



Bridging the Gap: Advancing Equity in the Public Hearing and Comment Period for Building Energy Codes

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This guide is designed to support states and municipalities in their efforts to promote inclusive community engagement opportunities throughout the building energy code development processes.

Key Takeaways:

- There are various limitations that restrict community involvement in the code development process, particularly during the public engagement periods. Limited resources, geographical constraints, tight timelines and other barriers significantly hinder community participation, especially among marginalized groups such as language-isolated communities, low-income communities, and those with environmental justice designations.
- States and local jurisdictions can work to address barriers to public engagement during the code development process to encourage the exchange of knowledge, experiences, and innovative ideas, to advance building energy codes.
- The strategies outlined enable states and municipalities to ensure that building energy codes are developed through accessible and transparent processes that foster inclusive decision-making.

The Gap Between States and Communities

In many instances, states and jurisdictions may unintentionally exclude communities from participating in the code development process. One common barrier is limited outreach and communication efforts, resulting in communities being unaware of opportunities for engagement or lacking sufficient information to effectively participate. Additionally, limited resources and tight timelines for public comment significantly restrict community involvement, particularly for marginalized groups including language-isolated, low-income communities with a high percentage of people of color, or other environmental justice (EJ) designations.¹

¹ **EJ designations** by state or local authorities pertain to the recognition of particular geographic regions or communities that have been identified as enduring an unequal share of environmental challenges, risks, and or burdens due to historical and concurrent instances of environmental injustice or discrimination. These designations usually consider criteria such as income, racial and ethnic composition, or other socio-economic metrics. They are instrumental in directing resources, policies, and initiatives aimed at rectifying environmental disparities within these communities.



Achieving a more inclusive process requires the initial allocation of time and financial resources by states and municipalities. These investments play a pivotal role in promoting equitable outcomes and eliciting engagement from stakeholders. In essence, the upfront expenditures yield substantial long-term benefits. Initial investments can be channeled into various aspects of the inclusive process, encompassing outreach initiatives, enhancements in venue accessibility, provision of translation services, and extension of public engagement periods. While there are associated costs with implementing these measures, the return on investment is rooted in the establishment of trust, the facilitation of a diverse array of voices, and the eventual development of more effective and widely embraced policies. Furthermore, it is imperative to underscore that inclusivity at the early stages of building energy code development serves as a preventive measure against potential future challenges.

Language and cultural barriers pose challenges, as materials and meetings may not be accessible to non-English speakers or culturally diverse communities. Furthermore, the lack of transparent decision-making processes and limited feedback mechanisms discourage community participation, leaving communities feeling unheard and excluded. It is important for states to continuously identify and address barriers to inclusive community engagement to effectively promote equity in code development processes.

Guidelines for Accessible and Inclusive Public Engagement Opportunities: Public Hearing and Comment Periods

By incorporating a diverse range of perspectives and expertise through the inclusion of various stakeholders, states and municipalities can gain a holistic understanding of community needs, challenges, and goals. This leads to more informed and effective building energy codes that better address the requirements and needs of residents. Enabling communities to actively contribute to the code development process cultivates a sense of ownership and trust in the finalized building energy codes, which may, in turn, foster a greater degree of adherence to codes and interest in building efficiency. Additionally, greater transparency and inclusive engagement can speed up code adoption and clarify code language for builders, code officials, and designers, reducing delays and confusion. The [Spectrum of Community Engagement to Ownership](#), which provides indicators and guidance for equitable engagement, assists policymakers and program implementers in improving public participation.

Furthermore, accessible and inclusive public engagement is vital for promoting equity and environmental justice in building energy codes. To address barriers and to promote meaningful participation, the following guidelines can be implemented to enhance equity in the public comment and hearing period.

To ensure inclusivity and a diverse range of perspectives, it is essential to offer training to code board members and state energy offices on promoting inclusive practices and cultivating welcoming environments. The National League of Cities (NLC) provides equity and leadership training for local officials. Their training webpage can be found [here](#).



