

# ***Advancing Green Building Policy in the States***

## ***2011 Victories from Alabama to Wyoming***

### **EXECUTIVE SUMMARY:**

A wide array of legislation relating to high-performance, resource-friendly, healthy and green buildings has been considered in state legislatures in 2011. Even amidst a challenging climate for debate, 2011 saw significant advances across [USGBC's core priority areas](#): Green Buildings for Climate Protection; Green Affordable Housing; Sustainable Cities and Communities; and Green Schools.

The debate over state balance sheets cast a heavy shroud over discussions in every state legislature, and in many, slowed the advancement of all other business and focused much of the conversation around the far narrowed view of the single bottom line. Surely, bills with a fiscal note in nearly any chamber were likely to be dead on arrival, and reactions to some of the politics of Washington further clouded the debate.

But thankfully building green is not a partisan issue. Healthy, safe and efficient buildings resonate with a very broad audience, and strike an important chord with lawmakers who are doing their best to protect the public from hazards that are now far better understood and to foster economic productivity, and the growth of the emerging clean, green economy.

USGBC has been tracking more than 400 pieces of state legislation across the country this year, and this report counts 30 wins for green building across 22 states. Every year, many more bills die than get enacted, but good bills that do not advance should not be considered losses. In many cases, introduced and deliberated green building bills go far to move the ball forward for the green building conversation. The public forum of the state legislature provides an important opportunity both to draw attention to the green building cause and also to lay the groundwork for future legislative wins.

Impressively, **Colorado, Delaware, Maryland, Nevada, and Oregon** succeeded in navigating the budget debates and found support for investing in the energy, water and financial savings that green buildings are designed to deliver, and **Wyoming** enabled local governments to make similar investments. **Texas** successfully passed legislation that embraces the responsible stewardship of public funds, leading by example to build publicly-owned and publicly funded buildings to achieve beyond-code levels of energy efficiency and green building. **Oregon** enacted an important law that advances healthy, safe and high-performance schools, and an important report on green schools in **Illinois** was delivered to the legislature per a requirement in a 2009 resolution.

**California, Connecticut, Hawai'i, Maine, New Hampshire, New York, Texas and Washington** made critical advancements to unlocking financing for energy efficiency and green building. Decisions in **Florida** and **Virginia** to tie state-administered incentives for low-income housing to criteria that include green building ratings mark an important trend in state policymaking for green affordable housing.

In addition, both legislation and regulation in **Alaska, California, Idaho, Maryland, Michigan, Nebraska, North Carolina, Ohio, Oregon, Tennessee, Texas, Vermont, Virginia, Washington and Wisconsin** facilitated the advancement of improved mandatory minimums through building codes.

Many states are looking at building energy rating and disclosure as a means for improving access and availability of information for consumers to make smart choices about energy efficiency in real estate transactions. **Colorado, Connecticut, Maine, Maryland, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Tennessee and Vermont** each entertained legislation that would advance this market-transforming concept.

With the majority of state legislatures conducting their business in the first several months of the year, and the fall often being associated with planning for next session, the summer recess is arguably the best moment to take a look back in order to step forwards. **California, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania** and **Wisconsin** are scheduled to continue conducting session beyond the publication date of this report. And while a handful of special sessions have been announced, all other states have officially closed their doors for the year. **Montana, Nevada, North Dakota** and **Texas** have biennial legislative sessions, and will not reconvene until the spring of 2013.

Still, there is much to be learned from state legislative activity this year. Far from comprehensive, the below state-by-state listing provides a useful snapshot of green building activity in 2011.

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Special thanks to:

- The [Building Codes Assistance Project](#) for researching and tracking building energy codes in state legislation and regulation. For more state-by-state information on building energy codes, see BCAP's [code status maps](#) and more on the Online Code Environment and Advocacy Network.
- The [Institute for Market Transformation](#) for researching and tracking legislation and information on building energy rating and disclosure policies across the U.S. For more information, see [www.buildingrating.org](http://www.buildingrating.org).
- The [Southwest Energy Efficiency Project](#) for tracking legislation in the Southwestern U.S. For more information, see [www.swenergy.org](http://www.swenergy.org).

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

**ALABAMA** – The Alabama Legislature made progress in advancing the discussion of energy efficiency and green building practices in affordable housing in the Alabama Affordable Housing Act ([HB 349](#)), although it did not pass this session. The legislature also opened the dialogue on advancing a clean energy economy through [HJR 745](#) and [HJR 746](#), which would begin to set targets for a renewables portfolio standard in the state. For further information on green building policy in Alabama, contact [USGBC’s Alabama Chapter](#).

