

Jurisdictional Scan

- 30+ North American cities have benchmarking and transparency requirements including bylaws and ordinances for large buildings.^{1 2}
- The Pan-Canadian Framework includes a commitment to requiring labelling of building energy use. The Government of **Canada's** Canada Green Buildings Strategy includes the intention to develop an approach to require EnerGuide labelling of homes at the time of sale, and to design a complementary Climate Adaptation Home Rating Program.³
- The City of **Calgary's** 2022 climate strategy gave direction to develop a process requiring all new residential buildings to have a building energy label, in alignment with a goal of net-zero emissions by 2050. The Home Energy Label Program⁴ requires an EnerGuide label for all new low density homes and is expected to come into force in 2024 pending bylaw approval. 2023 is a one-year voluntary pilot program. The plan is aligned with the expected adoption of the tiered energy code, and encourages builders to prepare for increasingly stringent tiers. Calgary also plans to use digital energy scores, which are less accurate, for all homes, until the digital scores can be replaced with EnerGuide. A database and mapping tool are in development to share the labels publicly.
- The Town of **Canmore** released Green Building Regulations in 2020 which require either EnerGuide labelling or pursuing a third party certification such as Built Green or LEED for all new residential construction.⁵ Compliance is enforced through a Green Building Performance Security in the amount of 0.4 per cent of the construction value. Failure to submit the reporting requirements leads to a penalty of the entire security.

¹ Institute for Market Transformation. "Map: US City, County, and State Policies for existing buildings: benchmarking, transparency and beyond" 2023.

<https://www.imt.org/resources/map-u-s-building-benchmarking-policies/>

² Institute for Market Transformation, "Canadian Policies for Existing Buildings: Benchmarking, Transparency and Beyond" 2022.

<https://www.imt.org/resources/canadian-policies-for-existing-buildings-benchmarking-transparency-and-beyond/>

³ Natural Resources Canada. "The Canada Green Buildings Strategy". July 2022.

<https://natural-resources.canada.ca/sites/nrcan/files/public-consultation/cgbs-discussion-paper-2023-08-03-eng.pdf>

⁴ City of Calgary. "Home Energy Label Program".

<https://www.calgary.ca/development/home-building/new-home-energy-label.html>

⁵ Town of Canmore "PUBLIC GUIDE TO GREEN BUILDING REGULATIONS: Residential Applications", <https://www.canmore.ca/public/download/files/232740>

- **Vancouver** has required labelling for new homes since 2019.⁶ EnerGuide evaluations are required for new construction in the Vancouver Building Bylaw. Energy efficiency information is shared voluntarily on real estate listings.
- The City of **New Westminster** provides free EnerGuide evaluations and mid-stage construction blower door tests through the Energy Save New West program.⁷
- The Township of **Langley** provides building permit rebates for meeting energy efficiency requirements and obtaining an EnerGuide evaluation through the Green Building Permit Rebate Program.⁸
- In 2018, 28.5 per cent of building permits in **British Columbia** came from communities with mandatory or incentivized energy labelling.⁹
- The **Toronto** Green Standard requires an energy report for large buildings comparing their energy performance to that of a reference building.
- **Ontario** requires large buildings over 50,000 square feet report their annual energy and water consumption through the Energy and Water Reporting and Benchmarking Initiative.¹⁰
- **Whitehorse** requires EnerGuide assessments for all new homes.¹¹
- The **Yukon** government partners with local energy advisors to offer EnerGuide assessments at a reduced cost (\$50 to assess construction plans and \$200 for the final energy assessment, blower door test and energy label.¹² They offer a centralized platform to request assessments, and to connect those wanting an assessment with independent NRCan registered energy

⁶ City of Vancouver. "Energy requirements for new single family and 1-3 story homes" <https://vancouver.ca/home-property-development/energy-efficiency-requirements-and-resources-for-homes.aspx>

⁷ City of New Westminster. "Energy Save New West". <https://www.newwestcity.ca/services/environment-and-sustainability/energy-save-new-west>

⁸ Township of Langley. "Green Buildings and Step Code". <https://www.tol.ca/en/building-development/green-buildings-and-step-code.aspx>

