



# Energy Efficiency, Green Building, Visitability & Accessibility Submission Requirements & Scoring

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## Energy Efficiency and Green Building Goals

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The following Energy & Green Building requirements and electives are part of the Agency's continued effort to promote safe, healthy, and efficient living environments, in addition to meeting the Governor's ambitious greenhouse gas (GHG) emission reduction limits set forth in the Climate Leadership and Community Protection Act (CLCPA). The CLCPA targets reduction of GHG emissions to 40 percent of 1990 levels by 2030; and 85 percent of the 1990 levels by 2050. In addition to the requirements listed below, projects are encouraged to include green and energy efficiency measures that advance the CLCPA goals. Applications which advance these goals will be favorably reviewed.

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## Mandatory Energy Efficiency Strategies

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All projects awarded funding must participate in one of the energy efficiency strategies described below. All recommended practices applicable to the construction systems planned for the building must be incorporated. However, the recommended practices shall be secondary where conflicts exist between building codes or HCR standards and requirements, unless a waiver is granted from HCR standards or requirements. Non-residential projects shall incorporate comparable energy efficiency strategies as those required for residential projects to achieve similar energy savings.

Applicants are hereby advised that energy code requirements and the corresponding energy efficiency strategy must be considered when planning the project development schedule. The applicant will be responsible, without any additional cost to HCR programs, to comply with the applicable energy efficiency standard and all energy code requirements that the building permit issued for the project is based on.

HCR requires that all projects pursuing solar energy, any other alternative energy sources, or any energy efficiency strategies or green building practices, to incorporate the design, operating cost and development cost assumptions associated with those measures into the project at the time of application. Any changes to the energy efficiency strategy or green building practices after application submission will not be allowed, except as noted below.

## **NYSERDA Programs**

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Applicants are hereby advised that New York State Energy Research and Development Authority's (NYSERDA's) Low-rise Residential and Multifamily New Construction programs will be updated by a new program with an implementation date expected later in 2020. Projects received before the implementation date may participate under the current or new programs. Once the new program is available, NYSERDA will cease accepting applications for the former programs. There will not be a phase-in period for this change. However, projects accepted by NYSERDA prior to this change may stay in the current program but may be offered the option to move to the new program in accordance with guidance put forward by NYSERDA.

*Projects received prior to the new program implementation date:*

### **NYSERDA Low-rise Residential New Construction Program (LR NCP):**

Projects may qualify through participation in the NYSERDA Low-rise Residential New Construction Program (LR NCP) and committing to meet the relevant version of this program. Projects are encouraged to achieve the highest level of energy efficiency and building performance supported through LR NCP. Please be advised that the level of performance achieved may substantially affect the incentives that can be received from NYSERDA and that any changes in building or energy codes may affect the program version applicable to a project.

The application must include a signed contract between the applicant and a Home Energy Rating System (HERS) Rater, who has been qualified by NYSERDA as a Primary Energy Consultant. The contract must be signed by both the applicant and the Primary Energy Consultant. In lieu of a signed contract, HCR will accept a HERS-based plan review completed by a qualified HERS rater which affirms the project design will meet the high efficiency guidelines required to meet NYSERDA's program requirements. Final closeout of the project shall be contingent upon certification from NYSERDA that the project meets LR NCP requirements.

### **NYSERDA Multifamily New Construction Program (MF NCP):**

Projects may qualify through participation in the NYSERDA Multifamily New Construction Program (MF NCP), and committing to meet the relevant version of this program. Projects are encouraged to achieve the highest potential level of energy efficiency and building performance supported through MF NCP. Please be advised that the level of performance achieved may substantially affect the incentives that can be received from NYSERDA and any changes in building or energy codes may affect the program version applicable to a project.

The application must include a contract with a NYSERDA qualified Primary Energy Consultant eligible to support projects intending to participate in MF NCP to oversee the design and construction as necessary to meet the program requirements. The contract must be signed by both the applicant and the Primary Energy Consultant. Final closeout of the project shall be contingent upon certification from NYSERDA that the project meets the MF NCP requirements.

