



CITY
ENERGY

A JOINT PROJECT of NRDC + IMT

MARCH 2021

INCORPORATING EQUITY INTO ENERGY BENCHMARKING REQUIREMENTS:

GUIDANCE FOR POLICY AND PROGRAM PRACTITIONERS



ABOUT CITY ENERGY PROJECT AND THE CITY ENERGY PROJECT RESOURCE COLLECTION

A joint initiative of the Institute for Market Transformation and the Natural Resources Defense Council, the City Energy Project supported bold yet practical ways to deploy energy efficiency at the city level to boost local economies, reduce pollution, and create healthier, more prosperous communities nationwide.

The project has partnered with more than 20 local governments across the U.S. since 2013 to design locally appropriate energy efficiency policies and programs. Building upon the past successes and innovation of cities, the City Energy Project established best-in-class practices for energy efficiency to be customized and replicated nationwide. Models and recommendations have been distilled into the City Energy Project Resource Library. This curated set of resources contains the necessary blueprints for a city government to craft and implement customized solutions to productively manage energy efficiency initiatives across commercial, multifamily, and public buildings in its jurisdiction.

For more information on the participating cities and counties in the City Energy Project, and to search the City Energy Project Resource Library, visit cityenergyproject.org.

The City Energy Project was generously supported by Bloomberg Philanthropies, Doris Duke Charitable Foundation, and The Kresge Foundation.

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PREFACE

For cities working to address the climate crisis at the local level, benchmarking and transparency policies are a foundational step. Dozens of cities have passed these policies and scores more will likely adopt them in the coming years. They are important tools for understanding energy use and motivating building owners to make their buildings more energy efficient and climate-resilient.

On the surface, benchmarking and transparency policies appear relatively low-impact, with few obvious equity implications. The policies require building owners to measure and report their properties' energy performance (which is shared publicly), but do not require action or investment in building improvements. Because of this, little attention has been paid to how benchmarking policies might impact the racial and social equity issues that cities are increasingly committed to addressing. This document changes that.

This document is the result of a community of practitioners asking pointed questions about the potentially overlooked equity intersections and impacts of energy benchmarking and transparency policies. The observations and guidance that follows emerged from many months of group learning among a cohort of city staff and policy experts in the City Energy Project and American Cities Climate Challenge, as well as interviews with staff from leading cities.

This document provides guidance for integrating equity into policy and practice surrounding benchmarking and transparency ordinances in particular. The guidance is also applicable to cities' broader building and energy policies, especially as they get increasingly prescriptive and influential. It aims to be useful both to cities just starting this work and to those already engaged. It is not, however, a primer on benchmarking. Those seeking basic information and guidance on benchmarking should pair this document with the extensive resources at the [City Energy Project Resource Library](#). Those looking for equity guidance on broader buildings and energy policies should review the resources section at the end of this document.



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I. EXECUTIVE SUMMARY

Cities are increasingly prioritizing racial equity, including in climate policy. Benchmarking and transparency policies require building owners to measure their buildings' energy performance and report that information to the city, where it is then shared with the broader public.

Equity has often been overlooked in benchmarking policy development and implementation (also referred to as “benchmarking practice” in this guide), in part because the policies have been considered too narrow to significantly affect the major issues facing Black, Indigenous, and People of Color (BIPOC); low-income communities; and other communities bearing the brunt of inequities and marginalization.

However, benchmarking policies are an important first step that often builds toward much more impactful requirements that affect energy use, carbon emissions, health, and jobs — issues that are central to creating more equitable cities. Benchmarking policies also present important opportunities to consider how collecting and sharing data can help advance equity goals in tandem with climate goals.

Centering equity in benchmarking policies and implementation starts with gaining an understanding of the inequities that BIPOC communities face, their visions for their communities, and their goals. This entails a combination of research and thoughtful, strategic community engagement that focuses more on the question “How can a benchmarking ordinance serve community needs and priorities?” rather than “What do communities think of this proposed benchmarking ordinance?”

Equity inquiry is the key practice. Successfully incorporating equity into benchmarking (or other climate policies) depends much more on identifying and working through good questions than applying some formula or directly copying approaches that have worked elsewhere. This document presents **Guiding Questions** for benchmarking policymakers and implementers (also referred to as “practitioners” in this guide) to work through. City staff may also want to use an equity lens, racial equity toolkits, or other inquiry processes that the city has developed with community input. Ultimately, the equity questions that benchmarking practitioners develop themselves will be most useful.

This report identifies seven areas with critical opportunities for centering equity in benchmarking practice.

1. **Benchmarking as a Foundation:** Explicitly identifying pressing equity issues helps cities understand burdens, avoid harm, and direct benefits to those who need them most. Because benchmarking is often the first step on a path of broader policies aimed at increasing energy efficiency in buildings, an early focus on preventing harm and proactively addressing inequities sets the stage for future policies to cement equity goals as a part of their foundation.
2. **Data Collection and Sharing:** Designing what data is collected (or not collected) and how it is or is not shared can help cities put benchmarking data to work for community benefit and understand a more complete picture of buildings and communities.
3. **Energy Burden, Housing Quality, and Affordability:** Understanding the potential impacts of voluntary actions and leveraging benchmarking data to further understand energy burden can help direct resources to improve affordability. Using benchmarking data as a potential identifier of the health, comfort, and safety issues that accompany energy inefficiency can better address those critical issues by improving coordination with existing programs.
4. **Economic Opportunity:** Using policy and other city actions to prioritize, incentivize, and fund equity-centered investments in building performance can help address structural inequities around job access and economic opportunity.
5. **Building Type and Beyond:** Understanding where frontline communities live, and in what type of housing, can help cities to understand the potential impacts of their policies and to identify opportunities to address equity issues.
6. **Compliance and Enforcement:** Providing targeted support for compliance, and equitably enforcing fines and fees, can help reduce undue burdens on under-resourced building owners and managers who may otherwise pass on costs to tenants.
7. **Evaluation and Measures of Success:** Incorporating priority equity goals and related metrics alongside traditional evaluation measures (energy saved, GHG reductions) into definitions of policy success can help ensure that policies and investments in equity inclusion are properly valued and evaluated for effectiveness.



The table below arranges some of this document’s key guiding questions by phases of policy development. The questions that appear throughout this document come directly from benchmarking practitioners and local government staff working on these issues. This list is not comprehensive, but a strong starting point for design, and should be revisited throughout the policy process.

<p>Setting Goals</p>	<ul style="list-style-type: none"> • What are the goals of the benchmarking ordinance? <ul style="list-style-type: none"> » How do the climate and energy goals influence potential equity impacts if the ordinance is successful? » Where do the climate and energy goals align with the equity goals? Where do they conflict? (e.g. if the main goal is voluntary upgrades, cities must account for those impacts. If the goal is gathering and surfacing data, then think about the impact of the data that comes to light.) • How can existing data and knowledge be used to identify the most energy burdened communities? How can that data help practitioners create an equity-centered benchmarking ordinance, with equitable resource allocation? • How can resources from other efforts (such as reducing housing burden or energy burden) be leveraged alongside the benchmarking ordinance? • What is the role of technical assistance providers in supporting both community priorities and benchmarking policies? • How can cities balance pressure from funders focused on expedited GHG reduction with cities’ more holistic climate equity goals?
<p>Stakeholder Engagement and Decision Making</p>	<ul style="list-style-type: none"> • Who needs to be engaged to shape, implement, and evaluate a benchmarking ordinance designed to produce climate and equity outcomes? • How can practitioners respect the historical contexts/legacies of communities in a way that influences program design and participation in the process? • What process exists for integrating the takeaways from stakeholder engagement into the ordinance development, implementation, and evaluation? • What resources and timelines are needed to ensure that engagement informs the entire process?
<p>Design and Development of Policy and Programs</p>	<ul style="list-style-type: none"> • What size and type buildings are covered by the ordinance? Who lives or works in these buildings? Who owns these buildings? Where are these buildings concentrated? • What do building occupants and owners potentially miss out on, if they are exempted from the policy? • What data is collected, and how does that connect with equity priorities? • How does data collection impact tenant stability and privacy? • What is the role of the city’s utility in providing (or obscuring) data, and what are the implications for building owners and tenants? • How does the premium price of energy-efficient living and working spaces impact long-term communities and BIPOC? • How can tenants (not just landlords) directly save on their bills when and if energy upgrades are made? • What local job creation and workforce development opportunities does benchmarking create – in data collection, data analysis, compliance, and enforcement? How are these opportunities made available for BIPOC and low-income communities?

Policy Adoption

- Who is advocating for the policy? Who is represented? Who are the policy's champions?
- Does the policy explicitly include equity goals and intersections?

Implementation

- Does compliance exacerbate existing issues for already marginalized/burdened people, businesses, and organizations with fewer resources?
- Does enforcement lead to disproportionate fines or burdens on buildings that are lived in, worked in, or managed by people of color or low-income people?
- How can cities use benchmarking data to better inform and guide energy efficiency programs targeted to low-income/affordable housing?
- How can compliance assistance resources serve those who need them most? How can that be planned for, executed, and measured?
- How can the available data and resources serve top-of-mind issues for marginalized communities?
- What are the implications of making building data public, for building owners and for tenants?

Enforcement

- How are benchmarking policies enforced? What impact might this have on people who do not comply due to lack of resources?
- Is there potential for building owners to pass along benchmarking fees for non-compliance to their tenants? What might that mean for tenants?
- What resources are needed to prioritize education and outreach over financial penalties/fees? What resources are needed to minimize or deter the impacts on tenants?
- How does enforcement further the goals of the benchmarking ordinance?

