



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
August 7, 2008

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support AB 2939 (Hancock) – Green Building Standards

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee adopt a support position on AB 2939 relating to green building standards.

Contact: Bob Chase, Chief Building Official, 808-8024

Presenters: Bob Chase, Chief Building Official

Department: Development Services

Division: Building

Organization No.: 21000

Description/Analysis

Issue: With renewed emphasis on energy and resource conservation and preserving the public and environmental health, how buildings are designed and built is changing to support those efforts. This is evident through the efforts of the Administration with Executive Orders requiring sustainable buildings and energy conservation for state buildings and an increasing number of local governments embracing the green building concept. The terms 'green' and 'sustainable' are used to describe these buildings that are intended to have a more beneficial environmental and public health footprint. This green building movement is growing rapidly and the general public has shown great acceptance of it resulting in many more green buildings being built.

Background: Existing provisions of the California Building Standards Law (Health and Safety Code Sections 17958.5 and 17958.7) generally preempt local agencies from setting building standards different from, or stricter than, those set forth in the California Building Standards Code ("Code"), except where "reasonably necessary

because of local climatic, geological, or topographical conditions”, thus hindering local governments’ ability to use green building ordinances as a tool to meet Green House Gas reduction goals.

AB 2939 will authorize local agencies to establish mandatory green building standards for private developments that may be stricter than the Code by expanding the current local code modification authority to specifically include local green building standards.

Policy Considerations: AB 2939 is consistent with the City of Sacramento’s Sustainability Plan, the City Manager’s operational principle of promoting public safety and livability, the Mayor’s GO GREEN project to create a sustainable city and to mitigate the harmful effects of climate change, and the Neighborhood Services mission to promote healthy communities.

Environmental Considerations: There are no environmental considerations associated with this report.

Rationale for Recommendation: AB 2939 is consistent with the City of Sacramento’s Sustainability Master Plan to reduce dependence on nonrenewable energy sources and contribute to the national global warming efforts by reducing our city’s carbon footprint. Also, by mandating environmentally friendly green building standards empowers Sacramento residents to make sustainable decisions to promote an ethic of conservation and environmental stewardship.

Financial Considerations: None

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: 
Robert Chase
Chief Building Inspector

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:



Ray Kerridge
City Manager

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August 7, 2008

The Honorable Loni Hancock
Member, California State Assembly
State Capitol P.O. Box 942849
Sacramento, CA 94249-0014
ATTN: Legislative Director

Subject: Support AB 2939 (Hancock) – Green Building Standards

Dear Assembly Member Hancock:

On behalf of the City of Sacramento, and as chair of the Law and Legislation Committee, I am writing to inform you that we support AB 2939. This bill is consistent with the City of Sacramento's newly adopted Sustainability Plan to reduce dependence on nonrenewable energy sources and contribute to the national global warming efforts by reducing our city's carbon footprint.

AB 2939 will authorize local agencies to establish mandatory green building standards for private developments that may be stricter than the California Building Standards Law (Health and Safety Code Sections 17958.5 and 17958.7) by expanding the current local code modification authority to specifically include local green building standards.

While the California Building Standards Commission is developing a statewide green building code that the public asserted should complement local green building efforts, it is essential that state law be modified so that local agencies will be allowed to go beyond the State's minimum building code regulations and mandate more comprehensive green building programs, as many cities have already begun to do.

Thank you for introducing this important legislation.

Sincerely,

SANDY SHEEDY, Chair
Law and Legislation Committee

cc: Senator Darrell Steinberg
Senator Dave Cox
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Assembly Member Dave Jones
Mayor Fargo and Members of City Council
David Jones, Emanuels and Jones and Associates

AMENDED IN SENATE JULY 1, 2008

AMENDED IN ASSEMBLY MAY 19, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2939

**Introduced by Assembly Member Hancock
(Coauthors: Assembly Members Laird and Lieu)**

February 22, 2008

An act to amend Sections 17958.5, 17958.7, and 18941.5 of, and to ~~add Section 17958.6 to~~, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 2939, as amended, Hancock. Building standards: green buildings: local variances.

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 Department of Housing and Community Development to propose the adoption, amendment, or repeal of building standards to the commission relating to hotels, motels, lodging houses, apartment houses, and dwellings, and the buildings and structures accessory thereto, except as specified.

Existing law authorizes a city or county to make changes or modifications in the building standards proposed by the department and approved by the commission, to provide for local variances relating to

local climatic, geological, or topographical conditions, upon making certain findings and filing those findings with the commission.

