

AMENDED IN SENATE AUGUST 31, 2007

AMENDED IN SENATE JULY 10, 2007

AMENDED IN SENATE JUNE 25, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 888**

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**Introduced by Assembly Members Lieu and Laird  
(Coauthor: Assembly Member Torrico)**

February 22, 2007

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An act to add Part 4.5 (commencing with Section 71350) to Division 34 of the Public Resources Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 888, as amended, Lieu. Green building standards.

Existing law sets forth various requirements for energy and design efficiency in the construction of nonresidential buildings. Existing law authorizes state agencies to submit, and requires the Building Standards Commission to receive and review, proposed building standards for adoption, approval, publication, and codification.

~~This bill would require the California Environmental Protection Agency (Cal-EPA), by July 1, 2009, in conjunction with a working group of certain state entities that it would coordinate, and, in consultation with specified public and private sector organizations, to develop, adopt, and make available a set of minimum green building standards for specified nonresidential commercial buildings. The~~

~~standards would have to meet and encompass, at a minimum, the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) gold rating for new construction and major renovation. The California Building Standards Commission would be required to review these standards to ensure that they exceed and are not in conflict with the existing standards in the California Building Standards Code. Before adopting the set of minimum green building standards, Cal-EPA would be required to hold 2 public workshops.~~

~~The~~

~~This bill would require Cal-EPA, on or before July 1, 2010, to submit the set of minimum green building standards to the California Building Standards Commission for adoption by that commission in the California Building Standards Code. The commission would be prohibited from reducing the environmental benefits or efficiencies to be achieved by the minimum standards proposed by the agency but would be authorized to revise those standards. New *new* commercial buildings for which the a public agency deems the application for a development project complete on or after July 1, 2012, and that are 50,000 square feet or greater, ~~would be required~~ *be designed, constructed, and operated*, to meet the *applicable standards described in the United States Green Building Council's Leadership in Energy and Environmental Design gold rating or its equivalent, unless the state adopts specified minimum green building standards that are adopted by the California Building Standards Commission, in which case, those commercial buildings would be required to meet the adopted standards.*~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 4.5 (commencing with Section 71350) is  
2 added to Division 34 of the Public Resources Code, to read:

3

4 PART 4.5. GREEN BUILDING STANDARDS FOR  
5 NONRESIDENTIAL BUILDINGS

6

7 71350. The Legislature finds and declares all of the following:

8 (a) Buildings account for nearly 40 percent of the carbon dioxide  
9 emissions in the United States, more than any other sector.

1 (b) Transforming the building environment to be more energy  
2 efficient and climate friendly is a vital tool in the fight against  
3 global warming and toward reducing dependence on foreign oil.

4 (c) A United Nations' study showed that better architecture and  
5 energy savings in buildings could do more to fight global warming  
6 than all the curbs on greenhouse gases agreed to under the United  
7 Nations' Kyoto Protocol.

8 (d) The state is committed to providing leadership on energy,  
9 environmental, and public health issues by implementing  
10 innovative and resource-efficient building design practices and  
11 other programs that improve the lives of the state's 34.5 million  
12 residents.

13 (e) The widespread adoption of green building principles would  
14 result in significant long-term benefits to the state's environment,  
15 including reduction in the demand for energy, water, and  
16 wastestream services, and the fiscal and environmental impacts  
17 resulting from the expansion of these infrastructures.

18 (f) Green buildings enhance indoor air quality, incorporate  
19 environmentally preferable products, and protect the building  
20 occupants' health.

21 (g) Indepth studies of projects to analyze the cost of green  
22 buildings, using detailed cost estimates, demonstrate that there is  
23 no significant difference in the construction costs for the United  
24 States Green Building Council's Leadership in Energy and  
25 Environmental Design (LEED) buildings versus non-LEED  
26 buildings in any of the categories.

27 (h) More than a decade of results has proven that green buildings  
28 save money and typically pay back any additional first costs in  
29 operational savings within their first year of occupancy.