**ALASKA** – Among other important topics, the Alaska State Legislature advanced a discussion of unlocking the benefits of energy efficiency for small businesses in the state through an Energy Efficient Small Business Grant Fund ([HB 36](#)). In addition, the [Alaska Building Energy Efficiency Standard](#) (BEES) was updated in March of 2011 to include current references to ventilation standards as well as energy codes for commercial and public buildings that are consistent with [2009 federal law](#). For further information on green building policy in Alaska, contact Alaska staff at USGBC’s chapter in the region, [Cascadia Green Building Council](#).

**ARIZONA** – [HB 2257](#) may have not have passed this session, but the bill served as important opportunity to further the dialogue in the legislature about the need for state-owned and state-funded buildings to be built to, and evaluated by a label that recognizes savings in energy, money and water. Rep. Ed Ableser, the bill sponsor, has been a leading participant in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). For further information on green building policy in Arizona, contact [USGBC’s Arizona Chapter](#).

**ARKANSAS** – [SB 823](#) (now [Act 803](#)) was an important advancement in energy and water efficiency (and efficiency management) in state-owned buildings. The state and the legislature continue to study and debate methods for unlocking financing opportunities for high-performance building. Two bills ([SB 516](#) and [HB 1050](#)) advanced the debate, but failed to produce critical financing opportunities. For further information on green building policy in Arkansas, contact [USGBC’s Arkansas Chapter](#).

**CALIFORNIA** – While implementing the nation’s most progressive climate change legislation through a state-administered cap and trade program and the nation’s first statewide mandatory green building code ([CALGreen](#) became effective January 1 of this year), the California General Assembly is debating several bills that would constitute further significant advancements for green building. Three bills are currently top priority for USGBC’s California Advocacy Committee: [AB 930](#) would elevate the importance of green building expertise on the Building Standards Commission; [SB 128](#) would authorize and incentivize public schools to pursue high-performance green building technologies; and [SB 132](#) would revise state planning priorities to embrace the benefits of location efficiency and smart growth by promoting infill development. SB 128 is an effort of the [Sustainable School Facilities Subcommittee](#) of the Senate Education Committee, both chaired by Sen. Alan Lowenthal. In addition, a special-session measure that would expand and improve Property Assessed Clean Energy (PACE) financing in California ([ABX1 14](#)) is on the Governor’s desk. For further information on green building policy in California, contact [USGBC’s California Advocacy Committee](#) or the USGBC chapter in your area: [California Central Coast](#), [Central California](#), [Inland Empire](#), [Los Angeles](#), [Northern California](#), [Orange County](#), [Redwood Empire](#) or [San Diego](#).

**COLORADO** – Residential homeowners looking to sell their existing homes and move into a new home will soon be encouraged to improve the energy efficiency of their existing home and to purchase a “highly efficient new home” as documented by a recognized green building rating system, such as LEED for Homes. This bill ([HB 1160](#)) was a rare victory for state incentives for green homebuilding building in

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

2011. [HB 1132](#) and [SB 32](#) advanced the conversation in the state capitol about the powerful potential of unlocking financing opportunities for green building and energy efficiency, even if support for their passage was insufficient this session. [HB 1214](#) and [SB 130](#) introduced important ideas of opening the door for building energy transparency in the residential and commercial marketplaces, respectively. [HB 1204](#) would have set higher standards for energy efficiency in school construction. Representative Kerr, sponsor of HB 1204 and SB130, has been a leading participant in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). For further information on green building policy in Colorado, contact [USGBC's Colorado Chapter](#).

**CONNECTICUT** – A landmark achievement for a state that has already established itself as green building policy innovator was this year's establishment of the nation's first "green bank." **HB 1243** (now [Public Act 11-80](#)) establishes the Clean Energy Finance and Investment Authority to authorize private capital for clean energy projects, and among other things, establishes a proactive one-stop-shop for addressing energy efficiency in commercial buildings. Other issue-advancing conversations included proposed requirements for energy rating and disclosure for commercial buildings ([HB 6544](#)), enabling legislation for localities to take advantage of energy service contracts ([HB 60621](#)), and increasing commitments to building public buildings to LEED Silver ([HB 5514](#)). For further information on green building policy in Connecticut, contact [USGBC's Connecticut Chapter](#).

**DELAWARE** – [HB 129](#) established an Energy Efficiency Investment Fund to incentivize consumer investments in energy efficiency by way of competitive grants, low-interest loans, or other financing mechanisms. For information on green building policy in Delaware, contact [USGBC's Delaware Valley Green Building Council](#).

**FLORIDA** – The passage of [HB 639](#) and [HB 7003](#) were wins for green affordable housing. The bills relate to the State Apartment Incentive Loan Program, recognizing and rewarding green building practices as part of the scoring system for competitive loans offered to affordable housing developers in the state. The legislature also opened the door for advancing the green building dialogue through [HB 1081](#), which would have established definitions and standards that relate to cool roofs and pervious surfaces, and also [SB 1864](#), which would have provided local governments a tax vehicle to advance building energy efficiency in homes. For further information on green building policy in Florida, contact the USGBC chapter in your area: [Northern Gulf Coast](#), [Florida Capital Region](#), [North Florida](#), [Heart of Florida](#), [Central Florida](#), [Florida Gulf Coast](#), or [South Florida](#).