Evaluating and Measuring Success

- What metrics can be used to evaluate the equity goals of the project? (e.g. Metrics might include utility bill decreases for low-income tenants, public health/comfort data, tenant stability and longevity, local job growth, etc.)
- What are the necessary considerations for the eventual inclusion of smaller buildings (i.e. small multifamily or single family)?
- How can the impacts of benchmarking be measured using equity indicators (e.g. health, housing and energy burden, eviction rate, employment, etc.)?
- How will the evaluation of the policy's elements inform future iterations of the ordinance and potentially other building performance policies?



II. INTRODUCTION

Cities across the country are increasingly prioritizing racial equity. They are responding to longstanding advocacy by communities of color and low-income communities. Cities are leaning into their responsibility to govern in a way that addresses the systemic harms that BIPOC and low-income communities face.

Climate change policies must reflect this focus on advancing equity because the issues are inextricably linked. Making progress on climate change means intentionally addressing inequities in order to avoid sustaining or exacerbating harmful patterns and power imbalances. To do this effectively, local governments must proactively use climate, energy, and buildings policies to improve the lives of those most impacted. An approach that centers the concerns and voices of impacted communities produces [bolder, more effective climate change policies](#) that garner broader support.

WHAT IS EQUITY?

Equity work is ultimately accountable to BIPOC communities¹, low-income communities, and other marginalized groups. It aims to make a real difference in the lives of people who have been disproportionately and negatively impacted by systems, including local government. Equity work focuses on those who have been left behind, making sure they receive the benefits – and not the undue burdens – of policies and programs. The goal of equity work is to right systems that perpetuate harm so that outcomes are not determined by race or other factors, and positive outcomes aren't dependent on individual “good people” in government. For relevant tools on equity work, explore the [USDN Equity Foundations](#) training and resources.

Fundamentally, equity work is a practice. For practitioners who work on the built environment, it means working differently, employing new questions and ways of seeing. It cannot be accomplished with predetermined approaches or “cut and paste” language or solutions.

¹ BIPOC refers to Black, Indigenous, and People of Color. The BIPOC Project uses the term BIPOC to “highlight the unique relationship to whiteness that Indigenous and Black (African Americans) people have, which shapes the experiences of and relationship to white supremacy for all people of color within a U.S. context.”

This document is structured around Guiding Questions, which are as critical as general instructions about how to create good benchmarking policies. Practitioners should engage in a constant inquiry process with these questions, working toward defining what equity means for their field, and learning what equitable outcomes look like for the impacted communities in their cities.

Strong equity practices focus on these foundational tenets:

- **Lead with Race**, as race is consistently the indicator of greatest disparity in major cities.
- **Transform the Systems** (current or historic) that created the inequities we see today, by addressing *root causes* like redlining and disinvestment.
- **Shift Power**, so decisions are made by those closest to the issues and solutions, and institutions can advance equity without the need for individual people to agitate for change.

Various communities, cities, and organizations define equity in different ways, though they are underpinned by similar principles. Their definitions come out of their own unique context – the history of their city or field of practice, their position of power and role in decision-making, and the crises their constituents are facing, among other interconnected factors.

Examples of widely referenced equity definitions:

- “When race can no longer be used to predict life outcomes and outcomes for all groups are improved...Equity is about fairness, while equality is about sameness... Many of the examples of strategies to advance racial equity are advantageous not only for people of color, but also for all communities, including whites...What matters are the real results in the lives of people of color, not an abstract conception that everyone has equal opportunity.” - [Government Alliance on Race and Equity \(GARE\)](#)
- “Achieving justice for marginalized communities who have been left behind by ensuring that they have the resources they need to catch up. Greenlining is specific to racial equity, given the legacy of institutionalized racism by government.” - [The Greenlining Institute](#)
- “To center equity is to truly embody sustainability. Equity is a culture, not just a single policy. We must prioritize low-income communities, communities of color, and women at the heart of a better building industry.” - [NAACP Environmental and Climate Justice Program](#)
- “Equity is when everyone has access to the opportunities necessary to satisfy their essential needs, advance their well-being, and achieve their full potential. We have a shared fate as individuals within a community and communities within society. All communities need the ability to shape their own present and future. Equity is both the means to a healthy, resilient community, and an end from which we all benefit.” - [City of Portland’s Comprehensive Plan](#)

LEADING WITH RACE

In this document, we use the term *equity* and *racial equity* interchangeably, as race is the leading indicator of disparities. As articulated in [Race Forward's Zero Cities Racial Equity Assessment Tool](#):

“Racial disparities are not natural, or random. From the inception of our country, government at the local, regional, state, and federal level has played a role in creating and maintaining racial inequity. A wide range of laws and policies were passed, including everything from who could vote, who could be a citizen, who could own property, who was property, and where one could live. With the Civil Rights movement, laws and policies were passed that helped to create positive changes, including making acts of discrimination illegal. However, despite progress in addressing explicit discrimination, racial inequities continue to be deep, pervasive, and persistent across all indicators of success – including in education, criminal justice, jobs, housing, public infrastructure, environment, and health – regardless of region.

Many current inequities are sustained by historical legacies and systems that repeat patterns of exclusion. Institutions and structures have continued to create and perpetuate these inequities, despite the lack of explicit intention.

Put in its simplest form, racial disparities are symptoms of an uneven playing field, created out of multiple, distinct, and interlocking decisions that dictate how our common resources are developed and deployed. Without intentional intervention, institutions and structures will continue to perpetuate racial inequities.

Given this reality, it is critically important for cities across the country to be proactively focused on advancing racial equity and to use tools – like this guidance and additional resources, and beyond – to disrupt the status quo.”

Throughout this document, several terms are used interchangeably: *historically marginalized, negatively impacted, impacted, disproportionately impacted, frontline, and vulnerable*. These terms are meant to describe communities of people who have been routinely and intentionally excluded from important decision-making, have been forced to bear burdens of policies and systems for generations, and to whom government in particular has not been accountable. This includes BIPOC people and communities, immigrants, refugees, people with low incomes and/or experiencing poverty, people experiencing homelessness or insufficient housing, English language learners, people with disabilities, and other communities who are systematically denied full access to rights, opportunities, resources, and power.



BENCHMARKING TERMS

[Benchmarking and Transparency Policies](#) require building owners to measure and report their buildings' energy performance using the Environmental Protection Agency's ENERGY STAR Portfolio Manager tool. The information is shared publicly and can inform future action for local government, the private sector, and the community.

As originally envisioned, benchmarking and transparency policies are intended to:

1. Ensure that building owners understand how their own buildings are performing, year over year, against themselves and peer buildings, and the scale of potential energy efficiency improvements available to them;
2. Provide information to city governments on how buildings across the city are performing, enabling them to track progress against city-wide carbon reduction goals, and to target policies and resources at the lowest performing buildings;
3. Inform the public (and the market) of building performance information so that energy efficiency can be factored into buying, renting, and financing decisions, and building owners can be rewarded for improving the efficiency of their buildings.

[“Beyond Benchmarking” Policies](#): To accelerate the uptake of energy efficiency measures and improve the energy efficiency of buildings, cities may pass policies requiring periodic [energy audits, re-tuning \(or tune-ups\), and/or retrocommissioning](#) alongside or after their benchmarking policy.

[Building Performance Standards](#) (BPS) are requirements for buildings to meet a minimum level of energy efficiency performance (the “standard”) that is ratcheted up over time. Standards are typically set using the data gathered from a benchmarking and transparency ordinance. Building performance standards are the most direct way to perpetually raise local baseline energy performance.



CREDIT: NHT COMMUNITIES



III. WHY CENTER EQUITY IN BENCHMARKING POLICY AND PRACTICE?

Put simply, if we fail to plan for racial equity, we are planning to fail on racial equity. The costs of climate and energy policy can fall disproportionately on Black people and people of color, low-income communities, and other marginalized communities if policies are not intentionally designed to benefit the communities who need it most. Without equity-centered design, well-intentioned policies often primarily benefit [those who already have wealth and resources](#).

A benchmarking and transparency policy can be overlooked as an opportunity to advance equity because of its seemingly narrow focus on energy and water data. However, the issues that benchmarking and other buildings policies aim to address (like energy use and inefficiency) disproportionately burden communities of color and low-income communities. Local government has an opportunity to utilize benchmarking as a foundation for addressing disparities, especially as they pursue additional buildings-related policies and programs.

In benchmarking, centering equity requires a deeper dive into the mandatory or voluntary actions that a policy sets into motion. There is a gap between the data that benchmarking generates and the actions needed to improve building performance; policymakers make assumptions about how that data will spur successful outcomes. Analyzing the key assumptions within benchmarking policy design and implementation reveals important opportunities for practitioners to design for equitable outcomes and more impactful policies.

Additionally, the potential equity impacts of climate and buildings policies are magnified greatly in more prescriptive arenas like building performance requirements. Benchmarking data largely informs such policies, as well as the resources allocated for them. More prescriptive building and climate policies require an even more sophisticated equity analysis to avoid perpetuating and exacerbating existing inequities, and to proactively address the issues with which local governments continue to grapple, like economic injustice and housing and health disparities.

GUIDING QUESTIONS

A hallmark of effective equity work is a commitment to inquiry. Equity issues are layered and highly contextual. Solutions cannot be cookie cutter or “cut-and-paste.” They must be worked out. And while people engaged in this work have a lot to learn from each other, good questions are often more useful than someone else’s answers. These Guiding Questions are presented throughout the document to help readers work through the equity inquiry process. Ultimately, the questions that practitioners develop on their own or in collaboration with impacted communities will be the most useful.

