

Meeting of the Norwich Energy Committee  
Tuesday, 11/28/23, 7 pm, via Zoom

Attending: Rob Gere, Linda Gray, Garret Heaton, Charlie Lindner, Erich Rentz (chair), Eva Rosenbloom, Brad Wible

1. The 10/24 minutes and the 11/28 amended agenda (changes: no UVTMA report, reimbursement request under Other Business) were approved by consensus.

2. Updates

a. Button Up: Outreach at the fire station on Halloween went well; much “swag” from Efficiency VT was given out, but it’s likely that most people didn’t know that the Energy Committee was the table host. The solar panel “costume” is available for future outreach. Outreach at the transfer station on 11/4 went very well, with steady conversations and no difficulty in getting people over to talk – like “office hours” for the Energy Committee. Discussion about tracking statistics on contacts, audits and weatherization by Norwich residents. Linda will email HEAT Squad re audits, and Efficiency VT for stats on weatherization by residents.

3. Energize UV 2.0: The Hartford Energy Commission has invited the Norwich Energy Committee to cosponsor another “Energize” event, or series of events. They plan to present two of of VEEP’s community [workshops](#), on Home Heat Transfer and Home Electrification. NEC involvement would include promoting the events, providing event volunteers, and recruiting residents who would train as “energy ambassadors” (ie, like our Norwich Neighbors). Motion (Linda move, Rob second) to cosponsor approved unanimously. Erich will confirm with the Hartford contacts and let the Town Manager know of the NEC’s involvement.

4. Kids Climate Club: May Thomasson, a 5<sup>th</sup> grader at Marion Cross, emailed the NEC to note that she has started a Climate Club for kids at the Norwich Public Library (sponsored by the Children’s Librarian, Erin Davison); they had their first meeting 11/13. She asked if there are projects the Norwich Energy Committee has in mind or is working on that the members of the Climate Club could help with, and whether someone from the Norwich Energy Committee might talk to the Climate Club at one of our meetings. Agreement for Erich to follow up and Brad to gather age-appropriate ideas from his wife, librarian at MCS.

5. Selectboard Correspondence:

- Erich has submitted a narrative from the NEC for the Town Report for FY 23; he will send the file to Linda for inclusion on the NEC web site.
- re the Rte 5 bike corridor survey, Rob reported that the Planning Commission now has a Multi-modal Transportation subcommittee, which solicited public comments for the VTrans survey on the idea of a bike corridor. In Norwich the Planning Committee and the Selectboard have each responded to the survey, as have other Rte 5 towns. Linda noted the Valley News [article](#); outreach about the survey was successful, such that it will be hard for VTrans to ignore the corridor concept moving forward, and there’s now a stronger foothold for more advocacy.

6. IREC (Energy Coordinator) report: Linda reported that Jeff Grout is working on data, tracking and allocating net-meter credits across Town accounts with GMP and getting a 12-month extension of the network and maintenance coverage for the EV station at D&W with no further payments (in light of the 12-months spent on repairs). She summarized two multi-town initiatives of the IREC Steering Committee: 1) compiling information for individuals on home energy rebates and incentives, to be

available on the TRORC web site for towns to link to; the information has been written up, TRORC staff still have to get it live, and 2) better compliance with Residential Energy Building Standards; the subcommittee pursuing this recently provided comments to the Building Energy Code Study Committee (set up by the legislature last session, meeting since the summer), attached to these minutes.

7. UVTMA Report: no report, dropped in agenda review

8. 2024 Planning and Goals Brainstorm: discussion covered...

- status of NEC contact with School Board re switch from oil to propane for MCS heating (choice will be connected to work on septic system)
- NEC role in promoting IRA rebates that are expected to roll out in 2024; we'll have to monitor progress on VT implementation
- advocate for a plan on clean energy heating at Tracy Hall, and for planning for a "green fleet"
- NEC chair seek to meet with Town Manager to offer support, information, resources on energy-related topics, highlighting the [recommendations](#) of the Article 36 Task Force
- Charlie will draft a calendar for 2024 activities, for further discussion in January
- VECAN staff are considering a promotion of heat pumps through town energy committees around the state; no details yet

9. Other business: Linda described expenditures she made for the Halloween outreach (candy, and materials for the solar panel costume) totalling \$41; motion (Erich move, Brad second) to approve submission for reimbursement from the NEC budget, approved unanimously.

