

## Administrative Appeals Process [Missed Rough Inspection]

Effective Date: February 1, 2024

***Projects where the Verifier has a signed verification services contract dated before February 1, 2024 and the project is registered in AXIS, are grandfathered under the previous policy.***

If a building seeking certification needs a variance from the certification process or interpretation for compliance, the Verifier and/or client can request an Appeal. The NGBS Green Appeals Board will consider project-specific or program-wide appeals and render a decision.

Some project-specific Appeals are eligible for the Administrative Appeal (AA) process, which allows Home Innovation staff to process the project compliance documentation following a pre-approved set of instructions.

Buildings use the AA process when they have missed some or all rough/pre-drywall inspection(s). The AA process is designed for when a Verifier is confident a building is NGBS compliant but needs a waiver for the normal verification process. In such cases, Home Innovation will allow buildings to seek NGBS Green certification via a waiver of the mandatory visual inspection(s) when the Verifier, using the verification methods described below, can confirm the building's NGBS compliance. Because the rough inspection process was missed all or in part, proof of compliance requirements is more stringent.

A cornerstone of NGBS Green certification is our requirement for an Accredited Verifier(s) to visually inspect a building for NGBS conformance. While the streamlined AA process provides a compliance path for a building that would otherwise be ineligible due to a missed inspection, it does not change a Verifier's duty to confirm NGBS compliance beyond any doubt.

### **POLICY**

The AA process is a last resort for buildings unable to use the typical certification process; it should **NOT** be used as a substitute for the normal NGBS verification process.

If a building misses one or more rough inspection(s), the client should immediately schedule the remaining inspections with an Accredited Verifier. The project team may **NOT** wait until construction is complete and then initiate the AA process. If Home Innovation and/or any Verifier has evidence that a project intentionally uses the AA process as an alternative certification path, that project will be ineligible for NGBS Green certification.

Home Innovation has a three-strike policy for multifamily clients. This is a forward-looking change to our policy and, as such, it applies only going forward from the effective date above. A multifamily client may avail themselves of the AA policy no more than three times for three different projects<sup>1</sup>, regardless of the number of buildings. After the third AA, the client is ineligible to use the AA process and must request a meeting with the Appeals Board.

### **MASTER VERIFIERS ONLY**

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<sup>1</sup> For NGBS Green purposes, a "project" is a multifamily building or buildings that are part of the same community. A project typically has one owner entity, and the residents share amenities. Commonly, but not always, the project is on one development lot.

The Administrative Appeal process is restricted to Master Verifiers. Accredited Verifiers can assist with the verification, while working under the supervision of a Master Verifier, but a Master Verifier must sponsor the Administrative Appeal and act as Verifier of Record.

### ELIGIBILITY

Buildings are eligible to use this process up to one-year post-occupancy. For multifamily communities with multiple buildings, the last building completed must be no more than 1 year past occupancy. Buildings must seek certification to the NGBS version(s) for which Home Innovation is currently accepting registrations.

Buildings or projects that do not meet this eligibility criteria cannot use the AA process but are eligible to submit a formal appeal to the Appeals Board.

***This process does not guarantee a project will earn NGBS Green certification.*** Based upon their training and professional judgement, Verifiers should carefully consider, after reviewing plans, specifications, and other available documentation (photos, scopes of work, invoices, etc.), that the building(s) is compliant. Documentation to determine conformance must prove definitive in determining conformance, or it ultimately may be deemed inconclusive or unacceptable during review. If the building is deemed ineligible to earn certification using the administrative process, the client may submit a formal appeal of this decision for an additional fee.

### VERIFICATION REQUIREMENTS

Verification requirements for projects seeking 2020 NGBS compliance using the administrative appeals process are in the VRG Appendix B.

This alternative verification process may require drywall removal to confirm Grade I insulation installation. Before starting the administrative appeals process, confirm with the client that this is acceptable. Drywall removal instructions are detailed in the verification guidance.

### PROCESS

1. **Register the project.**
2. **Clients need an AXIS account.** New clients must [register for an AXIS account](#) and complete an NGBS Green client agreement. Existing clients should confirm their client agreement and proof of insurance are current.
3. **Pay the Administrative Appeals Fee.** The Verifier or the Client (if they have an AXIS account) should generate the Appeals fee invoice and call [301.430.6315] or email Home Innovation with payment or submit the credit card authorization form on Verifier Central.
4. **Submit via AXIS the preliminary compliance documentation for an initial staff review.** Upload the preliminary documentation demonstrating compliance and a scoring tool which scores the building to the AXIS Rough Documentation QA tab. See required documentation below. The scoring tool should indicate that the building has the potential to earn enough points for certification at the desired level, but we are not expecting every practice to be verified at this time. Home Innovation will assign a reviewer and either permit the project to proceed or deem the documentation insufficient. **NOTE:** Once the rough documentation is submitted, AXIS will automatically generate and send an invoice. Notify your clients they should NOT pay the certification fees until and if Home Innovation approves the rough submission. Fees are non-refundable.