**GEORGIA** – The Georgia General Assembly spent time considering the revision of corporate tax code to incentivize businesses to make more energy- and resource-efficient choices, such as building, renovating and occupying high-performance green buildings ([HB 146](#)). And while it did not pass, [SB 182](#) provided a vehicle for the legislature to clarify the authority of counties and municipalities to enter into agreements that would help them to reap the benefits of energy service contracts. For further information on green building policy in Georgia, contact [USGBC's Georgia Chapter](#).

**HAWAII'** – When Governor Abercrombie signed [HB 1520](#) into law, the state made a significant move towards unlocking the potential of long-term, incremental financing of energy efficiency and renewable energy paid from savings those measures provide. The legislature also considered a similar move via PACE legislation ([HB 476](#)) and another bill to ensure that state agencies that implemented energy efficiency measures could reap the rewards of efficiency gains in subsequent budget appropriations ([HB 1366](#) and [SB 189](#)) – an important conversation that will be revisited. [HB 1639](#) enabled financing to encourage and support the renovation and retrofit of schools to meet a green building label. Rep. Chris

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

Lee, the bill sponsor, has been a leading participant in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). For further information on green building policy in Hawai'i, contact [USGBC's Hawai'i Chapter](#).

**IDAHO** – 2010 legislation yielded the January 1, 2011 effective date of an updated commercial and residential [building energy code](#) for all local jurisdictions. With this code adoption, Idaho is now on pace for compliance with the [requirements of Section 410](#) of the 2009 American Recovery and Reinvestment Act. For more information on green building policy in Idaho, contact [USGBC's Idaho Chapter](#).

**ILLINOIS** – Beyond specific proposed legislation that advanced the conversation around energy efficiency, clean energy and financing, the 2011 legislative session in Springfield offered an important report on the viability of green schools in Illinois. The report, "[Moving Toward a Sustainable Future for Illinois Schools](#)" was developed by the [Illinois Working Group on Green Schools](#) in close association with the [Illinois Chapter of the U.S. Green Building Council](#) in response to 2009 legislation, [HJR 45](#). Rep. Karen May, the bill sponsor, has been leading the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). For further information on the report, or on green building policy in Illinois, contact [USGBC's Illinois Chapter](#).

**INDIANA** – The legislature opened up an important dialogue on property assessed clean energy (PACE) financing that would dramatically reduce barriers to entry to access energy efficiency ([SB 260](#)). Although the measure did not pass, the legislature will continue to debate the most effective means for unlocking the potential for energy efficiency and green building in the Hoosier State. For further information on green building policy in Indiana, contact [USGBC's Indiana Chapter](#).

**IOWA** – The legislature took on several conversations this session that will certainly lead to future advancements in green building policy. Embracing the concept of leadership by example, [SSB 1091](#) proposed integrating LEED into the planning and design process for public buildings. [SF 331](#) facilitated a conversation around tax incentives for green residential and commercial construction. [HF 436](#) offered the legislature a forum to discuss Property-Assessed Clean Energy (PACE) financing. For further information on green building policy in Iowa, contact [USGBC's Iowa Chapter](#).

**KANSAS** – Beyond issue-advancing energy policy debates during the 2011 session, the Kansas Legislature displayed pride in the greening of schools in Kansas with the passage of [Senate Resolution 1856](#), congratulating Erie High Charter School for being the first LEED Gold certified high school in the state. For further information on green building policy in Kansas, contact [USGBC's Central Plains Chapter](#).

**KENTUCKY** – The Kentucky Legislature opened the door for discussion of a few important conversations related to energy in buildings in 2011. [HB 340](#) would have expanded the reach of the Kentucky Alternative Fuel and Renewable Energy Fund to include energy efficiency and conservation technologies, and [HB 239](#) drove discussion on the role of utilities in both clean energy production and facilitating incremental investments in energy efficiency by consumers through on-bill financing. The bill sponsors of each of these bills have been active with the [Kentucky Green Schools Caucus](#). The state Board of the Department of Housing, Buildings and Construction made a move in 2011 to propose upgrades to the Kentucky Residential Code that approximately match minimum targets set in [2009 federal law](#). For further information on green building policy in Kentucky, contact [USGBC's Kentucky Chapter](#).

**LOUISIANA** – The Louisiana Legislature opened discussion on the potential for advancing green building by considering the use of green building tax incentives. [SB 255](#), though vetoed by the Governor for cited

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

redundancies with existing programs, would have granted individual tax credits for elderly persons who invest in home energy efficiency. In a broader effort, [SB 245](#) would have granted tax credits for the amount paid in sales tax by a homeowner on green building materials. Though SB 245 did not survive the session, the conversation spurred [SRR 1](#), a request for further study on the subject of SB 245 tax credits to be submitted in the 2012 regular session. For further information on green building policy in Louisiana, contact [USGBC's Louisiana Chapter](#).

