons and Conclusions

Currently pending before the Department are the *modified* proposed regulatory amendments to 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code*. Based on the record developed by the Department’s staff in the Division of Coastal, Climate, and Energy, and established by the Hearing Officer’s Report, I find that the *modified* proposed regulatory amendments are well-supported and will enable the Department to adopt by reference the 2024 IECC for new residential building construction, the 2024 IECC/ASHRAE 90.1- 2022 for commercial and high-rise residential building construction, and Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone* with amendments, pursuant to 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80. I also find that the *modified* proposed amendments comply with all applicable federal and state laws and regulations. Further, the proposed amendments as published in the July 1, 2025, *Delaware Register of Regulations*, and subsequently *revised*, are reflective of the Department’s authority under 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80, to ensure continued protection of public health and the environment.

The following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to adopt and enforce these *modified* proposed regulatory amendments pursuant to 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Chapter 60, to issue an Order adopting these *modified* proposed amendments as final;
3. The Department provided adequate public notice of the initially proposed amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the *modified* proposed amendments, including at the time of the virtual public hearing held on July 22, 2025, during the 15 days subsequent to the hearing (through August 6, 2025), and the 30 days subsequent to the December 1, 2025 publication of the *modified* proposed amendments, before making any final decision;
4. Promulgation of the *revised* proposed amendments to 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code* will enable the Department to adopt by reference the 2024 IECC for residential buildings, the 2024 IECC/ASHRAE 90.1- 2022 for commercial and high-rise residential buildings, and Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone*, with amendments;
5. The Department has reviewed the *modified* proposed amendments in light of the *Regulatory Flexibility Act*, consistent with 29 *Del.C.* §104, and believes the same to be lawful, feasible and desirable, and the recommendations as proposed should be applicable to all Delaware citizens equally;
6. The Department has reviewed the *modified* proposed regulatory promulgation in the light of 7 *Del. C.* §10003 and 29 *Del. C.* §10118(b)(3), and has determined a full assessment of all impacts are needed to further evaluate greenhouse gas emissions, based on the PNNL study, showing a 6.32% reduction of CO₂ by adopting the 2024 IECC, compared to the 2021 IECC;
7. The Department's Hearing Officer's Report, including its established record and the recommended *modified* proposed amendments as set forth in Appendix "A," are hereby adopted to provide additional reasons and findings for this Order;

8. The Department's proposed regulatory amendments, as published in the December 1, 2025, *Delaware Register of Regulations*, are set forth in Appendix "A" hereto, and are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they are approved as final regulatory amendments, which shall go into effect ten days after their publication in the next available issue of the *Delaware Register of Regulations*;
9. The Department has an adequate Record of its decision, and no further public hearing is appropriate or necessary;
10. The Department shall submit this Order approving the proposed amendments as final regulations to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require, and the Department determines is appropriate; and
11. The Department shall serve and publish its Order on its internet site.



Gregory Patterson
Secretary