



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District
Co-Chair: Janet Kilpatrick, Third District

June 6, 2023
3:00 PM

VIRTUAL ZOOM WEBINAR MEETING &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

Revised AGENDA

- A. Meeting Call to Order**
- B. Approval of Minutes**
- C. Review/Discussion of Resolution(s)**
- D. Review/Discussion of Ordinance(s)**
- E. Presentations**
 - Zero Net Mandate presentation by consultants from Northeast Energy Partnership and Pacific Northwest National Laboratory.
- F. Other**
 - Hiring of Legislative Aide--Councilwoman Durham
 - Work hours adjustment—Deputy Clerk
 - Telecommuting policy agreement
- G. Public Comment**
- H. Adjournment**

AGENDA POSTED: May 30, 2023

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Introduced by: Ms. Durham
Date of introduction:

ORDINANCE NO. 23-

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”),
ARTICLE 10 (“ENERGY CONSERVATION CODE”)
RELATING TO THE INTERNATIONAL ENERGY CONSERVATION CODE 2021**

WHEREAS, New Castle County recognizes the importance of the natural environment and ecological protection in creating a high quality of life, and for building and maintaining great neighborhoods; and

WHEREAS, New Castle County similarly recognizes the benefits to the environment and to owners of more efficient homes and commercial buildings; and

WHEREAS, Delaware law (16 *Del. C. Sec. 7602*) has established a mandate that by year-end 2025 all new residential building construction in Delaware must be “zero net energy capable;” and

WHEREAS, Delaware law also has mandated that by year-end 2030 all new commercial building construction in Delaware must be “zero net energy capable;” and

WHEREAS, a “zero net energy” home or building is a residence or commercial building that, through the use of energy efficient construction, lighting, appliances, and on-site renewable energy generation, results in zero net energy consumption from a utility provider; and

WHEREAS, adopting the International Energy Conservation Code, 2021 Edition, which is the version of the energy code that contains residential and commercial “zero net energy” provisions, will help ensure that New Castle County timely complies with its obligations under the State mandate and provides the time necessary for builders to comply with the mandate; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to and substantially advance its goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, welfare, and quality of life of New Castle County and its residents.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 6 (“Building Code”), Article 10 (“Energy Conservation Code”), Section 6.10.002 (“Amendments to the Statewide Energy Conservation Code”) is hereby amended to reflect the underscored language which is added and the stricken through language which is deleted, as indicated below.

ARTICLE 10. ENERGY CONSERVATION CODE

Sec. 6.10.002. Amendments to the Statewide Energy Conservation Code.

The International Energy Conservation Code (“IECC”), 2021 Edition, including the appendices thereto, is hereby adopted and, accordingly, is treated as underlined throughout, subject to any additions thereto indicated by underline and deletions thereto indicated by strikethrough as reflected in this ordinance; consequently, the previously adopted and existing International Energy Conservation Code, 2018 Edition, as amended (which includes amendments to the IECC that appear and are referenced in *New Castle County Code*) is hereby stricken and replaced by the IECC, 2021 Edition, with all amendments thereto as reflected or referred to as follows.

Note: To avoid any confusion, commercial provisions are provided with a “C” designation and residential provisions are provided with an “R” designation.

IECC – COMMERCIAL PROVISIONS ...

The IECC, 2021 Edition., is amended by the addition of the underlined language (definitions) that follow, which shall be inserted alphabetically into the IECC.

Chapter 2: Definitions...

SECTION C202 GENERAL DEFINITIONS is amended by adding thereto the underlined language as follows.

ELECTRIC VEHICLE (“EV”). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (“EVSE”). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE. A designated parking space with dedicated electric vehicle supply equipment, installed in accordance with the current adopted electrical code in the State of Delaware, capable of charging an electric vehicle located within 3 feet of the parking space.

EV-CAPABLE SPACE. A parking space that can be converted to an electric vehicle supply equipment space and is provided with a conduit that meets the following requirements:

1. The conduit shall be continuous between a junction box or receptacle located within 3 feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be identified as “For electric vehicle charging.”
2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.
3. The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as “For electric vehicle charging.”

CHAPTER 4. [CE] Commercial Energy Efficiency...

SECTION C401, *GENERAL* is amended as follows:

Section C401.2, Application is amended by inserting into the first sentence therein, immediately following “or C401.2.2” the following underlined language:

Commercial buildings shall comply with Section C401.2.1 or C401.2.2 and with Appendix CB, Appendix CC, Section C405.13, and C405.14.