**MAINE** – Legislators in Maine advanced several pieces of legislation that will facilitate the unlocking of green building financing. **LD 431** adds language to [Chapter 84](#) of Maine Public Law that updates existing property assessed clean energy (PACE) financing law to include heating equipment. [LD 776](#) and [LD 397](#) improve access for Maine public schools to the benefits provided by energy service contracts. [LD 1204](#) proposed opening the door for required energy audits for homes prior to renovation or sale. [LD 1264](#) offered the legislature the opportunity to advance the conversation around the importance of public buildings to lead by example and build buildings that meet or exceed a high performance building rating so that these public structures may save energy, money and water. For more information on green building policy in Maine, contact [USGBC's Maine Chapter](#).

**MARYLAND** – The 2011 legislative session yielded a few noteworthy advances for green building in the Old Line State. **HB 630** (now [Chapter 135](#) of the Public Safety Code) establishes a method for the state to incentivize high-performance homes, including LEED for Homes projects that achieve at least a Silver rating. [HB 512](#) was a more aggressive attempt at incentivizing green homebuilding that did not pass. [HB 910](#), also unsuccessful, would have required capital projects funded or financed to a specified extent by a grant of State aid to be LEED Silver certified. **HB 972** (now [Chapter 369](#) of the Public Safety Code) enables the adoption of the International Green Construction Code (IGCC) by all local governments across the state. Advancing the dialogue on transparency in building energy use in the state, [SB 622](#), [HB 718](#) and [SB 261](#) introduce an important subject will be revisited in the future. For further information on green building policy in Maryland, contact [USGBC's Maryland Chapter](#).

**MASSACHUSETTS** – The General Court of the Commonwealth of Massachusetts addressed a multitude of important green building measures this session. [SB 1690](#), still under consideration, would require a mortgagee or mortgagor to request a home energy assessment through the MassSAVE program as overseen by the Department Of Energy Resources. Advancing the conversation on green schools, [SB 1686](#), [SB 1905](#) and [HB 877](#) would have established criteria for schools that promote and advance energy efficiency and green building, with LEED as a compliance pathway. HB 877 would have also set new construction requirements for large homes. Several of the sponsors and supporters of the green schools bills have been leading participants in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). Building on the momentum of the Massachusetts Stretch Energy Code, [SB 1665](#) proposes to establish a zero net energy building standard for new residential and commercial construction. [HB 369](#) and [SB 1653](#) would have provided assistance for owners of multifamily housing to make green retrofits. [HB 1250](#) would require that construction of low and moderate income housing abide by the [Massachusetts Sustainable Development Principles](#). For further information on green building policy in Massachusetts contact the [USGBC's Massachusetts Chapter](#).

**MICHIGAN** – The Michigan State Legislature is considering four bills designed to incentivize green building activity in the state. [HB 4286](#) offers a 50% tax credit (capped at \$50,000) for new commercial construction or renovations that earn LEED certification. [HB 4485](#) grants a residential tax credit for new or renovated homes meeting certain green building criteria. [HB 4049](#) grants a tax credit for contractors who build energy efficient homes. [HB 4285](#) grants a tax credit of up to 20% to homeowners who invest

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

in energy efficiency and participate in net metering programs. 2010 regulatory action resulted in the March, 2011 adoption of the [2009 Michigan Uniform Energy Code](#) which updates the current codes and reaches targets consistent with [2009 federal law](#). For further information on green building policy in Michigan, contact the USGBC chapter in your area: [West Michigan Chapter](#), [Detroit Regional Chapter](#).

**MINNESOTA** – The Minnesota State Legislature entertained a healthy list of bills that advanced the conversation in the state capitol around energy efficiency and green building. [HF 1659](#) proposed that the state establish a leasing preference for both historic and LEED certified spaces. [HF 794](#) would have enabled local governments to actively pursue financing methods that can spur investments in energy efficiency. In addition, [HF 1441](#) proposed the establishment of a state Stadium Authority that, among other things, would set a goal to build stadiums that earn a LEED label. For further information on green building policy in Minnesota, contact USGBC's [Minnesota Chapter](#).

**MISSISSIPPI** – The Mississippi State legislature made progress in 2011 in opening the floor for debate around integrating criteria that would reward energy efficiency and green building criteria in a state-run affordable housing trust ([SB 2133](#)). [SB 2176](#) went further still, and would have required major school construction projects to achieve LEED Silver. In addition, the legislature debated six bills that would have provided tax credits for green building and energy efficiency measures, significantly advancing the dialogue around the merits of incentives to promote green building market activity ([HB 24](#), [HB 96](#), [HB 1405](#), [HB 1419](#), [SB 2115](#), [SB 2142](#)). For further information on green building policy in Mississippi, contact the [USGBC's Mississippi Chapter](#).