5. **If Home Innovation approves the preliminary compliance documentation, pay the Certification Fee.** Verifier or client should also generate a certification fee invoice and pay the fee. Certification fees are non-refundable. There must be a complete Client Agreement (CA) in AXIS for the certification fee invoice to be generated.
6. **Upload Verification Report and Documentation.** Verifier uploads verification report (must include completed rough and final worksheets) and all alternative verification documentation (those noted in the attached file) to AXIS Final Documentation QA tab.
7. **Project Review.** Project is assigned to a reviewer who undergoes the review process. As usual, projects will not be reviewed until Home Innovation has a complete CA, a current Certificate of Insurance (COI), and the certification fee is paid. (The review for projects following an appeal will take longer to process and clients should expect one week minimum for review.)
8. **Certification Decision.** Verifier and client are notified via AXIS if the project earns certification.

#### PRELIMINARY COMPLIANCE DOCUMENTATION

1. **NGBS Green Scoring Tool.** Score the building as best as you can to show what points the building is seeking. Practices do NOT have to be all verified as is normally done at rough.
2. **Radon reduction measures.** If the project is in Radon Zone 1, the Verifier must confirm that, at a minimum, a passive radon system is installed in compliance with 902.3.1. Upload to AXIS documentation of the current passive system, if relevant, and plan to show how an active system could be added.
3. **Building envelope testing.** For completed buildings 3 stories or less, the Verifier must perform blower door testing on at least 10% of the units spread across the buildings for the preliminary documentation. If the testing results trigger the NGBS requirement for mechanical ventilation, then the building must have an NGBS-compliant ventilation system either installed or planned for installation. Testing previously completed by a credentialed energy professional meets the requirement. Upload to AXIS the test results, and as necessary, documents to confirm ventilation compliance. [NOTE: This sample set is only for the preliminary documentation. Before the final verification report is submitted, the building must fully comply with NGBS requirements for testing.]
4. **Fenestration air leakage.** Documentation demonstrating the windows meet the fenestration air leakage requirement when tested in accordance with NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory. ENERGY STAR labeled windows are deemed to comply. Upload documentation to demonstrate fenestration compliance.
5. **Verification plan for insulation compliance and sample set if relevant.** Using the insulation compliance options, please either submit the third-party inspection report OR submit photos of the locations where drywall was removed OR submit a sample set of photos you believe are representative of the insulation installation. A combination of photos and drywall removal is allowed if photos are available but insufficient to demonstrate compliance on their own. When the Verifier is submitting photos to AXIS for documentation, each photo should be labeled so that the reviewer knows where in the building the drywall was removed and what the photo shows. [ Label should indicate building #, apartment #, direction, and location/type. For example, Photo A is exterior west

wall of bedroom in Apartment 102, Building 1; Photo B is exterior south wall in kitchen in Apartment 409, Building 3]

## INSULATION COMPLIANCE

**Verification:** *There are three insulation verification options. The Verifier must confirm that the insulation installation is [NGBS Grade I compliant](#). [Watch this video guidance](#).*

1. **Written report.** *If the building or project was subject to a third-party inspection, done by a qualified professional that included insulation installation, the final written report can be used as evidence of NGBS compliance. It is expected that the written report contains at least a few representative sample photos. Building code official inspections for code compliance are not eligible unless the code official is willing to submit a statement in writing on official letterhead that their inspection determined the building met a Grade I insulation installation. Upload the written report to AXIS.*
2. **Photo Evidence.** *This option is only available if there are numerous photos available for the Verifier to review. Numerous implies several photos representative of the building including wall, ceiling, roof, and other relevant areas. While project teams often have photos for an investor or bank, Home Innovation is looking for photos taken for QA purposes. While this could mean reviewing hundreds of photos, the Verifier must complete this process to determine compliance and upload sample set of photos to AXIS including the Verifier's comments on how the insulation meets NGBS Grade I installation. The sample set should include at least two photos for each assembly/location photographed (as applicable) and a total of 10% of the units that have missed drywall inspection(s). Upload insulation photos with the verification report and use verification report notes column to confirm compliance.*
3. **Visual Inspection via Drywall Removal.** *As a last resort, drywall must be removed **in the presence of** an NGBS Green Accredited Master Verifier or in the presence of an Accredited Verifier working under the supervision of a Master Verifier. A sample set consisting of three different locations of insulation, as relevant, must be confirmed: wall, ceiling, and rim joist. Different sized projects require different sample sets of drywall removal. See below. The Verifier inspects and grades the sample set(s). Document all drywall removal with photos.*

Regardless of which option above is selected, the Verifier must be confident that the insulation installation meets the NGBS's requirements for the building to proceed with certification. The Verifier should also note in the verification report comments area, the observed quality of insulation installation.

