

# Whole-Building Compliance for Existing, Mixed-Use Buildings



## Summary

Verifiers working on existing mixed-use buildings, where there is no planned renovation to the existing commercial space(s) have asked if Home Innovation allows certification of the entire building, not just the residential portion of the building. The answer is yes, there is a path for certification of the whole building as discussed below.

The 2020 NGBS allows the certification of mixed-use existing buildings if the residential portion is greater than 50% of the gross floor area of the building. Building owners have three compliance choices. First, the residential portion can earn certification at the Bronze, Silver, Gold, or Emerald levels using NGBS Chapter 11 conformance criteria. Second, the whole building can earn dual certification by demonstrating the residential portion complies with Chapter 11 (Bronze, Silver, Gold, or Emerald ) and the commercial portion complies with Chapter 13 (Certified level.)<sup>1</sup> Third, the **whole building** can be certified at the Bronze, Silver, Gold, or Emerald levels using NGBS Chapter 11 conformance criteria, provided that the residential portion meets the Chapter 11 for lot design, resource efficiency, indoor environmental quality, and building operation and maintenance **and** the entire building achieves the Chapter 11 performance criteria for energy and water savings consumption. Existing buildings cannot earn a whole building certification using the third approach by merely verifying compliance with the Chapter 13 Core-and-Shell requirements if the space has already been built out and there are operating tenant(s) in the commercial space.

## Compliance Options

2020 NGBS Chapter 11 sets compliance criteria for existing multifamily buildings, the residential portion of mixed-use buildings, and mixed-use buildings. The building can earn Bronze, Silver, Gold, or Emerald if the building is compliant with the NGBS requirements.

2020 NGBS Chapter 13 sets compliance criteria for non-residential space in mixed-use buildings where the residential space is greater than 50% of the building's gross floor area; compliant commercial space can earn the Certified level. Chapter 13 allows two certification options for the building's commercial space: (1) Core-and-Shell, or (2) Core-and-Shell + Fully Fitted Out and Equipped. Section 13 practices are mandatory, when relevant, regardless of which compliance path is selected.

Core-and-Shell compliance requires the building envelope to be energy efficient, which ensures that the building envelope will be high performing before the commercial tenants outfit the space to their

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<sup>1</sup> Commercial spaces have an additional choice of earning Core-and-Shell certification or Fully Fitted Out and Equipped, as desired by the building owner and/or commercial tenants.

specific needs. For new construction, this implies better air sealing, air barrier installation, air leakage testing<sup>2</sup>, high-performance fenestration products, and Grade 1 insulation in all parts of the envelope to ensure the building's exterior is similarly high-performing for both the residential and non-residential areas of the building.

The scope of renovation activities for existing buildings can vary widely depending on their current condition, project budget, previous use, historic considerations, and whether the building is occupied or vacant during the renovation. To account for these considerations, the NGBS provides different compliance options.

### 1. **Certification of the Residential Portion Only**

Existing mixed-use buildings can earn NGBS Green certification at the Bronze, Silver, Gold, or Emerald levels if the **residential portion** of the building (apartments plus common areas) meets the compliance requirements of NGBS Chapter 11. A certificate is issued that states the certification is for the "residential portions of the building."

### 2. **Certification of the Residential Portion + Certification of the Commercial Space(s)**

As stated in #1 above, existing mixed-use buildings can earn NGBS Green certification at the Bronze, Silver, Gold, or Emerald levels if the **residential portion** of the building (apartments plus common areas) meets the compliance requirements of NGBS Chapter 11. **In addition**, the building can also earn a separate certification – "Certified," no levels – for the **commercial space** (Core-and-Shell or Fully Fitted Out and Equipped) if that area meets the compliance requirements of NGBS Chapter 13. Two certificates are issued. One certificate is for the "residential portions of the building." The second certificate is for the commercial space(s).<sup>3</sup> A hallmark of the NGBS Existing Building certification is that mandatory practices out of scope for a renovation project are not required for certification. However, for commercial space certification to be issued, a reasonable number of practices must be achieved within the commercial space. If a project is pursuing Full Fit-Out compliance and cannot meet one or more items, please contact us for additional guidance.

### 3. **Certification of the Whole Building**

Existing mixed-use buildings can earn NGBS Green certification at the Bronze, Silver, Gold, or Emerald levels if the **whole building** (residential portion plus the commercial areas) meets the compliance requirements of NGBS Chapter 11. A certificate is issued for the entire building without distinction between the commercial and the residential portions. Energy and water modeling is provided that demonstrates that the entire building achieves the energy and water performance targets. This certification is the best option available for existing buildings looking to secure a whole-building green certification to meet re-financing requirements but do not plan to relocate existing commercial tenants to perform commercial space improvements.

## Discussion

The NGBS offers a rigorous, yet flexible, approach to the green design, construction, and renovation of existing buildings. Compliance options for existing buildings are particularly flexible to allow for a wide range of renovation activities, from moderate improvements to a full gut rehab.

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<sup>2</sup> Optional by code for some buildings.

<sup>3</sup> If desired, Home Innovation can also issue a separate certificate for each of the commercial spaces/tenants.

This flexibility in NGBS’s renovation specifications ensure proposed renovations are as green as possible by not requiring unnecessary renovations or replacements for building areas that are not in need of repair or reconstruction. It also encourages a wider variety of buildings to use the NGBS for performance upgrades by recognizing that existing buildings have a wide range of performance issues that need addressing.

NGBS **Section 305 Green Remodeling** specifically provides compliance exemptions for portions of the building that will not be altered:

**305.2.3 Mandatory practices.** Additions, alterations, or repairs to an existing building, building system, or portion thereof shall comply with the Mandatory requirements of Chapter 11. Unaltered portions of the existing building shall not be required to meet Mandatory requirements except when life safety or apparent moisture issues exist.

Section 305 Performance Path for existing buildings measures compliance using a whole-building approach. This allows the project team to have flexibility in how the building is compliant, without reducing the level of performance expected. Section 305.2.5.1 Energy consumption reduction path AND 305.2.6.1 Water consumption reduction path state: “For multifamily buildings, the [energy or water, respectively] consumption **shall be based on the entire building**, including all dwelling units or sleeping units and common areas.” [emphasis added] This means that if the entire building can meet the required reduction in energy and water consumption and meet the required point threshold for the other four categories of green practices, the building can be certified as compliant, even if some apartments would not meet the specific consumption reduction requirements.

The NGBS’s pragmatic and flexible approach serves to encourage, not discourage, owners to upgrade their older, inefficient buildings. Ultimately, the goal is to reduce the building’s energy and water consumption by a measurable and meaningful amount. As noted in the NGBS sections highlighted above, compliance can be based on a whole-building approach, regardless of whether the building has commercial space.

Chapter 13 also includes exemptions from mandatory practices for the commercial portions of the building:

**13.102.1.3 Additions and alterations.** The provisions of this Chapter shall only apply to areas of the building that are exposed or created during the remodel of mixed-use building(s) complying with § 305, Green Remodeling.

This section allows commercial space of an existing building to earn certification even if a limited scope renovation is planned for the commercial areas of the building.

## Verification Guidance

Verifiers working on projects that intend to use Option 3: Certification of the whole-building may be limited by the analysis and modeling they are able to do for the commercial space(s). To earn NGBS Green certification for the whole building, the Verifier must be able to secure energy and water consumption data or estimate consumption with a high degree of confidence to properly model the building post-renovation. Home Innovation staff are available to work with the Verifier and project team on the analysis as necessary.