This bill would specifically authorize a city, county, or city and county to make changes or modifications in the building standards proposed by the department and approved by the commission, to permit the city, county, or city and county to implement ~~specified green building guidelines and scoring systems~~ *one or more green building standards, guidelines, and rating systems, as defined*, if the change or modification does not permit use of a building standard that is less stringent than those otherwise permitted under existing law.

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. The Legislature finds and hereby declares all of
2 the following:

3 (a) The design, construction, and maintenance of buildings and
4 structures within the state can have a significant impact on the
5 state's environmental sustainability, *greenhouse gas emissions*,
6 resource usage and efficiency, and waste management, and the
7 health and productivity of the state's residents, workers, and
8 visitors.

9 ~~(b) Green building design, construction, and operation can have
10 a significant positive effect on energy and resource efficiency and
11 waste and pollution generation, and the health and productivity of
12 a building's occupants over the life of the building.~~

13 (b) *Green building is a whole-systems approach to the design,
14 construction, and operation of buildings, from the early stages of
15 development to the final finishes to the day-to-day operations and
16 maintenance of the building. Green building includes the following
17 five principles: planning for livable communities, energy efficiency,
18 indoor environmental quality and health, natural resource
19 conservation, and water conservation.*

20 (c) Green building benefits are spread throughout the systems
21 and features of the building. Green building goes beyond energy
22 efficiency measures to include, among other things, using certified
23 sustainable wood products; aggressive use of high recycled content
24 products; installation of recyclable carpet, high efficiency lights,
25 and chlorofluorocarbon-free air conditioning equipment; separation

1 ~~and recycling of building material waste that occurs during~~
2 ~~deconstruction, demolition, and construction; enhancement of~~
3 ~~indoor air quality by selection and use of construction materials~~
4 ~~that do not have chemical emissions that are toxic or irritating to~~
5 ~~building occupants; modification of heating, ventilation, and~~
6 ~~air conditioning systems to provide high quality indoor air;~~
7 ~~selection of construction materials made of substantial recycled~~
8 ~~content; installation of high performance solar control glazing; use~~
9 ~~of recycled water in interior and exterior plumbing and for~~
10 ~~landscaping purposes; and the use of alternative energy methods~~
11 ~~for supplemental energy production. *efficiency measures to include,*~~
12 ~~*among other things, sites and designs that make it easier for people*~~
13 ~~*to drive less, durable and low-maintenance materials, passive*~~
14 ~~*solar design, high efficiency heating and cooling equipment,*~~
15 ~~*upgraded insulation, materials with reduced formaldehyde and*~~
16 ~~*low-volatile or nonvolatile organic compounds, reuse and recycling*~~
17 ~~*of construction and demolition debris, recycled content products,*~~
18 ~~*low-water landscaping and high efficiency irrigation, and high*~~
19 ~~*efficiency appliances and fixtures.*~~

20 (d) In recent years, green building design, construction, and
21 operations techniques and practices have become increasingly
22 widespread. Many homeowners, businesses, and building
23 professionals have voluntarily sought to incorporate green building
24 techniques and practices into their projects. A number of local and
25 national systems have been developed to serve as guides to green
26 building practices.

27 (e) ~~Several provisions of the California Building Standards Code~~
28 ~~state law are creating uncertainty regarding the ability of California~~
29 ~~cities and counties in California to require the use of proven and~~
30 ~~effective green building techniques, even where those techniques~~
31 ~~exceed all minimum California building standards. This uncertainty~~
32 ~~is preventing the cities and counties that wish to do so from fully~~
33 ~~realizing the economic and environmental benefits of mandating~~
34 ~~green building techniques. *minimum California building standards.*~~
35 ~~*Specifically, the California Building Standards Law generally*~~
36 ~~*preempts cities and counties from setting building standards*~~
37 ~~*different from those set forth in the California Building Standards*~~
38 ~~*Code, except when the city or county determines that modifications*~~
39 ~~*are “reasonably necessary because of local climatic, geological,*~~
40 ~~*or topographical conditions.” The resultant uncertainty is*~~

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1 *preventing the cities and counties that wish to do so from fully*
2 *realizing the economic and environmental benefits of mandating*
3 *green building measures, even though those measures provide one*
4 *of the most effective means for local governments to meet*
5 *greenhouse gas emissions reduction and other important*
6 *environmental objectives. While the California Building Standards*
7 *Commission is developing green building standards that will be*
8 *adopted as code, many local governments have begun to go beyond*
9 *voluntary measures and mandate more comprehensive green*
10 *building programs as a strategy to address climate change, and*
11 *those local governments should have a mechanism to do so without*
12 *the current uncertainty and potential legal threat.*

13 (f) To permit the people of the State of California to realize the
14 benefits of green building, it is necessary to amend the California
15 Building Standards Code to clarify that ~~cities, counties, or city and~~
16 ~~counties~~ a city, county, or city and county may mandate the use
17 of appropriate green building ~~techniques~~ measures.