10. Public comment and correspondence: none

Adjourned at 8:35. Consensus to skip the December meeting; the fourth Tuesday in January is 1/23.

submitted by Linda Gray



Linda Gray &lt;linda.c.gray@gmail.com&gt;

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## comments for BEC Study Committee

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Linda Gray &lt;linda.c.gray@gmail.com&gt;

Thu, Nov 16, 2023 at 3:26 PM

To: keith.levenson@vermont.gov

Cc: Nancy Jones &lt;npj.4251@gmail.com&gt;, Erica Ko &lt;ericako@gmail.com&gt;, "Ryan Haac (thaacr@gmail.com)"

&lt;thaacr@gmail.com&gt;, David Lutz &lt;jdlutz1965@gmail.com&gt;, Jenevra Wetmore &lt;director@sustainablewoodstock.org&gt;, Jeff Grout &lt;jgrout@trorc.org&gt;

Bcc: Matt Christie &lt;matthew.b.christie@gmail.com&gt;

To the members of the Building Energy Code Study Committee,

We are members of a six-town group brought together by jointly funding and working with a shared energy coordinator to strengthen our regional impact through collaboration. We, as the steering committee, direct the work of our energy coordinator and have been wrestling for several years with how to ensure that houses built in our towns consistently comply with residential energy codes.

We have been following the work of the Study Committee and applaud your efforts. Building energy efficiency is a foundational area for climate action; Vermont will not meet its mandated emissions reductions without genuine improvements here.

We know that the Study Committee is finalizing its report to the legislature and have reviewed two of the early drafts. We provide these comments for your consideration:

- We strongly encourage the Study Committee to recommend a path for mandatory training, education, and contractor certification/licensing. This will be a significant change in Vermont, and it's time to initiate it. Ultimately, code compliance and enforcement can't happen without context and consistent application and comprehension. Your discussions have highlighted how important it is to have uniform understanding among the trades of the building science and the material and mechanical impacts on building assemblies. The Study Committee ought to lay out a timetable for gradually increasing requirements, from registry to voluntary certification to licensing. The timeframe could be 10 years, providing businesses plenty of time to plan, participate, and comply.
- There must be long-term funding and staffing for training programs to fulfill the certification / licensing goal.
- We agree that a single agency with jurisdiction is crucial and urge you to clarify the process, funding, and timeline that will be needed to build the Division of Fire Safety from a handful of inspectors focused on life and safety in the commercial building sector only, to an organization that is able to provide oversight of all residential projects and have the requisite knowledge of building science to enforce and prioritize energy code.
- In order to clarify how the AHJ will be providing energy code compliance inspections, we urge you to identify whether all towns will be required to do Certificates of Occupancy for residential projects, who will do that in small towns, and what will trigger inspection without a C of O process.
- As the expansion of DFS's scope, responsibilities, personnel and knowledge base will take a significant amount of time, we encourage you to identify pathways to improve compliance in the immediate future. A simple initiative on which we urge you to recommend legislative action is to give towns the authority to opt to restrict RBES compliance to the HERS method only, instead of the current three pathways for builders/homeowners to comply. The other two pathways rely on self-certification and towns typically have no inspectors to confirm actual compliance. Only the HERS rating method incorporates verification of code compliance as well as support for the builders to achieve it. Attached are a description of this proposal and a suggested statute revision. Time is of the essence when it comes to the ever-growing impacts of climate change, and we hope that you will see the need for legislative actions that have the potential for immediate impact in addition to the long term.

Thank you again for your work and opportunity to share our thoughts,

The Intermunicipal Regional Energy Coordinator (IREC) Steering Committee

Nancy Jones      Linda Gray      Erica Ko

Bradford                      Norwich                      Thetford

Ryan Haac                      David Lutz                      Jenevra Wetmore

Sharon                      Strafford                      Woodstock

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**2 attachments**

 **2022-12-05-RBES HERS compliance.pdf**  
127K

 **RBES HERS compliance suggested edits -30 V.S.A. § 51 .pdf**  
67K

## VERMONT RESIDENTIAL ENERGY CODE (RBES) – 12/05/22

**Thermal energy use in buildings is the second largest source of Vermont's GHG emissions.** While the weatherization of our existing housing stock is critical to lowering these emissions, new construction and renovations present an opportunity to do it right the first time and avoid emissions throughout the building's life.