Section C401.2.1, International Energy Conservation Code is amended as the underlined language indicates at C401.2.1.1 (Prescriptive Compliance) to cite to Section R406.2 and by inserting the underlined language immediately after Section C401.2.1.2 (Total Building Performance) to include new subsection C401.2.1.3, Passive House Compliance, as follows.

C401.2.1 International Energy Conservation Code.

Commercial buildings shall comply with one of the following:

1. Prescriptive Compliance. The Prescriptive Compliance option requires compliance with Sections C402 through C406 and Section C408. Dwelling units and sleeping units in Group R-2 buildings without systems serving multiple units shall be deemed to be in compliance with this chapter, provided that they comply with Section R406.2.
2. Total Building Performance. The Total Building Performance option requires compliance with Section C407.
3. Passive House Compliance. The passive house compliance option requires compliance with Section C409.

Exception: Additions, alterations, repairs and changes of occupancy to existing buildings complying with Chapter 5...

Section C405, ELECTRICAL POWER AND LIGHTING SYSTEMS is amended by inserting a new Subsection C405.13 as reflected by the underlined language that follows.

C405.13 Electric vehicle charging infrastructure. Electric infrastructure for the current and future charging of electric vehicles shall be installed in accordance with this section and the current adopted electrical code in the State of Delaware. Any parking spaces intended for electric vehicle charging shall be in accordance with the Unified Development Code.

C405.13.1 Residential occupancies. Parking facilities serving Group R-2 occupancies shall comply with Section C405.13.1.1.

C405.13.1.1 Parking spaces provided. For all Group R-2 occupancies, 50% of the total available designated parking spaces must be EV-capable spaces. The calculations for the required number of electric vehicle parking spaces must be rounded up to the nearest whole number.

C405.13.2 Charging stations. If electric vehicle supply equipment (EVSE) spaces are provided, they shall be inspected by a licensed electrical inspection agency approved by the State of Delaware's Board of Electrical Examiners and must be identified with permanent markings or signage in accordance with the Unified Development Code.

C405.13.3 Construction documents. Construction documents must indicate the location of proposed electric vehicle parking spaces.

Section C405, ELECTRICAL POWER AND LIGHTING SYSTEMS is further amended by adding the following new subsection, Subsection C405.14, as reflected with underlined language.

C405.14 Wiring for future electrification.

C405.14.1 Additional electric infrastructure. All combustion equipment and end-uses shall be installed in accordance with this section. Capacity for the future electric circuits required in this section shall be included in the load calculations of the original installation of electric service to the building, and each dwelling unit for R-use buildings or portions thereof.

C405.14.1.1 Electric infrastructure for dwelling and sleeping units. Combustion equipment and end-uses serving individual dwelling units or sleeping units shall comply with Section R404.4 Electric Readiness.

C405.14.1.2 Combustion water heating equipment. Gas-fired or oil-fired water heaters with a capacity less than 300,000 Btu/h (88 kW) shall be installed in accordance with the following:

1. A dedicated 208/240-volt branch circuit with a minimum capacity of 30 amps shall terminate within 3 feet (914 mm) from the water heater and be accessible to the water heater with no obstructions. Both ends of the branch circuit shall be labeled with the words "For Future Heat Pump Water Heater" and be electrically isolated;

2. A condensate drain that is no more than 2 inches (51 mm) higher than the base of the installed water heater and allows natural draining without pump assistance shall be installed within 3 feet (914 mm) of the water heater;

3. The water heater shall be installed in a space with minimum dimensions of 3 feet (914 mm) by 3 feet (914 mm) by 7 feet (2134 mm) high; and

4. The water heater shall be installed in a space with a minimum volume of 700 cubic feet (20,000 L) or the equivalent of one 16-inch (406 mm) by 24-inch (610 mm) grill to a heated space and one 8-inch (203 mm) duct of no more than 10 feet (3048 mm) in length for cool exhaust air.

C405.14.1.3 Cooking ranges, ovens and cooktops. An individual branch circuit outlet with a minimum rating of 250-volts, 40-amperes shall be installed within 3 feet of each gas or propane range or any permanently installed combustion equipment oven or cooktop.

Exception: Commercial kitchens for cafeteria, restaurant, or commercial catering business use.

C405.14.1.4 Clothes Dryers. An individual branch circuit outlet with a minimum rating of 250-volts, 30-amperes shall be installed within 3 feet of each gas or propane clothes dryer.

Exception: Commercial drying equipment used for manufacturing and process loads.

