

## Notice of Intent No. DE-FOA-0002812

### Notice of Intent to Issue Funding Opportunity Announcement No. DE-FOA-0002813

The Office of Energy Efficiency and Renewable Energy (EERE) intends to issue, on behalf of the Building Technologies Office (BTO), a Funding Opportunity Announcement (FOA) entitled “Building Energy Codes: Resilient and Efficient Codes Implementation (RECI)”. EERE intends to issue this FOA in accordance with Section 40511 of the [Infrastructure Investment and Jobs Act \(BIL\)](#),<sup>1</sup> also commonly known as the Bipartisan Infrastructure Law (BIL), which directs the Secretary of Energy to establish a competitive program enabling sustained cost-effective implementation of updated building energy codes. This FOA will be focused on efforts relating to the implementation of more efficient building energy codes that reduce greenhouse gas (GHG) emissions, as well as encouraging more resilient buildings, including grid-flexibility and stability, storage, durability, and better protection against extreme weather events. This FOA supports the Biden-Harris Administration’s [National Initiative to Advance Building Codes](#), launched in June 2022 by the National Climate Task Force to accelerate adoption of modern building codes to improve resiliency, create good-paying jobs, and lower energy bills.

Building energy codes establish minimum levels of energy efficiency for certain residential and commercial buildings. Model energy codes, such as the International Energy Conservation Code (IECC) and ANSI/ASHRAE/IES Standard 90.1,<sup>2</sup> are developed and updated through national consensus processes. States and local governments ultimately implement energy codes, which is handled through various adoption, compliance, and enforcement processes and can vary widely across the United States. The implementation of building energy codes also depends on a significant number of stakeholders, including state and local government agencies, building and safety departments, builders, contractors and design professionals, as well as a number of affected community interests. Successful implementation of the latest building codes and standards is critical to ensuring their benefits, including utility bill savings, are realized in American homes and businesses.

Building energy codes have long been utilized by states and local governments to regulate energy efficiency and conservation in the built environment while delivering utility bill savings. Increasingly, states and local governments are also relying on building codes, including energy

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<sup>1</sup> Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021).

<https://www.congress.gov/bill/117th-congress/house-bill/3684>. This FOA uses the more common name “Bipartisan Infrastructure Law”.

<sup>2</sup> The IECC is developed by the International Code Council (ICC). Standard 90.1 is an American National Standards Institute (ANSI) standard developed jointly by the American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) and the Illuminating Engineering Society (IES).

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codes, as a primary means of supporting their broader affordability, energy, climate and resilience goals. There is an emergence of innovative policy instruments which are complementary to building energy codes, including “stretch codes” which make use of the latest technologies, design, and construction practices, and target advanced levels of efficiency and performance. In addition, municipalities are enacting building performance standards to address excess energy use in existing buildings, and prompt cost-effective retrofits and upgrades. Together, these strategies help create buildings which are affordable, efficient, healthy, safe, comfortable, and resilient—for decades into the future.

The aim of this anticipated FOA is to support successful, widespread and sustained implementation of updated building energy codes by states, local governments, and across the U.S. and range of affected stakeholders.

EERE anticipates that the FOA will include several key areas of interest:

1. State and Local Code Adoption
2. Workforce Development
3. Implementation and Compliance
4. Innovative Approaches
5. Equity, Energy and Environmental Justice
6. Partnerships

BTO identified each area of interest through criteria and activities specified directly in the BIL, as well as through a recent request for information (RFI) and public workshop. In the following sections of this Notice, BTO has included a brief description of each area of interest, along with additional details outlining EERE’s intent for the FOA.

### **Areas of Interest**

1. **State and Local Code Adoption:** The development and subsequent adoption of an updated building energy code and related building policies in states and localities throughout the United States is an important foundational step to ultimately realizing the energy, cost, resilience, and emissions benefits associated with building codes. Increased levels of insulation, better windows, and other measures deliver energy and dollar savings year after year for the life of the building and can aid in spurring domestic manufacturing of energy efficient and clean energy technologies. Because all buildings have to meet the energy code, designers and builders benefit from fair competition and a level playing field when they construct energy efficient buildings. During code adoption and update processes, cities and states can benefit from technical support to help evaluate proposed code changes and the potential impacts for their unique region, climate type, construction practices and other factors. DOE believes technical assistance

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associated with building energy code updates, as well as broader energy, climate and resilience planning, is essential to supporting adoption of the latest building codes. DOE is specifically interested in adoption plans and policies that enable more predictable and sustainable building code updates over time, and that help bolster energy efficiency and resilience in the built environment.