18 SEC. 2. Section 17958.5 of the Health and Safety Code is
19 amended to read:

20 17958.5. (a) Except as provided in Section 17922.6, in
21 adopting the ordinances or regulations pursuant to Section 17958,
22 a city, county, or city and county may make those changes or
23 modifications in the requirements contained in the provisions
24 published in the California Building Standards Code and the other
25 regulations adopted pursuant to Section 17922 that ~~the city, county,~~
26 ~~or city and county determines~~, it determines, pursuant to the
27 provisions of Section 17958.7, are reasonably necessary to do ~~any~~
28 either of the following:

29 (1) Address local climatic, geological, or topographical
30 conditions.

31 (2) Permit the city, county, or city and county to implement one
32 ~~or more of the green building guidelines and scoring systems~~
33 ~~identified in Section 17958.6 if the change or modification does~~
34 ~~not permit use of a building standard that is less stringent than~~
35 ~~those otherwise permitted under this part. or more green building~~
36 *standards, guidelines, and rating systems, if the change or*
37 *modification does not permit the use of a building standard that*
38 *is less stringent than those otherwise permitted under this part.*
39 *For the purposes of this subdivision, a city and county may make*
40 *reasonably necessary modifications, on the basis of local*

1 *conditions, to the requirements adopted pursuant to Section 17922*
 2 *and contained in the California Building Standards Code and*
 3 *related regulations.*

4 (b) For the purposes of this part, “green building” shall mean a
 5 structure that uses a holistic approach or life cycle analysis
 6 approach for design, construction, and demolition that minimizes
 7 the building’s impact on the environment, the occupants, and the
 8 community, and that includes measures to reduce impacts,
 9 including, but not limited to, site planning, energy efficiency, water
 10 ~~efficiency~~ *conservation*, materials and resource efficiency, indoor
 11 air quality, and environmental quality.

12 (c) *For the purposes of this part, “green building standards,*
 13 *guidelines, and rating systems” shall mean a publicly available*
 14 *system that is developed by a third-party and provides a mechanism*
 15 *for evaluating and determining whether, and to what extent, a*
 16 *structure qualifies as a green building.*

17 (d) *Any ordinance or regulation adopted by a city, county, or*
 18 *city and county to implement one or more green building standards,*
 19 *guidelines, and rating systems shall include a procedure by which*
 20 *that city, county, or city and county shall review any subsequent*
 21 *changes to that system before those changes can take effect within*
 22 *the city, county, or city and county.*

23 (e) *A city, county, or city and county that has adopted an*
 24 *ordinance or regulation to implement one or more green building*
 25 *standards, guidelines, and rating systems prior to January 1, 2009,*
 26 *without making the required findings pursuant to subdivision (a)*
 27 *of Section 17958.7, shall be deemed to have complied with this*
 28 *section, and Sections 17958.7 and 18941.5, for the purposes of*
 29 *that ordinance or regulation, if the city, county, or city and county*
 30 *makes and files the required finding pursuant to subdivision (a)*
 31 *of Section 17958.7 on or before January 1, 2010.*

32 (e)

33 (f) ~~Nothing in this section or in Section 17958.6, 17958.7,~~
 34 ~~17958.7 or 18941.5 shall limit or alter the requirements of~~
 35 ~~subdivision (h) of Section 25402.1 of the Public Resources Code~~
 36 ~~regarding city or county conservation or energy installation~~
 37 ~~insulation standards.~~

38 ~~SEC. 3. Section 17958.6 is added to the Health and Safety~~
 39 ~~Code, to read:~~

1 ~~17958.6. (a) A city, county, or city and county that adopts~~
 2 ~~ordinances or regulations making changes or modifications in the~~
 3 ~~California Building Standards Code to implement green building~~
 4 ~~guidelines and scoring systems pursuant to Section 17958.5 shall~~
 5 ~~require the use of one of the following rating systems, or any other~~
 6 ~~system approved for this purpose by the California Building~~
 7 ~~Standards Commission:~~