30 ~~71351. It is the intent of the Legislature, in enacting this part,~~  
31 ~~to recognize that no one set of existing green building practices~~  
32 ~~may encompass the state's unique economic and natural~~  
33 ~~resources-related environment. It is further the intent of the~~  
34 ~~Legislature to ensure that the minimum standards adopted pursuant~~  
35 ~~to this part recognize California's leadership in environmental~~  
36 ~~sustainability practices and include the most rigorous measures~~  
37 ~~and methods possible with regard to the factors specified in~~  
38 ~~subdivision (e) of Section 71352.~~

1     ~~71352.~~

2     71351. For the purposes of this part, the following terms mean  
3 the following:

4     ~~(a) “Agency” means the California Environmental Protection~~  
5 ~~Agency.~~

6     ~~(b)~~

7     (a) “Commercial building” means a building or structure that  
8 is in occupancy Group B as specified in Section 304 of Part 2 of  
9 Title 24 of the California Code of Regulations. Commercial  
10 building does not include an eating establishment or a building  
11 owned or leased by the Regents of the University of California.

12     ~~(c) “Green building” means a project designed to reduce both~~  
13 ~~direct and indirect environmental consequences associated with~~  
14 ~~its construction, use, operation, maintenance, and eventual~~  
15 ~~decommissioning, the design of which is evaluated for cost,~~  
16 ~~quality-of-life impacts, future flexibility, ease of maintenance,~~  
17 ~~energy and resource efficiency, and overall environmental impact,~~  
18 ~~with an emphasis on life-cycle cost analysis.~~

19     ~~(d)~~

20     (b) “LEED gold rating” means the United States Green Building  
21 Council’s (USGBC) Leadership in Energy and Environmental  
22 Design (LEED) gold rating for new construction and major  
23 renovation, as set forth in “Version 2.2” of LEED, as published  
24 by the USGBC in November of 2005.

25     ~~(e)~~

26     (c) “Minimum green building standards” means green building  
27 standards for commercial buildings that meet and encompass, at  
28 a minimum, the LEED gold rating or equivalent, and include, but  
29 are not limited to, all of the following:

30     (1) Sustainability of the site.

31     (2) Water efficiency.

32     (3) Energy and atmosphere.

33     (4) Materials and resources and sustainable wood.

34     (5) Indoor environmental quality.

35     (6) Innovation and design process.

36     (7) Nonmotorized transportation.

37     (8) A method for determining life-cycle cost, including  
38 evaluating the relative effectiveness, cost, and life-cycle savings,  
39 if any, by the use of individual or multiple green building measures  
40 specified in this part.

1     ~~71353. (a) On or before July 1, 2009, the agency, with the~~  
2 ~~working group that it coordinates pursuant to subdivision (b), shall~~  
3 ~~develop, adopt, and make available, a set of minimum green~~  
4 ~~building standards.~~  
5     ~~(b) (1) To develop the minimum green building standards~~  
6 ~~pursuant to subdivision (a), the agency shall coordinate a working~~  
7 ~~group consisting of a multiagency effort, including, but not limited~~  
8 ~~to, all of the following state entities:~~  
9     ~~(A) The California Integrated Waste Management Board.~~  
10    ~~(B) The State Energy Resources Conservation and Development~~  
11 ~~Commission.~~  
12    ~~(C) The State Air Resources Board.~~  
13    ~~(D) The Department of Water Resources.~~  
14    ~~(E) The Department of Housing and Community Development.~~  
15    ~~(F) The Department of General Services.~~  
16    ~~(G) The California Building Standards Commission.~~  
17    ~~(H) The Office of Environmental Health Hazard Assessment.~~  
18    ~~(I) The State Department of Public Health.~~  
19    ~~(2) The agency and each state entity specified in paragraph (1)~~  
20 ~~shall also consult with representatives from each of the following:~~  
21    ~~(A) The building construction industry.~~  
22    ~~(B) Recognized environmental advocacy groups.~~  
23    ~~(C) Interested local government entities.~~  
24    ~~(D) Interested public parties.~~  
25    ~~(e) Each state entity specified in paragraph (1) shall take the~~  
26 ~~lead in developing standards related to its particular area of~~  
27 ~~expertise and shall ensure that the standards developed are at least~~  
28 ~~equal to the LEED gold rating level.~~  
29    ~~(d) The agency shall be responsible for coordinating the~~  
30 ~~integration of the separate aspects provided by each state entity~~  
31 ~~into the minimum green building standards.~~  
32    ~~(e) The minimum standards shall include a system for the~~  
33 ~~certification of building projects based on attaining credits by~~  
34 ~~complying with specified prerequisites.~~  
35    ~~(f) Notwithstanding subdivision (c) of this section and~~  
36 ~~subdivision (e) of Section 71352, with respect to materials and~~  
37 ~~resources and sustainable wood, the standards shall require, for~~  
38 ~~purposes of ensuring equivalency with the LEED gold rating level,~~  
39 ~~that credits be provided to those projects that use wood products~~

