From: May, Cheryl OHCS:EX

Sent: February 2, 2021 5:34 PM

To: Fyfe, Richard J AG:EX

Subject: mandate letter clarification

Hi Richard,

I have a mandate letter commitment s.13

"build on our government's work to require new buildings and retrofits to be more energy efficient and cleaner by supporting local governments to set their own carbon pollution performance standards for new buildings."

s.13

I have asked staff to prepare a DBN to get clarification from the Minister, but I think it would also be important to confirm direction with the Premier's office. I'd appreciate your advice on how to proceed.

С

From: May, Cheryl OHCS:EX

Sent: February 3, 2021 10:20 AM

To: Fyfe, Richard J AG:EX

Subject: RE: mandate letter clarification

Thanks Richard. I think this is better suited to a conversation to ensure we are on the same page. I'll have staff finish the note which provides a bit more info about the complexity and range of possible approaches and then bring it our regular meeting for discussion.

Thanks,

Cheryl

From: Fyfe, Richard J AG:EX
Sent: February 2, 2021 8:21 PM
To: May, Cheryl OHCS:EX

Subject: Re: mandate letter clarification

Hi Cheryl - I confirmed s. 13 with Lori - as I thought below:

s.13

Richard J.M. Fyfe QC Deputy Attorney General Ministry of Justice and Attorney General Tel. (250) 356-0149

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

On Feb 2, 2021, at 5:33 PM, May, Cheryl OHCS:EX < Cheryl. May@gov.bc.ca > wrote:

Hi Richard,

I have a mandate letter commitment s.13

"build on our government's work to require new buildings and retrofits to be more energy efficient and cleaner by supporting local governments to set their own carbon pollution performance standards for new buildings."

I have asked staff to prepare a DBN to get clarification from the Minister, but I think it would also be important to confirm direction with the Premier's office. I'd appreciate your advice on how to proceed.

С

Date Prepared: January 4, 2021 Date Decision Required: January 18, 2021

MINISTRY OF ATTORNEY GENERAL BUILDING AND SAFETY STANDARDS BRANCH DECISION BRIEFING NOTE

PURPOSE: For DECISION of David Eby, QC

Minister Responsible for Housing

ISSUE:

Existing Buildings Renewal Strategy

DECISION REQUIRED/ RECOMMENDATION:

OPTION #1: Engage on the Existing Buildings Renewal Strategy (EBRS) by March 31, 2021.

BACKGROUND:

The BC Building Code (the Code) legally applies to all "building activities", including new construction and alterations to existing buildings, but is primarily developed for the design of new buildings and is impractical for many existing building applications. This has resulted in a lack of clarity and inconsistent application of technical requirements for alterations to existing buildings. The Code supports five objectives: health, safety, accessibility, energy and water use, and fire and structural protection of buildings. Traditionally, the Code focused on environmental risks (i.e., wind, snow etc.) which do not change significantly over time. However, climate change and improved understanding of seismic risks have disrupted this model, leaving existing buildings and occupants, especially vulnerable populations, at an increasing risk to physical threats of climate change. CleanBC commits to the introduction of an energy code for existing buildings by 2024 and provides the best opportunity to coordinate government action into a single strategy addressing the necessary improvements to existing buildings while balancing social and economic pressures.

The Building and Safety Standards Branch (BSSB) completed the first phase of engagement on the development of a code for existing buildings in Fall 2019 which focused on listening to external perspectives summarized in the recently released "Stakeholder Consultation Report" (Attachment 2).

DISCUSSION:

BC Housing, numerous local governments, utilities and industry partners are actively developing policies and programs to enhance energy efficiency, emission reductions and the resilience of buildings. These partners are requesting Provincial leadership to ensure coordinated policy direction, especially as incentives and funding programs continue to roll out. Without Provincial direction, local governments will continue to create their own climate action and resiliency policies within their spheres of influence with the risk of increasing inconsistency of focus and associated industry burden.

Date Prepared: January 4, 2021 Date Decision Required: January 18, 2021

Further, a lack of coordination prevents local governments from accessing supportive resources, for those with limited capacity or knowledge, and peer learning opportunities that contribute to program success.

While external partners focus their climate action policies on energy efficiency, the Provincial strategy will ensure investment in renovations address the full extent of risks facing the existing building stock. Short-sighted renovations for energy efficiency could lockout future renovations needed to address remaining risks to buildings and occupants. The Provincial strategy will outline identified risks, expectations, and outcomes that will allow action by local governments that are ready, without putting pressure on local governments still managing the economic impacts of COVID-19 or facing other constraints.

The proposed strategy has identified nine risks facing the existing building stock, which either impact specific communities or all buildings across the province. The categories of risks include:

- local government resilience that addresses localized and unique risks (local seismic considerations, water use, wildfire, and flooding). s.13
- provincial requirements that address province wide conditions
 (energy efficiency, GHG emissions, seismic, overheating, and wildfire smoke/air
 quality). s.13
 s.13

Based on the nature and scope of impact of the above risks, unique regulatory approaches and tools will likely be required. The regulatory approaches available range from light touch options to stricter Provincial involvement (See below). Further, COVID-19 requires increased attention to the impacts of regulation on the economy and housing affordability.