8 ~~(1) The GreenPoint Rated system of the Build it Green~~
 9 ~~organization.~~

10 ~~(2) The California Green Builder Program of the California~~
 11 ~~Building Industry Association.~~

12 ~~(3) The Leadership in Energy and Environmental Design system~~
 13 ~~of the United States Green Building Council.~~

14 ~~(4) The Green Globes system for new buildings of the Green~~
 15 ~~Building Initiative.~~

16 ~~(b) The California Building Standards Commission may assess~~
 17 ~~an application review and processing fee for any rating system~~
 18 ~~application submitted to the commission for approval. The fee~~
 19 ~~charged shall not exceed the cost of reviewing and processing the~~
 20 ~~application.~~

21 ~~(c) Any ordinance or regulation adopted by a city, county, or~~
 22 ~~city and county to implement one of the green building guidelines~~
 23 ~~and scoring systems identified in subdivision (a) shall include a~~
 24 ~~procedure by which that city, county, or city and county shall~~
 25 ~~review any subsequent changes to that system before those changes~~
 26 ~~can take effect within the city, county, or city and county.~~

27 ~~(d) A city, county, or city and county that has adopted an~~
 28 ~~ordinance or regulation to implement one or more of the green~~
 29 ~~building guidelines or scoring systems set forth in this section prior~~
 30 ~~to January 1, 2009, without making the required findings pursuant~~
 31 ~~to subdivision (a) of Section 17958.7, shall be deemed to have~~
 32 ~~complied with this section and Sections 17958.5, 17958.7, and~~
 33 ~~18941.5 for the purposes of that ordinance or regulation so long~~
 34 ~~as the city, county, or city and county makes and files the required~~
 35 ~~finding pursuant to subdivision (a) of Section 17958.7 on or before~~
 36 ~~January 1, 2010.~~

37 ~~SEC. 4.~~

38 ~~SEC. 3. Section 17958.7 of the Health and Safety Code is~~
 39 ~~amended to read:~~

1 17958.7. (a) Except as provided in Section 17922.6, the
 2 governing body of a city, county, or city and county, before making
 3 any modifications or changes pursuant to Section 17958.5, shall
 4 make an express finding that the modifications or changes are
 5 reasonably necessary because of local climatic, geological, or
 6 topographical conditions, or to permit the city, county, or city and
 7 county to implement one or more of the green building guidelines
 8 ~~and scoring systems identified in Section 17958.6. The green~~
 9 *building standards, guidelines, and rating systems. The finding*
 10 *shall be available as a public record. A copy of those findings,*
 11 *together with the modification or change expressly marked and*
 12 *identified so as to correlate with the relevant findings, shall be*
 13 *filed with the California Building Standards Commission. If the*
 14 *modification or change consists of the adoption of one or more*
 15 *green building standards, guidelines, and rating systems, this*
 16 *requirement shall be satisfied by filing a copy of the findings that*
 17 *expressly identifies the green building guidelines and rating*
 18 *systems. No modification or change shall become effective or*
 19 *operative for any purpose until the finding and the modification*
 20 *or change have been filed with the California Building Standards*
 21 *Commission.*

22 (b) The California Building Standards Commission may reject
 23 a modification or change filed by the governing body of a city,
 24 county, or city and county if no finding was submitted.

25 ~~SEC. 5.~~

26 SEC. 4. Section 18941.5 of the Health and Safety Code is
 27 amended to read:

28 18941.5. (a) (1) Amendments, additions, and deletions to the
 29 California Building Standards Code adopted by a city, county, or
 30 city and county pursuant to this section or pursuant to Section
 31 17958.7, together with all applicable portions of the California
 32 Building Standards Code, shall become effective 180 days after
 33 publication of the California Building Standards Code by the
 34 commission, or at a later date after publication established by the
 35 commission.

36 (2) The publication date established by the commission shall
 37 be no earlier than the date the California Building Standards Code
 38 is available for purchase by the public.

