NAPHN15 Policy makers stream – Outcome summary

19 October 2015

General

- The policy makers stream included five presentations and two breakout sessions, with 11 presenters from the U.S., Canada and Europe.
- Breakout sessions were very well attended (> 40 participants), with a strong turnout from senior policy makers in local and provincial governments, including mayor/councillors, CAOs, chief building inspectors, facilities directors, sustainability managers from ten municipalities[1], and senior staffers from three ministries[2].
- General tone of policy sessions was positive and forward looking; the growth in number and diversity of Passive House buildings in North America and the emerging policy initiatives to support passive design presented evidence of a rapidly transforming market and reinforced the notion that passive design principles and the Passive House standard had an important role to play in building policy. As a supportive provincial representative put it: *'It's here; we're ready; let's get on with it.'*

Breakout #1: Removing regulatory barriers to high performance buildings (Thursday, October 1, 1:45-2:45pm)

- Practitioners in the room confirmed that the research appropriately captured the most common regulatory barriers to passive design.
- Several flagged that the loss in saleable area due to thicker walls is the most significant barrier, particularly in cities with high land values. Practitioners were supportive of the various municipal policies proposed but did not express a clear preference for one over others (i.e. providing exemptions for PH buildings, using internal wall to calculate FSR for *all* buildings, etc.).
- Practitioners are navigating conflicts with regulations by requesting variations and/or negotiating with permitting and inspection staff; while all recognize this increases delays and risk for early adopters, the practitioners in the room seemed first and foremost interested in policy strategies to grow the market. There was a general sense was that these issues would get resolved in time as more buildings are built and that policy makers might be more effective by focusing first on increasing supply.
- This perspective might however reflect a selection bias in participants: most practitioners in the room were early adopters that had successfully navigated these barriers and adapted to the risk and delays involved in seeking code variances. As early adopters, they are likely some of the most tolerant to innovation risk.

Key follow up actions emerging from the discussion:[3]

- Pursue strategies to increase supply (see breakout #2)
- Convene a working group of practitioners to further refine analysis of conflict with current codes, and put together a package of measures or commonly needed variances to reduce regulatory risk and delays for passive buildings.
    - For example, compile rationale and/or variance requests used by builders to justify departing from most commonly used ventilation standards (e.g. ASHRAE 62.1 and 62.2)
- Invest in passive design education for permitting staff, reviewers and inspectors.

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[1] Brussels, New York, Vancouver, Richmond, Surrey, New Westminster, North Vancouver, Nanaimo,

[2] Ministry Responsible for Housing, Ministry of the Environment, and Ministry of Energy and Mines

[3] Note that these were not explicitly tested with breakout participants.

Breakout #2: Accelerating market transformation: incentives, capacity building, and public outreach (Friday, October 2, 10:30-12:15)

Following a summary of market transformation strategies adopted in Europe and North America and reflections from panelists, participants self-divided into four breakout discussion. Some of the highlights shared back with the group:

- On incentives and key considerations for an 'exemplary building program':
  - Importance of coordinating and aligning utility, provincial, and local incentives by agreeing on standard/selection criteria
  - Need long-term program (5-7 years) targeting diverse geography and demographics
  - Incentivize high-profile buildings and use as educational tools
  - Need holistic approach: invest also in capacity building and removal of barriers
  - Other possible means to incent: property tax credits, feebates, free design support.
- On capacity building and creation of professional networks:
  - Successful model implemented by a New York architect: build long-term relationship with contractors, require them to take basic PH training, and coordinate regular 'lessons learned' meetings across crews from different site to share successes and failures on current projects.
- On early adoption by civic facilities and affordable housing agencies
  - First step is pilot project, second to implement procurement policies. The LEED policy currently in place in B.C. could be replaced or supplemented by a PH policy.
  - Low-bid system is a barrier; also, for some projects (schools in particular) the contractor selects the architect rather than the other way around. Procurement rules might need to be reviewed to improve building performance outcomes.
  - Bids should include a life cycle analysis, and incorporate in some way the cost of carbon.
  - There are very few new affordable housing units being built in B.C.; unless that changes, there is limited potential here.
- On strategies for outreach and public education
  - Best education tool is to provide ways for citizens to experience a Passive House directly by targeting high use buildings: hotels, libraries, city halls, schools, etc.