Voluntary market transformation and education	Unrestricted local government authority	Regulation at time of renovation	Mandatory assessment, data collection, reporting, and disclosure	Tiered performance- based outcomes, local government flexibility	Mandatory, deadline- based requirements, (requires legislation)
--------------------------------------------------------	-----------------------------------------	----------------------------------------	------------------------------------------------------------------------------------	------------------------------------------------------------------	--------------------------------------------------------------------------------

BSSB has heard from partners, including those from the rental housing market, that an increase in Provincial regulation on existing buildings will have significant financial implications. BSSB plans to use the next phase of engagement to work with external

Date Prepared: January 4, 2021

Date Decision Required: January 18, 2021

partners to develop a consensus-based plan that will form the basis of the strategy. Identifying and understanding key challenges facing different regions or sectors will be an important step in finding the best opportunities associated with different policy and regulatory approaches. A balance is needed between addressing barriers facing the sector and ensuring buildings contribute to occupant health and safety while reducing environmental impact and mitigating against known hazards.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

Climate Action Secretariat's report 'Climate Change, Intersectionality and GBA+ in British Columbia' highlights that marginalized populations and lower-income households are at a greater risk to the impacts, including intersecting impacts, of climate change. This is extremely apparent at the building level when examining building type, age, condition, ownership type, and populations housed.

For example, consider a fixed-income elderly couple living in Victoria in a west facing unit of a low-rise residential rental building constructed in the 1980s. This building has not been adequately maintained, does not have air conditioning, and the owner has avoided renovations due to the inability to recoup costs as a result of rental caps and tenants being the beneficiaries of renovations, mainly those targeted at energy efficiency. It is July 2020, in addition to the pandemic Victoria is experiencing 26-degree temperatures and extremely poor air quality due to wildfire smoke. The elderly couple's unit is between 28-30 degrees inside, but they are unable to open their windows because of the poor air quality or leave home. Their building places them at risk for heatstroke and respiratory problems. This could be avoided by the building owner installing heat pumps that provide air conditioning addressing the overheating risk and improving energy efficiency.

s.13

BSSB has two engagement sessions to complete on the EBRS. These engagements will go beyond bringing the regular organizations to the table but will ensure that individuals and organizations involved reflect diverse backgrounds and experiences. BSSB plans to conduct separate engagement with Indigenous communities and leaders to ensure conversations are culturally appropriate.

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Withheld pursuant to/removed as

s.13

Date Prepared: January 4, 2021 Date Decision Required: January 18, 2021

OTHER MINISTRIES IMPACTED/CONSULTED: N/A

Richard J. M. Fyfe, QC Deputy Attorney General	DATE: January 18, 2021
OPTION APPROVED	DATE: January 18, 2021
David Eby, QC Attorney General	

Prepared by:

Nicole Vukosavljevic Senior Policy Analyst Building and Safety Standards Branch 778 974-5044

Attachments: (2)

- 1. Project Timeline
- 2. Fall 2019 Stakeholder Report

Approved by:

Cheryl May A/Associate Deputy Minister Housing, Construction Standards, and Multiculturalism 250 812-3345

Cliff: 612380 Date Prepared: January 4, 2021 Date Decision Required: January 18, 2021

Attachment 1: Project Timeline

Preliminary Research	Policy Development - Asses key policy issues - Develop options - Targeted partner engagement	Final Strategy	Prepare Requirements	Adoption
2019	2020	2021	2022 - 2024	2024
Develop Policy and	Technical Strategy		Codes & Standards	Implementation
Fall 2019	Winter 2021	2021	2022 - 2024	2022 - 2024
Engagement #1 Listen & Learn	Engagement #2 Discuss Draft Strategy and Options	Engagement #3 Share and Refine	Industry Collaboration	Build Capacity





Project Background

THE BUILDING AND SAFETY STANDARDS

BRANCH (BSSB), Ministry of Municipal Affairs and Housing, is responsible for the *Building Act* and the *BC Building Code (BCBC)*. The BCBC regulates health and safety, fire and structural protection, accessibility, as well as energy and water efficiency in building construction.

The BCBC is primarily intended for new construction and was not designed specifically to address existing buildings. This means that currently there are no clear requirements for existing building alterations or existing building performance. This lack of clarity has led to confusion and uncertainty as well as inconsistent code enforcement across the province. These factors create barriers to investment in the existing building stock.



However, this also means that existing buildings present a significant opportunity to reduce carbon emissions and enhance resilience in the built environment. 70 per cent of today's building stock will still exist in 2030. As these buildings age and are altered, clear requirements will help ensure that

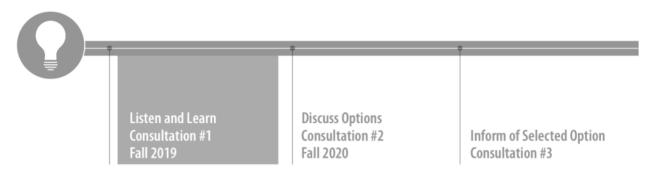
buildings positively contribute to public safety, community resilience, and environmental protection.



As part of the Province's commitment to Better Buildings under CleanBC, BSSB is responsible for the development of an alterations code for existing buildings. This mandate aligns with the federal government's commitment under the Pan-Canadian Framework on Clean Growth and Climate Change to create a code for existing buildings. In addition to working closely with the National Code Development system towards this goal, BSSB will also develop technical requirements to support GHG reduction, energy efficiency, and resilience in existing buildings. To deliver on its mandate, BSSB will develop an alterations to existing buildings strategy and will adopt a code by 2024.

Our Consultation Approach: Listen and Learn

BSSB UNDERTOOK AN INITIAL PHASE OF CONSULTATION between October and December 2019 to inform stakeholders of the project, build relationships, develop an understanding of challenges and opportunities, as well as document stakeholder values and policy preferences. The approach was designed to ensure that key issues for stakeholders are considered throughout policy development to align policy direction, as much as possible, with stakeholder interests. Future consultation phases will seek feedback once options are developed and inform stakeholders of next steps.