**Vermont requires all residential construction (new, renovations, additions, etc.) to comply with the state energy code** – the Residential Building Energy Standards (RBES). This mandated code should result in energy efficient buildings which are also durable and healthy. These standards are an essential tool to meet state and municipal goals and are aligned with national efficiency standards.

### FAILURES IN ENERGY CODE COMPLIANCE

**Unfortunately, the RBES has a poor level of compliance** (declining in compliance from 76% to 66%, 2009 code to 2011 code, based on the last study completed by the Department of Public Service). RBES has since been updated in 2015, 2020, and likely will be updated again in 2023, so compliance has likely declined even further.

**There are several reasons why compliance is poor:**

- **Compliance relies on self-certification** by builders that their projects meet the current energy code, but there are no checks in place to verify that they have done so.
- The code requires builders to file a certificate outlining energy code compliance with the municipality and DPS at the conclusion of construction, but there is **no verification process in place for receipt of the compliance certificates** at the town or state level, nor do local officials have the expertise to evaluate the certificates.
- **Building science has grown increasingly complex**, with sophisticated systems to ensure the energy efficiency and durability of the building and the health of its occupants. It is difficult for builders to prioritize keeping up with the energy code when compliance is not enforced.

**Consequences:**

- **Builders that comply are being undercut** by those who are not meeting the standards.
- **Builders who do not meet the standards are at risk of being sued** by homeowners.
- **Residents may not be getting the level of efficiency, durability and safety** in their homes **that the state is promising them.**
- **Homes cost more to operate and repair**, creating a long-term burden on residents/owners and degrading the assessed values used to fund the municipal budget.
- Homes built to lesser performance standards **contribute more to GHG emissions than they would if they complied with RBES.**

### PROPOSED MUNICIPAL REGULATORY SOLUTION

**Require that builders use the Home Energy Rating method to comply with RBES for new construction.**

The state permits (3) pathways to comply with RBES:

- 1) **Prescriptive method** – meeting a detailed and complex checklist of requirements for insulation, HVAC equipment, air tightness, efficient lighting, plumbing, appliances, and more.

2) **REScheck Software method** – use a program to input the systems and detailed components of your project to determine if it complies with energy code (very rarely, if ever, used by standard builders).

3) **Home Energy Rating System (HERS) method** – work with a third-party, certified HERS Rater who will assist the builder in understanding and meeting the energy code, and who verifies that RBES has been met through energy modeling and blower door testing, resulting in a HERS Index, or score.

**The first two methods rely entirely on self-certification**, and without building inspectors, there is no way of verifying that RBES has been met. **The HERS method enlists professionals who** have expertise in building science, a comprehensive understanding of Vermont energy code, and access to sophisticated energy modeling software to **verify that the energy code is met.**

**Requiring this compliance pathway for new construction would:**

- Ensure that independent, highly qualified professionals are certifying that construction is meeting the mandatory state energy code.
- Improve the quality of construction and ensure that residents are getting what they pay for – an energy-efficient, environmentally-friendly, healthy, and durable home.
- Provide building science expertise to support builders from the start of a project to the finish. Reward builders that are regularly meeting code, while requiring others to do so.
- Ensure a path for compliance before construction begins with the HERS plan review process.
- Help the municipality and the state meet its energy and climate goals.

Requiring the HERS compliance pathway achieves the above objectives **without placing additional burden on town staff or the municipality.**

- Staff would not be expected to take on additional responsibility. The applicable staff person simply verifies that the builder is working with a HERS rater before issuing a permit, and that an RBES certificate and final documentation from a certified HERS Rater has been filed at the end of the project.
- The town does not need to hire a building inspector.

Finally, the cost of compliance would be a **minimal investment** by the homeowner in the long-term performance, energy-efficiency, durability, and health of their home.

- An average fee for a HERS Rater ranges from \$1,500 – \$2,500. This is minimal compared to the total cost of a new home and the long-term savings associated with energy efficient construction.