1 with a credible third party sustainable forest certification, as  
2 determined by the agency.

3 (g) ~~Following the agency's coordination efforts, and prior to~~  
4 ~~final adoption of minimum green building standards, the agency~~  
5 ~~shall submit the minimum green building standards to the~~  
6 ~~California Building Standards Commission. Upon receipt of those~~  
7 ~~standards, the California Building Standards Commission shall~~  
8 ~~review all aspects of the minimum green building standards to~~  
9 ~~ensure all aspects of these standards exceed, and are not in conflict~~  
10 ~~with, the existing standards in the California Building Standards~~  
11 ~~Code (Title 24 of the California Code of Regulations). The~~  
12 ~~California Building Standards Commission shall preliminarily~~  
13 ~~approve or return for amendment the standards. If the standards~~  
14 ~~are returned for amendment, the California Building Standards~~  
15 ~~Commission shall inform the agency of the specific reasons for~~  
16 ~~the recommended changes.~~

17 (h) ~~Prior to the adoption of the set of minimum green building~~  
18 ~~standards pursuant to subdivision (a), the agency shall hold at least~~  
19 ~~two public workshops to discuss the standards and gather input~~  
20 ~~from interested parties.~~

21 ~~71354. On or before July 1, 2010, the agency shall submit the~~  
22 ~~set of minimum green building standards adopted pursuant to~~  
23 ~~subdivision (a) of Section 71353 to the California Building~~  
24 ~~Standards Commission for adoption by that commission in the~~  
25 ~~California Building Standards Code (Title 24 of the California~~  
26 ~~Code of Regulations) pursuant to the State Building Standards~~  
27 ~~Law (Part 2.5 (commencing with Section 18901) of Division 13~~  
28 ~~of the Health and Safety Code). The California Building Standards~~  
29 ~~Commission may revise but shall not reduce the environmental~~  
30 ~~benefits or efficiencies to be achieved by the minimum standards~~  
31 ~~submitted by the agency.~~

32 ~~71355. —A~~

33 ~~71352. (a) (1) Except as provided in paragraph (2), a new~~  
34 ~~commercial building for which the a public agency, on or after~~  
35 ~~July 1, 2012, deems the application complete pursuant to Section~~  
36 ~~65943 of the Government Code, and that is 50,000 square feet or~~  
37 ~~greater, shall meet the minimum green building standards adopted~~  
38 ~~pursuant to Section 71354: be designed, constructed, and operated~~  
39 ~~to meet the applicable standards described in the LEED gold rating~~  
40 ~~or its equivalent.~~

1     (2) *If the state adopts minimum green building standards, a new*  
2 *commercial building for which a public agency on or after July*  
3 *1, 2012, deems the application complete pursuant to Section 65943*  
4 *of the Government Code, and that is 50,000 square feet or greater*  
5 *shall meet those adopted standards.*

6     (b) *For the purposes of determining compliance with the LEED*  
7 *gold rating or its equivalent, with respect to materials and*  
8 *resources and sustainable wood, a project that uses wood products*  
9 *with a credible third party sustainable forest certification, as*  
10 *determined by the California Environmental Protection Agency,*  
11 *shall be deemed to be in compliance.*

12     (c) *This section shall not prohibit, limit, or supersede more*  
13 *stringent green building requirements applicable under existing*  
14 *local, state, or federal law.*

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