



Building Confidence in
Home Performance

July 20, 2026

VIA REGULATIONS.GOV

U.S. Department of Energy

Building Technologies Office

Office of Critical Minerals and Energy Innovation

1000 Independence Avenue SW

Washington, DC 20585-0121

Re: Comments on “Updating and Improving the Methodology for Assessing Affordability and Cost-Effectiveness of Building Energy Codes,” Docket No. EERE-2026-BT-BC-0034, 91 FR 23982 (May 4, 2026)

To the Office of Critical Minerals and Energy Innovation:

RESNET (Residential Energy Services Network) submits these comments in response to the Department of Energy’s May 4, 2026 Request for Information on its methodology for assessing the affordability and cost-effectiveness of residential and commercial building energy codes. RESNET is the nonprofit standards-development body that administers the HERS® Index, the nationally recognized, ANSI-accredited standard for measuring and disclosing a home’s energy performance. Since 2013, more than 500 rating companies and roughly 10,000 builders have issued HERS ratings on more than five million homes nationwide, in coordination with mortgage industry standards, utility programs, and federal incentive programs including the Section 45L tax credit and DOE’s Zero Energy Ready Home program.

Executive Summary

RESNET shares the Department’s stated goal in this RFI and in Executive Order 14394: reducing unnecessary regulatory burden on new home construction and expanding consumer choice and affordability. We write to make the case that a verified, performance-based compliance path — specifically, a HERS Index target score is the most direct way to achieve that goal, and that it outperforms both rigid prescriptive mandates and, just as importantly, prescriptive codes left unverified in the field.

Texas’s experience under HB3215 demonstrates this empirically: an optional, statewide HERS-based compliance pathway with advance notice of future targets has driven both dramatically increased builder participation and real, measured energy savings, without a single new prescriptive mandate.

Separately, DOE’s own field-study data from Alabama illustrates why verification matters: prescriptive code requirements left unverified in the field show substantial and persistent compliance gaps, meaning that assumed code savings and real, delivered savings are not the same thing.

Third-party verified compliance ensures that the energy savings promised with new versions of the International Energy Conservation Code (IECC) are achieved. Third-party involvement with energy code compliance prior to the permit issuance means builders can achieve the most cost-effective compliance options available—keeping homes affordable to purchase and operate.

RESNET urges DOE to utilize the HERS Index or IECC Energy Rating Index (ERI) compliance alternative rather than prescriptive measures in its methodology, and to incorporate verified, performance-based compliance directly into its cost-effectiveness modeling.

RESNET also urges DOE and the current administration to consider market-based mechanisms to improve energy efficiency and affordability by making energy use transparent in the homebuying process. This directly supports consumer choice, purchasing power and affordability (Topic Q07) by allowing homebuyers to consider energy use when purchasing a new home. Principal, interest, taxes and insurance are all considered in the mortgage approval process, but energy costs in many states exceed taxes and insurance costs. Including energy costs in this process gives consumers the choice to select a home that is most affordable to purchase *and* operate, providing true value for energy use.

I. The HERS Index as a Model for Regulatory Flexibility and Consumer Choice

The HERS Index Score, functions much like a fuel-economy label: a lower score indicates a more efficient home, verified by a certified, independent, third-party rater using standardized testing — blower-door air leakage testing, duct leakage testing, and field inspection — rather than assumed default values. Unlike a prescriptive code, which specifies particular materials, R-values, or equipment efficiencies that must each individually be met, a HERS Index target allows a builder to reach an equivalent or superior efficiency outcome through whatever combination of measures is most cost-effective for that home, site, and climate.

This is precisely the kind of flexibility DOE identifies in this RFI as central to affordability and consumer choice (Topic Q07), and it is the kind of “alternative to the IECC and Standard 90.1” DOE specifically invites comment on in Topic Q10.