### **SUGGESTED MUNICIPAL ZONING REGULATION LANGUAGE**

The Vermont Residential Building Energy Standards (RBES) - 30 V.S.A. § 51 is the energy code for all residential buildings 3 stories or less above grade in Vermont. This code is designed to protect consumers against health and safety hazards associated with improper construction methods, lower energy bills, and reduce greenhouse gas emissions. The RBES sets three compliance pathways: a “Prescriptive Method”; a “REScheck Software Method”; and a “Home Energy Rating Method”. In order to strengthen compliance with State law, all new construction that is required to meet RBES under 30 V.S.A § 51, as defined in the RBES, must comply using the “Home Energy Rating Method”, with the exception of Alterations, Repairs, Changes in Space Conditioning, Changes in Use, and factory-built

modular homes. For all new construction subject to the HERS requirement, a preliminary HERS Rating meeting the Rating Index noted in currently adopted version of the RBES from a certified HERS rater shall be a condition for a permit.

## **FAQS:**

### **1. What is the Home Energy Rating System (HERS)?**

[HERS](#) is a nationally recognized system for inspecting and calculating a home's energy performance and results in a score between 0-100 (lower being better, with a net zero home getting a score of 0). VT RBES 2020 requires a score of 61 or less to meet the base energy code.

[RESNET](#) oversees a [HERS Provider](#) network. The Providers deliver trainings, certifications, and do QA/QC over HERS Raters and certify them.

### **2. What is the process of working with a HERS rater like?**

1) Plan Review – prior to permitting, the builder/homeowner sends plans and specifications to the HERS rater, which is typically followed by a call where the HERS rater can ask questions and make suggestions to fill in any undetermined information, including what the strategies will be for insulation, air sealing, heating (including duct design), cooling, ventilation, hot water; the sizes and U-values of windows; and plans and sections of the building so that the HERS rater can model it in 3D.

2) Preliminary HERS Index (score) – the rater will use the information to generate a preliminary score to ensure that the project is on track to meet energy code. This is also an opportunity to make adjustments before construction starts to improve the projected score if needed or desired. Adjustments to the model can also be made during construction to ensure the building is still on track even if components are changed.

3) Insulation Inspection – the rater will visit the site to inspect the insulation prior to sheet rock being installed. Proper installation of air sealing and insulation is essential to the building's performance. (An intermediary blower door test may also be performed in complex buildings, if there are specific concerns, or if it is desired).

4) Final Inspection – when the home is complete, the rater will do a final inspection, including a blower door test to measure the home's airtightness.

5) Final Model & HERS Index – the rater creates a final model which generates the HERS score and provides documentation supporting that score, which the builder will use to complete the Vermont Residential Building Energy Standards Certificate demonstrating their compliance with the code. The builder is then required to send a copy of the certificate to the Town Offices, the VT Dept. of Public Service, and install the original on or near the electrical panel or heating equipment of the home.

### **3. How much does getting a HERS rating cost?**

Fees vary by HERS rater, but generally range between \$1500-\$3000 depending on the project size, complexity and travel distance.

#### **4. Are there any HERS raters that will serve our area?**

Here are just a few raters that we have confirmed will work in the Upper Valley, however homeowners and builders are free to work with any certified HERS rater.

- [HIS & HERS Energy Efficiency](mailto:info@hefficiency.com) – [info@hefficiency.com](mailto:info@hefficiency.com), 413.658.884
- [Performance Home Ratings](mailto:bill@performancehome.net) – [bill@performancehome.net](mailto:bill@performancehome.net), 978.918.5073
- [Building Efficiency Resources \(BER\)](mailto:info@theber.com) – [info@theber.com](mailto:info@theber.com), 800.399.9620

DRAFT

**Title 30 : Public Service**

**Chapter 002 : Building Energy**

**Subchapter 001 : Building Energy Standards**

**(Cite as: 30 V.S.A. § 51)**

**§ 51. Residential building energy standards; stretch code**

(a) Definitions. In this subchapter, the following definitions apply:

(1) "Builder" means the general contractor or other person in charge of construction, who has the power to direct others with respect to the details to be observed in construction.

(2) "Residential buildings" means one-family dwellings, two-family dwellings, and multi-family housing three stories or less in height.

(A) With respect to a structure that is three stories or less in height and is a mixed-use building that shares residential and commercial users, the term "residential building" shall include the living spaces in the structure and the nonliving spaces in the structure that serve only the residential users such as common hallways, laundry facilities, residential management offices, community rooms, storage rooms, and foyers.

(B) "Residential buildings" shall not include hunting camps.

(3) "Residential construction" means new construction of residential buildings, and the construction of additions, alterations, renovations, or repairs to an existing residential building.

(4) "IECC" means the International Energy Conservation Code of the International Code Council.

