

August 4, 2025

Regulations Division, Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

[Docket \(HUD-2023-0034\)](#);FR-6271-N-05 Adoption of Energy Efficiency Standards for New Construction of HUD- and USDA-Financed Housing; Notice for Comment

Dear Regulations Division:

Thank you for the opportunity to submit comments in response to your notice. These comments are submitted on behalf of the low-income clients of the National Consumer Law Center. Since 1969, the nonprofit [National Consumer Law Center® \(NCLC®\)](#) has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people in the United States. NCLC's expertise includes policy analysis and advocacy; consumer law and energy publications; litigation; expert witness services, and training and advice for advocates. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, and federal and state government and courts across the nation to stop exploitative practices, help financially stressed families build and retain wealth, and advance economic fairness.

As HUD and USDA review their recently published [Final Determination](#) from April 25, 2024, adopting the 2021 IECC and ASHRAE 90.1-2019 energy codes as minimum requirements for programs covered under the Energy Independence and Security Act of 2007 (EISA), we write to express support for the Determination and to urge the agencies to retain this important set of standards. The Final Determination, which found that adoption of the energy codes would have no negative impact on the affordability and availability of EISA-covered housing, paves the way for essential improvements to new building construction that will make housing more affordable for low- and moderate-income homeowners and renters by lowering utility bills while generally covering the costs of the improved standards overall. It also would provide more resilient new housing to address shelter needs in the face of increasing natural disasters. We note that the agencies also found that several alternative compliance paths, including the 2024 IECC, ENERGY STAR, and various green building standards, ensure at least as much energy savings as the codes and can be used instead.

A recent [Federal Reserve Board paper](#) found that 20% of the families in the study were energy-burdened. Similarly, in 2020, data from the U.S. Energy Information Administration's [Residential Energy Consumption Survey](#) showed that 27% of U.S. households experienced energy insecurity, with 30% of households in the South having difficulty meeting their energy needs. Thus, building more efficient housing can provide energy insecure families with more sustainable utility bills and therefore with more affordable housing. If new builds do not

incorporate these new standards, these buildings will create higher energy burdens for residents for decades to come—both the original residents and the subsequent owners and renters. It also can make housing more resilient. Moreover, as climate change increases the frequency of extreme temperatures, electricity demand and therefore energy costs for many homes are expected to rise for both heating and cooling.

The projected cost savings for families of the newly adopted codes is significant. In HUD and USDA's [Final Determination](#), the analysis found an average of more than \$15,000 life-cycle cost savings for single-family homes (Table 9) and roughly \$6,000 per multifamily unit (Tables 14 and 26) compared to their current requirements. In fact, HUD and USDA found the codes would save an average of almost \$1,000 in single-family home energy bills each year (Table 9).

Home energy standards reduce risk to government-backed mortgage programs. By lowering overall monthly costs, improved energy codes increase the ability of borrowers overall to make mortgage payments. Home energy standards also increase housing resiliency by allowing residents to safely stay in their homes for far longer during extreme heat or cold events that may disrupt power, as well as by avoiding moisture and mold damage. The increased resiliency also makes homes better able to withstand natural disasters, decreasing rebuilding and insurance costs. In addition, home energy standards improve resident health. Up-to-date energy codes yield healthier indoor air quality and more comfortable homes. Reduced exposure to indoor and outdoor air pollutants and mold in homes can lessen detrimental health effects.

The housing finance programs at HUD and USDA are intended to promote affordable homeownership. Retaining the Final Determination that supports the updated energy efficiency building codes will contribute to affordable homeownership and housing resiliency for the initial residents of these properties as well as those who subsequently reside in them.

Thank you for your consideration. For further discussion, I can be reached at acohen@nclc.org.

Sincerely,

Alys Cohen
Director of Federal Housing Advocacy
National Consumer Law Center