Because the HERS score is disclosed and independently verified, it also gives homebuyers something a prescriptive code cannot: a transparent, comparable number they can use to weigh upfront cost against ongoing utility costs,, rather than having that tradeoff made for them by a code body. This transparency has enabled the score to become the qualifying mechanism for a range of market-driven programs that reduce the net cost of efficiency to consumers, including the Section 45L New Energy

Efficient Home Tax Credit, Fannie Mae and Freddie Mac green mortgage-backed securities programs, and utility rebate and above-code programs across the country.

II. Texas Case Study: HB3215 Demonstrates Market-Driven Improvement Without New Mandates

Texas's HB3215 (2021) created an optional, statewide HERS Index compliance pathway, built on a 2018 IECC envelope backstop, that preempts the patchwork of local code amendments and phases in modestly tightening target scores on a published, multi-year schedule: a target HERS score of 59 from 2022 through August 2025, and 57 from September 2025 through 2028. This structure gives builders years of advance notice to plan for each step, rather than a single stringent mandate imposed all at once — directly responsive to the regulatory-certainty concerns this RFI raises under Topic Q11.

The results since HB3215 took effect are among the strongest evidence available that a verified, optional performance path drives real improvement:

- The share of new single-family homes receiving a HERS rating in Texas rose from 36 percent to 69 percent in four years.
- The average HERS Index Score among rated Texas homes improved from 59 to 50.
- 2025 data show roughly 106,000 HERS ratings issued statewide, at an average score of 50 — nine points better than the current statutory target.
- Compared to the current Texas energy code baseline (2015 IECC), these HERS-rated homes, in 2024, were estimated to save more than \$58 million in energy costs annually, more than 325 million kWh of electricity, and more than 4.4 million therms of natural gas — with associated CO₂ reductions equivalent to removing more than 29,000 vehicles from the road.
- Since 2013, Texas has recorded more than 843,000 HERS ratings, more than 309,000 ENERGY STAR homes, and more than 12,000 DOE Zero Energy Ready Homes, representing an estimated \$620 million in annual energy savings — achieved through the voluntary participation of roughly 3,500 builders and more than 200 certified rating companies.

Texas shows that builder flexibility and improved efficiency outcomes are not in tension. They are compatible, and a verified rating-based pathway is the mechanism that reconciles them.

By promoting healthy competition, predictable efficiency improvements and flexible compliance options, Texas has proven that builders will voluntarily exceed state energy code mandates and success can be tracked through the RESNET Registry. Transparency of energy use in the home purchase process will further drive value for efficiency and total cost of ownership.¹

¹ See enclosure, **RESNET® The Texas Bet** for additional geographic information, with data sourced from the RESNET Registry.

III. Responses to Specific RFI Topics

Topic Q03 – Regional Differences

DOE asks about the appropriateness of considering regional differences when evaluating real market costs to consumers and suggestions for data that demonstrate regional differences.

The RESNET Registry contains data on millions of HERS Rated homes, going back to 2013. In 2025, there were approximately 420,000 new homes added to the Registry. This reflects about 34 percent of single family and duplex homes built in 2025. Anonymized data from the Registry can be used to help inform regional differences in construction practices for single family and multifamily home types. RESNET commits to working with DOE to provide access to this data.

Topic Q04 — Economic Benefits to Consumers

DOE asks for data and analysis approaches that more accurately reflect economic benefits to consumers. RESNET recommends DOE’s methodology directly incorporate HERS Index scores and ratings data as a real-world, verified data source for economic benefit analysis, since HERS ratings capture actual tested performance rather than modeled assumptions. Leveraging HERS Rating data in the analysis will allow DOE to calibrate its models against real-world construction practices, compare against the IECC ERI Compliance Alternative and track future changes from hundreds of thousands of homes submitted to the Registry each year.

Topic Q06 — Prototype Models

DOE’s prototype building models should be extended to model outcomes under a HERS Index performance path alongside prescriptive-path baselines, so that DOE’s own cost-effectiveness analysis reflects the compliance option that many states and builders are choosing.