## INSTRUCTIONS FOR DRYWALL REMOVAL FOR VISUAL INSPECTION

Every component needs visual inspection. Regardless of which insulation verification option is selected, the Verifier must be confident that the insulation installation meets the NGBS's requirements for the building to proceed with the certification process.

Drywall openings are expected to yield Grade I insulation per NGBS 701.4.3.2(2) for batt insulation or the manufacturer's installation instructions when NGBS 701.4.3.2(2) is not relevant (e.g., spray foam). The Master Verifier is the decisionmaker regarding insulation grading at this stage. The Verifier will attest in the verification report that the photos submitted from the drywall removal constitute Grade I in their professional opinion.

The Verifier can request more drywall to be removed above the minimum requirements, however, at least one of the first two sample sets must reveal NGBS Grade I insulation installation. If not, the project cannot be certified.

**Sample Set Definition:** A sample set includes verification for the **wall, the ceiling, and the rim joist insulation**. See below. Depending on the building, drywall removal might need to occur in all three locations. Drywall removal for a sample set does **NOT** have to all be in one unit/location within the building. However, there should be a complete sample set for any building selected.

There are alternate verification instructions for ceiling and rim joist insulation as relevant.

It is the Verifier's responsibility to ensure that all three building components (rim joist, ceiling, and wall) can be suitably verified.

1. **WALL. Required.** *One section on an exterior wall, either in a common area or an apartment (apartment is preferred, if possible) extending 4 feet wide x ceiling height on an exterior wall. Ideally, the GC should remove drywall from a wall section where there is an electrical box and running cables. The Verifier should verify that the open wall sections comply with all applicable NGBS practices and document with photos of every section where drywall is removed. Upload the photos to AXIS.*
2. **CEILING. One selection below is required.**
  - a. *In building(s) with rigid insulation in the roof deck, photos and/or plan review is sufficient. An interview with the construction management team is useful additional documentation; or*
  - b. *In building(s) with attic access, Verifiers should confirm ceiling insulation and take photos for documentation and upload photos to AXIS; or*
  - c. *If there is no attic access, and/or there is a low-slope roof, the Verifier should have a drywall section of the ceiling removed in a top floor unit to verify insulation.*
  - d. *For inaccessible ceilings, Home Innovation is open to alternative technology to verify ceiling insulation, such as scope cameras as a verification tool, if the images are clear and they reliably illustrate the construction conditions. A Verifier must request prior approval before using any alternative verification technology.*
3. **RIM JOIST INSULATION. Required, if relevant.** *To verify rim joist insulation, remove a section of ceiling four feet wide by a sufficient depth from the exterior wall so that the Verifier can verify the rim joist insulation. Upload photos to AXIS. As a pilot, we will accept scope camera images if the Verifier can obtain a good image. We reserve the right to revoke this option should scope cameras prove unhelpful or unreliable for verification.*

#### **REQUIRED NUMBER OF SAMPLE SETS**

**SF Home or Townhome:** One sample set.

**≤ 100 total units:** Two sample sets.

**> 100 total units.** Two sample sets as above, PLUS an additional sample set for each additional 50 units.

**When there are multiple buildings,** the following procedure must be followed:

1. Number of sample Sets  $\geq$  Number of Buildings – One set for each building; remaining sets are Verifier choice.
2. Number of sample sets  $<$  number of buildings – One set for each building; not all buildings will be verified for insulation compliance.

**Mixed-use buildings with commercial spaces.** If the commercial space is seeking certification, one drywall panel (4' wide x 8' tall) on an exterior wall of the commercial space must be removed to expose the insulation. The Verifier may also need to remove an additional section of drywall to inspect rim joist area, as applicable. If the opening(s) yields Grade I insulation, this is sufficient to demonstrate compliance.

**Projects with multiple SF homes and/or townhome projects.** Drywall removal sampling is not allowed for projects with multiple SF homes or townhomes, even for BTR. SF Homes and townhomes require one sample set per home. This includes communities that include both multifamily buildings and homes and/or townhomes that have registered or would likely register as all multifamily buildings. For an AA, the homes and townhomes **cannot** be part of the sampling process.

#### **WHEN TO USE THE FULL APPEALS PROCESS**

The AA process does not work for all buildings/projects/clients. The cost can be prohibitive and the disruption untenable. Home Innovation understands the value of NGBS Green certification and the integrity of NGBS Green Certification is at stake with every building that earns certification outside of the normal process.

Therefore, Master Verifiers should select projects carefully for the AA process and recognize that it will not be a good fit for all projects. Fees, as always, are non-refundable. The NGBS Green team is always available to speak directly with clients should there be any concerns or questions.

#### **ADMINISTRATIVE APPEALS FEES**

See [certification fee schedule](#).