Twenty-seven organizations across five sectors participated in the initial consultation phase. Sectors included building owners, renovation professionals, local government professionals, non-government research and advocacy organizations, and energy utility companies. Meetings were held in-person and by teleconference.

Building Owners >> BC Housing >> BC Non-Profit Housing Association >> Co-operative Housing Federation of BC >> Landlord BC >> Building Owners and Managers Association >> Condominium Homeowners Association of BC >> Urban Development Institute	Renovation Professionals Architectural Institute of BC Engineers and Geoscientists of BC Interior Designers of BC BC Construction Association Vancouver Island Construction Association Southern Interior Construction Association Canadian Home Builders BC Canadian Home Builders Vancouver Island Canadian Home Builders Vancouver Island Canadian Home Builders Vancouver Island	Local Government City of Surrey City of Victoria City of Vancouver Building Officials Association of BC Union of BC Municipalities Planning Institute of BC	Non-Government Organizations >> Heritage BC >> Canadian Green Building Council >> Pembina Institute	Energy Utilities >>> BC Hydro >>> FortisBC
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Consultation questions were tailored to the unique perspectives and expertise of each stakeholder group. All groups were asked about the values and principles they would like to see reflected in future existing building requirements and policies. Other topics included motivations and barriers to investment in existing buildings, market demand and industry capacity for renovations, interpretation and enforcement of the building code, the building permitting system, future capacity building needs, code requirements and triggers, and preferences for future engagement.

The following is a high-level summary capturing themes, principles, and issues consistently raised across all or most stakeholder groups. Unique contributions of individual groups were captured during the consultation and will be considered but may not be reflected here.

Code Requirements and Enforcement

CLARITY AND CONSISTENCY

Stakeholders reported that a lack of clarity in the BC Building Code creates a barrier to consistent interpretation and enforcement by local governments. Stakeholders also reported that inconsistent local government enforcement practices and the building permitting system create barriers, uncertainty, and risk for building owners and renovation professionals. Stakeholders suggested opportunities for improvement.

THREE KEY ISSUES RELATED TO CLARITY AND CONSISTENCY WERE RAISED:

Clarity of Requirements: Stakeholders requested that requirements be clarified. Suggestions included creating a separated code section which consolidates requirements for existing buildings, introducing performance metrics, and other measures.

- Stakeholder requested tools that would help guide interpretation and decrease the use of discretion by code users. Suggestions included a decision-making framework, a hierarchy of code objectives, performance metrics, and a menubased system of options.
- Consistent Enforcement Across Local Governments: Stakeholders requested that actions be taken to standardize the code enforcement system across the province in order to decrease uncertainty and enhance industry mobility. Suggestions included standardized building bylaws, standardized permitting forms and processes, enhanced data collection and processing capabilities for local governments, and other measures.

PRACTICALITY AND FLEXIBILITY

Stakeholders reported that future requirements should consider the unique characteristics of existing buildings and existing buildings stakeholders.

TWO KEY ISSUES RELATED TO PRACTICALITY AND FLEXIBILITY WERE RAISED:

- Stakeholders requested that requirements:
 Stakeholders requested that requirements
 reflect the variability in the existing building
 stock. Suggestions included performance-based
 requirements developed using real existing
 building data, alternative compliance paths, and
 different approaches for different building types.
- Options and Choice to Building Owners:

 Stakeholders requested that building owners have enough flexibility to make the decisions most suitable for their unique building and circumstance. Building owners requested that requirements provide the sector with alternatives and adequate timelines.

ACHIEVING OBJECTIVES

Stakeholders reported that future requirements will need to balance the desire for flexibility with the need for clear standards if real progress is to be made on existing buildings.

THREE KEY ISSUES RELATED TO ACHIEVING OBJECTIVES WERE RAISED:

- Minimum Standards: Stakeholders requested clear minimum standards and expressed concern that, without these, existing buildings would continue to under perform, and local governments would struggle with code enforcement.
- Evidence Based Targets: Stakeholders requested both energy and GHG targets be developed for existing buildings to support efficiency and emissions reduction goals. Stakeholders suggested that evidence-based targets would support clarity, transparency, and confidence in existing buildings standards.
- Performance Monitoring: Stakeholders requested that building performance be monitored over time to improve transparency of building emissions and enable progress tracking toward energy and GHG targets. Stakeholders suggested benchmarking and data access would also support the refinement of targets and policies, if needed

Implementation of New Requirements

THREE KEY ISSUES RELATED TO IMPLEMENTATION WERE RAISED:

- Advanced Notice: Stakeholders requested early notice of future requirements and clear, adequate timelines be provided to help individuals and businesses prepare for the transition.
- Phased Approach: Stakeholders requested a phased approach to implementation, with a basic introductory phase designed specifically

- to build capacity across sectors. Stakeholders suggested this would help support individuals and businesses adjust to the changing regulatory environment.
- Capacity Building: Stakeholders reported that new requirements for existing buildings may trigger the need for enhanced capacity in the areas of energy advisors, building officials, and qualified professional renovators. Stakeholders suggested education, professional programs, and ongoing communication with industry would help build capacity in these areas.

Incentives and Financing

Stakeholders reported that, while cost is a barrier to investment in existing buildings, it is important to make investments for many business, environmental, and social reasons. Stakeholders requested that government work to coordinate incentives and financing to support building owners in the transition to existing building requirements.