Chapter 4 Commercial Energy Efficiency is amended by adding a new section, Section C409, as underlined and follows.

C409 PASSIVE HOUSE. This option requires compliance with Subsections C409.1, and C409.2.

C409.1 Compliance. Buildings shall be pre-certified as meeting the Phius CORE 2021 or Phius ZERO 2021 Passive Building Standard – North America, or newer, demonstrated using Phius-approved software, where Phius Design-Certification is demonstrated by Phius and a Certified Passive House Consultant (“CPHC”); or, Projects pre-certified as meeting the Certified Passive House standard using the current software and program criteria by the Passive House Institute (“PHI”), where PHI certification is demonstrated by a Certified Passive House Designer and a Certified Passive House Certifier.

C409.2 Documentation. Compliance with Phius or PHI shall be in accordance with Subsection C409.2.1 or C409.2.2.

C409.2.1 Phius Documentation. When using WUFI Passive or other Phius approved software:

1. Prior to the issuance of a building permit, the following item(s) must be provided to the Building Code Official:

- a. A Phius 2021 (or newer) Verification Report which demonstrates project compliance with Phius 2021 (or newer) performance requirements.
- b. A statement from the CPHC that the verification report results accurately reflect the plans submitted.
- c. Evidence of project registration from Phius.

OR

- d. A Design Certification Letter from Phius.

2. Prior to the issuance of a certificate of occupancy, the following items must be provided to the Building Code Official:

- a. Design Certification Letter from Phius.
- b. An updated Verification Report by the CPHC which reflects “as-built” conditions and test results that demonstrate project compliance with Phius (blower door and ventilation results).
- c. A statement from the CPHC that the envelope meets the Phius hygrothermal requirements found in Appendix B of the Phius 2021 Certification guidebook.
- d. A statement from the Phius Certified Verifier or Rater that the project test results and other Phius verification requirements are met.
- e. A copy of the Phius workbook listing all testing results and as-built conditions.

OR

- f. A Project Certificate demonstrating final certification awarded by Phius.

AND

- g. A statement from the Phius Verifier or Rater of compliance with C405.13 and Appendix CB: Solar-ready Zone – Commercial Provisions.

C409.2.2 Passive House Institute Documentation.

1. If using PHI Passive House software, prior to the issuance of a building permit, the following item(s) must be provided to the Building Code Official:

- a. A Passive House Planning Package (“PHPP”) compliance report which demonstrates project compliance with current PHI performance requirements.
- b. A statement from the Certified Passive House Consultant/Designer (CPHC/D) that the PHPP results and compliance report accurately reflect the plans submitted.
- c. Evidence of project registration from a Certified Passive House Certifier.

OR

- d. A Design Certification Letter from a Certified Passive House Certifier.

2. Prior to the issuance of a certificate of occupancy, the following item(s) must be provided to the Building Code Official:

- a. A Design Certification Letter from a Certified Passive House Certifier.
- b. An updated PHPP compliance report which reflects “as-built” conditions and test results (blower door and ventilation results) that demonstrates project compliance with PHI performance requirements.
- c. A copy of the Passive House Verifier’s or Rater’s test results.
- d. A statement from the CPHD that the project test results meet the model performance requirements, all the mandatory limits and any other mandatory requirements.

OR

- e. A Final Certification Letter from a Certified Passive House Certifier

AND

- f. A statement from the Passive House Verifier or Rater of compliance with C405.13 and Appendix CB: Solar-ready Zone – Commercial Provisions.

...

Appendix CB:

Solar-Ready Zone – Commercial Provisions ...

Appendix CB: Solar-ready Zone – Commercial Provisions is hereby adopted, with the exception as noted immediately below. Accordingly, all existing language regarding Solar-ready Zone – Commercial Provisions as reflected in New Castle County Code is stricken and replaced with the language from the IECC, 2021 Edition which is adopted hereby.

Note: Appendix CA: Board of Appeals – Commercial hereby is not adopted and, thus, shall be

treated as stricken throughout.

IECC – RESIDENTIAL PROVISIONS ...

The IECC, 2021 Edition, is amended by the addition of the underlined language (definitions) that follows, which shall be inserted alphabetically into the IECC.

Chapter 2: Definitions...

SECTION R202 GENERAL DEFINITIONS

SECTION R202 GENERAL DEFINITIONS is amended by adding the underlined language as follows.