DOE is also interested in exploring the intersection of building efficiency and resilience. In particular as part of the BIL activities, DOE is particularly focused on the ways in which energy efficient technologies and design measures support building resilience, simultaneously addressing GHG emissions mitigation and climate adaptation. DOE recognizes that building energy systems provide critical services before, during, and following a disruptive event, and is tied to the availability of power supply. States have made significant innovations in emergency response and resilience planning as they are confronted with new challenges in responding to active energy emergencies. More frequently, state energy officials involved in energy emergency preparedness and response are tasked with identifying means to support resilience with energy-related solutions. Concurrent emergencies have highlighted the need to upgrade buildings to allow for more sheltering in place and higher levels of resilience, particularly during blackout or extreme weather events. Additionally, as electric vehicles are becoming more prevalent, states also have to examine what additional or improved infrastructure is needed to support their potential in evacuations and as grid assets. DOE is interested in how States and partnerships are developing and implementing complimentary resilience policies into their building codes and how efficiency can play a role as part of the BIL activities for building energy and resilience code implementation.

*Example activities may include but are not limited to: Providing direct technical assistance and support for states and local governments on specific code updates for energy and resilience; conducting impact studies around code updates or amendments for specific states or jurisdictions to better understand benefits (including GHG emissions mitigation and utility bill savings) of code updates; and aligning code updates with broader state and local energy, sustainability, resilience, or climate goals.*

- 2. Workforce Development:** Robust and inclusive workforce development and training programs are integral to the effective implementation of energy codes at the state and local levels and enable building code adoption to support good paying jobs. Upskilling opportunities coupled with worker retention strategies help ensure that the range of design and construction professionals who work with energy codes are aware of recent updates and key requirements, can take advantage of the latest technologies and practices, and gain a competitive advantage in the labor market. Accessible, impactful, and readily available energy code education and training programs are critical to delivering energy savings and related benefits, as well as the continued advancement of construction practices around the U.S. In addition, the construction industry is

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experiencing significant labor shortages and high turnover, particularly in the skilled trades, a problem which has been exacerbated by the COVID-19 pandemic.<sup>3</sup> DOE believes that additional support could help develop, attract and train new workers and better retain incumbent workers to bolster a skilled and diverse workforce that is well-versed in modern building standards, can keep up with rapidly changing technology, and which can help ensure successful implementation of resilient and efficient codes. Maintaining and supporting a highly skilled and trained workforce is foundational for meeting our clean energy and energy efficiency goals in an equitable manner.

*Example activities may include but are not limited to: Statewide or industry-targeted professional energy code training programs with paid time for training and other incentives for already employed code professionals to participate in training; training modules for university or community college (including Historically Black Colleges and Universities and other Minority Serving Institutions) or registered apprenticeship programs targeting professional and construction trades workers; tools and resources to support energy efficient and advanced construction practices, including both energy efficiency and demand-response technologies and strategies; and development of quality pre-apprenticeship programs and comprehensive support services to improve diversity and inclusion in building occupations by reducing systemic barriers to high-quality training and employment.*

- 3. Implementation and Compliance:** Following the adoption of a new energy code, implementation and compliance activities at the local, state, regional, and national level are vital to achieve stated energy, climate, and resilience goals. States and local jurisdictions commonly cite lack of necessary staff, expertise, or resources as a key barrier to energy code compliance<sup>4</sup> and stand to benefit from additional capacity for implementation and enforcement activities. Activities like energy code compliance studies help states validate the impacts of their codes, identifying prevalent technologies, practices and compliance trends being used in the field, and quantifying the associated impacts (e.g., energy, cost or GHG savings). In addition, these studies inform energy code training programs by identifying specific areas where code requirements are being achieved successfully or where compliance could be improved and greater benefits achieved. This helps keep a state's workforce up to date with the latest code and construction practices, as well as maximize the return-on-investment for ongoing compliance-improvement initiatives.<sup>5</sup> Software tools can also improve energy code compliance by streamlining the compliance, enforcement and permitting processes, thereby reducing the time and cost required to comply with modern codes. DOE believes that additional support for implementation and compliance processes will