GUIDING QUESTIONS FOR INTEGRATING EQUITY INTO BENCHMARKING POLICY AND PRACTICE:

- How can benchmarking policies address existing disparities or inequities? How can they avoid making things worse? How can they help begin to correct disparities?
- How can practitioners design benchmarking policies to include communities that have been historically excluded from decisions about their built environment?
- How does benchmarking data help set up how future policies address equity?



IV. SURFACING COMMUNITY PRIORITIES AND EQUITY ISSUES



EXAMPLES OF CITIES USING TOOLS TO UNDERSTAND COMMUNITY CONTEXTS

Denver

As part of the building performance policy, Denver's Climate Action, Sustainability, & Resiliency department is developing a tool to identify under-resourced buildings in Denver that will use benchmarking data in conjunction with other community-level social equity indicators. The indicators will be weighted to create an index that will identify communities/buildings of higher need. The department will use [Greenlink Analytics' GEM](#) platform, existing energy burden maps, and past work from the [Agency for Human Rights and Community Partnerships' Race and Social Justice Initiative](#).

Centering equity in benchmarking ordinances (and other building energy policies and standards) requires practitioners to understand the landscape of issues that impacted communities are experiencing. Many of these issues are directly connected to buildings, energy, and water systems. More information on these key issues – including health, displacement, economic opportunity, and neighborhood resiliency – is attached in the appendix. They represent the major areas in which benchmarking and buildings policies can address inequities alongside achieving climate goals.

Each city and community has a unique set of interlocking issues. To understand the specific context of the area, city staff should combine research with community engagement and collaboration to foster understanding, empathy, and literacy around local priorities.

RESEARCH

Research is the necessary first step for city staff and people who work on improving buildings. It prepares practitioners to talk to people actually living the inequities, and to identify connections and opportunities within benchmarking work.

Useful tools and resources are available to city staff both within the city and outside of it. Examples include: [GEM \(Greenlink Equity Maps\)](#), city-based data and vulnerability indexes, city climate action plans, state of the city reports, and budget reports. Cities should compile available resources (including data, reports, and plans from outside of their departments) and pair it with research on what community-based groups are saying about the equity issues that communities face. BIPOC and low-income communities have usually worked hard to communicate their issues, challenges,



EXAMPLES OF CITIES USING TOOLS TO UNDERSTAND COMMUNITY CONTEXTS

Seattle

Seattle's Office of Sustainability and Environment uses the City's [Race and Social Equity Index Map](#) to better understand if their policy has a higher rate of non-compliance at the warning stage among certain marginalized groups, including people of color, women, and minority-owned small businesses. The index helps the city target these building owners or tenants, and prioritize outreach to support compliance, which reduces the need for non-compliance fines.

visions, and solutions. Even if information is not captured in an official report or study, practitioners can glean valuable information about community priorities from direct sources like websites, media coverage, city council testimony, policy recommendations, and opinion pieces.

GUIDING QUESTIONS

When reviewing key issues like energy burden, displacement, heat burden, or health, consider:

- How do these issues show up in my city and its neighborhoods?
- How could city efforts to reduce carbon emissions in buildings incorporate a commitment to addressing these inequities?
- How could efforts to eradicate racial inequities be accomplished through reduced energy use in the building sector?

COMMUNITY ENGAGEMENT AND COLLABORATION

Cities need to engage BIPOC communities to effectively address equity in climate policies. The unique expertise and perspective of community members results in better policies. Effective engagement can shift power in ways that bring new capacity to climate challenges. However, people from impacted communities may have limited time or capacity to participate in separate community engagement processes for each individual policy. Cities must figure out how to have ongoing relationships and dialogues with BIPOC communities about equity and climate issues, while also designing efficient and strategic engagement on particular policy questions.

Energy benchmarking may not rank very high on a list of priority policies that impacted communities are tracking and spending time on. Community engagement should be combined with staff research on equity intersections and community priorities. Engagement should be strategic and focused much more on the question “How can a benchmarking ordinance serve community needs and priorities?” rather than “What do communities think of this proposed benchmarking ordinance?”



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EXAMPLES OF CITIES USING TOOLS TO UNDERSTAND COMMUNITY CONTEXTS

Minneapolis

Buildings in Minneapolis that are located within “Green Zones” (communities that face cumulative exposure to pollution, high poverty, and other social and political issues) and fall under benchmarking requirements automatically receive priority support and increased funding in the city’s [Green Cost Sharing Program](#). Almost \$5 million has been spent through the program as of February 2021. The Green Cost Sharing Program can help building owners improve living conditions and efficiency while maintaining affordability, even as they comply with benchmarking requirements.

TERMS : ENGAGEMENT & OUTREACH

The terms “engagement” and “outreach” are often mistakenly used interchangeably. Definitions for this document:

Stakeholder engagement: engagement with people or organizations that have a stake in the policy and its effects, including city departments, residents, real estate agents, neighborhoods, businesses, faith groups, social clubs, academia, nonprofits, community organizations, etc.

Community engagement: engagement with specific stakeholder groups who have been historically marginalized from decision-making and/or experience disproportionately high burdens or low benefits of programs/policies. They are typically BIPOC, low-income individuals or families, people with disabilities, LGBTQIA+ people, etc. These groups are a subset of those included in the stakeholder engagement definition. Community engagement is often a particular subset or section of stakeholder engagement.

Public outreach or community outreach: communications meant to reach members of the general public or a specific community. These communications generally serve to simply inform individuals, rather than engage them in dialogue.

Best practices for community engagement require city staff to clarify ahead of time: why they want to engage with impacted communities, who to engage, how to engage people, when to engage them, and what the engagement involves. The following section provides a brief overview of those clarifying engagement questions, with a focus on benchmarking policy. (For more in-depth guidance on engagement, see the Resources section on page 43.)

WHY: WHAT IS THE PURPOSE OF STAKEHOLDER AND COMMUNITY ENGAGEMENT?

Examples of purpose might include:

- to learn about community priorities, goals, and issues, and how a benchmarking policy might impact them,
- to get feedback on staff’s research and thinking about how a benchmarking policy might threaten, protect, or advance equity,
- to strategize exemptions, incentives, and alternative compliance for certain groups, or
- to understand what type of transparent information is most valuable to BIPOC tenants who are making energy and housing cost burden decisions. For example, benchmarking often focuses on EUI (energy use intensity) from historic energy consumption, but low-income tenants may be more interested in knowing how much they can expect to pay in utility costs compared to other housing options.

WHO: TO WHOM DO CITY STAFF NEED TO TALK TO ADDRESS THEIR QUESTIONS AND TO FULFILL THE IDENTIFIED PURPOSE?

Advancing equity in benchmarking policies requires engaging people who might be directly impacted by the policy – like tenants and building owners – as well as members of BIPOC or low-income communities whose perspective could help identify indirect impacts or opportunities to advance equity goals. Community-based organizations can often help identify priority issues that a benchmarking policy may impact. Community-based organizations are also often best positioned to design and implement engagement strategies. Other city departments may have relationships with community leaders and organizations that can help. The [GEM Process Guide for City-Community Partnerships](#) provides suggestions for effective engagement.

WHEN: AT WHAT POINTS IN THE PROCESS SHOULD PRACTITIONERS ENGAGE COMMUNITIES?

Engagement should take place early and then throughout the process as needed to help center equity and community priorities in key decisions on policy design, implementation, evaluation, and revision. It is important for city staff to stay in communication with community partners about what was learned through engagement with them, how that will affect the benchmarking policy, and what progress has been made toward equity outcomes.



HOW: WHAT TYPES OF ACTIVITIES MOST EFFECTIVELY SERVE THE PURPOSE OF THE ENGAGEMENT?

Engagement strategies and processes should be designed based on the overall purpose and the specific needs of the people or groups involved. [The Spectrum of Engagement to Ownership](#) and [Climate Equity & Community Engagement In Building Electrification](#) are particularly useful tools for understanding how some approaches shift power and build capacity for collaboration and community leadership while others reinforce disparities in influence and outcomes. In general, community engagement activities should be designed in conversation with community leaders and shaped by community priorities and capacities. Engagement on benchmarking policy should be coordinated with other city engagement activities and contribute to building more productive long-term relationships between BIPOC communities and city sustainability departments.

WHAT: WHAT DOES A SPECIFIC ENGAGEMENT OR PARTNERSHIP PLAN, INCLUDING A CLEAR DECISION-MAKING PROCESS, LOOK LIKE?

The final step is creating an engagement plan that reflects the why, who, when, and how elements described above. This plan should include 1) clear goals, 2) a process for integrating the takeaways derived from community engagement into policy design, 3) a process for reporting back to the communities how their feedback was incorporated, and 4) a delineation of roles and responsibilities that play to the strengths of each group and align with the outcomes desired by both city staff and community representatives. Engagement plans do not need to be exhaustive processes. They should balance the capacities of impacted community members with the realities of what benchmarking can do, and where it falls as a priority (or not) for marginalized communities.

GUIDING QUESTIONS FOR THE COMMUNITY ENGAGEMENT PLAN:

- What is the purpose of engagement? What are the desired outcomes?
- Whose perspective and expertise do we need?
- How can benchmarking work be accountable to impacted communities or equity priorities without requiring a burdensome amount of time and resources from impacted communities or the city?
- At what points in the process should communities definitely be involved? Where can city staff learn from community expertise and use it to guide policy development?
- How will the city be accountable to community equity priorities?
- How can engagement help build more productive and mutually beneficial long-term relationships between the city and communities who have been disproportionately negatively impacted and historically marginalized?