*Projects received after the new program implementation date:*

### **NYSERDA New Construction – Housing Program (NC-H):**

Projects may qualify through participation in the New Construction – Housing Program, and committing to meet Tier 1, or higher, requirements for ENERGY STAR Certified Homes or the

Multifamily New Construction Program. Projects are encouraged to achieve the highest potential level of energy efficiency and building performance by participating in higher tiers. Please be advised that the level of performance achieved may substantially affect the incentives that can be received from NYSERDA and any changes in building or energy codes may affect the program version applicable to a project.

The application must include a contract with a NYSERDA qualified Primary Energy Consultant to oversee the design and construction as necessary to meet the program requirements. The contract must be signed by both the applicant and the Primary Energy Consultant. HCR will accept a HERS-based plan review, completed by a HERS rater recognized by NYSERDA for projects participating under ENERGY STAR Certified Homes that affirms the project design will meet the high efficiency guidelines of the program. Final closeout of the project shall be contingent upon certification from NYSERDA that the project meets the program requirements.

## **EPA ENERGY STAR Programs**

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Applicants are hereby advised that the U.S. Environmental Protection Agency (EPA) ENERGY STAR Multifamily New Construction (MFNC) program is the current program available for all multifamily residential projects. Per the guidance available from EPA ENERGY STAR, multifamily buildings permitted prior to July 01, 2021 are allowed to participate in any of the following programs, as long as the project meets the Eligibility Requirements of that program.

### **EPA ENERGY STAR Certified Homes:**

Projects may qualify utilizing ENERGY STAR Certified Homes Version 3.1, or newer based on the current building code in effect at the commencement of the construction of a project, or otherwise determined by EPA. The application is to include a contract with a certified Home Energy Rater recognized under the ENERGY STAR Certified Homes program which explains the methodology to be utilized to ensure compliance and final certification. The contract must be signed by both the applicant and the certified Home Energy Rater. In lieu of a signed contract, HCR will accept a HERS-based plan review completed by a qualified HERS rater to affirm the project design will meet the high efficiency guidelines of the program. Final closeout of the project shall be contingent upon certification from EPA that the project meets the program requirements.

### **EPA ENERGY STAR Multifamily High Rise Program (MFHR):**

Projects that will be certified through the MFHR program must submit their MFHR Project Application to a Multifamily Review Organization (MRO) before January 1, 2021. Projects may qualify following either the prescriptive path or the performance path as currently published by the EPA. The application must include a contract with an energy consultant to oversee the design and construction as necessary to meet the program requirements. The contract must explain the methodology to be utilized to ensure that the applicable standard will be met and must be signed by both the applicant and the energy consultant. Final closeout of the project shall be contingent upon certification from EPA that the project meets the program requirements.

### **EPA ENERGY STAR Multifamily New Construction Program (MFNC):**

Projects may qualify following either the performance or prescriptive paths as currently published by the EPA (ERI, ASHRAE, or Prescriptive paths). The application shall include a signed contract with an EPA approved Certified Rater, or energy modeler to provide services required for certification under the EPA Multifamily New Construction program. The contract must explain the methodology to be utilized to ensure compliance and final certification and must be signed by both the applicant and the Certified Rater, or energy modeler. Final closeout of the project shall be contingent upon certification from EPA that the project meets the program requirements.

### **Enterprise Green Communities Criteria**

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#### **2020 Enterprise Green Communities Criteria:**

Projects may qualify by participating in Enterprise Green Communities Criteria, 2020. Projects in New York City shall utilize the New York City - Enterprise Green Communities overlay. Participation allows applicants to utilize Enterprise Green Communities Criteria, which includes meeting defined energy performance criteria as a base standard for compliance with the mandatory energy efficiency strategies and the optional green building program. Choosing this strategy requires full participation in Enterprise Green Communities Criteria, utilizing EPA ENERGY STAR certified Homes Version 3.1, or the EPA Multifamily New Construction program as applicable for the building type. The applicant must submit a letter indicating that they are selecting Enterprise Green Communities Criteria as means of compliance with both the mandatory energy efficiency strategies and the optional green building program participation. Final closeout of the project shall be contingent upon certification from Enterprise Green Communities that the standard was met.