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<sup>3</sup> <https://www.mckinsey.com/business-functions/operations/our-insights/bridging-the-labor-mismatch-in-us-construction>

<sup>4</sup> <http://www.swenergy.org/data/sites/1/media/documents/publications/documents/Energy%20Code%20Enforcement.pdf>

<sup>5</sup> <https://www.energycodes.gov/energy-efficiency-field-studies>

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improve cost-effective implementation of energy codes, and ultimately help maximize their impacts across the U.S. building design and construction industry.

*Example activities may include but are not limited to: Development of code implementation plans; utility code support and engagement programs; developing code compliance software tools; and state and local energy code implementation and compliance collaboratives.*

- 4. Innovative Approaches:** States and localities have developed several unique and innovative approaches to increasing building energy efficiency through building codes and adjacent policies. Many of these innovative approaches present opportunities for further validation or replication across the country. For example, some states and local governments are adopting stretch codes, which are based on the latest technologies and construction practices to improve energy efficiency and resilience, in support of advanced energy and climate goals.<sup>6</sup> An emerging policy mechanism aimed at improving America's existing building stock is a building performance standard (BPS). Cities like St. Louis, Washington D.C., New York City, and many others have enacted a BPS, and can share best practices and guidance. These cities can also serve as a model by which to replicate and expand efforts to address the nation's existing building stock by upgrading existing buildings.<sup>7</sup> The building design and construction industry is working to improve energy code permitting and compliance processes through modern technology such as drones, portable tech, 360-degree imaging, software and tools which can digitize and streamline data collection and compliance evaluation processes. These are aimed at reducing time, cost, and regulatory burdens while achieving equitable compliance outcomes. Further, states and local jurisdictions are employing circuit riders to implement energy codes, which is a strategy that helps address the fact that many building departments, particularly in rural jurisdictions, often lack specialized expertise on energy codes and building energy systems. DOE believes these innovative approaches, among others, can significantly streamline and improve energy code implementation across states, municipalities, and the industry and thereby deliver increased benefits.

*Example activities may include but are not limited to: Establishing a circuit rider training program; developing and implementing performance-based energy codes or compliance tools; developing or implementing a state or local BPS; and implementing stretch codes, zero-energy codes, or zoning ordinances that go beyond minimum energy codes in a sustainable fashion.*

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<sup>6</sup> A stretch energy code is a set of building standards or compliance requirements, more advanced than the base code, which can be a voluntary alternative or locally mandated.

<sup>7</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/21/fact-sheet-biden-harris-administration-launches-coalition-of-states-and-local-governments-to-strengthen-building-performance-standards/>

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5. **Equity, Energy and Environmental Justice (EEEJ):** The Biden-Harris Administration established the government-wide Justice40 Initiative, setting a goal that 40 percent of the benefits of certain federal investments flow to disadvantaged communities (DACs).<sup>8</sup> This includes DOE investments in energy efficiency and clean energy, as well as workforce development and training, prioritizing decreased energy burden and environmental exposure in DACs, increased clean energy jobs and training for individuals from DACs, increased parity among clean energy technology access and adoption, and increased resiliency in DACs, among others.<sup>9</sup> DOE believes that modern building codes, including energy codes and associated implementation activities, can help meet these objectives, and is supporting activities which can address climate impacts, affordability challenges and alleviate energy insecurity, while pursuing housing that is energy efficient, comfortable, safe, healthy, and resilient.<sup>10</sup> Initial activities have focused on increasing transparency and inclusiveness in energy code updates, adoption and implementation processes, aiding states and local governments in establishing metrics which can enhance environmental justice through building codes and related policies and communicating the benefits of the latest codes. To expand these efforts, DOE has identified a number of specific areas where energy codes, and activities supporting their implementation, can support equitable outcomes for energy, environmental justice, and disadvantaged populations. Commonly cited examples include: The role of energy codes in supporting affordable housing, increasing funding and targeted benefits to EEEJ communities, increased community engagement around EEEJ issues and with disadvantaged or underserved populations, and activities which reduce overall energy burden, particularly for low-to-moderate income (LMI) households.<sup>11</sup>