V. EQUITY IN BENCHMARKING: INTERSECTIONS AND STRATEGIES

This section will delve into seven main areas that hold opportunities for centering equity priorities within benchmarking practice. This interdisciplinary focus can lead to both improved energy efficiency outcomes and improved conditions for impacted communities.



1. BENCHMARKING DATA AS A FOUNDATION FOR BUILDINGS POLICIES

Key Takeaways: Benchmarking policies often set the stage for voluntary upgrades, building performance requirements, and other actions that have much greater potential to negatively impact marginalized communities. If equity is not a key component of planning and implementation, benchmarking and subsequent policies and programs can exacerbate existing inequities, and cities miss major opportunities to positively impact the lives of people in frontline communities.

GUIDING QUESTIONS:

- A successful benchmarking policy generates information on building performance and ultimately helps drive energy efficiency improvements. How can practitioners and cities plan for the potential equity impacts that occur when a benchmarking policy is successful?
- How can benchmarking policies lead to equitable building performance requirements that move beyond data collection into action that distributes benefits equitably?

PLANNING FOR THE IMPACTS OF VOLUNTARY ACTIONS

Benchmarking ordinances are designed to encourage property owners/operators to make building and equipment improvements to reduce their energy use. They may choose to do so, motivated by the potential to save money on energy bills, to make their buildings more attractive to tenants, or to improve the public data on their building.

However, the benefits of voluntary upgrades are not guaranteed – or even designed – to benefit tenants. Building owners may be able to access financing, incentives, and resources to complete these upgrades, but this does not directly translate to benefits for tenants who live or work in the buildings. Retrofits or upgrades may influence how much building operators charge for rent, what amenities are available, and the buildings' property value, all of which can impact current and potential tenants and the surrounding neighborhood.

In buildings that serve low-income tenants, the opportunity to relieve some financial or health burden will be missed if the financial benefits of reduced energy bills are solely transmitted to building owners, or if building owners displace tenants due to retrofits or rent increases. Energy upgrades provide an opportunity to improve the quality of life of energy-burdened tenants or tenants living in substandard comfort and health conditions. Without designing to ensure that the benefits go to those who are burdened, city staff miss a huge opportunity to address inequities.

Practitioners designing and implementing benchmarking policies that encourage voluntary upgrades need to plan for what might happen if those policies are successful at motivating property owners to make improvements. Cities should design steps to understand, manage, and address the equity issues that benchmarking data highlights.

LAYING THE FOUNDATION FOR “BEYOND BENCHMARKING”

Benchmarking policies and the resulting data can lay the groundwork for future policies like “beyond benchmarking” requirements: audits, re-tunings, building performance standards (BPS), and decarbonization/electrification policies. “Beyond benchmarking” requirements and BPS often build upon a pre-existing benchmarking ordinance, with the intention of enhancing the original ordinance's impact. These policies are becoming popular, as they result in much higher energy savings. For marginalized communities, they carry a much higher risk of potential harm as well as opportunity for greatest benefit. While benchmarking's data gathering seems relatively low-impact, BPS and other building policies have more clear implications because they mandate changes to buildings and/or energy infrastructure, which can immediately impact the lives and livelihoods of those who reside inside them, in particular BIPOC and low-income households.

Facing equity issues at each stage – including drafting, passing, and implementing benchmarking – ensures an equitable foundation is laid for the more advanced energy efficiency policies that follow. If a benchmarking policy is created without anticipating and incorporating equity implications at the forefront, then future potential “beyond benchmarking” requirements and BPS will unintentionally exacerbate existing inequities due to lack of awareness.

Developing and implementing a benchmarking and transparency policy with a focus on embedding equity provides an opportunity to cultivate relationships with impacted communities – to listen to their priorities, look for areas of overlapping goals, and gain their input on policy design and implementation. It also lays the groundwork for their future participation when crafting more ambitious building and energy policies that address pressing equity issues. When first embarking on benchmarking policy creation, cities might not have pre-existing relationships with groups or individuals that represent marginalized communities. It is crucial to build those partnerships as early as possible in the climate policy arc, when the stakes are somewhat lower, so the mechanisms for shaping future policy are well-established, and future policies needn't undo inequities that earlier initiatives exacerbated.

Identify what learnings and policy elements created to support benchmarking activities can be applied to improve future policies – whether related to data collection, support for building owners, building selection and exemptions, training and guidance, etc. Cities should work to align their climate efforts with the overlapping equity goals advanced by other departments. For benchmarking, that contribution may take the form of providing data that informs and supports related work. Benchmarking (and future building energy policies) should support these related goals and commitments and contribute to holistic climate planning.





2. DATA COLLECTION AND SHARING

Key Takeaways: Benchmarking is largely a data-gathering endeavor – one that holds a lot of potential weight and power. What data is collected and how it is shared can have a major impact on the benefits and burdens that benchmarking policies create, and how they are distributed. Data can and should tell a story that goes beyond individual buildings and building owners. It can and should include information that is useful for advancing the city’s energy/climate goals and the priorities of impacted communities.

GUIDING QUESTIONS ON DATA COLLECTION AND SHARING:

- What is being measured, why, and how can it support the current work of communities?
- What data is needed to create fairer distribution of benefits and costs? What are the mechanisms that exacerbate disproportionate burdens?
- What story does the data collected tell? What is it missing?
- Does the data collected help people to understand and advance equity priorities?
- Are there ways that the data can be presented alongside other data or in context to help advance equity priorities?
- Are there ways of discussing, sharing, or analyzing energy and GHG emissions benchmarking data alongside other equity-related data that are helpful to the city’s equity goals? For example, looking at energy use and energy burden data together? Or building performance and social vulnerability?
- What are other equity goals in the city? How can benchmarking data gathering serve those goals?



EXAMPLES OF CITIES USING DATA FOR DUAL GOALS

Denver

The City of Denver is developing a building performance policy. They aim to identify under-resourced buildings by overlaying benchmarking data with other community-level social equity indicators. The Energize Denver Task Force, which consists of stakeholders from across the City, will select what specific indicators should be used to create the index that will help to identify under-resourced buildings.



CREDIT: NHT COMMUNITIES



EXAMPLES OF CITIES USING DATA FOR DUAL GOALS

Chicago

The City of Chicago wanted to know if landlords were passing on the costs of voluntary or mandatory energy efficiency upgrades to low-income tenants. They do not have good data on that and are now considering how their efforts to collect data on building energy use can be more aligned with efforts to preserve affordable housing options.

DATA TELLS A STORY

At their core, benchmarking policies are about driving change by collecting and disclosing data. The data tells a story about current conditions. That story informs and motivates action on the part of building owners and policymakers. Policymakers expect benchmarking data to tell a conventional story about energy use, carbon emissions, opportunities for energy efficiency, and value in the marketplace. They expect benchmarking to result in buildings becoming more efficient over time, which will increase property values and the demand for efficiency while reducing greenhouse gas emissions.

Centering equity in benchmarking requires broader thinking about the stories data can tell. Energy and water data should be measured *alongside other data* like race, eviction rates, income, and to begin to capture how people actually interact with the built environment, and what needs and issues are most critical. A full understanding, however, cannot be provided by the data itself, as articulated by the [GEM City-Community Collaboration Process Guide](#): “The process of analyzing data is the process of combining perspective, contextual information, and theories about how the world works with data points to tell a story or flesh out a cogent narrative. The meaning derived from a dataset depends on the particular perspectives, background, knowledge, and lived experience of the people analyzing it. In order for data to tell an accurate and useful story on equity, impacted communities must participate in the data analysis – the *meaning-making*.”

SHARING DATA

Cities visualize and share energy data in a [variety](#) of ways: spreadsheets ([Minneapolis](#)), interactive tables ([Seattle](#), [San Francisco](#)), maps ([Chicago](#), [Denver](#), [Washington, D.C.](#), [Portland](#)), and websites or dashboards with multiple data formats ([Philadelphia](#), [NYC](#)). Cities usually publish only a limited subset of the metrics that are reported to the city, such as site and source energy, energy use intensity (EUI), ENERGY STAR score (if applicable), building address, type, year constructed, and compliance status. Newer [building labeling laws](#) in **New York City** and **Chicago** will establish grades for buildings based on ENERGY STAR scores, which must be posted visibly in the building.



CREDIT: CITY OF ATLANTA



EXAMPLES OF DATA SHARING

Minneapolis

In Minneapolis, program managers believe that disclosing a building's energy score can incentivize upgrades in housing while empowering residents. Building energy scores for residential buildings are disclosed at [the time of rent](#) through the Time of Rent Energy Disclosure Program. Prospective tenants receive energy score information to assist with decision-making and to predict the cost of renting. Energy disclosure at [the time of sale](#) through the Truth in Sale of Housing Program applies to single and two-family homes and includes resources on audits, retrofits, and zero-percent financing opportunities.

The way that benchmarking data is shared with the public can impact equity issues. For example, for many benchmarking policies, increasing property values is a goal and an appealing benefit for building owners and managers. But some community advocates are concerned about how increasing property values might drive up rents or sale prices. The data also informs [building energy report cards](#) or [grades](#) that can influence investments in low-efficiency buildings, which can have farther-reaching impacts on the neighborhoods.

Pertinent information such as tenant turnover or actions taken by building owners is a great example of data that should be collected by benchmarking policies and proactively shared with community organizations and other government departments/entities. Community-based organizations work diligently to support the health, prosperity, and stability of families, but often don't have access to detailed information on their own communities. Ensuring access to benchmarking data builds trust and goodwill with vital community partners, and helps them to advance their work. These groups, versed in working on issues like energy and rent burden, often need such data to support their existing efforts.

