



Tribal Building Energy Codes: *Who, What, When, Where and Why*

What are Tribal building energy codes?

Tribal building codes specify the legal minimum requirements for design and construction. Energy codes set the minimum efficiency standards for the building envelope (insulation, windows, and air sealing), mechanical equipment, and lighting in newly built residential and commercial structures, as well as for additions or modifications to existing buildings. Like mechanical, plumbing, and fire codes, energy codes are a subset of mandatory building codes, and their purpose is to safeguard the health, safety, and welfare of occupants.

Who creates building energy codes?

National model energy codes are created and published by two main organizations: the International Code Council (ICC), which handles the residential and commercial versions of the International Energy Conservation Code (IECC), and ASHRAE, which oversees Standard 90.1 for commercial buildings. After their release, independent third parties review the codes to verify that new requirements are cost-effective. Both sets of model codes are updated every three years and serve as the foundation for most state, local, and Tribal energy codes.

As sovereign nations, Tribal nations have the right to enact and enforce building energy codes. Building codes enacted by Tribal councils establish legal minimum standards for the design, construction, modification, efficiency, and maintenance of structures on tribal lands.

Most Tribal Nations do not develop their codes from the ground up. Instead, they begin with common draft language—known as model codes—which the enacting jurisdiction can modify to suit the Tribal Nation's climate, needs, and traditions.

When are new building energy codes enacted?

The frequency of code updates is set by the enacting tribal jurisdiction. Some Tribal jurisdictions may choose to require regular updates every three or six years, while others may update only when necessary.

How are building energy codes enforced?

To fully realize the cost savings and other benefits, jurisdictions must not only pass an energy code but also enforce it. Building energy codes are generally enforced by local or Tribal code officials who review plans and physically inspect buildings for compliance. In some cases, qualified third parties (e.g., energy raters, third-party verifiers, diagnostic testers) are hired by the code official or the home builder to conduct plan reviews and inspections.

The [Native American Code Officials \(NACO\)](#), a sovereign chapter of the ICC, serves as a resource for Tribal Nations seeking to implement building codes that are tailored to their Tribe's needs and traditions. NACO provides educational seminars, training programs and mentorship opportunities for code officials working in Native nations.

Why are building energy codes necessary?

Enacting and implementing updated energy code standards ensures many significant environmental, financial, health and resilience benefits. A few of them include:

- **Reducing overall energy consumption and greenhouse gas emissions.** On average, residential and commercial buildings are responsible for around 38% of the nation's energy use—more than either the transportation or industrial sectors.

- Increasing energy and cost savings—using less energy means spending less money on utility bills and maintenance costs. Of all the building codes, ***the energy code is the only one to put money back in the pockets of building owners and homeowners***¹
- Improving indoor air quality** by managing moisture and air leaks helps prevent rot, mold, and mildew inside, while also reducing outdoor air pollutants that can enter. This improves health and lowers the risk of lung disease and heart problems.
- Updated energy codes **protect Tribal members** when constructing a new building or buying a new home. Most people trust that new buildings are constructed to the most up-to-date building standards, and they likely do not know how to ask about energy-efficiency measures. Updated energy codes help ensure that expectations are met.

- Creating jobs in the building industry** by creating demand for new skills and expertise related to best practices and new technologies. This can lead to economic growth.
- Reducing overall energy consumption helps utilities **reduce the strain on the grid** and better manage distribution during peak demand hours.

The cheapest unit of energy is that which you don't use; efficiency gains from updated codes lower monthly utility bills, creating savings for occupants. The most cost-effective time to implement energy efficiency measures is during the initial design and construction phase, ensuring these benefits last throughout the building's lifetime.

Over a 30-year mortgage, 2021 IECC standards will save the average single-family homeowner \$25,100 in energy bills and produce a net savings of an estimated \$15,000 per household after costs.²

¹ U.S. Department of Housing and Urban Development, Minimum Energy Standards: Final Determination, <https://www.hud.gov/stat/cpd/mes-notice>

² Costs being 1) increased mortgage payment, 2) mortgage insurance premium and 3) property taxes from the added cost of the energy investment; standards as compared to the 2009 IECC.

Michigan Tribal Code Initiative Who We Are and How We Work

The Inter-Tribal Council of Michigan (ITCM) is a non-profit organization that serves as a forum and advocacy group for 12 federally recognized Native American Tribes in Michigan.

The Bay Mills Indian Community (BMIC) is a federally recognized Ojibwe Tribe located in Brimley, Michigan.

The Midwest Energy Efficiency Alliance (MEEA) is a collaborative network, promoting energy efficiency to optimize energy generation, reduce consumption, create jobs, and decrease carbon emissions in all Midwest communities.

Slipstream is a nonprofit that develops and scales energy efficiency programs with a focus on climate solutions for buildings.



For additional information or questions, contact:

Laura Manthe, Slipstream | Senior Manager—Indigenous Community Outreach | 920.309.7453 | lmanthe@slipstreaminc.org
Bill Bernier, R.S., Inter-Tribal Council of Michigan | Environmental Services Director | 906.632.6896 x 115 | bbernier@itcmi.org