*Example activities may include but are not limited to: Convening representatives of disadvantaged communities or underserved populations; development of equity-focused code language; providing scholarships to participate in code update and consensus processes, financial assistance or consulting services to help disadvantaged or underserved interests participate in code development, adoption and implementation processes; studies to better understand specific needs and barriers faced by DACs, innovative solutions to address split incentives; and the implementation of education and training programs targeting and benefitting disadvantaged populations.*

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<sup>8</sup> The Justice40 Initiative states that 40% of the overall benefits of certain federal investments will flow to DACs, and those projects will have minimal negative impacts on communities with environmental justice concerns. The Justice40 Interim Guidance defines benefits as direct and indirect investments (and program outcomes) that positively impact disadvantaged communities and provides examples (Page 4): <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

<sup>9</sup> <https://www.energy.gov/diversity/justice40-initiative>

<sup>10</sup> <https://ebs.pnnl.gov/ViewSolicitation.aspx?SolID=1131>

<sup>11</sup> <https://www.energycodes.gov/RECI-codes-workshop>

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6. **Partnerships:** Building code processes – whether development, adoption, or implementation – involve a wide range of participants, from national, state and local entities to the many interests who engage in these processes. The design and construction industry consists of millions of professionals, most of whose jobs are affected by building codes and standards in some manner. There also exists a wide range of adopted codes and standards in place across the U.S., fragmented by various degrees of authority (e.g., states vs. local adoption authority), as well as varying compliance and enforcement practices across thousands of local jurisdictions. Due to this complexity, it is essential that diverse professional and stakeholder interests are included in efforts to update and implement building energy codes. Partnerships should be comprised of organizations and interests who can lend technical expertise to code processes, who are responsible for updating and administering codes (i.e., state and local government agencies), as well as the range of professionals and stakeholders—from builders, architects, engineers and the trades, to academia, consumer and environmental advocacy organizations, and others who are affected by building codes. DOE views effective, strategic partnerships as essential to supporting impactful and lasting change, through which a diverse range of viewpoints can be considered, information and resources can be shared, and challenges can be addressed across states, localities, and regional markets.

*Example activities may include but are not limited to: National, regional, and state energy codes compliance collaboratives; a regional energy code implementation forum; technical assistance bodies which can support and inform states and local resilience planning; and a consortium of energy code training programs.*

### **Program Structure and Criteria**

Section 40511 of the BIL makes several specifications dictating the structure of DOE’s intended FOA and this new initiative. For example, the BIL specifies certain eligibility criteria and sample activities which can be undertaken and supported by the funding. To build on this direction, DOE issued a request for information (RFI)<sup>12</sup> and held a public workshop to seek input from interested and affected stakeholders regarding the solicitation process of a potential FOA. DOE received—and very much appreciates—a robust collection of comments in response to the RFI, which will help the Department effectively shape and guide this new initiative under the BIL.

The following sections are intended to communicate key criteria and issues which are specified in the BIL or have the potential to fundamentally shape the initiative.

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<sup>12</sup> See U. S. Department of Energy’s [Request for Information: Resilient and Efficient Codes Implementation | Building Energy Codes Program](#).

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### *Eligible Entities*

The BIL specifies eligible entities as a relevant state agency, as determined by the Secretary of Energy. Examples include state building code agencies, state energy offices, or Tribal energy offices. In addition, *partnerships* are eligible entities, defined to include a state agency, and one or more of the following entities: Local building code agencies; codes and standards developers; associations of builders and design and construction professionals; local and utility energy efficiency programs; consumer, energy efficiency and environmental advocates; and other entities as determined by the Secretary. Further, the BIL indicates that priority shall be given to applications from partnerships.