Implement Effective Marketing Strategies to Engage Diverse Communities

Communities often lack awareness of public hearing and comment opportunities due to inadequate outreach and publicizing of public engagement opportunities. Many government agencies have abbreviated public notice requirements for public hearings, which may hinder effective community engagement, especially for busy or less connected communities. Moreover, relying solely on online communication for public engagement notifications can exclude communities with limited Internet access. Additionally, language barriers, limited access to information, and cultural differences may further hinder communities from receiving timely and relevant information about public hearings and comment periods. Some of the alternative notification methods detailed below should be considered to ensure a more inclusive approach

- **Utilize diverse marketing channels:** Expand outreach through a mix of traditional (e.g., newspapers, radio, flyers) and digital platforms (e.g., social media, email newsletters, websites, text messages).
- **Collaborate with community partners:** Collaborate with local organizations, and groups to amplify marketing efforts and leverage existing community networks (e.g., collaborating with faith communities, libraries, community centers).
- **Consider content marketing materials:** Ensure marketing materials are accessible and resonate with diverse audiences through translation, plain language, and diverse imagery.

Promote Accessibility and Provide Supportive Measures Through Diverse Formats

Geographic barriers, mobility constraints, language barriers, and the absence of additional accommodations for specific needs hinder meaningful participation and limit the inclusivity of public engagement opportunities. This can undermine the fairness, legitimacy, and effectiveness of decision-making outcomes.

- **Consider accessibility of the location:** Ensure that public hearings are held in locations that are easily accessible to diverse communities and those with mobility constraints; offer multiple locations for public hearings to minimize transportation barriers.
- **Offer hybrid or virtual settings to enable remote participation:** Allowing virtual participation eliminates geographical barriers and increases accessibility for individuals with mobility constraints. However, it's important to acknowledge that some members of target communities may not be "tech-savvy." To address this issue, consider providing tutorials, interactive videos, or other resources to assist them in setting up video conferencing and navigating virtual platforms effectively.
- **Arrange for childcare services where feasible:** Collaborate with community organizations that have established childcare systems (such as schools with after school programs, community centers, or libraries) and take additional measures to support attendance of individuals with caregiving responsibilities.
- **Address language barriers:** Ensure the availability of professional translators and American Sign Language (ASL) interpreters to facilitate participation for non-English speaking and hard of hearing individuals.



Allocate resources for comprehensive web page translation and the translation of additional resources (e.g., legislative documents such as amendment proposals) to ensure equitable access and support for individuals with language barriers.

- **Request accommodation needs:** Inquire about individual accommodation needs in advance to ensure that necessary measures can be taken to facilitate effective participation.

Establish Transparent and Flexible Timelines

Failure to provide clear deadlines and sufficient notice between public hearing dates and public comment deadlines can result in stakeholders and the public submitting comments that are rushed, incomplete, and less useful than they could be. Moreover, if public engagement opportunities are not well publicized, significant numbers of people may be deprived of the chance to contribute their perspectives and insights.

- **Provide reminders and clearly communicate public comment and public hearing timelines:** If a comprehensive code development timeline has been established, ensure its prominent display on relevant websites and/or public notices. This practice enables participants to proactively plan their engagement by knowing when and how they can get involved. Moreover, provide reminders of upcoming deadlines and hearing dates throughout the public comment and hearing period.
- **Establish clear and flexible timelines for public comments:** It is essential to establish clear and transparent deadlines to give interested individuals sufficient time to prepare and provide input. Reasonable comment timeframes will result in higher-quality feedback.
- **Provide clear public hearing dates with sufficient notice before the hearing:** Providing clear dates and sufficient time between the notice of a public hearing and the actual date of the hearing allows the public to plan and prepare effectively, ensuring they have enough time to review relevant materials, and formulate their statements.
- **Consider community convenience and availability when scheduling:** Schedule public hearings during a range of times, including evening hours to accommodate various schedules, and tailor hearings to suit the schedules and locations of EJ communities, utilizing familiar and significant venues like community centers, cultural centers, or local businesses to encourage active engagement.