**MISSOURI** – Building on progress made in previous sessions and ongoing efforts of green building advocates, green building policy discussions continue to stir important debate in Jefferson City. [HB 117](#) and [SB 22](#) would have established green building requirements for state-owned and state-funded buildings, recognizing LEED as a compliance pathway for these structures to lead by example. For further information on green building policy in Missouri, contact [USGBC's Missouri Gateway Chapter](#).

**MONTANA** – Governor Schweitzer's veto of a bill that attempted to roll back Montana's building energy code can be counted as a win for building energy efficiency. Other significant efforts to drive supply of and demand for greener real estate in Montana, even though unsuccessful this session, include [LC 1067](#), which proposed supporting property-assessed clean energy (PACE) bonds, and [HB 614](#), which proposed incentives for energy efficient capital investments made within the state. For further information on green building policy in Montana, contact the [USGBC's Montana Chapter](#).

**NEBRASKA** – The unicameral Nebraska State Legislature made important advancements in the green schools policy discussion in 2011, building off the first-ever [Nebraska Green Schools Summit](#) in the fall of 2010. The Summit was hosted by Senator Ken Haar, the author of two important green schools bills in the 2011 session, and a member of the National Advisory Council for the [Green Schools Caucus Initiative](#). The "High Performance Green Schools Transparency Act" ([LB 522](#)) was introduced and will be carried over into the 2012 session. Parts of LB 522 were amended and folded into [LB 283](#), including a requirement for school districts to keep an up-to-date ENERGY STAR rating for each of their school and administration buildings using [EPA's Portfolio Manager](#). Also, [LB 329](#) updates Nebraska's statewide energy code and brings the state one step closer to compliance with [2009 federal law](#). For further information on green building policy in Nebraska, contact the [USGBC's Nebraska Flatwater Chapter](#).

**NEVADA** – The Nevada State Legislature revisited previously established green building policy this session and elected to focus tax incentives on manufacturers that build green in Nevada. While [AB 202](#)

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

does supersede previous, powerful, long-term tax incentives for green existing buildings, the bill does reward manufacturing facilities that build to and beyond LEED Silver significant one-year tax abatements, facilitating the important connection between Triple-Bottom Line thinking in both our buildings and manufacturing. The Office of Energy is tasked with establishing metrics for equivalency. For further information on green building policy in Nevada, contact the [USGBC's Nevada Chapter](#).

**NEW HAMPSHIRE** – In 2011, the General Court of New Hampshire carefully weighed the available information about property-assessed clean energy (PACE) bond financing for green building investments. The passage of [HB 144](#) (now Chapter 68) maintains the value attributed to financing green buildings through PACE financing, and clarifies that municipal revenue bonds (as opposed to municipal revenues) are a viable financing mechanism. For further information on green building policy in New Hampshire, contact the [USGBC's New Hampshire Chapter](#).

**NEW JERSEY** – 2011 session for the New Jersey Legislature continues through the end of the year, and with that the consideration of an impressive number of green building bills. New schools would be required to follow LEED for Schools if [AB 1076](#) and [SB 239](#) were approved. The legislature is also considering bills that would enable greater market transparency of building energy use for both residential ([AB 2127](#), [SB449](#)) and commercial buildings ([AB 1095](#)). While the tax credits and grants for green building in [AB 2239](#) did not survive the spring session, a set of green building incentives in [AB 2215](#) did pass the legislature but did not make it beyond the Governor's desk. However, green building incentives in the form of tax credits outlined in [AB 3771](#) and [SB 1565](#) are still pending. On financing, [SB 1406](#) and [AB 2502](#) would establish a property property-assessed clean energy (PACE) program, and energy savings contracting for schools is provided for across four bills ([AB 3605](#), [SB 2555](#), [AB 3610](#), [SB 2701](#)). Proposed bill [AB 3891](#) would require newly constructed affordable housing that receives credit under the Fair Housing Act to be constructed in accordance with certain green building requirements. For further information on green building policy in New Jersey, contact [USGBC's New Jersey Chapter](#).

**NEW MEXICO** – The New Mexico Legislature began a couple of important green building conversations this session. [SB 442](#) endorsed building energy disclosure for both commercial and public buildings, though it did not pass. [HB 145](#) would have encouraged healthy, high performance schools through measures including LEED Silver certification, and would have also created a grant fund to install high-performance technologies in school facilities. 2010 regulatory decisions on the state's [Energy Conservation Code](#) were the subject of much [advocacy activity](#) in 2011. While the aggressive efficiencies adopted in 2010 did not survive the debate, the state is on track to achieve minimum efficiency targets consistent with [2009 federal law](#). For further information on green building policy in New Mexico, contact [USGBC's New Mexico Chapter](#).