DOE encourages project teams to be as inclusive as possible and emphasize the need to engage a range of affected interests, particularly those who are critical to energy code updates and implementation. Although a state agency is independently eligible to apply for this potential FOA, partnerships are preferred. Under a partnership, a state agency is *not* required to serve as the prime applicant or prime recipient, and funding does not need to flow through a state agency. Applications are anticipated to include robust and effective regional, state and/or community partnerships with a demonstrated capacity to successfully implement the project in a sustainable way. Where preexisting capacity does not exist for successful implementation of the project, applications are expected to incorporate capacity-building strategies as part of the project proposal. Applicants will be required to demonstrate commitment from partners and key stakeholders, including at least one state agency as part of each *partnership*. DOE intends to require formal letters of support as a means of demonstrating requisite partnerships.<sup>13</sup> Applicants are generally encouraged to select a partnership and team structure which best supports the goals, objectives, and activities of the proposed project, and which can maximize available resources.

Additionally, DOE recognizes the important role of local governments, and foresees receiving applications from entities other than states agencies within a given state. A local government is not required to apply with the state from which it resides, but the local government must apply as part of a partnership with a state. Several key activities specified in the BIL can, or may be best positioned to, be carried out at the local level, whether by local governments, community organizations, or other localized stakeholders. For example, energy code education and training programs can be administered by a state agency, but in other cases may be administered locally, or by an industry or academic body such as a trade organization or community college, respectively. The emergence of innovative solutions, such as stretch codes, zero energy codes, and building performance standards, has taken place largely at the local level. Recognizing

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<sup>13</sup> This includes scenarios where a state agency is not a funded project partner but must still actively participate as part of a project partnership.

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these factors, that some states provide *home rule* authority,<sup>14</sup> and that others may choose not to participate in this program, DOE will accept applications where one or more state agencies partner with other states, local governments, and other stakeholders in a cohort-based approach.

### *Building Code Updates*

DOE is directed to establish a program enabling sustained cost-effective implementation of updated building energy codes. The BIL defines an “updated building energy code” as:

*“An update to a building energy code under this section, including an amendment that results in increased efficiency compared to the previously adopted building energy code, shall include any update made available after the existing building energy code, even if it is not the most recent updated code available.”*

DOE interprets this definition to mean that more recent code editions, relative to the currently adopted code, qualify as eligible. For example, a state that has currently adopted the 2009 International Energy Conservations Code (IECC) would be eligible for support if it pursued adoption of the 2015 IECC. DOE also anticipates more nuanced scenarios where a state or local government does not undertake a comprehensive update (i.e., updating from one code edition to a more recent edition), but makes specific amendments to their code (e.g., adding provisions for electric vehicle charging). Further, DOE interprets the BIL provisions as not requiring state or local governments to adopt the latest editions of the model codes<sup>15</sup> as a condition of support under this initiative.

However, it should be noted that DOE is also directed by the same provisions of the BIL to: (1) Implement a *competitive* award program, meaning that applications will be evaluated based on merit; and (2) Consider impact in making the awards. DOE anticipates that projects oriented around the latest codes will demonstrate greater overall impact, and therefore will score more favorably through the competitive evaluation process. Impacts are discussed further in the following section.

### *Evaluation of Impacts*

Under the BIL, DOE is directed to consider the following impact criteria and priorities:

- Prospective energy and emissions savings and plans to measure the savings;<sup>16</sup>

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<sup>14</sup> States where the authority to adopt energy codes is delegated to local levels of government.

<sup>15</sup> The 2021 IECC and Standard 90.1-2019 are the latest model codes as of publication of this Notice

<sup>16</sup> See Section 40511 of the BIL for example methods.

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- Long-term sustainability of those measures and cost, energy, and emissions savings;
- Prospective benefits, and plans to assess the benefits, including benefits relating to resilience and peak load reduction, occupant safety and health, and environmental performance;
- Demonstrated capacity of the eligible entity to carry out the proposed project; and
- Need of the eligible entity for assistance.

DOE is then directed to give priority to applications from *partnerships*, as discussed above.

DOE interprets these criteria as adding significant importance and weight to proposed activities, as a function of the specified metrics. DOE will require applicants to indicate whether a targeted region, state or locale has established a plan for supporting energy code implementation or has made formal commitments to similarly increasing energy efficiency or resilience in buildings. Applicants will be required to demonstrate the existence of plans or commitments at the appropriate level (i.e., based on whether codes are adopted at the state or local level in the target region, and applicable activities supporting code implementation), and identify how their proposed objectives and activities support those plans or commitments. DOE encourages applicants to clearly articulate needs based on relevant factors, such as availability of similar programs in the region, availability of funding, or similar variables.

