



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

1/24/2024

To: Inflation Reduction Act (IRA) Codes Program
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
Email: IRACodes@hq.doe.gov

From: Alana Cox, Administrator
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Subject: Letter of Intent (LOI) to Reserve Formula Funds for Building Energy Code Adoption and Implementation

Dear IRA Codes Program,

On behalf of the state of Oregon, we are writing to express our intent to reserve formula grant funds provided through the [Inflation Reduction Act Assistance for Latest and Zero Building Energy Code Adoption \(Sec. 50131\) Administrative and Legal Requirements Document \(ALRD\)](#). The current Oregon code for residential buildings is the 2023 Oregon Residential Specialty Code (ORSC), with the energy efficiency provisions contained in “Chapter 11 Energy Efficiency”. The current energy code for commercial buildings is the 2021 Oregon Energy Efficiency Specialty Code (OEESC). This code is based on ASHRAE 90.1-2019 and includes a few neutral amendments. Oregon is in the process of adopting the 2024 OEESC that will be based on ASHRAE 90.1-2022 with amendments.

By submitting this letter, we attest that **Oregon Department of Consumer and Business Services, Building Codes Division (BCD)** has the authority to adopt building energy codes for Oregon. Oregon adopts and updates energy codes through BCD working with the appropriate advisory boards to adopt the different specialty codes of the state building code. The ORSC is supported primarily by the Residential and Manufactured Structures board (RMSB)¹, while the OEESC is administered mainly by the Construction Industry Energy Board (CIEB)². The boards may approve and recommend adoption of new codes and forward recommendations to BCD. BCD then may approve or reject board recommendations, which if approved then undergo administrative rulemaking procedures to file the new standard with the Oregon Secretary of State as a rule amending the state building code.

The Oregon Building Codes Division consults and collaborates with the Oregon Department of Energy (ODOE) on energy code development and implementation. ODOE has experience with grant administration, and BCD plans to delegate application and administration of these grant funds to ODOE. BCD and ODOE would continue to work collaboratively and both agencies would be actively engaged during grant implementation.

Codes in Oregon are implemented and enforced mostly by cities or counties through a local building department that provides plan review, permit, and inspection services. In some cases, BCD provides building department services for counties. We understand that funding under this opportunity encourages partnerships with local governments and

¹ https://oregon.public.law/statutes/ors_455.135

² https://oregon.public.law/statutes/ors_455.496



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tribes to aid implementation, enforcement and compliance and we will engage localities, tribes and supporting organizations in this effort.

Oregon intends to reserve funds for use for the adoption, implementation, compliance and enforcement of the following codes:

Residential:

- The zero energy code provisions in the 2021 IECC-Appendix RC, amended as allowable under grant guidelines.

Commercial:

- A successor edition of ASHRAE Standard 90.1 for which the Secretary has published in the Federal Register an affirmative determination that the updated code will improve energy efficiency compared to the previous edition of the corresponding standard or code, amended as allowable under grant guidelines
- The zero energy code provisions in 2021 IECC-Appendix CC, amended as allowable under grant guidelines

Oregon has already adopted residential and commercial energy codes that meet or exceed the qualifying base building energy code (or codes). Current Oregon version(s) of these codes are available at the following links:

- Commercial: <https://www.oregon.gov/bcd/codes-stand/Pages/energy-commercial-compliance.aspx>
- Residential: <https://www.oregon.gov/bcd/codes-stand/Pages/energy-residential-compliance.aspx>

For these codes, Oregon intends to reserve funds for implementation, compliance and enforcement:

Residential:

- A code adopted prior to the release of the ALRD (September 19, 2023) that provides equivalent or greater energy savings as compared to the applicable latest model code specified in IRA 50131, as determined by DOE and published on energycodes.gov.

Commercial:

- A successor edition of ASHRAE Standard 90.1 for which the Secretary has published in the Federal Register an affirmative determination that the updated code will improve energy efficiency compared to the previous edition of the corresponding standard or code, amended as allowable under grant guidelines

We understand that this letter serves as an expression of intent to submit a full application, that this letter does not constitute the full application that is required pursuant to the ALRD, and that submission of this letter does not guarantee receipt of funds. We also understand that future guidance regarding eligible activities under this grant opportunity will be provided by USDOE. Oregon seeks to use this funding for implementation, compliance, and enforcement of Oregon's current and future codes which meet or exceed the model codes specified in the ALRD but may not align directly with the listed amendments. Oregon is also interested in using this funding to support application of an Oregon-specific zero energy code based on IECC Appendix CC for limited sectors of buildings with potential expansion. Oregon's ability to utilize these funds is contingent upon additional guidance, clarification, and alignment with eligible activities. If able to use this funding, Oregon will submit a full application in accordance with the requirements specified in the ALRD. We further understand that the project period will commence upon award of an application that meets the criteria specified in the ALRD for this opportunity.

Sincerely,



Alana Cox
Administrator, Oregon Building Codes Division



Janine Benner
Director, Oregon Department of Energy