THREE KEY ISSUES RELATED TO INCENTIVES AND FINANCING WERE RAISED:

- Coordinated: Stakeholders reported that incentive and financing programs will be most effective at supporting the transition to new existing building requirements if they are closely coordinated with regulation or even tied to meeting new requirements. Stakeholders suggested that BSSB work closely with utility incentive providers and incentive programs in other areas of government.
- Targeted and Relevant: Stakeholders reported that incentive and financing programs will be most effective if they are targeted at solving issues relevant to existing building owners. Stakeholders suggested that incentives should reflect the needs of today's building stock and the interests of building owners.
- Simple: Stakeholders reported that incentive and financing programs will be most effective if they are simple, straightforward, and easy to access.

Next Steps

Development of Policy Options: Spring/Summer 2020

In 2020, BSSB will develop policy options that will support a future alterations code for existing buildings.

Phase 2 Consultation: Discuss Policy Options - Fall 2020

The second phase of consultation will be used to seek input from stakeholders on policy options. The desired outcome of this phase is that stakeholders and BSSB develop a shared understanding of options, policy trade offs, and policy preferences.









MINISTRY OF ATTORNEY GENERAL BUILDING AND SAFETY STANDARDS INFORMATION BRIEFING NOTE

PURPOSE: For INFORMATION of David Eby, QC

Minister Responsible for Housing

ISSUE:

Greenhouse Gas Requirements in the BC Building Code for New Construction

SUMMARY:

 In November 2020, the Minister's Mandate Letter included direction to support local governments to set their own carbon pollution performance standards for new buildings.

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 BSSB will consult with stakeholders, including the BC Energy Step Code Council, to inform the development and adoption of GHG requirements s.13
 s.13

BACKGROUND:

The BC Government, through the *Climate Change Accountability Act*, has legislated GHG emissions reductions. In comparison to 2007 levels, GHG emissions are to be reduced by 40 per cent by 2030, 60 per cent by 2040, and 80 per cent by 2050. To achieve these reductions, the Province's CleanBC plan identified key sectors for targeted action towards emissions reductions. One of these sectors is the built environment. CleanBC commitments that aim to reduce emissions in the built environment through the BC Building Code include:

- 1. Increasing requirements for new construction to net-zero energy ready by 2032 and;
- 2. Developing an energy code for alterations to existing buildings by 2024. However, the BCBC does not currently contain GHG requirements and GHG reduction is not an explicit objective of the code.

The Building Act brings greater clarity and consistency to the technical requirements of buildings across BC by establishing the Province as the primary authority for building requirements and restricting local government authority to specific and additional "unrestricted" matters. The *Building Act* General Regulation, section 2.2 (3), allows local governments to exercise their limited authority for building energy conservation and GHG reductions by enacting a local building requirement in conformance with a Step of the BC Energy Step Code described in Article 9.36.6.3. or 10.2.3.3. of Division B of the BC Building Code. However, the Energy Step Code does not directly provide tools for the reduction of greenhouse gas emissions, rather indirectly through energy efficiency measures. This approach is viewed by some local governments as insufficient as it does not support them in fulfilling their

BC Climate Action Charter obligations of measuring and reducing GHG emissions, nor does it respond to calls for provincial action on this issue from industry stakeholders and utilities.

In the absence of consistent GHG requirements some local governments are using other tools at their disposal such as variable energy efficiency standards for different fuels depending on the carbon intensity of fuels used (e.g., electricity, natural gas, district heating). They have also sought GHG reductions using Development Permit Area Guidelines, bylaws for the inclusion of low-carbon energy systems, and other GHG reduction measures for rezoning. These approaches are counter to the *Building Act* objective of consistency in building technical requirements and result in a patchwork of varying standards across municipalities. This is counter to the cross-Ministry mandate to bring down the cost of housing for people by streamlining and modernizing development permitting and approvals.

The new Mandate is aligned with a 2019 resolution from the UBCM convention which requested "that the Province include GHG limits for new construction as an enforceable element in Division B of the British Columbia Building Code, including a pathway to achieve zero GHG emissions for new construction in a timeline commensurate with the science of climate change and BC's reduction targets."

Although the resolution was not endorsed, UBCM's Special Committee on Climate Action is working towards submitting recommendations to the Province in 2020 and it is anticipated GHGs will be an area of focus. Furthermore, in April 2020 the Metro Vancouver Regional District Board sent a letter to the Minister requesting that the Province address GHGs in the BC Building Code and in a code for existing buildings.

In Summer 2020, the Building and Safety Standards Branch convened an inter-ministry committee to determine an evidence-based method for measuring the GHG intensity of fuels used in buildings. This committee included representatives from BSSB, Climate Action Secretariat, the Ministry of Energy, Mines and Low Carbon Innovation (Ministry of Energy, Mines and Petroleum Resources at the time), and the Ministry of Citizen Services and prepared BSSB for moving forward to external consultations.

DISCUSSION:

The lack of specific GHG requirements in the BC Building Code will impede the ability of the Province and local governments to satisfy the objectives of CleanBC and legislated reductions in the Climate Accountability Act. s.13 s.13

The development of GHG requirements in the BC Building Code is a contentious issue with some stakeholder groups, due to its potential impacts on industry and energy affordability. s.13

Through cross-ministry consultation, BSSB has found that there is a Provincial consensus on the methodology for measuring GHG emissions from various fuel sources used in buildings. This internal consultation has prepared BSSB to consult externally with the BC Energy Step Code Council and others to develop GHG requirements s.13

This collaborative

This collaborative approach to requirements development will help strengthen relationships and encourage buy-in amongst stakeholders. Upcoming consultation with the BC Energy Step Code Council will allow BSSB to leverage existing positive stakeholder relationships and external resources.

