

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY MAY 21, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Lieu
(Coauthors: Assembly Members Brownley, Huffman, Monning,
Ruskin, Salas, and Saldana)
(Coauthor: Senator DeSaulnier)

February 26, 2009

An act to amend Section 18930.5 of the Health and Safety Code, and to add Section 25402.11 to the Public Resources Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Lieu. Green building standards.

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy conservation and water efficiency standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that

adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. Existing law requires the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

This bill would require the commission or any state agency proposing green building standards to seek the input of other state agencies and consult with representatives from specified groups, as prescribed. The bill would require any agency providing input to recommend to the commission or proposing agency whether the standard should be voluntary or mandatory. The bill would also authorize the State Energy Resources Conservation and Development Commission to develop and adopt voluntary energy efficiency standards, as described.

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. Section 18930.5 of the Health and Safety Code
- 2 is amended to read:
- 3 18930.5. (a) If no state agency has the authority or expertise
- 4 to propose green building standards applicable to a particular
- 5 occupancy, the commission shall adopt, approve, codify, update,
- 6 and publish green building standards for those occupancies.
- 7 (b) In developing green building standards, the commission or
- 8 any state agency proposing standards shall seek the input of other
- 9 state agencies including, but not limited to, all of the following:
- 10 (1) The Department of General Services.
- 11 (2) The California Integrated Waste Management Board.
- 12 (3) The State Air Resources Board.
- 13 (4) The Department of Water Resources.
- 14 (5) The Department of Toxic Substances Control.
- 15 (6) The State Department of Public Health.
- 16 (7) The Department of Transportation.
- 17 (8) The Office of the State Fire Marshal.
- 18 (9) *The Department of Housing and Community Development.*
- 19 (c) If the commission or an agency that proposes green building
- 20 standards receives input from another state agency and the input
- 21 is consistent with the agency's mandate, the commission or the

1 receiving agency shall consider and respond in writing to the input
2 provided. A written response is intended to serve as an
3 acknowledgment of the receipt and consideration of input and
4 allow the public to track the development of green building
5 standards.

6 (d) In developing green building standards, the commission or
7 any state agency proposing the standards shall also consult with
8 representatives from all of the following:

- 9 (1) Environmental advocacy groups.
10 (2) Interested local government and code enforcement entities.
11 (3) The building construction and design industry.
12 (4) Interested public parties.

13 (e) In addition to meeting the requirements of subdivision (b),
14 the development of green building standards shall comply with
15 the process described in Section 18930.

16 (f) An agency that provides input regarding green building
17 standards, as described in subdivisions (b) and (c), shall
18 recommend to the commission or agency proposing the standard
19 whether the standard should be voluntary or mandatory. Voluntary
20 standards shall exceed mandatory standards where such mandatory
21 standards exist.

22 (g) Green building standards proposed or adopted pursuant to
23 this section shall be intended to protect the public's health and
24 safety, minimize the building's impact on the environment through
25 efficient use of natural resources, promote occupant health, and
26 reduce strain on the local infrastructure while utilizing best
27 available technology and building practices. These building
28 standards include, but are not limited to, standards relating to site
29 planning, water efficiency, energy efficiency, materials and
30 resource efficiency, reduction of toxic chemicals, indoor air quality,
31 and environmental quality.

32 SEC. 2. Section 25402.11 is added to the Public Resources
33 Code, to read:

34 25402.11. (a) The State Energy Resources Conservation and
35 Development Commission may develop, adopt, and submit to the
36 California Building Standards Commission voluntary energy
37 efficiency standards.

38 (b) The voluntary standards specified in subdivision (a) shall
39 be considered green building standards for the purposes of Section
40 18930.5 of the Health and Safety Code and shall exceed the

1 mandatory standards adopted by the State Energy Resources
2 Conservation and Development Commission pursuant to Section
3 25402.

4 (c) In developing the voluntary standards specified in
5 subdivision (a), the State Energy Resources Conservation and
6 Development Commission shall seek to do both of the following:

7 (1) Ensure that the cost to the public is reasonable, based on the
8 overall benefit to be derived from the building standards.

9 (2) Leverage available incentive mechanisms.