Data is powerful. Decisions about what data is collected, how it is analyzed and contextualized, and how it is shared with different members of the public all have equity implications. Decisions that are made thoughtfully with equity as a goal and in collaboration with community members can help advance equity outcomes. Decisions that are made without attention to how data and energy use intersect with community equity priorities can have unintended, harmful consequences.





3. ADDRESSING ENERGY BURDEN, HOUSING QUALITY, AND AFFORDABILITY

Key Takeaways: Benchmarking represents an opportunity to bring energy cost relief to those who need it most, and relatedly, an opportunity to protect housing stability during the ongoing housing crisis. [Millions of people, particularly people of color, already struggle to afford their bills](#), particularly rent and utilities. Benchmarking can lead to changes that increase property values, rents, and the likelihood of displacement. Programs and policies aimed at reducing carbon emissions from a city's building stock should intentionally mitigate the risks of displacement.

Benchmarking also represents an opportunity to identify connections between health and housing, and to address the building safety issues that can be barriers to energy upgrades. Energy inefficient homes are more likely to have quality issues that compromise health and comfort, such as leaks, bad insulation, mold, and pests. People of color are [more likely to live in substandard housing](#) that increases their exposure to health risks, while also facing higher energy and housing costs.

GUIDING QUESTIONS:

- How can benchmarking information be used to target programs and resources to improve low-quality and energy-inefficient housing?
- How can benchmarking data play a part in city-wide equity strategies, or other efforts looking at equity indicators/targets?
- How can benchmarking help create more resilient buildings and housing stock in areas currently experiencing the negative impacts of climate change?
- How might public benchmarking data impact property values in the surrounding buildings and neighborhoods?
- How do potential changes to property values impact low and middle-income renters and businesses?
- How can benchmarking inform potential future buildings policies to better incorporate health equity issues?

ENERGY BURDEN

A key goal of benchmarking is to provide information that motivates building owners and operators to reduce their energy usage, and consequently their costs. Building owners who improve their buildings' efficiency are rewarded with market benefits like potential for [higher rents, occupancy, and sale prices](#), and are expected to pass on their reduced operating costs to their tenants in the form of lower bills. However, making these



Green & Healthy
Homes Initiative®

EXAMPLES OF CITIES CONNECTING BUILDING QUALITY WITH ENERGY EFFICIENCY WORK

Green and Healthy Homes Initiative

[The Green and Healthy Homes Initiative \(GHHI\)](#)

— which offers direct service programs in **Maryland, Mississippi, Rhode Island, and Tennessee** — leads their work with a Whole House Approach. Once a client enters the system, they have a home visit which assesses for safety issues and audits for potential energy efficiency upgrades. They look for opportunities to eliminate lead-based paint hazards, asthma triggers (mold, pests, VOC), injury hazards (falls, fire, poisoning), radon and asbestos hazards, as well as energy efficiency/ weatherization issues. They connect with inspectors and contractors who can carry it out simultaneously and in one or a few days, to reduce burden and interruptions on occupants.

changes can also incentivize building owners/operators to raise rents and potentially displace tenants during an already extreme housing crisis.

If designed well, the voluntary upgrades or retrofits that follow benchmarking can lead to much-needed relief of energy cost burdens for many burdened families. More than [one-third of U.S. households](#) are *energy burdened* or *severely energy burdened*. This means that more than 6% of their household income (sometimes double or triple that) is required to cover their energy utility costs. Many are forced to make tradeoffs between utilities, food, medicine, and other [critical needs](#). Households impacted by extreme energy and housing costs are disproportionately Black, Indigenous, Latinx, low-income, senior, and disabled families.

To avoid contributing to the nation's housing crisis, benchmarking practitioners should collaborate with city staff and community groups focused on tenant housing stability and on affordable housing production and preservation. Benchmarking cities are finding it difficult to track whether tenants are seeing any savings, or if owners making energy upgrades are absorbing the savings entirely. It's also unclear if the owners making energy efficiency investments are passing the costs of improvements on to their tenants in the form of rent increases, or using retrofits as an excuse to evict tenants. Ideally, any increase to rents would be accompanied by an equal reduction to utility bills and/or permanent assistance for covering higher rents. Benchmarking can be a part of forming a city's overall housing affordability strategy, including using information to form financial incentives and support for preservation and production of affordable housing.

HOUSING HEALTH AND SAFETY HAZARDS

People living in substandard housing – who are largely low-income people and people of color – face high bills and increased health issues due to failing infrastructure like inefficient buildings, unsafe appliances, or unsafe fuel sources. Issues caused by inefficiency at the building level cost [\\$20 billion a year](#) and take the lives of 6 Americans every day. Issues such as mold and asbestos not only burden families' health in an immediate sense, they also can make energy upgrades difficult to access. Substandard conditions in residential buildings can be a serious barrier to energy efficiency upgrades, since [most cities require buildings to be in compliance with health and safety codes](#) before weatherization projects can be completed.

Cities should compile information on housing conditions alongside building performance information, so that efforts to improve energy efficiency can be combined with other improvements, enabling more families to reap the benefits of benchmarking. Addressing this issue would have a clear benefit for impacted communities: a 2020 [ACEEE report](#) found that weatherization can reduce low-income household energy burden by 25 percent.



EXAMPLES OF CITIES CONNECTING BUILDING QUALITY WITH ENERGY EFFICIENCY WORK

Atlanta

Benchmarking data gathered through Atlanta's ordinance provides a major opportunity to target energy efficiency programs and resources to people in low-quality and energy-inefficient multifamily housing. The City is seeking to establish partnerships with affordable housing providers, to effectively utilize the energy use data to increase efforts to reduce costs for highly burdened families in low-quality buildings.

PRESERVING AFFORDABILITY

As cities begin to roll out policies like benchmarking and transparency, which have the potential to shape the built environment, tenants will need protections from displacement. These include [protections from unlawful eviction, mistreatment, uninhabitable and inefficient homes, and rising rents](#). People living in inefficient homes and those who can't afford their bills stand to be burdened even further by the imminent climate impacts of extreme weather, making efficient homes and affordable energy even more crucial. While policies like benchmarking are needed to improve building energy performance, tenant protections – like rent control and/or limits on evictions – are needed to keep families in their homes.

In **Chicago**, multifamily housing falls under the benchmarking ordinance. At the same time, the state bans rent control. While Chicago does not currently have a registry for rental units (like those in [Boston, MA](#) or [Berkeley, CA](#)), the creation of a rental registry could be accompanied by a requirement for regular inspections and enforcement of adequate landlord-provided cooling, addressing both energy and heat burden. The registry could build on a current ordinance that mandates landlords to provide adequate heating – one that is strictly enforced through the Office of Business Affairs and Consumer Protections in collaboration with other city departments.

Organizations like **NEWHAB** and **EEFA** have been developing [tenant and consumer bills of rights](#). Coalitions and local governments adopt these documents, which articulate key principles to guide the work of utilities and developers “so as to ensure the rights and lives of tenants – and especially low-income tenants – are respected in the development and implementation of energy efficiency policy and programs in multifamily buildings.”



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4. ADDRESSING ECONOMIC OPPORTUNITY

Key Takeaways: Economic inequality is rampant in the United States, and [steadily becoming more pronounced](#). People of Color, especially Black and Indigenous communities, have been [historically excluded](#) from economic opportunities that hugely affect quality of life. Investments in benchmarking and the resulting work to reduce energy and carbon emissions from buildings can create jobs and business opportunities for people who really need them.

Cities are exploring ways to connect the economic opportunities associated with benchmarking policies to [business owners and workers from historically marginalized communities](#), including people of color and women. [Studies show](#) that if BIPOC-owned firms were to obtain entrepreneurial parity, 13 million more jobs would be added to the U.S. economy.



EXAMPLES OF CITIES CONNECTING BUILDING QUALITY WITH ENERGY EFFICIENCY WORK

Los Angeles

A forthcoming study (UCLA, LBNL, and Sustento Group) on energy burden found that wealthier households used energy more intensively than lower-income households, primarily due to air conditioning. The lower-income households appeared more energy efficient on paper, but only because they weren't being cooled sufficiently. To encourage building owners to make improvements to multifamily buildings that will benefit tenants, the Los Angeles Department of Water and Power (LADWP) allocated \$5 million dollars for multifamily efficiency work and electrification incentives. The program increases access to affordable ENERGY STAR air conditioning units, which will result in more energy use, but less heat burden for low-income tenants.

GUIDING QUESTIONS:

- What are the economic and job opportunities that benchmarking generates? How can the opportunities be proactively connected to people of color, low-income people, and others whose historic marginalization has resulted in disproportionately low incomes and household wealth?
- What proven practices for connecting city policy with inclusive economic opportunity are available to benchmarking policymakers? Who are the experts and practitioners that can help make these connections?
- How can benchmarking ordinances incorporate explicit economic inclusion goals and strategies that produce near-term benefits, while also laying a foundation for future building energy policies and a more equitable clean energy economy overall?

[A Pew Research Center report](#) shows that in 2016, the median wealth of white households was 10 times the median wealth of Black households (a larger gap than in 2007) – and 8 times the median wealth of Hispanic² households (the same gap as in 2007)³. [This gap](#) is largely due to racist systems that have “systematically shut [Black people] out of the wealth-generating momentum of the heavily-subsidized housing [ownership] market.” (More on these systems in the Appendix.) These statistics point to the importance of connecting economic opportunities – particularly [high-road jobs](#) – to BIPOC communities who have long borne the brunt of marginalization, including by local government policies.