(5) "Stretch code" means a building energy code for residential buildings that achieves greater energy savings than the RBES and is adopted in accordance with subsection (d) of this section.

(b) Adoption of Residential Building Energy Standards (RBES). Residential construction shall be in compliance with the standards adopted by the Commissioner of Public Service in accordance with subsection (c) of this section.

(c) Revision and interpretation of energy standards. The Commissioner of Public Service shall amend and update the RBES by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the energy standards to ensure that, to comply with the standards, residential construction must be designed and constructed in a manner that complies with the 2009 edition of the IECC. After January 1, 2011, the Commissioner shall ensure that appropriate revisions are made promptly after the issuance of updated standards for residential construction under the IECC. The Department of Public Service shall provide technical assistance and expert advice to the Commissioner in the interpretation of the RBES and in the formulation of specific proposals for amending the RBES. Prior to final adoption of each required revision of the RBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders, builders, building designers, utility representatives, and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The

Advisory Committee may provide the Commissioner with additional recommendations for revision of the RBES.

(1) Any amendments to the RBES shall be:

(A) consistent with duly adopted State energy policy, as specified in section 202a of this title, and consistent with duly adopted State housing policy;

(B) evaluated relative to their technical applicability and reliability; and

(C) cost-effective and affordable from the consumer's perspective.

(2) Each time the RBES are amended by the Commissioner, the amended RBES shall become effective upon a date specified in the adopted rule, a date that shall not be less than three months after the date of adoption. Persons commencing residential construction before the effective date of the amended RBES shall have the option of complying with the applicable provisions of the earlier or the amended RBES. After the effective date of the original or the amended RBES, any person commencing residential construction shall comply with the most recent version of the RBES.

(3) In the first cycle of revision of the RBES, the Commissioner shall establish standards for ventilation and shall consider revisions, including:

(A) a requirement for sealed combustion, induced or forced draft combustion equipment when exhaust-only ventilation systems are installed; and

(B) a requirement for adequate replacement air ducted directly to the combustion area of wood and pellet stoves and fireplaces.

(4)(A) As the Model Energy Code is primarily a performance-based code, the Department of Public Service shall develop and disseminate criteria that builders may use, **except as restricted by Section (f)(1)**, in lieu of any computer software, calculations and trade-off worksheets, or systems analysis to comply with the Code. An example package which complies with the Code shall be included in the rules and updated as appropriate.

(B) To provide for flexibility, additional packages which are equivalent to the example package under chapter 9 of the Model Energy Code and which satisfy the performance approach shall be developed by July 1, 1997 and disseminated by the Department of Public Service. Each time the RBES are amended by the Commissioner, the Department of Public Service shall develop modified compliance packages which will become available to the public by the date that the amendment becomes effective.

(5) A home energy rating conducted at the time of construction by a Vermont-accredited home energy rating organization shall be an acceptable means of demonstrating compliance if the rating indicates energy performance equivalent to the RBES.

(6) The Advisory Committee convened under this subsection, in preparing for the RBES update required on or about January 1, 1999, shall advise the Commissioner of Public Service with respect to the coordination of the RBES amendments with existing and proposed demand-side management programs offered in the State.

(d) Stretch code. The Commissioner may adopt a stretch code by rule. This stretch code shall meet the requirements of subdivision (c)(1) of this section. The stretch code shall be available for adoption by municipalities under 24 V.S.A. chapter 117 and, on final adoption by the Commissioner, shall apply in proceedings under 10 V.S.A. chapter 151 (Act 250) in accordance with subsection (e) of this section.

(e) Role of RBES and stretch code in Act 250. Substantial and reliable evidence of compliance with the RBES and, when adopted, the stretch code established and updated under this section shall serve as a presumption of compliance with 10 V.S.A. § 6086(a)(9)(F), except no presumption shall be created insofar as compliance with subdivision (a)(9)(F) involves the role of electric resistance space heating. In attempting to rebut a presumption of compliance created under this subsection, a challenge may only focus on the question of whether or not there will be compliance with the RBES and stretch code established and updated under this subsection. A presumption under this subsection may not be overcome by evidence that the RBES and stretch code adopted and updated under this section fail to comply with 10 V.S.A. § 6086(a)(9)(F).

(f) Certification.