*See information concerning the Enterprise Green Communities Criteria programs below.*

### **Strategies for Rehabilitation Projects:**

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#### **Rehabilitation projects that are not eligible to participate in NYSERDA programs:**

Rehabilitation projects that are not eligible to participate in NYSERDA programs due to the location of the project, and it is not feasible to comply due to the existing conditions, with the above energy efficiency standards of Enterprise Green Communities Criteria, may be allowed to participate in another energy efficiency standard in Enterprise Green Communities Criteria upon agreement of HCR. Applicants must request that HCR allow the alternate energy efficiency strategy a minimum of 30 days prior to the application submission.

#### **Historic Rehabilitation & Adaptive Re-use:**

Projects with buildings designated as historic by local, state or federal authorities undergoing a substantial rehabilitation or adaptive re-use, that cannot fully implement one of the first four standards described above without negatively affecting the historic building fabric, shall enroll in the NYSERDA LR NCP, NYSERDA MF NCP or NYSERDA New Construction – Housing Program, depending on the date of the application submission as noted above, to achieve the New York Energy Smart or equivalent designation offered by participating in one of those

programs. The applicant's development team shall work with NYSERDA and HCR to implement the applicable provisions of these programs. The application must include a signed contract as noted above for the applicable NYSERDA program. Final closeout of the project shall be contingent upon certification from NYSERDA that the project meets the program requirements.

**Moderate Rehabilitation:**

Applicants may: 1) bring existing building(s) that do not meet the current energy code up to the energy code standard for comparable new construction building(s) in effect on the date the building permit will be issued for the project; or 2) demonstrate that the renovated building(s) will reduce overall energy usage by 20%, as compared to average energy usage for the last two years of operation. Proposals for bringing a building to current energy code standards must include a code analysis that is submitted in the application and is prepared by an architect or engineer licensed in the State of New York. Proposals for reducing energy usage by 20% must be demonstrated by either: 1) submitting an energy analysis by an architect or engineer licensed in the State of New York or RESNET certified HERS Rater with the application; or 2) by submitting an approved MPP application or a signed contract with a MPP Multifamily Building Solutions Provider to reduce energy consumption by 20% in accordance with the criteria of the NYSERDA Multifamily Performance Program for Existing Buildings. The contract must be signed by the applicant and the MPP Multifamily Building Solutions Provider. Final closeout of the project shall be contingent upon a final analysis and report, including results of required energy code testing, that certifies that the project meets the chosen goal. Projects participating under MPP shall submit final certification from NYSERDA indicating that the project met the objective of reducing energy by 20%.

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## **Mandatory Green Building and Energy Efficiency Practices**

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All projects must include the applicable mandatory green building and energy efficiency practices listed below. Conformance with any of these practices does not replace, or substitute for compliance with other HCR program funding standards or requirements.

### **Limiting Lead Exposure**

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Include lead-safe work practices and procedures in the rehabilitation of buildings constructed prior to 1978. Residential occupancies (regardless of the age of the occupants), child-occupied facilities, and facilities that provide services for pregnant women, shall comply with the most current editions of the HUD Guidelines for the Evaluation and the Control of Lead-Based Paint in Housing, and the EPA Renovation, Repair and Painting Rule. Other nonresidential occupancies or facilities shall comply with all applicable regulations for the removal of lead-based paint hazards.

All existing domestic water supply/distribution systems to remain in proposed projects must test negative for lead content in accordance with applicable drinking water regulations and guidelines. Remove domestic water supply piping and fixtures and replace with lead-free plumbing where tests result in lead content above applicable drinking water regulations and guidelines.