RESNET Registry data can be used to calibrate assumptions for home characteristics, including conditioned floor area, conditioned volume, window-to-wall ratios, window-to-floor ratios, foundation types, envelope leakage, duct leakage, equipment efficiency, insulation practices and other energy performance elements.

Topic Q07 — Affordability Metrics

RESNET recommends DOE adopt “verified compliance pathway availability” as an affordability metric in its own right. A jurisdiction offering a HERS-based compliance option gives homeowners and builders more purchasing-power flexibility than a single prescriptive path, and this should be reflected in how DOE scores a code’s affordability impact.

For example, the prescriptive path tends to be the most expensive compliance option and does not require third-party verified compliance, except for duct and envelope leakage testing. Utilizing the prescriptive path for cost-effectiveness analysis is likely to lead to the worst results for affordability because it provides little flexibility in design choices.

Performance-based compliance options, like the ERI/HERS compliance path offer builder's more design choices while achieving equivalent performance that is third-party verified. RESNET recommends that DOE use the ERI/HERS option for cost-effectiveness analysis because third-party verification means near 100 percent compliance, rather than the assumption of such compliance rates. If DOE continues to utilize prescriptive path compliance in its analysis, RESNET recommends that DOE degrade estimated energy savings, based on DOE's Residential Energy Code Field Study results.

Topic Q09 — Evaluation Period

DOE's 30-year life-cycle evaluation period is appropriate for envelope and structural measures, but RESNET notes that a HERS rating is not tied to any single evaluation period — it recalculates automatically as measures and equipment are updated over a home's life, giving homeowners continuously updated information rather than a static, one-time compliance determination.

Topic Q10 — Transparency in Industry Consensus Processes

DOE specifically requests feedback on alternatives to the IECC and Standard 90.1 that better represent consumer interests. RESNET submits that HERS Index-based compliance pathways, as implemented in Texas, Nevada, Massachusetts and other states and municipalities, are precisely this alternative: transparent to consumers, verified by independent third parties, developed through an open ANSI-accredited standards process, and flexible for builders.

Topic Q12 — Cost Drivers of New Construction

RESNET encourages DOE to recognize that third-party verified performance-based compliance pathways lower net cost to consumers not by regulatory mandate but by unlocking existing market mechanisms — the Section 45L tax credit, GSE green mortgage-backed securities, and utility rebate programs — that are only available where energy performance is independently verified and disclosed.

RESNET submits that the energy code-related cost increases for new residential construction could be alleviated through the incorporation of energy use in the mortgage and appraisal process. In doing so, any increased costs for more efficient construction are reflected in the appraised value and incorporated in mortgage approval as reduced operating costs. This gives consumers more choice and transparency in understanding the long-term affordability of their home.

RESNET acknowledges that this is outside of DOE's purview and strongly encourages engagement with the administration on the administrative options available through the GSE's, FHFA, HUD and USDA.

It's worth noting that the Veteran's Administration has already incorporated energy performance through the HERS Index in its VA Home Loan underwriting process as part of the 2023 Consolidated Appropriations Act, the "The Veterans Home Energy Savings Act" came into law. This legislation amends the VA Home Loan Guarantee Program's process to adjust the residual income calculation for veterans seeking a VA loan.

It's also important to note that prescriptive-based compliance does not open up any benefit for incorporating energy use in the mortgage process because it does not provide an estimated energy use for the home.

IV. Field Data on Verified Performance Versus Prescriptive Compliance

DOE's own commissioned research supports the case for verification. The PNNL Alabama Residential Energy Code Field Study (PNNL-30857, 2022) found that even after a dedicated, multi-year statewide education and training campaign targeting known compliance gaps, field-observed compliance with prescriptive code requirements remained low: 51 percent for envelope air tightness, 37 percent for high-efficacy lighting, and just 16 percent for wall assembly U-factor, even though nominal insulation R-values were installed correctly in nearly all homes.²

The gap between insulation R-value compliance (100 percent) and wall assembly U-factor compliance (16 percent) in that same study is particularly notable: it shows that a prescriptive checklist item can be satisfied on paper while the as-built assembly still underperforms, because installation quality is not captured by a prescriptive minimum. Statewide energy use intensity improved only 3.9 percent over the multi-year study period — short of the threshold DOE itself set for a statistically significant result.