**NEW YORK** – The 2011 session in the New York State Legislature was a source of very active green building dialogue. On-bill financing was a popular subject of discussion, with pending measures including [AB 7006](#), [SB 1171](#), and [SB 4490](#) and the successful passage of AB 8510. [AB 8510](#) creates a revolving loan fund and on-bill financing program that will enable property owners to access loans for retrofits and energy efficiency upgrades by repaying the loan with savings earned on utility bills. Also on financing, [AB 5558](#) and [AB 6463](#) introduce property-assessed clean energy (PACE) financing and are still pending. A host of green building incentive bills were introduced and are still pending. [SB 1462](#) and [SB 5208](#) reference LEED as a method for compliance. [AB 1313](#) and [SB 1043](#) would extend the [green building credit](#) to residential buildings. [AB 5533](#) would ratchet up the New York State Building Energy Code with respect to residential buildings, including a required energy efficiency rating for all new residential buildings. Building energy disclosure for public buildings is proposed in [AB 5252](#). On green schools, [AB](#)

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

[3757](#) and [AB 7448](#) propose green building requirements for schools, and [AB 8527](#) establishes a commission to study the energy cost saving potential for renewable energy applications in schools. For further information on green building policy in New York, contact the USGBC chapter in your area: [New York Upstate Chapter](#), [Urban Green Council](#), [Long Island Chapter](#).

**NORTH CAROLINA** – Closing more than eighteen months of debate on building energy efficiency requirements in the state, [SB 708](#) welcomed the 2012 North Carolina Energy Conservation Code, effective January 1, 2012. USGBC’s community of volunteers was instrumental in the coalition’s efforts to advance building energy efficiency in the state. Although it did not make it out of committee, the Healthier and Greener Schools Act ([HB 840](#)) was a comprehensive attempt to encourage physical activity in schools, healthier nutrition options, green cleaning and overall school wellness. Rep. Pricey Harrison, the bill sponsor, has been a leading participant in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). Additionally, there are several green building related bills still pending in the General Assembly. Targeted issues include, on-bill financing ([HB 135](#) and [SB 367](#)), energy disclosure for public buildings ([SB 575](#)) and green building incentives ([HB 349](#), [HB 918](#)). For further information on green building policy in North Carolina, contact the USGBC chapter in your area: [Piedmont Triad North Carolina Chapter](#), [North Carolina Triangle Chapter](#), [Charlotte Regional Chapter](#).

**NORTH DAKOTA** – The North Dakota Legislative Assembly opened an important dialogue around the importance for transparency in building-level data around energy efficiency and green building criteria. [SB 2296](#) would have established a database of energy use in public buildings, a precursor to catalyzing behavior change in consumers who have access to similar information. Senator Schneider, the bill sponsor, has been a leading participant in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). For further information on green building policy in North Dakota, contact [USGBC’s North Dakota Chapter](#).

**OHIO** – The Ohio General Assembly has made progress this session by considering how to reward the added value that green buildings provide to their communities and to the transforming building industry. [SB 50](#) would grant tax credits to landlords who invest in energy efficiency measures. Additionally, the legislature approved the Board of Building Standards’ recommendation to update the [Ohio Building Code](#) this year to match the national model energy codes for commercial buildings, consistent with [2009 federal law](#). For further information on green building policy in Ohio contact the USGBC chapter in your area: [Central Ohio Chapter](#), [Cincinnati Regional Chapter](#), [Northeast Ohio Chapter](#), [Northwest Ohio Chapter](#).

**OKLAHOMA** – The Oklahoma State Legislature took the opportunity to open discussion on green schools through [SB 504](#), which would have expanded existing law for green public buildings to also include public school districts and technology center school districts. Additionally, [SB 517](#) and [SB 745](#) advanced the conversation around providing tax incentives for investments in building energy efficiency. For further information on green building policy in Oklahoma, contact the [USGBC Oklahoma Chapter](#).

**OREGON** – [HB 3672](#) creates tax credits for commercial construction or retrofit projects that achieve high standards for building energy efficiency, offering LEED Platinum certification as a compliance pathway. [HB 2325](#) helped to reorganize the state’s energy tax credits, of which [HB 3672](#) is now a part. Rep. Jules Bailey, Chair of the [Oregon Cool Schools Initiative](#), made a [strong case](#) for [HB 2960](#) and “cool schools” allows the state to repair and retrofit aging schools to help create jobs while enhancing student learning, reducing operational costs, and building healthy learning environments. Other measures, though they did not pass, provided additional opportunities for the Oregon State Legislature to discuss energy

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

conservation, including: [HB 3574](#), relating to energy savings contracts, [HB 2839](#) relating to energy disclosure for residential buildings, and [HB 3400](#), which would have required energy disclosure for residential and commercial buildings. Effective in July of this year, the Building Codes Division updated the 2011 Oregon Residential Specialty Code with improvements to the energy efficiency chapter that also update the [2010 Oregon Energy Efficiency Specialty Code](#). Additionally, Oregon implemented a portion of 2009 [Senate Bill 79](#) requiring the adoption and administration of a code, separate from the state building code (and now known as the Oregon Reach Code), to advance energy efficiency. The state Building Codes Division adopted the [2011 Oregon Reach Code](#) based on version 2.0 of the International Green Construction Code. For information on green building policy in Oregon, contact Oregon staff at USGBC's chapter in the region, [Cascadia Green Building Council](#).