### **Radon Mitigation**

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All newly constructed and renovated buildings funded by the Agency and located in EPA Zone 1 or 2 shall address radon in accordance with the EPA Current Radon Standard of Practice for the applicable building type and in accordance with this section. The most common Standards of Practice, published by the American National Standards Institute and the Association of Radon Scientists and Technologists (ANSI/AARST), can be found on the EPA website.

New and substantial rehabilitation low-rise residential projects shall install a passive radon mitigation system in accordance with the applicable Standard of Practice, including collectors below the slab and a vent pipe through the roof. Vertical vent pipes shall run at the interior of buildings to avoid frosting inside the vent stack during cold weather. Include electrical junction box(es) above the highest occupied floor level for future system activation.

Moderate rehabilitation low-rise residential projects shall install active radon-reduction measures in accordance with the applicable Standard of Practice should testing at the completion of the rehabilitation confirm the presence of radon gas in the building exceeding the EPA action level. It is highly advisable to include radon reduction measures in the base scope of work to avoid costly retrofits should elevated radon levels be discovered after rehabilitation has been completed.

Mid-rise/high-rise residential projects and nonresidential facilities shall incorporate the methods described above or other radon mitigation measures recognized by the applicable Standard of Practice.

Nonresidential facilities with a limited period of occupancy may omit these methods and measures if it is established by a third party with radon expertise that the limited period of occupancy does not warrant the need for mitigation.

Radon testing in all new and rehabilitation projects shall be conducted at the completion of construction or rehabilitation work, prior to occupancy/re-occupancy. A radon professional shall oversee testing as per the applicable Standard of Practice meeting US-EPA short-term, closed-building testing protocols. Testing prior to rehabilitation work is not recommended because it will not provide an accurate representation of the conditions post-renovation due to increased efficiency in the building envelope and systems. (i.e., increasing insulation levels, reducing air infiltration, replacing windows, changes to the HVAC system, etc.)

Passive radon-reduction systems shall be activated should tests confirm the presence of radon gas in the building exceeding the EPA defined action level of 4pCi/L. If the test results indicate radon concentrations between 2pCi/L. and 4pCi/L., consider activation of the system based on EPA recommendations.

## **ENERGY STAR Appliances**

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All refrigerators, dishwashers, and clothes washers included in the project, or supplied by vendors, shall be ENERGY STAR rated. Commercial washing machines may be non-ENERGY STAR rated provided they meet or exceed the energy efficiency, quality, and reduced operational costs associated with ENERGY STAR rated appliances.

## **ENERGY STAR Equipment**

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All heating and air conditioning equipment shall be ENERGY STAR rated, or provide the equivalent in energy savings, quality and operational cost. Equipment shall be considered to meet this requirement where the equipment is deemed to comply with any of the NYSERDA or EPA programs listed above, excluding the Multifamily Performance Program for Existing Buildings.

## **ENERGY STAR Lighting**

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All lighting shall be ENERGY STAR rated or provide the equivalent in energy savings and quality. Interior lighting and exterior building lighting shall incorporate ENERGY STAR fixtures or high efficacy lamps. Exterior site lighting shall utilize high efficiency lighting. All exterior building and site lighting shall include either daylight sensors or timers to minimize electrical usage.

## **Low-VOC Building Materials**

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Building materials that have the potential to negatively affect indoor air quality such as: paints, applied finishes, adhesives, and sealants shall, at a minimum, meet Green Seal, or an equivalent, low-VOC standard.

## **Integrated Pest Management**

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All projects are to incorporate integrated pest management during construction that includes sealing all openings, cracks and joints to prevent the infestation of insect and animal pests from entering the building or migrating from one apartment or common area to another. After occupancy, the building management shall incorporate environmentally friendly pest management strategies and extermination practices that are safe for the health of the residents and the environment.

