AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL No. 888

Introduced by Assembly Members Lieu and Laird

February 22, 2007

An act to add ~~Section 18941.7 to the Health and Safety~~ *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 ~~authorizes state~~ *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 ~~state agencies with responsibility for proposing building standards to the commission to develop those proposed building standards to ensure that green building elements are integrated into the standards. The bill would define green building elements for these purposes and make legislative findings and declarations~~ *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 public sector 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 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 minimum standards proposed by the agency but would be authorized to revise those standards. New public sector buildings constructed on or after July 1, 2012, that are 50,000 square feet or greater would be required to meet the minimum standards that are adopted by the California Building Standards Commission. A new public sector building constructed on or after July 1, 2012, that is less than 50,000 square feet or greater would be required to meet the adopted standards unless the owner of the building meets criteria, based on economic considerations, developed by CAL-EPA for granting a waiver.

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

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

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

PART 4.5. GREEN BUILDING STANDARDS FOR NONRESIDENTIAL BUILDINGS

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

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

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

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

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

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

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

(g) In depth studies of projects to analyze the cost of green buildings, using detailed cost estimates, demonstrate that there is no significant difference in the construction costs for the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) buildings versus nonLEED buildings in any of the categories.

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

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

71352. For the purposes of this part, the following terms means the following:

(a) "Agency" means the California Environmental Protection Agency.

(b) "Green building" means a project designed to reduce both direct and indirect environmental consequences associated with its construction, use, operation, maintenance, and eventual decommissioning, the design of which is evaluated for cost, quality-of-life impacts, future flexibility, ease of maintenance,

energy and resource efficiency, and overall environmental impact, with an emphasis on life-cycle cost analysis.

(c) "LEED gold rating" means the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) gold rating for new construction and major renovation, as set forth in "Version 2.2" of LEED, as published by the USGBC in November of 2005.

(d) "Minimum green building standards" means green building standards for public sector buildings that meet and encompass, at a minimum, the LEED gold rating or equivalent, and include, but are not limited to, all of the following:

(1) Sustainability of the site.

(2) Water efficiency.

(3) Energy and atmosphere.

(4) Material and resources and sustainable wood.

(5) Indoor environmental quality.

(6) Innovation and design process.

(7) Nonmotorized transportation.

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

(e) "Public sector building" means a nonresidential building that is within the occupancy groups specified in subdivision (a) of Section 100 of Title 24 of the California Code of Regulations. Public sector building does not include either of the following:

(1) A building owned or leased by the state or the Regents of the University of California.

(2) A building subject to Section 17070.965 of the Education Code.

71353. (a) On or before July 1, 2009, the agency, with the working group that it coordinates pursuant to subdivision (b), shall develop, adopt, and make available, a set of minimum green building standards.

(b) (1) To develop the minimum green building standards pursuant to subdivision (a), the agency shall coordinate a working group consisting of a multiagency effort, including, but not limited to, all of the following state entities:

(A) The California Integrated Waste Management Board.

(B) The State Energy Resources Conservation and Development Commission.

(C) The State Air Resources Board.

(D) The Department of Water Resources.

(E) The Department of Housing and Community Development.

(F) The Department of General Services.

(G) The California Building Standards Commission.

(H) The Office of Environmental Health Hazards Assessment.

(I) The State Department of Public Health.

(2) The agency and each state entity specified in paragraph (1) shall also consult with representatives from each of the following:

(A) The building construction industry.

(B) Recognized environmental advocacy groups.

(C) Interested local government entities.

(D) Interested public parties.

(c) Each state entity specified in paragraph (1) shall take the lead in developing standards related to its particular area of expertise and shall ensure that the standards developed are at least equal to the LEED gold rating level.

(d) The agency shall be responsible for coordinating the integration of the separate aspects provided by each state entity into the minimum green building standards. The agency shall consult with the California Building Standards Commission to ensure that the standards developed pursuant to this section are not in conflict with the California Building Standards Code (Title 24 of the California Code of Regulations).

(e) The minimum standards shall include a system for the certification of building projects based on attaining credits by complying with specified prerequisites.

(f) With respect to materials and resources and sustainable wood, the standards shall provide credits to those projects that use wood products that have a credible third party sustainable forest certification, as determined by the agency.

(g) Following the agency's coordination efforts, and prior to final adoption of minimum green building standards, the California Building Standards Commission shall review all aspects of the minimum green building standards to ensure all aspects of these standards exceed, and are not in conflict with, the existing standards in the California Building Standards Code (Title 24 of the California Code of Regulations).