DOE also anticipates requiring applicants to develop impact statements based on the list of metrics specified above. Applicants are strongly encouraged to tailor their impact statements based on their specific project goals, objectives and activities, and provide appropriate estimates. For example, a project supporting a state in moving from the 2015 IECC to the 2021 IECC might estimate the energy, cost and GHG savings impacts of adopting the updated code, as well as anticipated resilience benefits. A project providing a statewide training program based on Standard 90.1-2019 should, at a minimum, specify needs (e.g., as identified through a gap analysis), identify audiences who require training, as well as specify how many events and participants will be targeted, but is also encouraged to articulate expected project impacts in terms of larger energy savings and environmental benefits, as a factor of increased statewide code compliance rates, for instance. DOE reserves the right to provide additional specificity in this area as part of the eventual FOA.

In addition to the specification within the BIL, DOE solicited feedback via its recent RFI on which metrics the Department should consider when evaluating the impacts of code updates. Stakeholder responses generally align with the metrics specified in the BIL, citing (in order of prevalence): Emissions reductions, energy and cost savings, impacts in high-construction markets, resilience, number of affected stakeholders, electrification potential, and equity and environmental justice considerations. DOE also asked what EEEJ concerns are most relevant to this initiative, with stakeholders highlighting: Affordable housing, targeting funding and benefits to EEEJ communities, community engagement, reducing energy burden via building codes and

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standards. Many respondents recommended specific approaches for DOE to identify and prioritize disadvantaged and underserved communities, in alignment with the Justice40 Initiative, evaluating criteria like area median income (AMI), and considering factors like energy burden. Other suggestions for DOE to consider in its evaluation and prioritization included population growth, housing starts, market dynamics, diversity of partnerships, and communities that are projected to be most impacted by climate change.

In general terms, DOE is particularly interested in applications that prioritize the following:

- Overall impacts as a function of energy, emissions, and cost savings
- Activities supporting adoption and implementation of:
  - o The latest model energy codes (i.e., the 2021 IECC and 90.1-2019);
  - o Innovative and advanced concepts which exceed the latest model codes, including zero energy codes and building performance standards; or
  - o Codes that demonstrate significant impact and improvement over currently adopted codes or existing activities supporting code implementation.
- Long-term sustainability of measures and savings (i.e., longevity of impacts)
- Ability to leverage other funding sources beyond the BIL, such as state or localized funding, State Energy Program<sup>17</sup> funding, Energy Efficiency and Conservation Block Grants<sup>18</sup>, utility partnerships, and other private sources along with a cohesive implementation plan that show how all the funding sources will together address the climate, energy, and policy goals of more-efficient buildings
- Ability to positively impact building and grid resilience, occupant safety and health, and the natural environment
- Ability to support domestic economic interests through the workforce development and support for domestically manufactured building materials and equipment.
- Capacity to assess, track, and measure project-related impacts
- Ability to address Equity, Energy, and Environmental Justice (EEEJ) priorities, including plans that will address underserved community needs
- Established need by an eligible entity for assistance

Further, DOE notes that the stated purpose of this initiative is to enable sustained cost-effective implementation of *updated* building energy codes. DOE therefore emphasizes that proposed activities must be clearly articulated in terms of how they support updated codes, as defined by the BIL.

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<sup>17</sup> <https://www.energy.gov/eere/wipo/state-energy-program>

<sup>18</sup> <https://www.energy.gov/eere/wipo/energy-efficiency-and-conservation-block-grant-program-bipartisan-infrastructure-law-2021>

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### *Eligible Activities*

The BIL specifies several activities which applicants may pursue under the initiative:

- Create or enable State or regional partnerships to provide training and materials to:
  - o Builders, contractors and subcontractors, architects, and other design and construction professionals, relating to meeting updated building energy codes in a cost-effective manner; and
  - o Building code officials, relating to improving implementation and compliance with building energy codes.
- Collection and disseminate quantitative data on construction and codes implementation, including pathways, performance metrics, and technologies used;
- Develop and implement a plan for highly effective codes implementation, including measuring compliance;
- Address various implementation needs in rural, suburban, and urban areas; and
- Implement updates in energy codes for:
  - o New residential and commercial buildings (including multifamily buildings); and
  - o Additions and alterations to existing residential and commercial buildings (including multifamily buildings).

