

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

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

February 22, 2007

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 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 commercial 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 commercial 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:

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.

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

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

17 (d) The state is committed to providing leadership on energy,
18 environmental, and public health issues by implementing

1 innovative and resource-efficient building design practices and
2 other programs that improve the lives of the state's 34.5 million
3 residents.

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

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

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

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

21 71351. It is the intent of the Legislature, in enacting this part,
22 to recognize that no one set of existing green building practices
23 may encompass the state's unique economic and natural
24 resources-related environment. It is further the intent of the
25 Legislature to ensure that the minimum standards adopted pursuant
26 to this part recognize California's leadership in environmental
27 sustainability practices and include the most rigorous measures
28 and methods possible with regard to the factors specified in
29 subdivision ~~(d)~~ (e) of Section 71352.

30 71352. For the purposes of this part, the following terms ~~means~~
31 *mean* the following:

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

34 (b) "Commercial building" means a building or structure that
35 is in occupancy Group B as specified in Section 304 of Title 24
36 of the California Code of Regulations. Commercial building does
37 not include an eating establishment or a building owned or leased
38 by the Regents of the University of California.

39 (c) "Green building" means a project designed to reduce both
40 direct and indirect environmental consequences associated with

1 its construction, use, operation, maintenance, and eventual
2 decommissioning, the design of which is evaluated for cost,
3 quality-of-life impacts, future flexibility, ease of maintenance,
4 energy and resource efficiency, and overall environmental impact,
5 with an emphasis on life-cycle cost analysis.

6 (d) “LEED gold rating” means the United States Green Building
7 Council’s (USGBC) Leadership in Energy and Environmental
8 Design (LEED) gold rating for new construction and major
9 renovation, as set forth in “Version 2.2” of LEED, as published
10 by the USGBC in November of 2005.

11 (e) “Minimum green building standards” means green building
12 standards for commercial buildings that meet and encompass, at
13 a minimum, the LEED gold rating or equivalent, and include, but
14 are not limited to, all of the following:

- 15 (1) Sustainability of the site.
- 16 (2) Water efficiency.
- 17 (3) Energy and atmosphere.
- 18 (4) ~~Material~~ Materials and resources and sustainable wood.
- 19 (5) Indoor environmental quality.
- 20 (6) Innovation and design process.
- 21 (7) Nonmotorized transportation.
- 22 (8) A method for determining life-cycle cost, including
23 evaluating the relative effectiveness, cost, and life-cycle savings,
24 if any, by the use of individual or multiple green building measures
25 specified in this part.

26 71353. (a) On or before July 1, 2009, the agency, with the
27 working group that it coordinates pursuant to subdivision (b), shall
28 develop, adopt, and make available, a set of minimum green
29 building standards.

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

- 34 (A) The California Integrated Waste Management Board.
- 35 (B) The State Energy Resources Conservation and Development
36 Commission.
- 37 (C) The State Air Resources Board.
- 38 (D) The Department of Water Resources.
- 39 (E) The Department of Housing and Community Development.
- 40 (F) The Department of General Services.

1 (G) The California Building Standards Commission.

2 (H) The Office of Environmental Health—~~Hazards~~ *Hazard*
3 *Assessment*.

4 (I) The State Department of Public Health.

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

7 (A) The building construction industry.

8 (B) Recognized environmental advocacy groups.

9 (C) Interested local government entities.

10 (D) Interested public parties.

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

15 (d) The agency shall be responsible for coordinating the
16 integration of the separate aspects provided by each state entity
17 into the minimum green building standards. ~~The agency shall~~
18 ~~consult with the California Building Standards Commission to~~
19 ~~ensure that the standards developed pursuant to this section are~~
20 ~~not in conflict with the California Building Standards Code (Title~~
21 ~~24 of the California Code of Regulations).~~

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

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

29 *(f) Notwithstanding subdivision (c) of this section and*
30 *subdivision (e) of Section 71352, with respect to materials and*
31 *resources and sustainable wood, the standards shall require, for*
32 *purposes of ensuring equivalency with the LEED gold rating level,*
33 *that credits be provided to those projects that use wood products*
34 *with a credible third party sustainable forest certification, as*
35 *determined by the agency.*

36 (g) Following the agency's coordination efforts, and prior to
37 final adoption of minimum green building standards, *the agency*
38 *shall submit the minimum green building standards to the*
39 *California Building Standards Commission. Upon receipt of those*
40 *standards, the California Building Standards Commission shall*

1 review all aspects of the minimum green building standards to
2 ensure all aspects of these standards exceed, and are not in conflict
3 with, the existing standards in the California Building Standards
4 Code (Title 24 of the California Code of Regulations). *The*
5 *California Building Standards Commission shall preliminarily*
6 *approve or return for amendment the standards. If the standards*
7 *are returned for amendment, the California Building Standards*
8 *Commission shall inform the agency of the specific reasons for*
9 *the recommended changes.*

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

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

18 71354. On or before July 1, 2010, the agency shall submit the
19 set of minimum green building standards adopted pursuant to
20 subdivision (a) of Section 71353 to the California Building
21 Standards Commission for adoption by that commission in the
22 California Building Standards Code (Title 24 of the California
23 Code of Regulations) pursuant to the State Building Standards
24 Law (Part 2.5 (commencing with Section 18901) of Division 13
25 of the Health and Safety Code). The California Building Standards
26 Commission may revise but shall not reduce the minimum
27 standards submitted by the agency.

28 71355. ~~(a) On and after July 1, 2012, a new commercial~~
29 ~~building that is 50,000 square feet or greater shall be constructed~~
30 ~~to meet the minimum green building standards adopted pursuant~~
31 ~~to Section 71354.~~

32 ~~(b) On and after July 1, 2012, a new commercial building that~~
33 ~~is less than 50,000 square feet shall be constructed to meet the~~
34 ~~minimum green building standards adopted pursuant to Section~~
35 ~~71354 unless the owner of the building or his or her agent obtains~~
36 ~~a waiver by demonstrating compliance with the criteria developed~~
37 ~~pursuant to subdivision (i) of Section 71533.~~