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

(i) As a part of the minimum green building standards adopted pursuant to subdivision (a), the agency shall adopt criteria, based on economic considerations, for determining the granting of a waiver pursuant to subdivision (b) of Section 71355.

71354. On or before July 1, 2010, the agency shall submit the set of minimum green building standards adopted pursuant to subdivision (a) of Section 71353 to the California Building Standards Commission for adoption by that commission in the California Building Standards Code (Title 24 of the California Code of Regulations) pursuant to the State Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code). The California Building Standards Commission may revise but shall not reduce the minimum standards submitted by the agency.

71355. (a) On and after July 1, 2012, a new public sector building that is 50,000 square feet or greater shall be constructed to meet the minimum green building standards adopted pursuant to Section 71354.

(b) On and after July 1, 2012, a new public sector building that is less than 50,000 square feet shall be constructed to meet the minimum green building standards adopted pursuant to Section 71354 unless the owner of the building or his or her agent obtains a waiver by demonstrating compliance with the criteria developed pursuant to subdivision (i) of Section 71533.

~~SECTION 1. The Legislature finds and declares the following:~~

~~(a) It is critical to both the economic and environmental health of the state that the state provide leadership to both the private and public sectors in the arena of energy efficiency and "green" construction. The most immediate and meaningful way to do this is to endeavor to include energy efficiency and green building elements in all state building code revisions.~~

~~(b) By calling on the state to consider including green building measures in its building codes, the Legislature provides taxpayers a benefit through greener, cheaper to operate buildings and simultaneously helps to develop markets for recycled, recyclable, and environmentally sound materials.~~

~~(c) Green building goes beyond energy efficiency measures to include, but not be limited to, using certified sustainable wood products; aggressive use of high recycled content products; installation of recyclable carpet, high efficiency lights, and CFC-free air-conditioning equipment; separation and recycling of building material waste that occurs during deconstruction, demolition, and construction; enhancement of indoor air quality by selection and use of construction materials that do not have chemical emissions that are toxic or irritant to building occupants; modification of heating, ventilation, and air-conditioning systems to provide high-quality indoor air; selection of construction materials made of substantial recycled content; installation of high-performance solar control glazing; use of recycled water in interior and exterior plumbing and landscape; and installation of alternative energy methods for supplemental energy production.~~

~~SEC. 2. Section 18941.7 is added to the Health and Safety Code, to read:~~

~~18941.7. (a) State agencies with responsibility for proposing building standards to the commission pursuant to this part shall develop those proposed building standards to ensure that green building elements are integrated into the standards.~~

~~(b) As used in this section, "green building" elements include the following:~~

~~(1) Water recycling and conservation measures in interior and exterior plumbing and landscaping.~~

~~(2) The disposition, recycling, or limitation of construction and demolition waste.~~

~~(3) The utilization of building materials that contain recycled materials meeting current building standards, including recycled and recovered construction and demolition waste, and recyclable carpets.~~

~~(4) The utilization of alternative energy technologies and products that provide nonquantifiable public benefits even if they are not cost-effective when compared to conventional technologies and products, including onsite generation technologies, such as photovoltaics, fuel cells, or solar heating systems for water and swimming pool heating purposes.~~

~~(5) Measures to improve indoor air quality.~~

~~(6) Interior office space access to natural daytime lighting.~~

~~(7) The storage and collection of recyclable materials used by building occupants, including beverage containers, aluminum, paper, and other materials.~~

~~(8) The installation of wiring, piping, or other infrastructure to provide for future installation of recharging systems for electric vehicles, or refueling of alternative fuel vehicles, as appropriate to the use of the building and potential future demand by fleet vehicles, employees, or the public.~~

~~(9) Designated parking for alternative fuel vehicles and carpool vehicles.~~

~~(10) Siting considerations, including urban infill development, reduced habitat disturbance, and the preservation and restoration of historic buildings, if applicable.~~

~~(11) Surface runoff filtration and surface runoff reduction from the building and any new parking structures constructed or renovated to accommodate the building.~~

~~(12) Bicycle infrastructure, including easily accessible enclosed locking facilities for bicycle parking, bicycle lockers, showers, and personal locker facilities.~~

~~(13) The consideration of convenient access to public transit, including minimal setbacks to accommodate shorter walking distances from transit stations.~~

~~(14) Construction and demolition debris planning to address debris from deconstruction of onsite structures and new construction.~~

~~(15) Building commissioning, including testing and monitoring of building systems operations to ensure that building design and operation criteria are achieved and maintained.~~

~~(16) The consideration throughout the design and construction phases of opportunities to reduce each proposal's annual projected energy consumption.~~

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