Provide Accessible Resources and Guidelines That Simplify Building Energy Codes and Community Engagement Opportunities

Insufficient availability of supportive resources, including clear information, guidelines, templates, and background materials, limits community participation and understanding of public hearings and comment periods. This limitation leads to decreased engagement and potential constraints to the breadth and quality of input received.

- **Incorporate educational components into marketing strategies** to ensure that communities are well-informed about the significance of building energy codes. These strategies should not only aim to



simplify complex energy code concepts but also explain the role of energy codes within the broader context of building policies, such as zoning regulations. Furthermore, emphasize the relevance of energy codes in addressing specific building-related concerns like thermal comfort, energy cost reduction, and resilience to environmental challenges.

- **Supply accessible resources for building energy codes**, which include clear explanations and informative materials such as FAQs, infographics, and videos.
- **Provide opportunities for office hours** that extend beyond the designated times for public hearings and public comment, to field inquiries and address feedback.
- **Provide clear guidelines and instructions:** States and municipalities should offer clear and accessible information on the purpose and format of hearings, including details on how participants can effectively contribute. This may include providing guidelines or handouts that outline expectations for participation, such as time limits for speaking, acceptable topics, and suggestions for structuring remarks. They may also include informational materials, such as background documents and informational or educational materials to provide stakeholders with relevant information for the public hearing.
- **Provide supportive guidelines and templates:** Supportive resources can serve as valuable tools, especially for those who may be unfamiliar with the public comment process. Informative materials can be provided to help stakeholders understand the key issues and considerations related to building energy codes. These materials may include factsheets, background documents, research studies, or additional materials to provide context and support informed participation.
- **Post public comments as early as possible** through a clear, simple public records request or downloadable links on a website. This enhances transparency and allows stakeholders to access and review comments conveniently.

Identify and Address Potential Financial Barriers

Financial barriers, such as lost wages, transportation costs, and childcare expenses, may present barriers to participants. Offering financial support makes participation more accessible to those who may not have the resources to attend otherwise.

Provide stipends or reimbursements: Address financial burdens associated with attending public hearings during working hours by providing stipends, reimbursements, gift cards, or other incentives. This approach can help offset lost wages or cover other costs such as childcare services, enabling a more diverse range of individuals to participate in public engagement activities.

Arrange for childcare services where feasible: Collaborate with community organizations that have established childcare systems (such as schools with after school programs, community centers, or libraries) and take additional measures to support attendance of individuals with caregiving responsibilities.



Achieving Equitable Outcomes

Historically, most participants in public engagement and comment periods for energy codes have been people who possess a deep understanding of building energy codes, such as green building enthusiasts, compensated contributors like state employees, and individuals holding professional roles within the building sector, like utilities or building associations. Regrettably, these forums often lack valuable input from community representatives, including a “consumer” voice that could advocate for homeowners and tenants. Introducing such a perspective could effectively address the challenge of split incentives by considering consumer needs

such as occupant well-being. Split incentives occur when those responsible for paying energy bills (typically occupants) are not the same entities as those making capital investment decisions (such as the landlord or building owner). This misalignment of interests is a common issue in energy code development, as participants often have vested interests that may conflict with those of homeowners or tenants.

This resource aims to empower states and municipalities to prioritize equity in the public hearing and comment periods for building energy codes. Applying these guidelines and strategies will help ensure that diverse voices are heard and the needs and goals of communities are considered and addressed in building energy codes. To foster inclusivity and prevent undue influence, it is crucial to actively encourage and prioritize the engagement of community members, residents, and stakeholders who may not have the same level of resources or industry affiliations. Additionally, states should establish mechanisms that enable community members to provide feedback on the timeline and overall process of public hearings and comment periods, fostering greater transparency and inclusivity in decision-making. By embracing inclusive practices, states and municipalities can create building energy codes that effectively address community needs, promote sustainability, and contribute to a more equitable and resilient future.