In addition, the BIL specifies several related topics, indicating that training and materials provided using a grant under this section may include information on the relationship between energy codes and:

- Cost-effective, high-performance, and zero-net energy buildings;
- Improving resilience, health, and safety;
- Water savings and other environmental impacts; and
- Economic impacts of energy codes, including labor market and domestic manufacturing.

DOE interprets these as a permissive list, meaning it intends to prioritize these activities, as specified directly in the BIL, but will consider additional activities which fall within the general scope and spirit of these activities. DOE also emphasizes the importance of selecting activities which are of particular relevance, importance, and impact to the target state, locality, or regional construction market (*See Evaluation of Impacts section above*).

### *Award Instruments*

The BIL directs DOE to establish, within the Building Technologies Office (BTO), a grant program under which awards will be made on a competitive basis (to eligible entities, as described above), to enable sustained cost-effective implementation of updated building energy codes. DOE typically provides competitive financial assistance through either *grants* or *cooperative agreements*. In this case, DOE intends to issue cooperative agreements, consistent with its past

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solicitations and recent technical assistance activities supporting building energy codes. DOE feels this is the best approach, in that it enables active coordination between the Department and project teams, and in supporting the core objectives of the BIL. Stakeholder feedback also supports this approach based on familiarity and success achieved under similar past programs.

### *Funding*

The BIL provides \$225 million in total funding supporting Section 40511. This amount is further specified as \$45M per year for fiscal years FY22 through FY26.

### *Additional Feedback from the RFI*

Through the recent RFI and public workshop, DOE requested critical areas and activities where the Department can best support code implementation. Stakeholder responses included (in order of prevalence): Compliance tools, targeted education and training programs, capacity building, simplified resources supporting compliance and enforcement. Further, DOE asked whether there were successful compliance models which should be emulated. Stakeholder responses indicated that DOE should strive to continue providing support for compliance tools, compliance field studies, emulate third-party compliance programs, as well as utility programs supporting energy code updates and implementation.

Finally, DOE's RFI and workshop requested feedback on how DOE should prioritize different criteria when evaluating applications. Anticipating a wide range of proposed activities and recognizing that many activities supporting energy code updates and implementation will be fundamentally different than one another, DOE identified several areas of potential contrast and asked workshop participants to provide guidance. The following summarizes RFI and workshop feedback in response to whether DOE should support each of the following questions:

#### **A. Rural vs. Urban areas?**

Participants generally suggested a balanced approach—activities supporting both rural and urban areas—noting that urbanized regions often exhibit more recent codes and higher rates of construction activity (i.e., higher impact). In addition, some participants emphasized needs in suburban communities, where there is significant new construction of residential and commercial buildings.

#### **B. Residential vs. Commercial Buildings?**

Almost all respondents indicated that DOE should prioritize both residential and commercial construction and do so equally.

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**C. Leading vs. Lagging States (in terms of code adoption)?**

Respondents indicated that DOE should support both leading and lagging states. Some responses emphasized the importance of enabling leading states pursuing advanced policies (e.g., stretch codes), while others expressed the need to engage support activities states with outdated codes.

**D. Current Model Codes vs. Previous Editions?**

In terms of improvements, most respondents felt that states and local governments who are updating their codes should adopt the latest model codes (or better).

**E. Traditional Code Activities vs. Innovative Approaches?**

Support was roughly balanced between traditional code activities (e.g., energy code training) and innovative approaches (e.g., stretch codes, building performance standards), with a slight preference for favoring new approaches.

**F. Projects Relying Solely on DOE Funding vs. Leveraging Other Sources?**

Responses were balanced with most people feeling that DOE should allow for both approaches. Programs such as DOE's State Energy Program (SEP) and FEMA's Building Resilient Infrastructure and Communities (BRIC) program were referenced as potential sources by which to leverage funding for common energy efficiency or resilience goals, and to extend the reach, impact, and sustainability of BIL funding. However, at the same time, respondents indicated that cost-sharing requirements can be burdensome and make it harder to apply for federal funding programs, increasing barriers to entry and reducing inclusiveness as a result.