The creation of GHG requirements will allow the BC Government to demonstrate action on CleanBC commitments, campaign commitments, and will support local governments while maintaining regulatory consistency. This direction is also supportive of the Ministry's new strategic plan and specifically supportive of local governments in the planning and development of low-carbon resilient buildings.

Focusing directly on GHG reduction in the BC Building Code will bring the Province in alignment with the City of Vancouver and other leading jurisdictions such as New York City, Washington State, and the City of Toronto.

BC has a commitment to regulatory harmonization with the National Building Code (NBC). While GHGs are not currently addressed in the NBC, BSSB has the opportunity through its involvement in the Provincial/Territorial Policy Advisory Committee on Codes to influence national direction on this issue. BC retains its authority to set building codes and pursue provincial policy objectives through the BCBC.

INDIGENOUS PEOPLES CONSIDERATIONS:

None.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

The negative impacts of climate change disproportionately impact citizens who are already at risk because pre-existing inequalities are exacerbated by the impacts of climate change, including pollution, drought, flooding, wildfire, and extreme weather events. Those who live in poverty are the most impacted by climate change; they are more likely to live in areas prone to natural disasters, less likely to have access to newer buildings with sufficient ventilation and cooling, and less likely to have the resources to adapt to a changing climate. Poverty also intersects with other identity factors, such as age, health status, gender, and ethnicity/race add additional layers of vulnerability to an already compromised population. Conversely, individuals with higher socio-economic status, in good health, living in urban areas may be the least impacted by climate change. Policies to reduce GHG emissions and mitigate the impacts of climate change will have the greatest impact on BC's most vulnerable citizens.

OTHER MINISTRIES IMPACTED/CONSULTED:

Ministry of Energy, Mines, and Low-Carbon Innovation, Ministry of Environment (Climate Action Secretariat), and Ministry of Municipal Affairs.

Prepared by:

Kylie Sandham Policy Analyst Building and Safety Standards Branch 250-213-6502

Approved by:

Zachary May Director, Strategic Policy Building and Safety Standards Branch 778-974-3916

Attachment(s)

GHG Requirements and BC Building Code - PPT

GHG Requirements and BC Building Code

November 2020





CleanBC and GHG Targets Legislation:

- √The Climate Change Accountability Act includes legislated targets for reducing greenhouse gases.
- ✓ Under the Act, B.C.'s GHG emissions are to be reduced by 40 percent below 2007 levels by 2030, 60 percent by 2040, and 80 percent by 2050.

✓ CleanBC identified the built environment as a areas for reductions.



- ✓ Establish voluntary standards for local government leadership.
- ✓ Fully Implement the highest step of the BC Energy Step Code by 2032.
- ✓ Adopt an Existing Buildings Coe by 2024.





2020 Government Commitments

A Clean Energy Economy and Future

- Commit BC to achieving net-zero emissions by 2050:
 - Pass legislation requiring BC to achieve net-zero emissions by 2050
- Require greener buildings:
 - Empower local governments to set their own carbon pollution performance standards for new buildings.





✓ BCBC does not currently provide GHG performance requirements.

- ✓ GHG reductions are not an objective of the BCBC.
- ✓ BCBC maintains fuel neutrality by regulating outcomes, not fuel choice.



Local Governments

- ✓ Climate Action Charter Requirements 187 B.C. local governments
- ✓ Climate Emergency Declarations 32 B.C. local governments
- ✓ Building Act creates a clear and consistent regulatory framework by restricting local government authority for setting technical building requirements.
- ✓ The B.C. Energy Step Code provides a consistent tool to for energy conservation, but does not adequately address local government mandate for GHG reductions.
- ✓ In the absence of consistent BCBC GHG requirements, local governments are implementing a variety of diverse approaches to regulate GHGs, creating a lack of clarity and uncertainty for industry.



Diverse Approaches to GHG Reduction

Local Governments are creating requirements, using BC Energy Step Code, to incentivize low carbon energy systems (LCES).

Examples:

- 1. City of Richmond Step 3 Required, or 2 with LCES
- 2. City of New Westminster Step 3 Required, or 2 with LCES
- 3. City of Port Moody Step 2 Required, or 1 with LCES
- 4. District of West Vancouver Step 4, Required, or 2 with LCES
- 5. City of Burnaby Step 3 Required, or 2 with LCES when rezoning





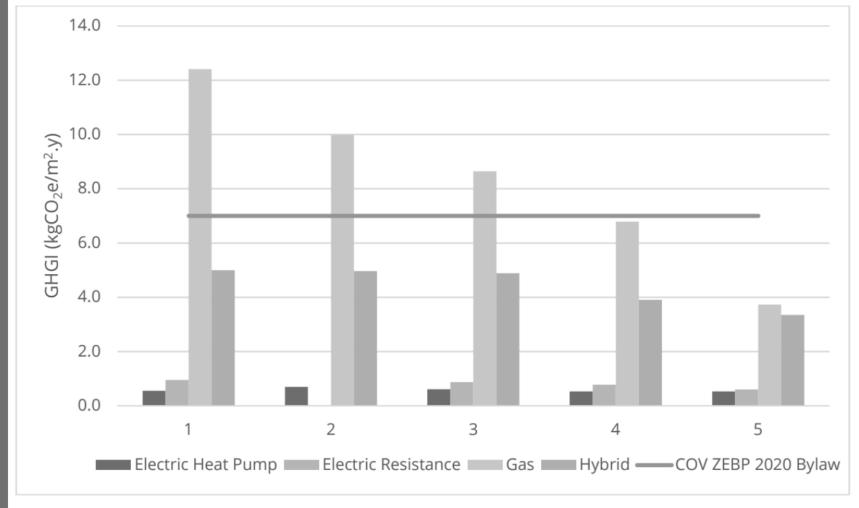


Figure 5: GHGI vs Step Code Trends - Medium Single-Family Dwelling

Issues Management



s.13

Industry stakeholders such as UDI and CHBABC have expressed support for consistent GHG requirements in the Energy Step Code

s.13





GHG reductions requirements may be perceived as adding costs to the operation of buildings.