ELECTRIC VEHICLE (“EV”). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats, and the like, are not considered electric vehicles.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (“EVSE”). The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

ELECTRIC VEHICLE SUPPLY EQUIPMENT SPACE. A designated parking space with dedicated electric vehicle supply equipment, installed in accordance with the current adopted electrical code in the State of Delaware, capable of charging an electric vehicle located within 3 feet of the parking space.

EV-CAPABLE SPACE. A parking space that can be converted to an electric vehicle supply equipment (EVSE) space and is provided with a conduit that meets the following requirements:

1. The conduit shall be continuous between a junction box or receptacle located within 3 feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be identified as “For electric vehicle charging.”
2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.

3. The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as “For electric vehicle charging.”

Chapter 4. Residential Energy Efficiency

Section R401.2 Application is amended as indicated by strikethroughs and the underlined language as follows.

R401.2 Application.

Residential buildings shall comply with Appendix RB, Appendix RC, Section R404.4, Section R404.5, Section R401.2.5 and either Sections R401.2.1, R401.2.2, R401.2.3, or R401.2.4, R401.2.6, or R401.2.7.

Section R401.2 Application is further amended by adding new Subsections R401.2.6 and R401.2.7, as indicated by the following underlined language.

R401.2.6 Passive House Option. The Passive House Option requires compliance with Section R409.

R401.2.7 Department of Energy Zero Energy Ready Homes Option requires compliance with Section R410.

SECTION R404 ELECTRICAL POWER AND LIGHTING SYSTEMS is amended by adding new Subsection R404.4, as indicated by the underlined language as follows.

R404.4 Electric readiness. Systems using fossil fuel: water heaters, household clothes dryers, conventional cooking tops or conventional ovens shall comply with the requirements of Sections R404.4.1 through R404.4.4.

R404.4.1 Cooking products. An individual branch circuit outlet with a rating not less than 250-volts, 40-amperes shall be installed, and terminate within 3 feet of conventional cooking tops, conventional ovens or cooking products combining both.

Exception: Cooking products not installed in an individual dwelling unit.

R404.4.2 Household Clothes Dryers. An individual branch circuit outlet with a rating not less than 240-volts, 30-amperes shall be installed, and terminate within 3 feet (304 mm) of each household clothes dryer.

Exception: Clothes dryers that serve more than one dwelling unit and are located outside of a dwelling unit.

R404.4.3 Water heaters. An individual branch circuit outlet with a rating not less than either 240-volts, 30-amperes or 120V, 20-amperes shall be installed, and terminate within 3 feet (304 mm) of each fossil fuel water heater.

Exception: Water heaters in a centralized water heating system serving multiple dwelling units in a R-2 occupancy.

R404.4.4 Electrification-ready circuits. The unused conductors required by Sections R404.4.1 through R404.4.3 shall be labeled with the word “spare.” Space shall be reserved in the electrical panel in which the branch circuit originates for the installation of an overcurrent device. Capacity for the circuits required by Sections R404.4.1 through R404.4.3 shall be included in the load calculations of the original installation.

SECTION R404 ELECTRICAL POWER AND LIGHTING SYSTEMS is further amended by adding new Subsection R404.5, as indicated by the underlined language as follows.

R404.5 Electric vehicle charging infrastructure. Electric infrastructure for the current and future charging of electric vehicles shall be installed in accordance with this section and the most recent adopted electrical code in the State of Delaware. Any parking spaces intended for electric vehicle charging shall be in accordance with the Unified Development Code.

R404.5.1 One- and two-family dwellings and townhouses. One- and two-family dwellings and townhouses shall be provided with at least one dedicated EV-capable space. If an electric vehicle supply equipment (EVSE) space is provided, the wiring for the branch circuit shall be installed in accordance with the most recent adopted electrical code in the State of Delaware and inspected by a licensed electrical inspection agency approved by the State of Delaware’s Board of Electrical Examiners.

R404.5.1.1 Garages. When the single-family residential dwelling includes an attached or detached garage, the EV-capable space must be located in the attached or detached garage. When the single-family residential dwelling does not include an attached or detached garage, an EV-capable space must be provided in the driveway or assigned parking space, and the EV-capable space infrastructure must be sealed and labeled for future use.

Chapter 4 Residential Energy Efficiency is amended by adding the new section, Section R409, which is indicated by the underlined language as follows.

R409 Passive House Building Certification Option. Projects may document compliance with either Phius certification in accordance with Section R409.2 or PHI certification in accordance with Section R409.3.