Key follow-up actions emerging from the discussion:

- Review available research on issues most likely to be raised around procurement policies or building regulations for passive buildings. This includes
  - Performance gap: do passive buildings deliver the expected savings once occupied? How does that compare to the performance of LEED?
  - What are the moisture control measures included in the PH standard and are these appropriate and sufficient for the wet West Coast climate?
  - How is indoor air quality ensured? Are there established health benefits or risks from better envelopes?
  - How is thermal comfort ensured, and what are the risks of overheating during the summer season?
- Clarify design for a holistic incentive program inspired by Brussels' BatEx program but adapted to the context of a North American city. Build understanding amongst policy makers of the differences between this approach and more traditional incentive programs for new construction and retrofits.
- Review procurement practices and policies to identify barriers and solutions to the procurement of high performance buildings.

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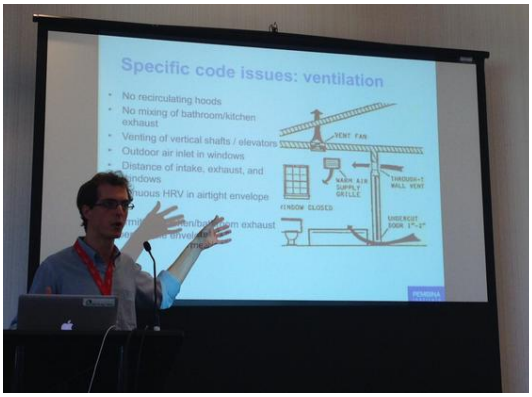

Policy maker breakout #1 and #2, October 1st and 2nd 2015, NAPH15 conference

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Note: practitioners are encouraged to attend and participate in breakout #1 and #2.

THURSDAY OCTOBER 1

1:45-2:45 Breakout #1: Removing regulatory barriers to high performance buildings

Seymour Room, 34th floor *(Hyatt Regency Hotel)*

What are the policy barriers to Passive House construction, and how are local/regional governments addressing them?

What are the best practices policies in North America to improve envelope performance, and what can be learned from Europe?

Introduction by **Tom-Pierre Frappé-Sénéclauze** (Pembina Institute): key findings from interviews with practitioners and policy makers on current policy barriers and policy drivers for high performance buildings in North America.

Comments by **Sean Pander** (City of Vancouver), **Richard Yancey** (BEEx, NYC), and **Grégoire Clerfayt** (Brussels): lessons learned in addressing regulatory barriers, current challenges, and policies in development.

Open discussion with practitioners and other policy makers in the room: what approaches to address regulatory barriers have been the most successful? What policies would have the most impact in improving envelope performance?

2:45-3:30: Closed door session for policy makers

Seymour Room, 34th floor *(Hyatt Regency Hotel)*

Following breakout #1, policy makers from local, provincial, and state governments and other public agencies are invited to stay in the room to discuss next steps and possible areas for collaboration for removing regulatory barriers.

FRIDAY OCTOBER 2

10:30-12:15 Breakout #2: Accelerating market transformation: incentives, capacity building, and public outreach

Seymour Room, 34th floor *(Hyatt Regency Hotel)*

Introduction by **Tom-Pierre Frappé-Sénéclauze** (Pembina Institute): accelerating market transformation: what can we learn from Europe?

Reflections by **Grégoire Clerfayt** (Brussels) on leveraging incentives for market transformation; by **Richard Yancey** (BEEx, NYC) on capacity building and professional networks; by **Sonia Zouari** (CSV Arch.) on early adopters, and by **Lloyd Alter** (TreeHugger.com) on strategies for public outreach.

Following which, practitioners and policy makers will be invited to roll up their sleeves and join one of three facilitated breakout discussions to strategize and prioritize possible policy interventions regarding:

- Incentives and key considerations for an ‘exemplary building program’
- Opportunities for capacity building and creation of professional networks
- Early adoption by civic facilities and affordable housing agencies
- Strategies for outreach and public education

12:15-1:15 (Working lunch): Closed door session for policy makers

Seymour Room, 34th floor *(Hyatt Regency Hotel)*

Following breakout #2, policy makers from local, provincial and state governments as well as public agencies are invited to grab a lunch downstairs and meet back in the breakout room to discuss next steps for early adoption by the public sector and other market transformation strategies.