s.13



Developing New GHG Requirements:

Short Term	Mid Term	Long Term
(Oct 2020-March 2021)	(April 2021 – 2020)	(2022 – 2024)
s.13	Stakeholder engagement and recommendations s.13	Consider provincial requirements (e.g. require all buildings to determine GHG impact)

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Withheld pursuant to/removed as

s.13

Thank You



Date Prepared: January 18, 2021

MINISTRY OF ATTORNEY GENERAL Building and Safety Standards Branch MEETING BRIEFING NOTE

PURPOSE: MEETING Note for David Eby, QC

Minister Responsible for Housing

Meeting with: Merran Smith, Executive Director, Clean Energy Canada, Co-Chair, B.C.

Climate Solutions Council

Colleen Giroux-Schmidt, Vice President, Corporate Relations, Innergex

Renewable Energy, Co-Chair, B.C. Climate Solutions Council

2021-01-20

Topic:

Buildings and CleanBC's energy efficiency and carbon reduction goals.

Key Messages:

- The Province is on track to achieve the energy efficiency goals for buildings identified in CleanBC.
- Work is now underway to ensure that energy efficient buildings also reduce their carbon emissions, ensuring buildings contribute to CleanBC's carbon reduction goals.

BACKGROUND:

The BC Government has legislated greenhouse gas (GHG) reductions in the *Climate Change Accountability Act* (40 per cent reduction in 2030, as compared to 2007 levels) and CleanBC has identified the buildings sector as a priority to achieve these reductions. In parallel, local governments were mandated under the Local Government Act in 2007 to develop and implement GHG reduction plans.

The Ministry has a 2020-2024 mandate to: "Build on our government's work to require new buildings and retrofits to be more energy efficient and cleaner by supporting local governments to set their own carbon pollution performance standards for new buildings".

The BC Building Code (BCBC) does not currently include minimizing GHG pollution as an objective, although significant GHG reductions can be achieved through improvements in energy efficiency with natural gas using equipment. The BCBC regulates energy efficiency both through national energy codes as well as via the voluntary BC Energy Step Code (Step Code), which focuses on energy use performance targets, energy modelling and airtightness testing to improve energy efficiency within the building sector. Currently 39 communities reference the Step Code through policy and bylaws.

Date Prepared: January 18, 2021

The Step Code provides a technical roadmap to require ultra-efficient buildings as a minimum standard by 2032 and is effective at achieving emissions reductions upwards of 80 per cent; however, the focus on energy efficiency will not necessarily ensure that the legislated emission reductions will be achieved. The primary reason for this is because the Step Code is fuel agnostic, which has been a principle supported in British Columbia and National energy codes for over a decade. Despite significant improvements in energy efficiency, the use of carbon intensive fuels such as heating oil, natural gas, district heating (with fossil fuels), or electricity generated from coal or natural gas results in buildings that may achieve the Province's energy efficiency goals but do not contribute towards significant carbon reduction. As such, there is now a greater focus on the need to provide consistent metrics and standards for addressing GHG emissions for buildings directly. In the summer of 2020, the Building and Safety Standards Branch (BSSB) convened and inter-ministry committee to determine and evidence-based method for measuring the GHG intensity of fuels used in buildings.

To further improve energy efficiency of existing buildings and thereby positively impact emissions reductions during building retrofits/alterations, CleanBC commits to the introduction of an energy code for buildings by 2024. BSSB completed the first phase of engagement on the development of a code for existing buildings in Fall 2019, which focused on listening to external perspectives summarized in the recently released "Stakeholder Consultation Report".

DISCUSSION:

To address their own policy goals with regards to climate change, local governments are looking to the Province to meet these goals via clear and consistent policy in relation to GHGs. Both the existing building stock and new construction have a significant overall impact on both energy use and GHG emissions. Provincial regulation and policy direction will ensure that local governments will no longer create their own climate action policies, which will reduce the risk of lack of consistency and transparency, thereby positively influencing industry and investment.

The province will need to strike a balance between filling regulatory gaps for local government leadership, supporting housing affordability, and ensuring alignment with current BC Building Code objectives of health and safety, fire and structural protection, accessibility, energy and water efficiency, and prospective future objectives of GHG management and natural hazard resilience.

To expand on the successes of the BC Energy Step Code, there is now ongoing work for defining metrics for greenhouse gas intensities (GHGi) for new buildings^{s.13} s.13

Date Prepared: January 18, 2021

In addition, sectoral targets developed by the Climate Action Secretariat (CAS) will be ready for roll-out in March 2021. CAS has released a Discussion Paper with regards to sectoral targets and engagement is ongoing.

There are unique challenges and opportunities for existing buildings and the need to optimize renewals for comprehensive energy efficiency retrofits, which will require a suite of tools to support owners beyond the BC Building Code, such as the property assessed clean energy financing. Stakeholder and intergovernmental collaboration will be required to determine the appropriate support mechanisms to improve energy efficiency and reduce GHGs in existing buildings. s.13

BSSB would work with industry, utility, and local government stakeholders on the BC Energy Step Code Council to develop recommendations for GHG requirements and a voluntary process for local government adoption of consistent GHG requirements for buildings.