This is the core argument for verification: a prescriptive code specifies what should be installed; a HERS rating measures what was actually built and delivers a number a homeowner, lender, or program administrator can rely on. RESNET submits that DOE's cost-effectiveness methodology should treat verified, rated compliance and unverified prescriptive compliance as different things with different real-world savings profiles, rather than assuming that a code requirement on paper equates to a code requirement delivered in the field.

² Pacific Northwest National Laboratory, Alabama Residential Energy Code Field Study: Final Report (PNNL-30857, September 2022)

V. Conclusion and Recommendations

RESNET recommends that DOE's revised methodology:

1. Recognize HERS Index-based compliance pathways, as implemented in Texas and other states, as a model alternative compliance path under Topic Q10, worthy of the same methodological attention DOE gives to the IECC and Standard 90.1.
2. Incorporate verified, rated-home performance data into DOE's cost and savings modeling (Topics Q04 and Q06), rather than relying solely on assumed prescriptive-path performance.
3. Adopt compliance-pathway flexibility and verification availability as an affordability metric (Topic Q07).
4. Account for the market-driven, non-mandate incentive programs that verified ratings unlock (Topic Q12) when assessing net cost to consumers.

RESNET also encourages DOE leadership to engage with the administration on the administrative options available through the GSE's, FHFA, HUD and USDA to account for utility costs in mortgage underwriting. This is a critical aspect of consumer choice and homeownership affordability.

RESNET appreciates the opportunity to comment and welcomes further engagement with DOE's Building Technologies Office as this methodology is finalized. RESNET welcomes the opportunity to provide additional Texas and other state-level HERS program data and to participate in the stakeholder workshop referenced in this RFI.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shelby M. Gatlin", is positioned above the printed name.

Shelby M. Gatlin
Executive Director

Enclosure:
RESNET® The Texas Bet

The Texas Bet

How Builders and Lawmakers Backed a Better Path to Energy Codes, and Results Exceeded Every Projection

What happens when the government establishes an energy performance goal but allows builders to determine the most cost-effective way to achieve it? Texas decided to find out. In 2021, House Bill 3215 gave builders a new option. Rather than following a one-size-fits-all list of construction requirements, builders could demonstrate equivalent or better energy performance with a verified HERS® Index score. The result was more energy-efficient homes, greater builder participation, and lower costs than many anticipated.

The change wasn't a shot in the dark. It was backed by every Home Builders Association (HBA) in Texas after years of advocating for a verified, performance-based alternative to prescriptive energy codes. Supporters believed that if builders were given a choice, the market would respond. They were right. Adoption exceeded expectations, demonstrating that flexibility, when paired with independent verification, can accelerate energy-efficient construction.

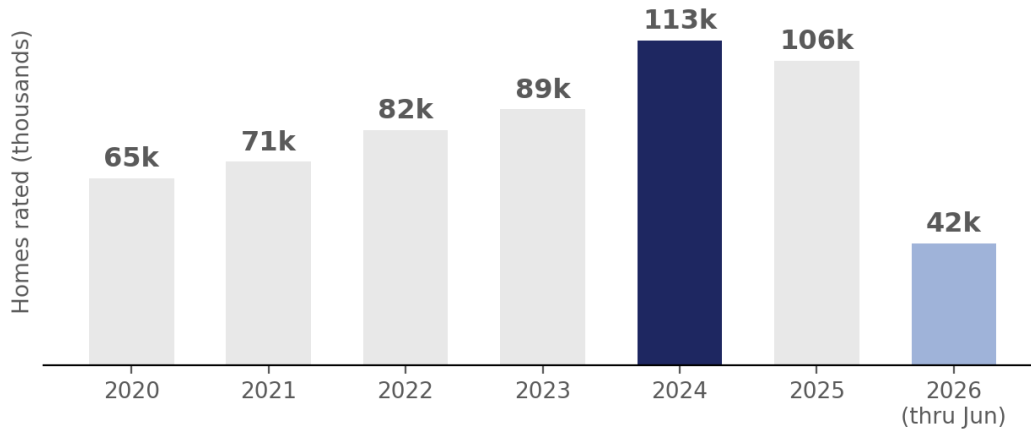
A Bill Built on Industry Expertise, Not Guesswork