**PENNSYLVANIA** – The Pennsylvania General Assembly was active in 2011 debating the role of government in promoting or requiring buildings to achieve greater thresholds of efficiency and sustainability. [SB 1145](#) would significantly advance the ball, requiring energy disclosure for residential buildings during real estate transactions. [HB 1667](#) proposes provisions for a property-assessed clean energy (PACE) program that would provide for local governments to facilitate financing private investments in energy and water efficiency in residential and commercial buildings. Bills that provide for green building incentives ([HB 1368](#)) and certain green building requirements for state buildings ([HB 193](#), [SB 1136](#)) are still open for consideration. A bill approved this year hands the state's important public review and approval process for building codes over to the legislature, making regular updates to the building codes more challenging. For further information on green building policy in Pennsylvania contact the USGBC chapter or affiliate in your area: [Green Building Association of Central Pennsylvania](#), [Green Building Alliance](#), [Delaware Valley Green Building Council](#).

**RHODE ISLAND** – In addition to conversations around the role of government and electric utilities in promoting and supporting growth in the clean energy economy, the Rhode Island General Assembly considered an important piece of issue-advancing legislation this session, [SB 451](#). The bill proposed a “Green Jobs – Green Rhode Island Program” that was intended to drive job creation through unlocking the financing potential and demand for energy efficiency retrofits. [SB 0845](#) resulted in a request for a study on which lighting technologies might be most efficient and effective for buildings owned and operated by the state. For further information on green building policy in Rhode Island, contact [USGBC's Rhode Island Chapter](#).

**SOUTH CAROLINA** – [HB 3216](#) offered the South Carolina Legislature the opportunity to advance the conversation of rewarding tax credits for commercial buildings that go above and beyond, earning a LEED Silver rating or better. The legislature also explored enabling property-assessed clean energy (PACE) financing through [HB 3930](#), which could have substantially decreased the barriers to investing in energy efficient and green building practices. For further information on green building policy in South Carolina, contact [USGBC's South Carolina Chapter](#).

**SOUTH DAKOTA** – With the successful passage of [SB 0094](#), the South Dakota Legislature provided an updated encouragement for local governments in the state to consider adopting and implementing a minimum energy code for residential buildings that is consistent with [2009 federal law](#). For further information on green building policy in South Dakota, contact [USGBC's South Dakota Chapter](#).

**TENNESSEE** – The Tennessee General Assembly will carry over into 2012 a handful of bills that may enable greater transparency of building energy information to consumers, building owners, and prospective real estate buyers in the state. Two bills ([HB 107](#), [SB 1627](#)) would require landlords to

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

provide tenants the results of an energy audit, and two others ([HB 96](#), [SB 1626](#)) propose certain disclosure of building energy use in commercial buildings. Advocates succeeded in moving the building energy code forward, resulting in a [commitment](#) from the State Fire Marshal's office to begin implementation and enforcement of adopted energy codes beginning July 1. For further information on green building policy in Tennessee, contact the USGBC Chapter in your area: [Memphis Regional Chapter](#), [Middle Tennessee Chapter](#), [East Tennessee Chapter](#).

**TEXAS** – Texas's biennial legislature provided three short legislative sessions over the last six years for green building advocates to support the passage of green building legislation. A state commitment to build and operate public buildings in accordance with green building guidelines like LEED has been near the top of the agenda, and this year's effort was successful with the adoption of [HB 51](#). Sponsored by Rep. Eddie Lucio, III, Chair of the Texas Green Schools Caucus (a coordinated effort of the national [Green Schools Caucus Initiative](#)), the law sets the stage for state-owned buildings and public universities to lead by example, furthering the green building movement in the Lone Star State. [HB 1728](#) amends the education code to include energy savings performance contracts for new and existing school facilities. The Texas Legislature also initiated important discussions around property-assessed clean energy (PACE) bond financing in [HB 659](#), [HB 3260](#) and [SB 459](#). In addition, the first of two updates to the [Building Energy Performance Standards](#) brings the state one step closer to compliance with [2009 federal law](#). For further information on green building policy in Texas, contact the USGBC Chapter in your area: [North Texas Chapter](#), [Texas Gulf Coast Chapter](#), [Central Texas-Balcones Chapter](#), [Chihuahuan Desert Chapter](#).