This ongoing work to define GHGi's for both new and existing building closely aligns with the Climate Solutions Council's committed approach to climate action. Given that we are in the initial phases of scoping, consultation and engagement, there is an opportunity for partners such as the Climate Solutions Council to be actively involved in the development of GHGis for the building sector.

INDIGENOUS PEOPLES CONSIDERATIONS:

Formal application of the BC Building Code currently only applies to Treaty Nations; whereas, 70 per cent of indigenous peoples live outside of these communities. Engagement will be necessary to gauge impact on all Indigenous Peoples.

There are northern and remote communities that rely solely on fossil fuels to heat their homes and buildings, which will affect GHGi outcomes and exemplifies the need to have multiple, less carbon intensive fuel sources, while taking into account regional climate differences.

Further, consideration will be required for how GHGi metrics may impact cost and housing affordability in indigenous communities.

Further engagement will be required specific to these groups to ensure that these issues are adequately addressed.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

The appropriate tools will need to be given to Local Governments to help address climate change, poverty and the housing crisis to allow them to make decisions based on vulnerable populations and energy poverty.

Date Prepared: January 18, 2021

OTHER MINISTRIES IMPACTED/CONSULTED:

• Consultation is ongoing with the Ministry of Energy, Mines and Low Carbon Innovation as well as the Ministry of Environment and Climate Change Strategy

Prepared by:

Scott Williams
Senior Energy Codes Administrator
Building and Safety Standards Branch
250-880-7712

Approved by:

Cheryl May A/Associate Deputy Minister Housing, Construction Standards, and Multiculturalism 250 812-3345

Attachment(s)

None.

Date Prepared: January 26, 2021 Date Decision Required: February 28, 2021

MINISTRY OF ATTORNEY GENERAL BUILDING AND SAFETY STANDARDS BRANCH DECISION BRIEFING NOTE

PURPOSE: For DECISION of David Eby, QC

Attorney General and

Minister Responsible for Housing

ISSUE: Options for Fulfilling Mandate to Support Local Governments to Establish Carbon Pollution Standards for New Construction.

RECOMMENDATION:

s.13

SUMMARY:

 In November 2020, the Minister's Mandate Letter included direction to build on the government's work to require cleaner buildings by supporting local governments to set their own carbon pollution performance standards for new buildings.

s.13

BACKGROUND:

The Minister's Mandate Letter provides direction to "build on our government's work to require new buildings and retrofits to be more energy efficient and cleaner by supporting local governments to set their own carbon pollution performance standards for new buildings."

The *Building Act* limits Local Authorities to establish their own technical building requirements for carbon pollution and energy efficiency, requiring them to use the voluntary Energy Step Code in the BC Building Code (BCBC), which addresses energy efficiency but not carbon pollution.

DISCUSSION:

s.13

Date Prepared: January 26, 2021

Date Decision Required: February 28, 2021

Establishing provincial standards for carbon pollution through a provincial building regulation would address the specific requests of local governments and UBCM to take this specific action, although provincial standards also limit local governments to the options made available in regulation. The process of establishing a standardized provincial approach would engage a full range of stakeholders, including local governments, energy utilities, developers and homebuilders. s.13

Establishing the regulation of greenhouse gas emissions as an unrestricted matter under the *Building Act* would provide local governments with maximum flexibility to establish their own standards. s.13

s.13

INDIGENOUS PEOPLES CONSIDERATIONS:

The restriction of local governments' ability to regulate carbon pollution under Section 5 of the *Building Act* and Section 2.2(3) of the *Building Act General Regulation* does not apply to Treaty First Nations. Specific consultation with Indigenous communities and Treaty First Nations is not considered to be within the appropriate scope of this initiative.

OPTIONS:

s.13

Date Prepared: January 26, 2021 Date Decision Required: February 28, 2021

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Environment (Climate Action Secretariat)
- Ministry of Energy, Mines, and Low Carbon Innovation
- · Ministry of Municipal Affairs

Richard J. M. Fyfe, QC

Deputy Attorney General and Deputy Minister Responsible for Housing

OPTION s.13 APPROVED

David Eby, QC Attorney General and

Minister Responsible for Housing

Prepared by:

Zachary May Director, Strategic Policy Building and Safety Standards Branch 778-679-9641 DATE:

February 10, 2021

DATE:

February 22, 2021

Approved by:

Cheryl May A/Associate Deputy Minister Housing, Construction Standards, and Multiculturalism

Cliff: 613852 Date Prepared: March 9, 2021

MINISTRY OF ATTORNEY GENERAL BUILDING AND SAFETY STANDARDS MEETING BRIEFING NOTE

PURPOSE: MEETING Note for David Eby, QC

Attorney General and

Minister Responsible for Housing

Meeting with: Will Cole-Hamilton, Councillor (City of Courtenay), Help Cities Lead

Issue: Meeting with Help Cities Lead, a BC-focused campaign from the Climate Caucus (a group of elected local climate leaders) which seeks greater local authority to reduce emissions from buildings

Key Messages:

- Work is underway to support the mandate letter commitment to empower local governments to regulate Greenhouse Gas (GHG) emissions from new buildings while ensuring province-wide consistency of technical standards
- Work is also underway regarding the renewal of existing buildings s.13
 by 2024.
- Stakeholder engagement on both commitments is expected to begin in the coming months.
- The Premier's mandate letters to several ministries identify multiple areas of alignment between implementation of CleanBC and the priorities of Help Cities Lead.