## **Water conserving plumbing fixture requirements**

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- a. Toilets – 1.6 gpf.
- b. Showerheads – 2.0 gpm.
- c. Kitchen faucets – 2.2 gpm.
- d. Bathroom lavatory faucets and all other fixtures in dwelling units – 1.5 gpm.

In addition, projects are encouraged to include EPA WaterSense labeled products for all fixtures in the project.



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## **Optional Green Building Program Participation (up to 5 points)**

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Points will be awarded as indicated below under the HTF, 9% LIHTC or SLIHC program(s) to an applicant who documents that their project will meet one of the standards listed below. Recognizing that Green Building has become a widely accepted industry practice, in order to be awarded points under this scoring category, applicants must also qualify for points under the Cost Effectiveness scoring category. Applicants who choose one of these options will be required to comply with the chosen standard, including modifications resulting from changes to the standard, without any additional cost to HCR programs. In order to qualify for points listed under the four Green Building standards, applicants must commit at the time of application to design and implement a policy acceptable to HCR prohibiting the use of tobacco products that involve the ignition and burning of tobacco leaves within all interior areas of project buildings as well as in outdoor areas within 50 feet of inhabited project buildings, play areas, or any surrounding inhabited buildings or play areas outside of the project property. Project owners may also elect to prohibit the use of the aforementioned tobacco products anywhere on the project property.

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## **2020 Enterprise Green Communities (3 or 5 points)**

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Certification under 2020 Enterprise Green Communities Criteria (**3 points**) or certification under 2020 Enterprise Green Communities Plus Criteria (**5 points**). Projects in New York City shall utilize the New York City - Enterprise Green Communities overlay. The applicant shall submit the Enterprise Green Communities Prebuild Application submission notification or submit a letter of agreement between the applicant and a green building consultant, engineer, or architect that includes oversight of the design and construction as necessary for final Green Communities certification. The letter of agreement must be fully executed by the applicant and the green building consultant, engineer, or architect. Final closeout of the project shall be contingent upon certification from Enterprise Green Communities that the standard was met.

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## **LEED (3 points)**

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US Green Building Council (USGBC) LEED Rating System. At a minimum, projects shall comply with the current, or newer, criteria for: LEED version 4 BD+C Homes, or LEED version 4 BD+C Multifamily Midrise. If the housing type proposed is not recognized under, LEED version 4 BD+C Homes, or LEED version 4 BD+C Multifamily Midrise, an equivalent LEED rating system may be substituted upon agreement by HCR. To qualify for points for LEED participation, the applicant shall submit a letter of agreement with a LEED Green Rater to oversee the design and construction as necessary for final certification at the Silver, or higher, level. The letter of agreement must be fully executed by the applicant and the LEED Green Rater. Final closeout of the project shall be contingent upon certification from USGBC.

### **National Green Building Standard (3 points)**

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ICC/ASHRAE 700 – National Green Building Standard. The applicant shall submit a letter of agreement with a Verifier accredited by Home Innovation Research Labs to oversee the design and construction as necessary for final certification to the Silver, or higher level. The letter of agreement must be fully executed by the applicant and the Verifier. Final closeout of the project shall be contingent upon certification from Home Innovation Research Labs.

### **Passive House Institute Certification (3 or 5 points)**

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Projects participating in either the Passive House Institute US (PHIUS), or the Passive House Institute (PHI) programs. Certification shall be obtained under PHIUS+ Passive Building Standard – North America, or newer, based on the construction timeframe, or certified under PHI protocols (**3 points**). Projects committing to exceed Passive House base standards to PHIUS+ 2018, or better (**5 points**). The applicant shall submit a form of a receipt from PHIUS or PHI that the project was accepted into their program or submit a letter of agreement between the applicant and a PHIUS or PHI certified Passive House consultant or designer (CPHC or CPHD) that includes oversight of the design and construction as necessary for pre-certification and final certification. The letter of agreement must be fully executed by the applicant and the CPHC or CPHD and accompanied with the CPHC's or CPHD's certification from the PHIUS or PHI. Final closeout of the project shall be contingent upon confirmation from the certified Passive House consultant or designer that the built condition complies with design intent submitted at the pre-certification application to the applicable Passive House organization.

