



BUILDING CODES AND STANDARDS: GREEN BUILDING OVERVIEW

Building codes and industry standards have an important impact on the apartment sector. The National Multifamily Housing Council and the National Apartment Association (NMHC/NAA) have an extensive history in the development of national model codes and standards. We advocate for codes and standards that are technologically feasible, cost-effective and able to address the unique needs of the multifamily industry.

Apartment properties face new challenges as federal, state and local governments implement sustainability initiatives and seek to incorporate green building mandates into building codes. The apartment industry supports cost-effective and technologically feasible improvements to building environmental performance. However, changes to existing codes and standards must address the specific needs of residential occupancies, including the continued affordability and availability of new apartment homes.

National Green Building Standard: The National Green Building Standard (NGBS)(ICC-700) is an important tool for the multifamily sector, as it is the only code-based green building program designed for all residential construction. It provides apartment firms with uniform guidance on green building practices, and also offers local jurisdictions considering green initiatives an alternative to non-standardized green rating systems (like the U.S. Green Building Council's LEED program).

Compliance with the NGBS is based on a combination of mandatory elements and a point system. Points are allotted for green building practices in six different areas including: site development; water conservation; material resource efficiency; energy efficiency; indoor air quality; and operations and maintenance. While a threshold number of points must be earned in each category, users may select the practices that are most meaningful and cost-effective for their projects.

First published in 2009, the NGBS was updated in January 2013 to make it an even more usable and effective green building tool for residential construction. It addresses important considerations for apartment firms including the requirements for residential common areas versus apartment units, the renovation and remodeling of existing buildings and multifamily-specific design and construction elements.

The NGBS has been widely used throughout the industry and has been incorporated into numerous sustainability initiatives at the jurisdictional level. Importantly, the new International Green Construction Code (IgCC) directs users to follow the NGBS in low-rise residential buildings, and provides an optional compliance pathway for high-rise apartment buildings.

We support green building efforts and the voluntary use of the NGBS. To the extent that lawmakers seek to establish performance benchmarks for apartment properties, we believe the NGBS is the most appropriate standard for residential construction. Similarly, green building codes and other jurisdictional guidelines should reference the NGBS in lieu of developing and adopting new requirements for residential construction.

International Green Construction Code: In March 2012, the International Code Council (ICC) released the new International Green Construction Code (IgCC), the first model code for green buildings, including multifamily properties. The IgCC provides comprehensive requirements for the environmental design and performance of buildings; including, land development, material selection, energy and water efficiency and indoor air quality. Of concern, although the IgCC was originally envisioned as an entry-level green building code, the final IgCC includes aggressive design and construction requirements that could prove costly and technically challenging for apartment firms. The IgCC also requires a unique level of customization by adopting jurisdictions, so firms operating in multiple regions may face significantly different compliance requirements.

Early versions of the code allowed multifamily buildings to comply with the NGBS in lieu of the IgCC. However that exception was removed by the ICC Board of Directors in late 2010, creating considerable uncertainty about the residential scope of the new code. NMHC/NAA worked with a coalition of real estate stakeholders to appeal the issue to the ICC Board, and the NGBS compliance option was subsequently restored. However, the final code language provides for disparate treatment of low- and high-rise apartments and invites jurisdictions to impose costly, new requirements on the apartment sector.

Multifamily buildings up to four stories are exempt from the IgCC unless a jurisdiction selects an option specifically extending the code to low-rise residential buildings. Where a jurisdiction makes such a selection, low-rise residential buildings are directed to comply with the NGBS. However, high-rise multifamily buildings (five or more stories in height) are automatically included within the scope of the IgCC. Of benefit to apartment firms, these buildings may comply with the IgCC by using the NGBS and meeting specific energy performance targets.

Notably, since residential development was originally excluded from the code's scope, the IgCC was developed without meaningful input from the apartment sector. It would require use of products and practices not typically used, and not fully vetted, for multifamily construction. In addition, the NGBS and the IgCC have substantially different formats. While the NGBS is a points-based system, which allows builders and developers to decide what practices to incorporate in a project, the IgCC requires the local adopting authority to decide what will be mandatory for their jurisdiction during the adoption process.

ASHRAE Standard 189.1: Similar to the IgCC, ASHRAE Standard 189.1 – Standard for the Design of High-Performance Green Buildings Except Low-Rise Residential Buildings represents a significant departure from other green building programs and standards such as the NGBS and the LEED rating systems because it does not allow users the flexibility of selecting from a menu of sustainable practices. Instead, all of Standard 189.1's provisions are mandatory and regulate a broad spectrum of building practices including energy and water efficiency, site sustainability, indoor air quality, materials and resource conservation and building operations.

While new and substantially renovated multifamily properties over three stories are included in the scope of this standard, the document is largely designed for commercial buildings. As a development committee member, NMHC/NAA successfully removed the most onerous provisions from draft versions; however, the standard still requires the use of products and technologies not typically used and unproven in the multifamily sector.

Green Code and Standard Considerations

- Support adoption of the NGBS as a voluntary green building compliance metric used in conjunction with tax benefits, loans, grants and other incentive programs.
- NMHC/NAA members should be aware of any actions to adopt the IgCC in their jurisdiction. Apartment firms should ensure that a full multifamily exemption, and/or an alternative compliance option allowing apartment firms to follow the NGBS, is maintained in the adopted version. In addition, policymakers must understand that any form of green building mandates will create new costs and design considerations that could undermine the affordability and availability of new and renovated housing.
- Members should also be mindful of attempts to adopt ASHRAE Standard 189.1 in their jurisdictions. ASHRAE 189.1 can be adopted as a standalone document, or as a compliance option under the IgCC. Apartment firms and industry advocates communicating with policymakers should reinforce the message that the NGBS is a residential-focused green standard, and is therefore the most appropriate green building metric for all multifamily building.