BACKGROUND:

New and existing buildings account for 11.9 per cent of provincial GHG emissions and are among the top sources of GHG emissions at the local level (54 per cent in the City of Vancouver, between 30-40 per cent in other BC areas). Local governments that want to decrease emissions have set local targets but have limited means of mandating reductions in privately owned buildings.

The *Building Act General Regulation* empowers local governments to regulate up to five levels of energy efficiency of new construction in the Energy Step Code (an optional compliance path in the BC Building Code), which also has some GHG reducing co-benefits.

Date Prepared: March 9, 2021

The Minister Responsible for Housing's mandate letter includes a commitment to "build on our government's work to require new buildings and retrofits to be more energy efficient and cleaner by supporting local governments to set their own carbon pollution performance standards for new buildings."

The *Climate Change Accountability Act* requires the Province to develop GHG reduction targets for specific sectors, one of which is anticipated to be "Buildings and Communities," although a public announcement about how sectors are defined has yet not been made by the Minister of Environment.

Help Cities Lead has identified five areas where they believe additional local authority could accelerate climate action in the buildings, identified in the Discussion section below. Ministry staff are making progress in these areas.

DISCUSSION:

The BC Energy Step Code is achieving its intent to increase energy efficiency across 42 communities (including City of Vancouver), and, in many circumstances, it also reduces GHG emissions indirectly. However, further actions on new construction to reduce emissions may be necessary as per the Ministry's mandate. Currently regulations do not directly affect fuel choice. Additionally, improvements in new construction will only help achieve a small proportion of a sectoral target, and the majority of reductions will need to come from existing buildings since the vast majority will still be functional by 2030.

Some local governments relax energy efficiency requirements for building low-carbon homes instead of relying on more carbon-intensive fuels such as natural gas which are also less expensive than electricity (e.g. Step 5 for natural gas, or relaxed to Step 3 for low-carbon energy systems like electricity in the District of North Vancouver). This practice results in inconsistent energy efficiency outcomes and may result in less-than-optimal energy efficiency for the life of the lower carbon buildings and equipment.

s.13

s.13 BC is the first Canadian jurisdiction to pursue this work and should enable local governments to co-advance GHG emissions reductions and affordable building operations.

Date Prepared: March 9, 2021

Ministry staff are making progress on the following priorities of Help Cities Lead:

- 1. Mandatory home energy labelling
 - Ministry of Finance is mandated to support the Ministry of Energy, Mines, and Low Carbon Innovation to require mandatory building labelling at the time of listing.
 - ii. This work will facilitate building energy benchmarking and reporting
 - iii. The scope of this work is currently focused on residential buildings.
- 2. Property assessed clean energy (PACE) financing
 - The Ministry of Environment and Climate Change Strategy have engaged a contractor to create a roadmap for PACE financing, with a final roadmap and pilot program recommendations by March 26, 2021.
- 3. Regulating GHG emissions for new buildings
 - Staff from the Building and Safety Standards Branch have begun consultation and technical research on this issue.
- 4. Regulating GHG emissions for existing buildings
 - Building and Safety Standards staff are researching and consulting on this issue, but have not yet made a recommendation for Minister decision.
- 5. Mandatory building energy benchmarking and reporting
 - i. Facilitated by mandatory building labelling (#1)

The Building and Safety Standards Branch is developing an Existing Buildings Renewal Strategy in 2021. The scope of the consultations will include regulated energy efficiency standards (announced in 2018 in CleanBC) and discussions of policy options to advance greenhouse gas reductions beyond energy efficiency, seismic resilience (via BC's Seismic Retrofit Guidelines) and climate resilience measures (such as wildfire risk mitigation).

Regulation of GHG emissions s.13

presents significant economic risks for sectors such as purpose-built rental housing who are reliant on natural gas heating. The market transformation approach for buildings as proposed by the Ministry of Energy, Mines and Low Carbon innovation include significant incentives for building owners and managers to fuel switch from fossil fuels to zero- or low-carbon options such as electricity and renewable natural gas.

During initial consultations done by BSSB in late 2019 and early 2020, various stakeholders noted a priority for provincially consistent energy efficiency standards when improving existing buildings, as their members often work across municipal lines. A consistent approach supports affordability for building owners and managers and the construction industry, while also minimizing the administrative burden for local government enforcement of provincial building regulations.

Date Prepared: March 9, 2021

INDIGENOUS PEOPLES CONSIDERATIONS:

 The Ministry is planning to engage independently with Indigenous communities and Treaty Nations via a consultant on the topics of energy efficiency, GHG reduction and seismic & climate resilience in buildings. The issues raised by Help Cities Lead and the work underway by the Province will engage Indigenous communities and Treaty First Nations.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

None.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Municipal Affairs ongoing engagement
- Ministry of Environment and Climate Change Strategy ongoing engagement
- Ministry of Energy, Mines and Low Carbon Innovation ongoing engagement

Prepared by:

Hugo Wong Policy Analyst Building and Safety Standards 236-478-1406

Approved by:

Cheryl May A/Associate Deputy Minister Housing, Construction Standards, and Multiculturalism 250 812-3345

Attachments (3)

1. Biography of Will Cole-Hamilton

Date Prepared: March 9, 2021

Attachment 1 - Biography of Will Cole Hamilton

In addition to sitting on the Climate Caucus board, Will (he/him) is a councillor at the City of Courtenay, BC and a Director of the Comox Valley Regional District. He is a graduate of Queen's University, Dalhousie Law School and UBC who works as a legal researcher.