Respondents also seemed to feel that, while ensuring a fair and representative distribution of projects was important, the requirements should not be so overly restrictive that DOE runs the risk of being unable to distribute its full amount of funding each year.

**Additional Information**

Applications that are not of interest to DOE for the potential FOA include any that do not directly support an updated state or local energy code or reduce energy or emissions in the built environment.

EERE envisions awarding multiple financial assistance awards in the form of cooperative agreements. The estimated period of performance for each award will be approximately 3-5 years.

This Notice is issued so that interested parties are aware of the EERE's intention to issue this FOA in the near term. All of the information contained in this Notice is subject to change. EERE

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will not respond to questions concerning this Notice. Once the FOA has been released, EERE will provide an avenue for potential Applicants to submit questions.

EERE plans to issue the FOA on or about October 2022 via the EERE Exchange website <https://eere-exchange.energy.gov/>. If Applicants wish to receive official notifications and information from EERE regarding this FOA, they should register in EERE Exchange. When the FOA is released, applications will be accepted only through EERE Exchange.

In anticipation of the FOA being released, Applicants are advised to complete the following steps, which are **required** for application submission:

- Register and create an account in EERE Exchange at <https://eere-exchange.energy.gov/>. This account will allow the user to register for any open EERE FOAs that are currently in EERE Exchange.

Beginning on July 8, 2022\*, eXCHANGE will be updated to integrate with Login.gov. As of August 5, 2022\*, potential applicants will be required to have a Login.gov account to access EERE eXCHANGE. As part of the eXCHANGE registration process, new users will be directed to create an account in Login.gov. Please note that the email address associated with Login.gov must match the email address associated with the eXCHANGE account. For more information, refer to the Exchange Multi-Factor Authentication (MFA) Quick Guide in the Manuals section of eXCHANGE.

It is recommended that each organization or business unit, whether acting as a team or a single entity, use only one account as the contact point for each submission. Questions related to the registration process and use of the EERE Exchange website should be submitted to: [EERE-ExchangeSupport@hq.doe.gov](mailto:EERE-ExchangeSupport@hq.doe.gov)

- Register with the System for Award Management (SAM) at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. Please update your SAM registration annually. Upon registration, SAM will automatically assign a Unique Entity ID (UEI).
- Register in *FedConnect* at <https://www.fedconnect.net/>. To create an organization account, your organization's SAM MPIN is required. For more information about the SAM MPIN or other registration requirements, review the *FedConnect Ready, Set, Go! Guide* at [https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf)
- Register in Grants.gov to receive automatic updates when Amendments to a FOA are posted. However, please note that applications will not be accepted through Grants.gov. <http://www.grants.gov/>. All applications must be submitted through EERE

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Exchange.

EERE has compiled a “teaming” partner list to facilitate widespread participation in this initiative. This list allows organizations with expertise in the topic to express their interest to potential applicants and to explore potential partnerships. EERE strongly encourages teams from different organizations, scientific disciplines, and technology sectors to form interdisciplinary and cross-sector teams that span organizational boundaries to enable and accelerate the achievement of scientific and technological outcomes. The Teaming Partner List is available on <https://eere-Exchange.energy.gov> under this NOI (DE-FOA-0002812) until a potential FOA is posted. Any organization that would like to be included on this list should submit the following information to the Teaming List [becp@pnnl.gov](mailto:becp@pnnl.gov) **with the subject line “RECI FOA: Teaming Partner Information”**:

- Organization Name,
- Generic Organization Contact Email,
- Generic Contact Phone,
- Organization Type,
- Area of Technical Expertise (bulleted list less than 25 words), and
- Brief Description of Capabilities (less than 100 words).

By submitting a request to be included on the Teaming Partner List, the requesting organization consents to the publication of the above-referenced information. Each organization should provide a generic point of contact e-mail address to receive queries. Direct personal e-mail addresses will not be posted. By facilitating this Teaming Partner List, EERE does not endorse or otherwise evaluate the qualifications of the entities that self-identify themselves for placement on the Teaming Partner List.

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