R409.1 Compliance. Projects pre-certified as meeting the Phius CORE 2021 or Phius ZERO 2021 Passive Building Standard – North America, or newer, demonstrated using approved software by Phius, where Phius design-certification is demonstrated by Phius and a Certified Passive House Consultant (“CPHC”); or, Projects pre-certified as meeting the Certified Passive House standard using the current software and program criteria by the Passive House Institute (“PHI”), where PHI certification is demonstrated by a Certified Passive House Designer and a Certified Passive House Certifier.

R409.2 Phius Documentation. When using WUFI Passive or other Phius approved software:

1. Prior to the issuance of a building permit, the following items must be provided to the Building Official:

- a. A Phius 2021 (or newer) Verification Report which demonstrates project compliance with Phius 2021 (or newer) performance requirements.
- b. A statement from the CPHC that the verification report results accurately reflect the plans submitted.
- c. Evidence of project registration from Phius.

OR

- d. A Design Certification Letter from Phius.

2. Prior to the issuance of a certificate of occupancy, the following items must be provided to the building official:

- a. Design Certification Letter from Phius.
- b. An updated Verification Report by the CPHC which reflects “as-built” conditions and test results that demonstrate project compliance with Phius (blower door and ventilation results).
- c. A statement from the CPHC that the envelope meets the Phius hygrothermal requirements found in Appendix B of the Phius 2021 Certification guidebook.
- d. A statement from the Phius Certified Verifier or Rater that the project test results and other Phius verification requirements are met.
- e. A copy of the Phius workbook listing all testing results and as-built conditions.

OR

- f. A Project Certificate demonstrating final certification awarded by Phius.

AND

g. A statement from the Phius Verifier or Rater of compliance with R404.5 and Appendix RB: Solar Ready Provisions.

R409.3 Passive House Institute (PHI) Documentation.

1. If using PHI Passive House software, prior to the issuance of a building permit, the following items must be provided to the Building Official:

- a. A PHPP compliance report which demonstrates project compliance with current PHI performance requirements.
- b. A statement from the Certified Passive House Consultant/Designer (CPHC/D) that the PHPP results and compliance report accurately reflect the plans submitted.
- c. Evidence of project registration from a Certified Passive House Certifier.

OR

- d. A Design Certification Letter from a Certified Passive House Certifier.

2. Prior to the issuance of a certificate of occupancy, the following item(s) must be provided to the building official:

- a. A Design Certification Letter from a Certified Passive House Certifier.
- b. An updated PHPP compliance report which reflects “as-built” conditions and test results (blower door and ventilation results) that demonstrate project compliance with PHI performance requirements.
- c. A statement from the CPHD that the project test results meet the model performance requirements, all the mandatory limits, and any other mandatory requirements.
- d. A copy of the Passive House Verifier’s or Rater’s test results.

OR

- e. A Final Certification Letter from a Certified Passive House Certifier.

AND

f. A statement from the Passive House Verifier or Rater of compliance with R404.5 and Appendix RB: Solar-ready Provisions.

Chapter 4 Residential Energy Efficiency is further amended by adding the new section, Section R410, which is identified by the underlined language as follows.

R410 Department of Energy Zero Energy Ready Homes (DOE ZERH) Option. Projects document compliance certification per building type as specified by DOE ZERH Program Version and Implementation Timelines table. Projects following the DOE ZERH option shall comply with the requirements of Sections R410.1 through R410.4.

R410.1 Requirements for Builders and Developers. Builders must be registered as a DOE ZERH partner.

R410.2 Third-Party Verification Requirement. All Zero Energy Ready Homes must be certified by an approved third-party verifier to meet appropriate ZERH Program Requirements.

R410.3 Program Revisions. Revisions to program versions may be used earlier than the required date once they are issued by DOE.

R410.4 Readiness. Projects must meet the requirements of Section R404.4.

Appendix CA: Board of Appeals – Commercial hereby is not adopted and, thus, shall be treated as stricken throughout.

Section 2. This Ordinance shall become effective on July 1, 2024 after its adoption by County Council and approval by the County Executive.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
of New Castle County

SYNOPSIS: This Ordinance, if enacted, would amend the *New Castle County Code* with the adoption of the International Energy Conservation Code, 2021 Edition, as amended by the ordinance. The law would become effective on July 1, 2024 and, accordingly, would apply to applications submitted *on or after July 1, 2024*. This ordinance will help ensure that New Castle County satisfy the State’s mandate that by year end 2025 all new residential building construction in Delaware must be “zero net energy capable.”

FISCAL NOTE: There is no discernible fiscal impact.