

July 28, 2022

State of New Jersey  
Board of Public Utilities

Docket: Q022050327

**Re: New Jersey's Clean Energy Program: New Construction**

Dear New Jersey Public Utilities Board,

I'm writing on behalf of the [Passive House Network](#) and the membership of our local chapter, [Passive House New Jersey](#), to support the proposed updates to New Jersey's Clean Energy Program for New Construction. We are delighted to see this proposal includes the directive to:

- Add Passive House incentive tiers which are geared towards reducing overall energy use of a building.

As national and regional Passive House advocates, connected to the global Passive House community, we applaud this move to recognize the advanced efficiency, health and resilience outcomes offered by supporting and accelerating the implementation of Passive House standards.

The Passive House standard has now been recognized by multiple entities as a reliable, cost-effective pathway to address our climate emergency:

1. Chapter nine of the [United Nations's IPCC Report](#)<sup>1</sup>, focuses specifically on buildings, and lists the **Passive House standard as the first option for mitigation** in its summary of options for mitigation. (Table 9.1.)
2. [Rocky Mountains Institute's Hours of Safety Insight Brief](#)<sup>2</sup> identifies Passive House buildings as **providing the best resilience** over five days in a simulated power outage study. (Exhibit 2.)
3. Internationally recognized science journal, Springer Nature, published a [peer-reviewed study of over 2,000 Passive House buildings](#)<sup>3</sup>, which confirmed

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<sup>1</sup> [https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc\\_wg3\\_ar5\\_chapter9.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc_wg3_ar5_chapter9.pdf)

<sup>2</sup> <https://rmi.org/wp-content/uploads/2020/02/Hours-of-Safety-insight-brief.pdf>

<sup>3</sup> <https://link.springer.com/article/10.1007/s12053-020-09855-7>

that Passive House buildings delivered reliable performance that matched the Passive House Planning Package (PHPP) energy model predictions, confirming that there is **no performance gap in Passive House buildings**.

The above reports confirm that not only is New Jersey's support of Passive House well justified, but that **Passive House projects should be afforded the highest incentive priority by your New Construction Program**. We recently confirmed in our ['Policy That Works' report](#), that the best policies and programs rapidly scaling Passive House adoption in North America, place Passive House on their highest incentive tier. We therefore encourage the State of New Jersey to use this opportunity to:

1. **Offer your highest incentives to projects meeting Passive House certification, using the tiers already established within each certification pathway.** (So for the internationally accredited pathway, Low Energy Building, Classic, Plus and Premium certifications should each receive incrementally higher incentives.)
2. Support, subsidize and **incentivize all workforce training and development programs that include Passive House training for industry professionals.**
3. Look to further remove roadblocks by **adopting an alternate energy code compliance pathway for Passive House**, allowing the use of the PHPP (or other verified energy models) to become standard practice.

In closing, we recommend that the State of New Jersey ensures that **both Passive House pathways currently available on the U.S. market be supported**. In an era of renewed consciousness around diversity, equity and inclusion, we encourage the same attitude to be extended towards building performance standards. For this reason, we include a link to our website where we have posted references to a [growing number of State Energy Codes where Passive House standards are already included as alternate compliance pathways](#). These all include both certification pathways. We further attach a copy of the 2018 Washington State Energy Code section R407 as an inclusive example of State Energy Code language. (This code establishes PHIUS+ 2018 and PHI's Low Energy Building Certification as equivalents.)

Thank you again for recognizing the power of Passive House and for your leadership in market transformation around buildings. New Jersey now joins an ever-expanding community of local, national and international policymakers utilizing Passive House standards to deliver on climate mitigation. We look forward to providing further encouragement and support to the State of New Jersey in these efforts.

Yours sincerely,



**The Passive House Network Policy Committee**  
**c/o\_Bronwyn Barry, RA, CPHD**  
Policy Lead  
The Passive House Network

## **Attachment: Excerpt from 2018 Washington State Energy Code referencing both Passive House pathways.**

Source:

[https://sbcc.wa.gov/sites/default/files/2021-01/2018%20WSEC\\_R%20Final%20package2.pdf](https://sbcc.wa.gov/sites/default/files/2021-01/2018%20WSEC_R%20Final%20package2.pdf) (See Pg. RE-49.)

### **SECTION R407 CERTIFIED PASSIVE HOUSE**

**R407.1 General.** Projects shall comply with Section R407.2 or R407.3.

**R407.2 Passive House Institute U.S. (PHIUS).** Projects shall comply with PHIUS+ 2018 Passive Building Standard, including its USDOE Energy Star and Zero Energy Ready Home co-requisites, and performance calculations by PHIUS-approved software. Projects shall also comply with the provisions of Table R405.2.

**R407.2.1 PHIUS documentation.** Prior to the issuance of a building permit, the following items must be provided to the code official:

1. A list of compliance features.
2. A PHIUS precertification letter.

Prior to the issuance of a certificate of occupancy, the following item must be provided to the code official:

1. A PHIUS+ 2018 (or later) project certificate.

**R407.3 Passive House Institute (PHI).** Projects shall comply with Low Energy Building Standard, version 9.0 or later, including performance calculations by PHI-approved software. Projects shall also comply with the provisions of Section R401 through R404.

**R407.3.1 PHI documentation.** Prior to the issuance of a building permit, the following items must be provided to the code official:

1. A list of compliance features.
2. A statement from a passive house certifier that the modeled energy performance is congruent with the plans and specifications, and that the modeled performance meets said standard.

Prior to the issuance of a certificate of occupancy, the following item must be provided to the code official:

1. A PHI Low Energy Building project certificate