House Bill 3215 gave Texas builders a new option: instead of following the state's standard construction code line by line, they could demonstrate compliance by achieving an equivalent—or better—HERS® Index score, regardless of which version of the energy code their local jurisdiction had adopted. The law was designed to remain in effect for a full decade, providing builders with the certainty needed to optimize home designs, control costs, and plan for the future.

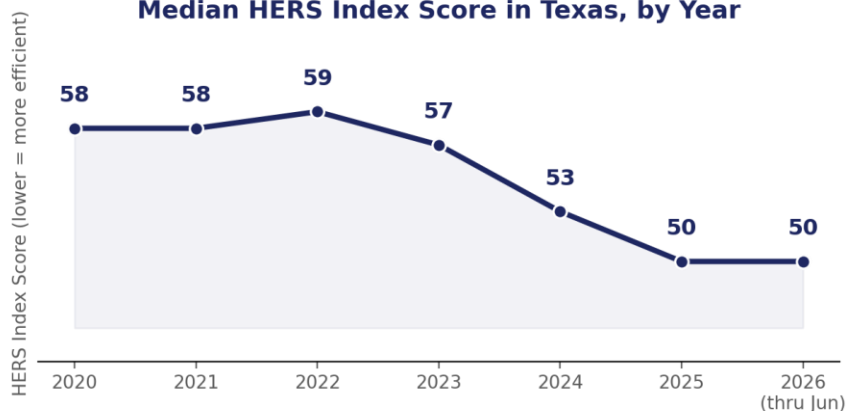
Builder associations that helped shape the bill's development knew what they were supporting. Advancing building code language through the legislature is rarely simple — competing interests and technical complexity make it difficult to translate industry expertise into workable statute — but HB 3215 struck a balance that held up in practice. Energy rating professionals who worked alongside builders on the new pathway saw the same thing: a genuinely rigorous benchmark that still gave builders far more flexibility than the prescriptive code it replaced.

Adoption and Performance That Outpaced Expectations

HERS® Ratings Issued in Texas, by Year



Median HERS Index Score in Texas, by Year



**The 2026 bar reflects partial-year data only — ratings issued through June 24, 2026, not a full year — so it is not directly comparable to prior full-year totals.*

Builders embraced the new compliance pathway quickly. The number of homes receiving a HERS rating in Texas grew from approximately 65,000 in 2020 to a peak of nearly 113,000 in 2024, while the median HERS Index score improved from 58 to 50 over the same time period— a faster and more significant improvement than is typically achieved through prescriptive code change alone. This success built on a program that was already well established: Since 2013, more than 843,000 Texas homes have received a HERS rating, including over 309,000 ENERGY STAR-certified homes and more than 12,000 DOE Zero Energy Ready Homes.

The benefits are reflected directly in Texans' utility bills. Compared to homes built using the prescriptive energy code, homes rated under this performance pathway in 2024 are estimated to save homeowners more than \$58 million in annual energy costs—while reducing electricity consumption by more than 325 million kilowatt-hours and natural gas use by 4.4 million therms. The resulting emission reductions are equivalent to removing more than 29,000 cars from the road. Since 2013, HERS Rated

homes in Texas are estimated to deliver more than \$620 million in annual energy savings, built by a network of more than 3,500 builders and 200-plus certified rating companies.