39 (b) Neither the State Building Standards Law contained in this
 40 part, nor the application of building standards contained in this

1 section, shall limit the authority of a city, county, or city and county
2 to establish more restrictive building standards reasonably
3 ~~necessary because of local climatic, geological, or topographical~~
4 ~~conditions, or to permit the city, county, or city and county to~~
5 ~~implement the green building guidelines and scoring system~~
6 ~~established by one of the rating systems identified in Section~~
7 ~~17958.6. The governing body shall make the finding necessary~~
8 ~~because of local climatic, geological, or topographical conditions,~~
9 ~~or to permit a city, county, or city and county to implement one or~~
10 ~~more green building standards, guidelines, and rating systems.~~
11 *The governing body shall make the finding* required by Section
12 17958.7 and the other requirements imposed by Section 17958.7
13 shall apply to that finding. Nothing in this section shall limit the
14 authority of fire protection districts pursuant to subdivision (a) of
15 Section 13869.7. Further, nothing in this section shall require
16 findings required by Section 17958.7 beyond those currently
17 required for more restrictive building standards related to housing.

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Attachment 3

BILL ANALYSIS

AB 2939

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator S. Joseph Simitian, Chairman
2007-2008 Regular Session

BILL NO: AB 2939
AUTHOR: Hancock
AMENDED: May 19, 2008
FISCAL: Yes HEARING DATE: June 23, 2008
URGENCY: No CONSULTANT: Carol
Mortensen

SUBJECT : LOCAL GOVERNMENT GREEN BUILDING
STANDARDS

SUMMARY :

Existing law :

- 1) Establishes the Building Standards Commission (BSC) within the State and Consumer Services Agency.
- 2) Requires all state agencies that adopt or propose adoption of any building standard under the California Building Standards Code to submit the building standard to the Commission for review and approval or adoption.
- 3) States that, where no state agency has authority to adopt building standards applicable to state buildings, the BSC must adopt, approve, codify, and publish building standards for the design and construction of state buildings.
- 4) Requires the Department of Housing and Community Development (HCD) to propose the adoption, amendment, or repeal of building standards to the Commission relating to hotels, motels, lodging houses, apartment houses, and dwellings and the buildings and structures accessory thereto.
- 5) Requires the State Energy Resources Conservation and Development Commission (CEC) to prescribe building design and construction standards as well as energy conservation design standards that increase energy efficiency for new residential and non-residential buildings.

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- 6) Authorizes a local government to make changes or modifications in building standards to provide for local variances relating to local climatic, geological, or topographical conditions, upon making certain findings and filing those findings with the BSC.

Executive Orders :

-
- 1) Establishes, pursuant to the Governor's Executive Order S-20-04, The Green Building Initiative, and orders the state to take specified actions, including: 1) committing to aggressive action to reduce state building electricity usage by 20% in 2015, through cost-effective efficiency measures and distributed generation technologies; and, 2) siting, constructing, and operating all new and renovated state-owned facilities as LEED Silver or higher certified buildings.
- 2) Establishes, pursuant to the Governor's Executive Order S-3-05, a program that calls for a reduction of greenhouse gas emissions to 2000 levels by 2010; to 1990 levels by 2020; and to 80 percent below 1990 levels by 2050. The Governor established the Climate Action Team, headed by the Secretary for Environmental Protection, to implement global warming emission reduction programs and to report on the progress made toward meeting the statewide greenhouse gas targets that were established in the order.

This bill :

- 1) Makes extensive legislative findings and declarations regarding the benefits of green building practices.
- 2) Authorizes a city, county, or city and county to implement green building guidelines and a scoring system established by one of the authorized rating systems if the change or modification does not permit use of a building standard that is less stringent than those otherwise permitted.
- 3) Defines "green building" as a structure that uses a holistic approach or life cycle analysis approach for design, construction, and demolition that minimizes the building's impact on the environment, the occupants, and the community,

and that includes measures to reduce impacts, including, but not limited to, site planning, energy efficiency, water efficiency, materials and resource efficiency, indoor air quality, and environmental quality.

- 4) Provides that nothing in this bill shall limit or alter the requirements of subdivision (h) of Section 25402.1 of the Public Resources Code regarding city, county, or city and county conservation or energy installation standards.
- 5) Requires a city, county, or city and county that adopts ordinances or regulations making changes to the California Building Standards Code to implement green building guidelines and scoring systems to use one of the following rating systems:
 - a) The Green Point Rated system of the Build It Green organization;
 - b) The California Green Builder program of the California Building Industry Association;
 - c) The Leadership in Energy and Environmental Design system of the United States (U.S.) Green Building Council; or,
 - d) The Green Globes system for new buildings of the Green Building Initiative. Authorizes the California Building Standards Commission (BSC) to assess an application review and processing fee for any rating system application submitted to the commission for approval that shall not exceed the cost of reviewing and processing the application.
- 6) Requires any ordinance or regulation adopted by a city, county, or city and county to implement one of the green building guidelines and scoring systems identified in the bill to include a procedure by which that city, county, or city and county shall review any subsequent changes to that system before those changes can take effect within the city, county, or city and county
- 7) Provides that a city, county, or city and county that has adopted an ordinance or regulation to implement one or more of the green building guidelines or scoring systems set forth in this bill prior to January 1, 2009, without making

the required findings pursuant to the relevant provision of this bill shall be deemed to have complied with the relevant provisions of this bill for the purposes of that ordinance or regulation so long as the city, county, or city and county makes and files the required finding on or before January 1, 2010.