(1) Issuance; recording. A certification may be issued by a builder, a licensed professional engineer, a licensed architect, or an accredited home energy rating organization. If certification is not issued by a licensed professional engineer, a licensed architect, or an accredited home energy rating organization, it shall be issued by the builder. **Municipalities shall have the option to require certification of compliance with RBES by an accredited home energy rating organization, and this option shall be available for adoption by municipalities under 24 V.S.A. chapter 117.** Any certification shall certify that residential construction meets the RBES. The Department of Public Service will develop and make available to the public a certificate that lists key features of the RBES. Any person certifying shall use this certificate or one substantially like it to certify compliance with RBES. Certification shall be issued by completing and signing a certificate and permanently affixing it to the outside of the heating or cooling equipment, to the electrical service panel located inside the building, or in a visible location in the vicinity of one of these three areas. The certificate shall certify that the residential building has been constructed in compliance with the requirements of the RBES. The person certifying under this subsection shall provide a copy of each certificate to the Department of Public Service and shall assure that a certificate is recorded and indexed in the town land records. A builder may contract with a licensed professional engineer, a licensed architect, or an accredited home energy rating organization to issue certification and to indemnify the builder from any liability to the owner of the residential construction caused by noncompliance with the RBES.

(2) Condition precedent. Provision of a certificate as required by subdivision (1) of this subsection shall be a condition precedent to:

(A) issuance by the Commissioner of Public Safety or a municipal official acting under 20 V.S.A. § 2736 of any final occupancy permit required by the rules of the Commissioner of Public Safety for use or occupancy of residential construction commencing on or after July 1, 2013 that is also a public building as defined in 20 V.S.A. § 2730(a); and

(B) issuance by a municipality of a certificate of occupancy for residential construction commencing on or after July 1, 2013, if the municipality requires such a certificate under 24 V.S.A. chapter 117.

(g) Action for damages.

(1) Except as otherwise provided in this subsection, a person aggrieved by noncompliance with this section may bring a civil action against a person who has the obligation of certifying compliance under subsection (e) of this section. This action may seek injunctive relief, damages, court costs, and attorney's fees. As used in this subdivision, "damages" means:

(A) costs incidental to increased energy consumption; and

(B) labor, materials, and other expenses associated with bringing the structure into compliance with RBES in effect on the date construction was commenced.

(2) A person's failure to affix the certification as required by this section shall not be an affirmative defense in such an action against the person.

(3) The rights and remedies created by this section shall not be construed to limit any rights and remedies otherwise provided by law.

(h) Applicability and exemptions. The construction of a residential addition to a building shall not create a requirement that the entire building comply with this subchapter. The following residential construction shall not be subject to the requirements of this subchapter:

(1) Buildings or additions whose peak energy use design rate for all purposes is less than 3.4 BTUs per hour, per square foot, or less than one watt per square foot of floor area.

(2) Homes subject to Title VI of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401-5426).

(3) Buildings or additions that are neither heated nor cooled.

(4) Residential construction by an owner, if all of the following apply:

(A) The owner of the residential construction is the builder, as defined under this section.

(B) The residential construction is used as a dwelling by the owner.

(C) The owner in fact directs the details of construction with regard to the installation of materials not in compliance with RBES.

(D) The owner discloses in writing to a prospective buyer, before entering into a binding purchase and sales agreement, with respect to the nature and extent of any noncompliance with RBES. Any statement or certificate given to a prospective buyer shall itemize how the home does not comply with RBES and shall itemize which measures do not meet the RBES standards in effect at the time construction commenced. Any certificate given under this subsection (h) shall be recorded in the land records where the property is located and sent to the Department of Public Service within 30 days following sale of the property by the owner.

(i) Title validity not affected. A defect in marketable title shall not be created by a failure to issue certification or a certificate, as required under subsection (f) or subdivision (h)(4) of this section, or by a failure under that subsection to: affix a certificate; to provide a copy of a certificate to the Department of Public Service; or to record and index a certificate in the town records. (Added 1997, No. 20, § 1;

amended 2005, No. 208 (Adj. Sess.), § 7; 2007, No. 92 (Adj. Sess.), § 8; 2009, No. 45, § 11, eff. May 27, 2009; 2009, No. 159 (Adj. Sess.), § 18b, eff. June 4, 2010; 2011, No. 47, § 20t, eff. May 25, 2011; 2013, No. 89, §§ 6, 11; 2017, No. 74, § 121.)