A Win for Builders and Buyers Alike

For Builders

- **Predictability.** HERS Index targets are published years in advance and remain in place for a decade, giving builders the certainty to plan home designs, material selections, and labor costs without having to adjust to changing code cycles.
- **Flexibility.** A HERS Index target can be achieved using the most cost-effective combination of building materials, products, and energy-efficiency improvements for a home’s design, location, and climate; rather than requiring every prescriptive measure, regardless of cost.
- **Access to incentives.** A verified HERS Index score may qualify homes for the Fannie Mae and Freddie Mac green mortgage-backed securities programs, and utility rebates. These benefits are available only after a home’s energy performance is independently verified.
- **A marketing advantage.** A HERS Rating provides an independently verified measure of a home's energy performance, enabling builders to differentiate their homes in the marketplace, demonstrate value to buyers, and support sustainability reporting.

For Buyers

- **Lower monthly utility bills.** A lower HERS Index score indicates a home was built to waste less energy, resulting in lower heating, cooling, and electricity costs.
- **A more comfortable home.** The same improvements that contribute to a lower HERS Index score — such as sealing air leaks and tightening ductwork — help reduce drafts and maintain more consistent temperatures throughout the home. Every HERS Rating also guarantees a quality inspection by specially trained and certified RESNET HERS® Rater.
- **Real transparency.** Instead of relying on a builder's claim about a home's energy performance, homebuyers receive an independently verified HERS Index score—providing a trusted, standardized measure of efficiency, much like a vehicle's fuel economy rating.

Texas HERS® Ratings by Major Market (Cumulative, 2013–2025)

Metro Area	HERS® Ratings
Houston	309,927
Dallas–Fort Worth	240,558
San Antonio	128,598
Austin	106,884

Success in Texas extends well beyond the state's major metropolitan areas. HERS Ratings are now common in dozens of smaller communities, demonstrating that builders of every size are embracing this flexible, performance-based compliance pathway. The municipalities below illustrate the broad adoption of the HERS Index option throughout Texas.

Municipality	HERS® Ratings	Municipality	HERS® Ratings
El Paso	9,107	Portland	921
Corpus Christi	6,519	Copperas Cove	920
Killeen	2,708	Midland	685
Temple	2,271	Fredericksburg	680
Horizon City	2,210	Beaumont	676
Waco	1,921	Harker Heights	651
McAllen	1,679	Edinburg	629
Bryan	1,573	Kerrville	615
Sherman	1,485	Lorena	572
Brownsville	1,270	Tyler	551
Van Alstyne	1,245	Rockport	542
Belton	1,069	Other	17,905
Odessa	1,003		
College Station	989		

A Model Other States Are Now Watching

In 2025, jurisdictions across Southern Nevada adopted a similar approach, recognizing the HERS Index as a pathway for complying with local energy code requirements. While implementation is still in its early stages, the decision demonstrates that Texas is not an outlier. When builder associations and policymakers create compliance pathways built on market incentives rather than prescriptive mandates—and those pathways succeed at scale—other states take notice. That trend continued July 1, 2026, when Utah adopted the 2024 IECC with a HERS Index target of 67, providing builders with a streamlined, performance-based compliance option that advances both affordability and energy efficiency.

The Bottom Line

This wasn't a leap of faith that simply happened to work out. It was a deliberate bet by Texas home builders, policymakers, and a legislator who understood the industry to create a compliance pathway built on choice rather than mandates, and to trust the market to respond. It did — with greater builder participation, better HERS Index scores, and larger energy savings than even the bill's supporters anticipated. This isn't just a Texas story; this is a blueprint for other states.

To learn more about the HERS Index, find a certified HERS Rater, or explore how a HERS-based compliance pathway could work in your state, visit RESNET.org or contact Programs@resnet.us

Source: RESNET National Registry, RESNET® HERS® Rating Activity in Texas (2020–2026);