² When citing research and reports in this document, we use the demographic language reflected in the source, though we would normally use Latinx to represent the communities that this report describes.

³ Other racial groups are not separately identified in the data.



**EXAMPLES OF
BENCHMARKING
DRIVING ECONOMIC
OPPORTUNITY**

New York City

[A study of the effects of New York City's benchmarking policy](#) found that it generated tens of thousands of hours of paid work each year in gathering, compiling, and reporting building energy data. These jobs were spread out across property management companies, owners, and service firms. Thirty different service provider firms handled two-thirds of all benchmarking submittals under the ordinance in the first two years.⁵



**EXAMPLES OF
BENCHMARKING
DRIVING ECONOMIC
OPPORTUNITY**

Seattle

The City of Seattle's sustainability staff are working with a local community college to pilot workforce development opportunities associated with benchmarking, building energy auditing, and tune-up skills.

Benchmarking policies can generate demand for workers and business contracts, and should be proactively designed to connect impacted communities to these opportunities. Collecting building energy data, managing it in Portfolio Manager, and complying with reporting requirements of the city ordinance is a particular occupational skill. Building owners can employ people with these skills directly, support current staff in gaining these skills, or choose to contract with an independent business that provides these services. Cities directly employ people to manage programs, implement policies, analyze data, and staff help desks that provide direct assistance to building owners.

Some cities require prescriptive action like energy and/or water audits in addition to benchmarking policies. Energy auditors or energy raters have skill certifications from organizations such as the [Building Performance Institute](#) or [North American Technician Excellence](#). The energy auditing field employs people with a range of skills and specializing in all types of buildings, from single-family homes to multifamily and high-rise commercial buildings.

Benchmarking can also spur building owners to invest in energy efficiency upgrades, which generate demand for business and workers to install new equipment and perform retrofits. In **Philadelphia**, 77% of the city's 7,000 commercial buildings need energy upgrades. Retrofitting these buildings would generate \$600 million in local spending and support 23,000 jobs.⁴

Cities have proven strategies for connecting the economic benefits of policy action to the local residents who need them. Minority and women-owned business programs, targeted hiring, "[high road](#)" [training partnerships](#), industry partnerships, and job and contract standards are appropriate for policymakers who want their benchmarking policies to create equitable economic outcomes. The specific strategies will depend on local goals and the way the benchmarking policy leverages requirements, incentives, partnerships, and resources to drive change.

Important early steps for practitioners working to embed economic inclusion in benchmarking policies include connecting with others in the city and community who are working on these issues, like workforce development, economic development, minority and women-owned business support, and procurement agencies and organizations. Get a clear understanding of how much economic activity proposed benchmarking policies could create.⁶ Set clear and explicit goals for economic inclusion, and then work with other professionals and community leaders to develop strategies that can be incorporated into the policy or program.

⁴ "[Energy Benchmarking and Transparency Benefits](#)," *Institute for Market Transformation* (June 2015).

⁵ See Navigant Consulting, Inc., Steven Winter Associates, Inc., and Newport Partners, LLC, "[New York City Benchmarking and Transparency Policy Impact Evaluation Report](#)," Section 5.2 (May 2015).

⁶ See Zachary Hart, "[The Benefits of Benchmarking Building Performance](#)," *Institute for Market Transformation* (December 2015); and Betony Jones, Jason Karpman, Molly Chlebnikow, Alexis Goggans, "[California Building Decarbonization Workforce Needs And Recommendations](#)," *UCLA Luskin Center for Innovations* (November 2019).



5. CHOOSING BUILDING TYPE, PHASING, AND EXEMPTIONS

Key Takeaways: It is important to determine where the most impacted communities are located in each city when planning what buildings to include in benchmarking requirements. Cities commonly use phased implementation to roll out their benchmarking ordinances, placing different building sizes and types on different timelines. What phasing often leaves out is who actually uses, lives in, owns, or operates buildings. Understanding who occupies which buildings helps cities to plan for the necessary support and equitable distribution of potential benefits that benchmarking catalyzes.

GUIDING QUESTIONS:

- What factors should be considered when determining what kinds of buildings a benchmarking policy covers, in order to advance the goals of reducing burdens on marginalized communities and equitably distributing the benefits of benchmarking?
- How can a phased approach to benchmarking help practitioners to intentionally target benefits to the buildings and people who need them most, and avoid burdening already impacted communities?

Benchmarking ordinances are often designed to include large buildings, which provide the “biggest bang for your buck” toward climate goals. Larger buildings often use more energy, and contact with building owners/operators is often easier because they have more resources or staff focused on building operations and management. That said, understanding who occupies which buildings helps cities to plan for benchmarking inclusion and support. For example, in cities like **New York** and **Chicago**, the larger buildings that are required to benchmark first include low-income public housing. In cities like **Columbus** or **San Jose**, low-income people mostly live in smaller buildings that may be required to benchmark later or not at all. The support needed for the first phase of benchmarking in these cities varies greatly because of the different types of buildings included and their capacity to comply.





EXAMPLES OF CITIES USING COMPLIANCE DATA TO FURTHER EQUITY GOALS

Seattle

In order to address key equity issues in the city, Seattle set a goal to track noncompliant building owners by neighborhood, to understand if disparities exist that benchmarking might uncover. Seattle maps its non-compliant buildings at the warning stage, then prioritizes outreach in the most disadvantaged neighborhoods using the [City's Race and Social Equity index \(RSE\)](#) to encourage compliance and avoid enforcement action. The RSE index is used by the benchmarking team to prevent disproportionate fining of businesses and buildings located in the most disadvantaged neighborhoods, or owned by community-based organizations or people of color. The RSE index is a rough proxy to define a subset of buildings to work with in the highest-priority communities. City staff continue to use ownership data to find the buildings owned or operated by BIPOC. Seattle publicly publishes their benchmarking data on their open data portal, providing full transparency and access for parties interested in equity intersections and other initiatives.

Providing support for and ensuring the compliance of smaller buildings is costlier and less efficient for cities than only benchmarking large buildings. However, excluding smaller buildings can mean that incentives and assistance are not provided to those owners and residents, and therefore they will not be able to access the potential benefits of lower bills, costs of upkeep, and better comfort. As cities begin to phase smaller buildings and multifamily buildings into their benchmarking policies, the necessary resources to help these owners comply become more complex.

Cities should consider how to ensure that smaller buildings and/or those that serve BIPOC and low-income communities are well positioned to reap the benefits of benchmarking – while also working to understand how to mitigate the potential burdens that requiring these buildings to benchmark would create, and intentionally working to allocate resources in a way that provides benefit and protection to those who need it most.

Some cities provide exemptions for certain buildings, in an [effort to reduce the burden of reporting requirements](#). Even if they are not required to comply with benchmarking, exempted buildings that house or serve marginalized populations should still be able to access assistance. While exemptions can be helpful, a better approach to reducing hardship on less resourced buildings is to ensure proper support. This may include leveraging assistance from other city energy, building, or housing programs so that those buildings can reap the potential benefits of benchmarking.



6. COMPLIANCE SUPPORT AND ENFORCEMENT

Key Takeaways: Compliance costs may be disproportionately high for people of color and lower-income owners/operators, as well as for buildings that serve these communities. Cities should understand who in their city might have trouble complying due to existing disparities and direct resources to these groups. Providing compliance support, and equitably enforcing fines, reduces the burden on building owners/managers who might otherwise pass costs along to their tenants or reduce services.

GUIDING QUESTIONS:

- Does compliance exacerbate existing issues for already marginalized/burdened people, businesses, and organizations with fewer resources?
- How can compliance assistance resources serve those who need them most? How can that be planned for, executed, and measured?
- How are benchmarking policies enforced? Is there potential for building owners to pass along benchmarking fees or non-compliance penalties to their tenants?



EXAMPLES OF CITIES USING COMPLIANCE DATA TO FURTHER EQUITY GOALS

Atlanta

Cities like Atlanta have chosen not to administer any fines yet as they continue to instead focus efforts on helping owners comply through extensive resources.



EXAMPLES OF CITIES USING COMPLIANCE DATA TO FURTHER EQUITY GOALS

Denver

To aid in the creation of the building performance policy currently being developed by the [Energize Denver Task Force](#), the City of **Denver** is currently proposing the development of a tool to identify under-resourced buildings. The tool would identify under-resourced buildings by using benchmarking data in conjunction with other community-level equity indicators to create an index.

BURDENS OF COMPLIANCE

Benchmarking requires building owners and/or operators to routinely gather and report energy data. This process involves significant time, English language proficiency, and technological familiarity. Cities regularly see that [buildings with the lowest compliance rates](#) are those with less staff resources and owners/operators without these proficiencies.

The types and sizes of buildings that have trouble complying vary, depending on the makeup of the city. For example, in **Seattle**, smaller owner-occupied buildings with less resourced owners tend to have more trouble complying, especially when the owners have less English language skills or technological capacity. In other examples, some cities have seen [commercial building owners require more assistance](#) in the compliance process, while multifamily owners have had more technical capacity to achieve compliance more easily. Each city's context is different and requires different support from local government. Cities concerned about the potential for benchmarking requirements to translate into increased rents for low-income tenants may also choose to direct funding and compliance support to the owners of affordable housing.

Cities should look at enforcement as a tool serving the actual goal of benchmarking – getting building owners and operators to successfully comply with data reporting requirements, towards climate and energy goals – instead of relying on fines, which if enforced can exacerbate existing economic inequities. Cities should understand who is out of compliance and *why* before pursuing fines or penalties. Understanding each city's unique landscape can be done with help from the guidance and resources in the Surfacing Community Priorities section on page 16.