**UTAH** – Continuing the conversation from previous sessions on green building and green schools in the Utah State Legislature, [House Resolution 003](#) considered promoting healthy and energy efficient schools for all students, teachers and taxpayers across the state. The bill sponsor, Representative Mark Wheatly, has been a leading participant in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). For further information on green building policy in Utah, contact [USGBC's Utah Chapter](#).

**VERMONT** – The Vermont State Legislature made important progress to advance building energy transparency in the 2011 session. Now enacted, [HB 446](#) requires that state agencies reduce overall consumption and increase utilization of renewable energy. [HB 57](#) would provide for greater transparency in building energy use in the residential and commercial building marketplaces. [HB 155](#) would facilitate the energy efficiency and green building financing opportunities of property-assessed clean energy (PACE). Each of these bills will carry over to the 2012 legislative session for future consideration. Per the requirements of the [Vermont Energy Act of 2009](#), the Department of Public Service is updating the [2011 Vermont Commercial Building Energy Code](#) and, in July, adopted the [Vermont Residential Building Energy Standards](#), bringing Vermont one important step closer to compliance with [2009 federal law](#). For further information on green building policy in Vermont, contact [USGBC's Vermont Chapter](#).

**VIRGINIA** – The Virginia General Assembly has yet to codify current requirements to build green public buildings ([HB 1817](#), [SB 832](#)) that have been set in two consecutive Executive Orders. Maintaining this leadership by example policy remains a priority for green building advocates in the Commonwealth. The legislature also took steps this year to consider providing tax credits for residential and commercial property owners who invest in a building energy audit ([HB 1044](#) and [HB 1542](#)). Per a state regulatory action in 2010, 2011 saw the adoption of [13VAC10-180-60](#), adding LEED or other green building rating systems to the list of development characteristics that earn points toward Low Income Housing Tax Credit allocations. Another 2010 regulatory action produced a March, 2011 effective date for the

## ***Advancing Green Building Policy in the States***

As of August 17, 2011 (approved and enacted legislation and regulation is **boldfaced**)

**Virginia Uniform Statewide Building Code** that brings the Commonwealth one step closer to compliance with [2009 federal law](#). For further information on green building policy in Virginia, contact the USGBC chapter in your area: [Hampton Roads](#), [James River](#), [National Capital Region](#), or [Southwest Virginia](#).

**WASHINGTON** – Energy efficiency in schools got a helpful boost from the Washington State Legislature’s successful passage of [HB 2020](#). The bill (now law) allows schools to take advantage of a paid-from-savings approach to energy efficiency through energy savings contracting. [HB 1735](#), [SB 5604](#) and [SB 5110](#) made significant advances in the conversation to address water- and materials-related topics that green buildings address. SB 5604 and SB 5110 were each supported by local green building advocates and sponsored by Sen. Chase, who has been a leading participant in the national dialogue around green schools policy through the [Green Schools Caucus Initiative](#). 2011 also welcomed the [2009 Washington State Energy Code](#) for commercial and residential buildings, which is determined to yield greater efficiencies than the 2009 IECC. For information on green building policy in Washington, contact Washington staff at USGBC’s chapter in the region, [Cascadia Green Building Council](#).

**WEST VIRGINIA** – The West Virginia Legislature took important strides that opened the door for green building policymaking in the Mountain State. [HB 2024](#) and [SB 24](#) proposed the adoption of a leadership-by-example policy to build public buildings above and beyond state minimums to achieve a LEED Silver rating. [HB 2890](#) and [SB 201](#) proposed the establishment of a tax credit for buildings that earn an Energy Star label. For further information on green building policy in West Virginia, contact [USGBC’s West Virginia Chapter](#).

**WISCONSIN** – [AB 843](#), debated in the 2009-2010 Regular Session, may have been last year’s most comprehensive green building bill that proposed the adoption of LEED for state-owned and funded buildings, including institutions of higher education. In this year’s more challenging context, the Wisconsin State Legislature was less ambitious, but did consider a proposal that would offer tax incentives for energy-intensive data centers that made deep cuts in energy use ([AB 61](#)). The [Wisconsin Commercial Building Code](#) was updated by regulation through a series of amendments that were based on the 2009 IECC. A bill approved this year may hand this important public review and approval process over to the legislature in future years, making regular updates to the building codes more challenging. For further information on green building policy in Wisconsin, contact USGBC’s state affiliate, the [Wisconsin Green Building Alliance](#).

**WYOMING** – In 2011, the State of Wyoming Legislature successfully passed [HB 179](#) which allows Wyoming municipalities to adopt and administer building energy efficiency and renewable energy programs. This legislation enables local governments in Wyoming to continue policy innovation at the local government level that has been a hallmark of the green building movement. For further information on green building policy in Wyoming, contact [USGBC’s Wyoming Chapter](#).