⁹ Government of British Columbia. "BC Energy Step Code: A Best Practices Guide for Local Governments". July 2019. https://energystepcode.ca/app/uploads/sites/257/2019/08/BCEnergyStepCode_GuideDigital_v02July2019.pdf

¹⁰ Government of Ontario. "Report energy and water use in large buildings". <https://www.ontario.ca/page/report-energy-water-use-large-buildings>

¹¹ City of Whitehorse. "Green Standards". <https://www.whitehorse.ca/business-in-whitehorse/zoning/new-builds-renovations/green-standards/>

¹² Government of Yukon. "Get an energy assessment" <https://yukon.ca/en/energy-assessment>

- advisors.
- **New York City** has a mandatory energy labeling program which requires posting an energy score on a business' door and a mandatory reporting requirement which includes emissions limits for existing buildings.¹³
 - **Portland**, Oregon requires a home energy score for houses for sale, and that the score is shown in any advertisements online and displayed at open houses.¹⁴ Portland developed their own scoring program with the U.S. Department of Energy based on a house's physical characteristics. The scores are also published to a green building registry. The score includes a list of suggested upgrades. There is a \$500 fine for non-compliance with exemptions for foreclosures and condemned buildings.
 - **Austin**, Texas has had an Energy Conservation Audit and Disclosure ordinance since 2008 which requires assessments and disclosures for all homes and buildings served by Austin Energy utility at time of sale.¹⁵ The requirements are built into city codes and require audits for all homes older than ten years. Between 2009 and 2012 the compliance rate was around 50 per cent, with fines for non-compliance between \$500 and \$2000. Austin also used federal funding to increase the number of energy auditors available to perform the assessments.
 - The **United States** has a voluntary Home Energy Rating System, which includes 3.3 million homes rated since 1995. The State of **Oregon** has voluntary energy labelling policies at the time of sale or time of listing. **South Dakota** and **Kansas** require mandatory code-based energy efficiency disclosure at the time of sale or of listing. **Alaska** requires energy bill disclosure at time of sale, while **Hawaii** and **New York** State require energy bill disclosure at the time of sale or lease. **Maine** requires energy efficiency disclosure at the time of rental.¹⁶
 - Since 2003, the **European Union** has required member states to develop building energy performance measurement protocols and establish energy certifications for residential and commercial buildings through the

¹³ NYC Buildings. "Energy Grades"

<https://www.nyc.gov/site/buildings/property-or-business-owner/energy-grades.page>

¹⁴ City of Portland. "City of Portland Home Energy Score". <https://www.pdxhes.com/>

¹⁵ Austin Energy. "ECAD Ordinance". June 23, 2022

<https://austinenergy.com/energy-efficiency/ecad-ordinance>

¹⁶ Clean Air Partnership. "Advancing Energy Labeling in the Residential Sector". December 2022.

<https://www.cleanairpartnership.org/wp-content/uploads/2023/01/HERD-Report-Advancing-Energy-Labeling-in-the-Residential-Sector.pdf>

- Energy Performance of Buildings Directive.¹⁷ Owners must present energy performance certificates during sale or lease transactions, or at the time of building construction. Large buildings must display the energy certificate in a prominent location. Studies show that the program has led to a higher value for energy efficiency being reflected in real estate prices, an increase in local jobs, and has provided information to policy makers.
- The **Australian Capital Territory** has had mandatory disclosure for home energy efficiency information to potential buyers since 1999.¹⁸ Since 2010, the Building Code of Australia has required a minimum rating for all new houses. Program evaluations reveal that owners are increasing the energy efficiency of their homes and purchasers are demonstrating they perceive the value of energy efficiency through higher purchase prices. There have been fluctuating issues with compliance as there is no penalty for non-disclosure, and some sellers will post a 0-star rating to avoid paying for an assessment.

¹⁷ Clean Air Partnership. "Advancing Energy Labeling in the Residential Sector". December 2022.

<https://www.cleanairpartnership.org/wp-content/uploads/2023/01/HERD-Report-Advancing-Energy-Labeling-in-the-Residential-Sector.pdf>

¹⁸ Clean Air Partnership. "Advancing Energy Labeling in the Residential Sector". December 2022.

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