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Minnesota Construction Codes Advisory Council

Re: Feedback in support of RE-41.1 to level the playing field between fuel types

CCAC Members,

Thank you for the opportunity to provide feedback on the proposed Residential Energy Code update before the CCAC. Fresh Energy is a non-partisan energy policy nonprofit with over 30 years of experience advancing bold policy for a just, carbon-free future.

At a time when energy affordability is threatened on multiple fronts, energy efficiency is critical for protecting our financial futures and advancing our climate goals in Minnesota. The state should be using every tool it has not only to responsibly advance efficiency, but also to count it accurately. Recognizing actual gains from common technologies is critical to making Minnesota more affordable and ensures we are investing in the most effective solutions.

This Residential Energy Code update will be the first since adopting a weakened 2012 IECC, and the passage of Minnesota's landmark energy code acceleration legislation in 2024. We applaud the staff and volunteers who have dedicated their time and expertise to advancing Minnesota's energy affordability and emissions reduction through the efficiency advances in the proposed code update. We urge the CCAC to approve strong efficiency measures in this update and in the future.

In particular, the CCAC should recommend inclusion of the September Update to RE-41.1, a code change to level the playing field between buildings of different fuel types. As written, the model code generally sets equal percent improvement requirements across equipment types, yet it uses different baselines for mixed-fuel homes vs all-electric homes. This unequal treatment obfuscates actual energy conservation, and makes it more difficult for builders and residents as the industry moves towards the 70% site energy use reduction required by 2038. Effectively, site energy use reductions will not be accurately accounted if they are unable to get full credit when installing the most efficient technologies compared to that of a minimum efficiency gas furnace.

RE-41.1 levels the playing field with a single conservation objective regardless of fuel type. Despite approval 11-1 by TAG members, we were concerned to learn the proposal may be weakened or worse, left out of the recommendation entirely. The November Update, as requested by DLI, is preferable to nothing at all. However, it weakens the proposal by cutting elements of Appendix NG (10% higher efficiency) and arbitrarily reducing the credit given to heat pumps, undermining fuel-neutral parity when measuring energy conservation. We strongly support inclusion of the stronger September version of RE-41.1 in this update.

The adoption of the 2024 IECC, along with strengthening amendments from the TAG, represents important progress for Minnesotans, and we are grateful to the stakeholders and leaders like yourselves who are helping advance a more comfortable, efficient, affordable future for everyone.

Sincerely,

Eric Fowler
Director of Building Performance
Fresh Energy