**EXAMPLES OF CITIES
USING COMPLIANCE
DATA TO FURTHER
EQUITY GOALS**

Los Angeles

In partnership with City departments, the Los Angeles Better Buildings Challenge is analyzing energy benchmarking data and compliance data to identify multifamily residential buildings that typically face more barriers in the benchmarking process and could benefit the most from technical support and guidance. This analysis will support a coordinated outreach campaign and case management process to engage with building customers in disadvantaged communities. Case managers will enroll eligible customers into no-cost efficiency incentive programs, enabling those buildings to reduce their energy use and improve future compliance with city benchmarking and performance ordinances.

SUPPORT SYSTEMS

Support systems play a vital role in addressing the disparity in building owners' capacity to comply with benchmarking requirements. Support given early and often can increase compliance rates across the city and reduce burdens on lower-resourced buildings and building owners/operators. Reducing the burden on these owners/operators can reduce the likelihood of costs being passed on to tenants, which could exacerbate the aforementioned affordability issues.

Cities should consider how to actively target buildings serving low-income populations for benchmarking support. Where needed, this could be in the form of a person deployed to assist directly with the benchmarking process (some cities have made volunteers available to provide one-on-one, in-person assistance for buildings that need more support, such as churches or other non-profits), or funding from the local government or utility to offset the the time investment required for benchmarking, or to pay directly for benchmarking services. Not all benchmarking policies include residential buildings (and therefore affordable housing); those that do typically apply to large multifamily housing. Different types of multifamily buildings may require different types of support, depending on the ownership model (whether buildings are privately-owned, nonprofit-owned, or government-owned).

Across the country, compliance support takes different forms, such as help desks, in-person training, virtual training sessions, step-by-step how-to-guides, compliance mail, and email reminders. Most cities are utilizing some, if not all, of these approaches in an effort to provide the best compliance assistance possible. The most effective support operations are well-staffed help desks with consistent staff who have language skills matching those of the community.





EXAMPLES OF CITIES' COMPLIANCE SUPPORT SYSTEMS

Denver

In Denver, 51% of calls made to the help desk are from smaller building owners (25k-50k sq ft), though buildings this size account for less than 15% of total energy use from all benchmarked buildings. During the policy development process, stakeholders had concerns about low-income housing/nonprofits needing extra help to comply. The city responded by creating a list of approved service providers, including pro bono services. People either take advantage of this service or work directly with the help center to submit their reports.



EXAMPLES OF CITIES' COMPLIANCE SUPPORT SYSTEMS

Los Angeles

Los Angeles' benchmarking help desk has seen positive results for their under-resourced smaller buildings. They recently added Spanish and Korean-speaking staff to assist callers and create outreach materials on compliance and understanding the benefits of energy efficiency.



7. EVALUATION AND MEASURING SUCCESS

Key Takeaways: Measuring what matters is necessary to be able to *evaluate* what matters. Effective evaluation of a benchmarking policy captures learnings to shape future iterations and potential “beyond benchmarking” policies. Progress should be measured against both energy or climate goals *and* the equity goals that reflect community priorities.

GUIDING QUESTIONS:

- How can practitioners design metrics to evaluate the impacts of benchmarking beyond energy savings, including impacts on equity issues?
- What do practitioners need to learn from benchmarking evaluations, to ensure they incorporate appropriate protections for future, further-reaching policies like building performance standards?

Traditionally, cities have [concentrated evaluation efforts](#) on compliance and data accuracy, as well as tracking any energy reductions and market transformation resulting from the policy. When benchmarking policies make explicit commitments to equity goals – like reducing cost burdens on low-income BIPOC families or providing needed economic opportunity – policy evaluation must also measure progress on these goals.

Selecting equity indicators is not quite as straightforward as selecting measurements of energy use or carbon emissions. Since equity work is accountable to impacted communities, it is critical that equity indicators are directly informed by the issues most pressing in BIPOC and low-income communities. Example [indicators](#) for measurement [might include](#) tenant comfort, energy burden, tenant turnover, customer calls/tenant complaints, rent/property values, maintenance costs, and utility shut-offs and reconnects.





EXAMPLES OF CITIES' COMPLIANCE SUPPORT SYSTEMS

Seattle

Seattle found that help desk personnel are more effective when they are full-time employees than when short-term staffing is used. Having full-time employees allows for a simpler compliance process for building owners, as they become accustomed to speaking and receiving help from one person who is familiar with their situation.

For example, if energy burden was identified as a priority issue in an impacted community, partnerships with local utilities can help practitioners to map benchmarking data against records of utility shut-offs and reconnects. Shut-offs are direct indicators of energy bills consuming a disproportionately high percentage of household incomes. Similar to energy use per square foot, when overlaid with benchmarking data, shut-offs and reconnects can inform benchmarking evaluation and enable targeted energy efficiency assistance.

An equitable evaluation of a benchmarking policy should also incorporate analysis of the delivery of related support services. This includes energy efficiency incentives, rebates, and other financial and technical support provided by a local government or utility. Even though support structures are mostly designed with low-resourced property owners in mind, those owners often lack the time and capacity to navigate the often-arduous process of applying for and securing that support. Evaluation of the support provided can assess possible obstacles and provide opportunities to redirect or redesign services to better target and cater to building owners and tenants with the greatest need.

Benchmarking evaluation will inform the details of future requirements, like prescriptive audits, re-tuning requirements, or building performance standards. While benchmarking itself doesn't require specific action on the part of lower-performing buildings, performance-based requirements do. If a city doesn't capture equity factors in its benchmarking evaluations, those factors may not come into play during the development, passage, and implementation of "beyond benchmarking" policies. These policies have farther reaching impacts, and thus more potential to disproportionately burden or benefit low-income or BIPOC owners and tenants.



EXAMPLES OF CITIES' COMPLIANCE SUPPORT SYSTEMS

Atlanta

Atlanta runs a help desk, but outreach has become a main priority as smaller buildings (25K-50K square feet) were phased into their ordinance. They now conduct outreach to places of worship and small business owners who are not tech-savvy and may not have the capacity to find and use city resources on their own.



VI. CONCLUSION

Local government practitioners have a responsibility to center equity in their work as public servants who manage public funds and resources.

Government has played a part in creating harm to BIPOC, low-income, and other communities over generations, through actively oppressive policies and passive continuation of harmful systems. Local government has a unique capacity to address disparities, enable conditions for climate resilience, and provide opportunities and power for BIPOC and other historically marginalized communities.

The crises our cities face today are interconnected – and so are the solutions. Each jurisdiction has its own unique context and set of community priorities. While there is no “cookie-cutter” solution to effectively integrating equity into benchmarking or building policies, the consistent practice of inquiry outlined in this document reveals key opportunities to address equity issues within and beyond benchmarking efforts.



KEY GUIDING QUESTIONS FOR PRACTITIONERS:

- What does a city hope or expect to happen because of their benchmarking ordinance? What are the impacts of those second-order actions, voluntary or otherwise?
- Who bears the burdens and who benefits from those impacts?
- What are the risks if equity isn't taken into consideration? What's the worst case scenario and how do practitioners design for the opposite?
- How do the impacts of benchmarking interact with existing disparities? Do they make them better or worse?
- What are the community's priorities and where do they intersect with benchmarking policy development?
- What broader effects might benchmarking policies have on equity issues that affect people's lives? What ripple effects might specific remedies for equity in benchmarking have on housing availability, affordability, health, or economic conditions?

Moving beyond benchmarking, there are critical opportunities for other buildings policies to address equity issues even more intentionally. Refer to the [USDN Buildings & Equity Framework](#) (*forthcoming, spring 2021*) and its supporting resources for more.





VII. APPENDIX

Below are examples of some of the most prominent and well-documented points of intersection between racial equity, carbon emissions, and the built environment. It is not an exhaustive or definitive list, nor a replacement for community engagement and research to understand a specific city's context.

THE ISSUES

ENERGY COST BURDEN

More than [one-third of U.S. households](#) are *energy burdened* or *severely energy burdened*. This means that more than 6% of their household income (sometimes double or triple that) is required to cover their energy utility costs. Low-income households, who are more likely to be families of color, spend more than three times the portion of their income on energy costs compared to middle and high-income households. The communities experiencing extreme energy cost burdens are disproportionately Black, Latinx, and Native American households.

High energy cost burden means households are forced to make difficult tradeoffs, such as skipping critical needs like food, medicine, and transportation in order to pay utility bills. The constant stress caused by these cost burdens negatively impacts [physical and mental health over time](#). Addressing this issue would have a clear benefit for impacted communities: a 2020 [ACEEE report](#) found that weatherization can reduce low-income household energy burden by 25 percent.

ECONOMIC PROSPERITY & INEQUALITY

Economic inequality is rampant in the United States, and [steadily becoming more pronounced](#), especially between white and Black families. [A Pew Research Center report](#) shows that in 2016, the median wealth of white households was 10 times the median wealth of Black households (a larger gap than in 2007) – and 8 times the median wealth of Hispanic⁷ households (the same gap as in 2007)⁸. [This gap](#) is largely due to racist systems that have “systematically shut [Black people] out of the wealth-generating

⁷ When citing research and reports in this document, we use the demographic language reflected in the source, though we would normally use Latinx to represent the communities that this report describes.

⁸ (Other racial groups are not separately identified in the data.)

momentum of the heavily-subsidized housing [ownership] market.” Many Black people who purchased homes through predatory lending before the 2008 recession ended up losing them, and with that their wealth. Black median household wealth almost halved from \$19,200 in 2007 to \$11,000 in 2013.