Additional information may be found at the following websites:

<http://www.phius.org/home-page>

<http://www.passiv.de/en/index.php>

### **NYSERDA New Construction – Housing Program (3 or 5 points)**

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Project participating in the NYSERDA New Construction – Housing program at the second tier (**3 points**); at the third tier or higher (**5 points**). The application submission and performance criteria shall be as indicated in the program description above.

### **NYSERDA Multifamily Performance Program for Existing Buildings (3 or 5 points)**

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Moderate rehabilitation preservation projects utilizing the Multifamily Performance Program for Existing Buildings at the second-tier level with a projected energy savings target of 30% or greater (**3 points**). Projects committing to the third tier with a projected energy savings target of 35% or greater (**5 points**). The applicant shall submit a signed contract with an MPP Multifamily Building Solutions Provider to reduce energy consumption in accordance with the selected criteria. The contract must be signed by the applicant and the Multifamily Building Solutions Provider and shall indicate the work scope items associated with the energy reduction objective. Final closeout of the project shall be contingent upon a final certification from NYSERDA indicating that the project met the energy reduction objective.

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## Visitability

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All dwelling units connected to an elevator and all first-floor dwelling units in newly constructed buildings without elevator service shall include the criteria listed below. Buildings undergoing adaptive reuse or rehabilitation shall comply to the maximum extent feasible with each of the measures below.

- a. an Accessible Route circulation path to the unit without relying on ramps, unless unavoidable due to existing conditions that are impractical to change.
- b. at least one 36-inch wide unit entrance or a unit entrance meeting Building Code Type B unit entrance criteria.
- c. at least one 36-inch wide interior circulation path, or an accessible route meeting the criteria of ICC A117.1-2009, to all habitable rooms, kitchens and bathrooms on the grade-level floor.
- d. at least one half-bath that contains at least a clear floor space of 48-inches minimum long and 30-inches minimum wide positioned outside the door swing and blocking for at least two safety grab bars.

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## **Fully Accessible and Adapted, Move-in Ready Units (up to 5 points)**

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Projects providing fully Accessible and Adapted, move-in ready, dwelling units will be awarded points based on compliance with either of the two options listed below. Applicants must submit Attachment D-6 and supporting documentation in accordance with the instructions written on Attachment D-6 and as noted below:

(1) Option one (**2 points**):

- a. At least five percent (rounded up to the next whole number) of the project units are fully Accessible and Adapted, move-in ready for persons with a mobility impairment, meeting the following provisions:
  - i. Either:
    1. Includes a fully-Accessible and Adapted move-in-ready roll-in shower with an attached seat, or;
    2. Includes a fully-Accessible and Adapted, move-in-ready bathtub, and is designed to accommodate a roll-in shower with an attached seat which will be installed at the owner's expense upon request.
  - ii. The unit(s) will be marketed to households with at least one member who has a mobility impairment.
- b. At least two percent (rounded up to the next whole number) of the project units are fully Accessible and Adapted, move-in ready for person(s) who have a hearing or vision impairment, meeting the following provisions:
  - i. The unit(s) will be marketed to households with at least one member who has a hearing or vision impairment; and,
  - ii. The units are independent of the mobility-impaired units.
- c. Accessible units shall be equitably distributed among the various dwelling types in the project based on evidence of market demand, or other regulatory provisions applicable to the project.

(2) Option two (**5 points**):

- a. Comply with option one above with the percentages of units meeting the requirements increased to be equal to or exceed 10 percent and 4 percent (rounded to the next whole number) respectively (a minimum of two units each).

Applicants may propose additional accessible/adaptable units above the percentage needed to qualify for points under the QAP scoring criteria, as long as the applicant can provide evidence there is both a market and a referral source is available for the additional units. These additional units do not have to be rented to persons with mobility/hearing/vision impairments at initial rent up.