- 8) Requires the governing body of a city, county, or city and county, before adopting a green building standard pursuant to this bill, to make an express finding that the modifications or changes are reasonably necessary to permit the city, county, or city and county to implement one or more of the green building guidelines and scoring system established by one of the rating systems identified in this bill that shall be available as a public record.
- 9) Requires that a copy of those findings, together with the modification or change expressly marked and identified so as to correlate with the relevant findings, shall be filed with the BSC, and authorizes the BSC to reject a modification or change filed by the governing body of a city, county, or city and county if no finding was submitted.

COMMENTS :

1) Purpose of Bill According to the author, many cities have expressed interest in adopting mandatory green building standards to reduce the effects of climate change, but current law hinders local governments' ability to do so. Provisions of the California Building Standards Law preempt local governments from setting building standards different from those set forth in the state code, except where "reasonably necessary because of local climatic, geological, or topographical conditions." The author believes that local governments should have the authority to develop local green building standards.

2) What is "green" or "sustainable" building? With renewed emphasis on energy and resource conservation and preserving the public and environmental health, how buildings are designed and built are changing to support those efforts. This is evident through the efforts of the Administration with Executive Orders requiring sustainable buildings and

energy conservation for state buildings and an increasing number of local governments embracing green building. The terms 'green' and 'sustainable' are used to describe these buildings that are supposed to have a reduced environmental and public health footprint. This green building movement is growing rapidly and the general public has shown great acceptance of it resulting in many more green buildings being built.

There are many systems designed to guide green building including many with certifications associated with attaining levels of sustainability. Examples include those referred to in this bill, the GreenPoint Rated system, Green Globes, California Green Building Program, and the Leadership in Energy and Environmental Design or LEED system which is widely used in California and is the standard system used by the Administration.

3) Current BSC efforts . The BSC, HCD, the Division of the State Architect, and the Office of Statewide Health Planning and Development are presently developing the first set of green building standards for California. It is anticipated that these building standards will be adopted by the BSC during the third quarter of this year. Many of the proposed standards, especially with respect to non-residential construction, are voluntary. Those standards that are mandatory in some cases reflect existing mandates. In other words, this first round of proposed standards is not especially strong. Once this first set of standards is in place, however, these agencies intend to start work on a more stringent set of standards to be adopted in 2010. Staff for the BSC states that this second round will include a greater number of mandated building features. Some local governments and environmental advocates are concerned about the voluntary nature of many of the 2008 standards and skeptical about what the 2010 standards will bring. Past experiences with HCD and progressive building standards has not always been positive. AB 2787 (Aroner), Chapter 726 of Statutes of 2002, required HCD to develop a model ordinance on universal design that would allow persons with disabilities to better live in and visit new homes. That bill deferred to HCD on which standards should be mandatory and which should be voluntary. Contrary to the bill

proponents' desires, the model ordinance ultimately adopted by HCD did not include a single mandatory universal design feature.

A letter from ten Legislators; representing the Chairs of the Senate and Assembly Environmental and corresponding Budget committees was sent on April 18, 2008 to the BSC listing several concerns with their green building standards. One of the paramount concerns addressed in the letter was local government preemption for green building standards.

4)Related legislation . SB 1473 (Calderon) of 2008 requires the Building Standards Commission, by July 1, 2011, to adopt and publish green building standards for both residential and non-residential construction. This bill was heard by this Committee on April 14, 2008. It is set for hearing in Assembly Natural Resources Committee on June 23, 2008.

5)Suggested Amendments . This measure was heard in the Senate Transportation and Housing Committee on June 17, 2008. At that time technical amendments were suggested. The author may wish to build upon those suggestions and streamline this measure.

SOURCE : Assembly Member Hancock

SUPPORT : Stopwaste.org; Alameda County

OPPOSITION : None on file