[Race Forward’s Equity Assessment](#) tool provides key context on economic inequality in the U.S.:

“Due to discriminatory practices, People of Color were largely excluded from the benefits that many white families received. Between 1945 and 1959, African Americans received only 2 percent of all federally insured home loans. [Redlining](#), the practice of denying key services (like home loans and insurance) or increasing their costs for residents in a defined geographical area, was also a common practice at the time and was used to keep communities of color locked into particular areas. FHA manuals often encouraged homeowners and brokers to avoid letting People of Color into neighborhoods, warning that it would bring down the value of surrounding homes.

The impact of this can still be seen in cities across the country today and is why we often see communities of color clustered into neighborhoods that have less access to quality education and services, and more environmental hazards. The connection between education and wealth as a compounding factor has also been studied extensively. An [Urban Institute report](#) concludes, ‘Family wealth is strongly associated with both higher educational attainment and upward educational mobility, suggesting that family wealth is an important factor in promoting greater educational achievement.’ Demos also argues ‘the policy decisions to not invest in quality education for all young people, compounded by residential segregation, contributed to low-income Black and Latinos students being concentrated in low-quality, under-resourced schools.’”

Additionally, [businesses owned by people of color \(POC\) represent only 29% of all U.S. firms](#). POC-owned businesses are smaller in size and scale compared to their white counterparts, and have more difficulty securing capital. They are denied loans at three times the rate that white businesses experience. [Studies show](#) that if POC-owned firms were to obtain entrepreneurial parity, 13 million more jobs would be added to the U.S. economy. People of color also continue to face discrimination in hiring. High unemployment impacts peoples’ opportunities for safe and stable housing, access to transit, ability to eventually find a job, and their children’s educational outcomes.

HOUSING COST BURDEN

Cities across the country are experiencing a housing crisis caused by the convergence of high housing prices, limited supply of affordable housing, and stagnant wages. This reality has pushed safe and stable housing to the very top of the agenda for many cities and the communities they serve. Millions of people, particularly people of color, are *housing cost burdened* or *severely housing cost burdened* – meaning they spend over 30% (or 50%, respectively) of their income on direct housing. The [majority of people of color in the U.S. are renters](#), compared to roughly quarter of white people. In 2017, [almost half of all renters](#) and a quarter of homeowners in the country were burdened or severely housing cost burdened.

When families cannot afford housing and are forced to leave, they are **displaced**. Beyond losing their housing, families are distanced from necessary services such as health care, food, social services, community resources, and education. They may also face health hazards such as overcrowding, substandard housing, extreme stress and anxiety, and even homelessness. Many families leave their neighborhoods and regions altogether. When this happens, communities lose cohesive political influence as well as the social connections that provide mutual support and resilience in times of emergencies and disruptions. Cities also lose the culture and artistry that drew many newcomers to these areas. These myriad effects, especially in BIPOC communities, have been linked to outcomes such as degraded mental and physical health, and diminished long-term educational and economic prospects. Cities can propel displacement through support for policies like public subsidies for development and other drivers of gentrification.

Displacement is bad for both communities and the [climate](#), as it leads to greater vehicle miles traveled, heavier resource use, and other emissions increases. Increased focus on climate resiliency and sustainability has opened up [opportunities for negative consequences](#) from well-intentioned policies (sometimes called “[green](#)” or “[environmental](#)” [gentrification](#).) Investments in efforts like electrification, [green spaces](#), or bike lanes made by local governments may increase the desirability or property values of buildings. These increased property values can attract higher income residents who seek green amenities, which can make the area [unaffordable for current or longer-term residents](#). Because the majority of U.S. cities do not have strong tenant protections, renters (who are the [majority](#) of residents in the most populous cities) are particularly vulnerable.

Displacement is the involuntary relocation of residents or businesses from their current residence, due to housing or neighborhood conditions. Displacement can be physical (as building conditions deteriorate), economic (as costs rise), or cultural (people choose to move because their neighbors and culturally-related businesses have left the area). These forces might push households out or prohibit them from moving in (exclusionary displacement). [Informal evictions](#) are particularly rampant in times of crisis, such as during the COVID-19 pandemic.

Gentrification can lead to displacement. Gentrification is the profit-driven influx of capital and higher-income, higher-educated residents into working-class neighborhoods, which in turn reconfigures urban, working-class, and BIPOC communities who have suffered from a history of disinvestment and marginalization.

EXPOSURE TO HEALTH AND ENVIRONMENTAL RISKS

A [2005 American Housing Survey](#) study revealed that Black and Latinx communities live in moderately substandard housing at 2-3 times the rate of white households. This includes unsafe homes with mold, asbestos, and pest infestations. People of color are also [twice as likely](#) as white people to live in close proximity to an industrial facility that exposes their community to hazardous toxins in the air, soil, and water. These pollutants become increasingly dangerous during times of emergencies like industrial accidents, hurricanes, floods, and earthquakes. Due to current and past [racist policies](#), redlining, and the disenfranchisement of people of color, external factors that contribute to negative health impacts tend to be concentrated in BIPOC communities, leading these communities to have higher health risks than the population at large.

CLIMATE CHANGE IMPACTS

People of color and low-income communities are [hit “first and worst” by the impacts of climate change](#). Decades of redlining and racial segregation policies have made areas with mostly BIPOC and low-income residents [more susceptible to climate change impacts](#), while these communities have the least amount of resources to adapt and recover. In urban areas, issues of extreme heat and cold are particularly harmful. For example, low-income people of color often live in neighborhoods that provide little tree canopy cover or green space, live in inefficient buildings that do not heat or cool properly, and lack access to air conditioners or the funds to run them. Exposure to extreme heat or cold puts these families at a disproportionate risk for strokes, heart failure, adverse interactions with medications, and death.

THE COVID-19 PANDEMIC

Like climate change, the COVID-19 pandemic is a threat multiplier. The pandemic has exacerbated the racial inequities detailed here. BIPOC communities have been impacted the hardest – particularly Black, Indigenous, and Latinx Communities. The structural inequities that marginalized communities face, like inadequate health care and overcrowded housing, become more pronounced in times of crisis. Job and wage losses [due to the COVID-19 pandemic](#) have hit Black and Hispanic households the hardest. Disproportionate exposure to air pollutants and other environmental hazards means Black, Latinx, and Indigenous communities are faced with higher rates of the [preexisting conditions that increase the risk of death from COVID-19](#) than the general population. Extreme economic hardship has exacerbated housing and energy burden disparities, as the looming expiration of eviction and [utility shut-off](#) moratoria poses risks of [evictions beyond those in the Great Recession](#). Lack of home internet and technology access has had extreme impacts on the safety, connection, and education of families and students of color. For more detail on how the COVID-19 pandemic has had widespread, devastating impacts on communities of color and other marginalized groups, see [Race Forward’s Racial Equity Assessment Addendum](#).



VIII. ADDITIONAL RESOURCES

NAACP: [Centering Equity in the Sustainable Building Sector](#)

Emerald Cities Collaborative: [The Building Electrification Equity Project](#)

Zero Cities Project: [Equity Assessment Tool](#)

Zero Cities Project: [Impacts of Covid-19 addendum to Racial Equity Assessment Tool](#)

Institute for Market Transformation: [Energy Benchmarking and Transparency Benefits](#)

Institute for Market Transformation: [Benefits of Benchmarking Building Performance](#)

American Council for an Energy-Efficient Economy: [How High are Household Energy Burdens?](#)

Brookings Institution: [Time for Justice: Tackling Race Inequalities in Health and Housing](#)

Brookings Institution: [The Devaluation of Assets in Black Neighborhoods](#)

Lawrence Berkeley Lab: [Evaluation of U.S. Building Energy Benchmarking and Transparency Programs: Attributes, Impacts, and Best Practices](#)

Enterprise Community: [Linking Housing Challenges with Racial Disparities in Covid-19](#)

Urban Sustainability Directors Network: [Equity Foundations Training](#)

Urban Sustainability Directors Network: [Buildings and Equity Framework](#) (spring 2021)



ACKNOWLEDGEMENTS

This document and the learnings therein would not have been possible without the thoughtful and probing insight of a large community of practitioners engaging over many months through a cohort of city staff and policy experts within the City Energy Project and American Cities Climate Challenge, as well as interviews with staff from leading cities.

This document was authored by our partners at Upright Consulting Services, Minna Toloui and Jeremy Hays, with guidance and support from staff at NRDC, Caroline Keicher and Olivia Walker. Editing by Amy Kiser at [Verdant Communications](#).

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Southern Equity

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Zachary Hart, IMT

Nicola Hedge, NRDC - Honolulu

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Los Angeles

Amy Jewel, Elevate Energy, Chicago

Katie Jones, Center for Energy
and Environment

Nadia Khan, City of Minneapolis

Louisa Kimmell, City of Aspen

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Environment

Maria Stamas, NRDC

Terry Sullivan, City of Seattle

Kate Tabor, City of Atlanta

Maria Thompson, City of Denver

Jenna Tipaldi, NRDC - Columbus

Alex Trachtenberg, Southface

Thank you to our reviewers:

Jason Babbie, NRDC

Tara Brown, IMT

Emily Curley, Montgomery County

Rich Freeh, USDN

Avni Jamdar, Emerald Cities Collaborative

Betony Jones, Inclusive Economics

Deron Lovaas, NRDC

Vinh Mason, City of Portland

Todd Nedwick, NHTINC

Mary Nicols, NRDC

Pat Remick, NRDC

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