



DRAFT Ordinance/Resolution NO. ____

WHEREAS, the LEGISLATIVE BODY of _____ [state/county/city/town] desires to grow the twenty-first century economy by encouraging the expansion healthy, resilient, high-performing building design and practice; and

WHEREAS, public policy that promotes healthy, resilient, high-performing building design and practices complements existing policies relating to development and environmental stewardship; including _____ [list relevant policies such as solid waste/ recycling/ stormwater/ energy efficiency policies and specific provisions from current version of master plan]; and

WHEREAS, the U. S. Green Building Council has, in a national collaborative process, created and supports the Leadership in Energy and Environmental Design (LEED) green building rating systems and maintains certification processes for new and existing buildings that – together – identify and verify a range of responsible design, construction and maintenance practices that can improve human and environmental health in buildings and their surroundings while saving energy, water and money; and

WHEREAS, a building that has been designed, renovated, built, operated and certified as compliant with LEED is recognized to provide – on average – a wide array of benefits compared to typical building practices including, but not limited to: reduced energy consumption and costs; reduced water consumption and costs; improved occupant comfort, health and associated costs; reduced carbon footprint and other building-related environmental impacts; improved building value; reduced operating costs; significant return on investment – especially when applying life cycle cost methodology; and

WHEREAS, more than 400 local governments in the U.S., 33 states, 14 federal agencies or departments have embraced public policy initiatives that promote benchmarking buildings with LEED – the world’s preeminent green building rating system – many of which match key elements of the proposed public buildings commitment, including: _____ [find comparable government commitments and policies at usgbc.org/government]; and

WHEREAS, More than ____ [29 as of January, 2012] entities in the U.S. and are implementing the LEED Volume program, including: the U. S. General Service Administration, the City of San Jose, the University of California at Santa Barbara, and _____ [see www.usgbc.org/volume];

NOW, THEREFORE, BE IT RESOLVED BY THE _____ [legislative body of state/county/city/town]:

Section 1: LEED _____ [Silver/Gold] Public Buildings Commitment.

(a) That the LEGISLATIVE BODY of the _____ [state/county/city/town, state] hereby requires that the design, construction, renovation, operations and maintenance [note subsections below] of Covered Public Buildings shall achieve a minimum of LEED _____ [Silver is most common, Gold is increasingly prescribed] certification within the applicable LEED rating system and version at the date of this action, or achieve a comparable rating under no less than an equivalent green building rating system, so long as a qualified third party provides such a rating.

(b) **Definitions:**

i. **Certification:** Covered Public Buildings shall submit documentation to the Green Building Certification Institute [the project verification affiliate of USGBC] for official, independent third-party review against LEED credit criteria, resulting in an award of LEED certification at no less than the rating prescribed in section (a).

ii. **LEED:** The Leadership in Energy and Environmental Design green building rating system and certification program administered by the U.S. Green Building Council. Building type and use will dictate the most appropriate LEED rating system for the Covered Public Building. The available rating systems include: LEED for New Construction and Major Renovations; LEED for Existing Buildings: Operations & Maintenance; LEED for Core and Shell; LEED for Commercial Interiors; LEED for Schools; LEED for Retail; LEED for Healthcare; LEED for Homes; and LEED for Neighborhood Development.

(a) **Applicable Version:** LEED version ____ [2009, 2012] is the edition currently being administered at the date of this action and is the applicable edition for the provisions of this ordinance.

iii. **Covered Public Buildings:** Buildings as outlined in section (c).

iv. **Life Cycle Cost Assessment.** A comprehensive assessment of the total cost of acquiring, operating, maintaining, and disposing of a building, product or system over a specified length of time in accordance with the most current version of the National Institute of Technology’s Handbook #35: Lifecycle Costing Manual.



DRAFT LEGISLATIVE TEXT

LEED Silver/Gold Public Buildings Commitment

(c) Covered Public Buildings:

- i. **New construction.** The requirements of this section shall apply to new construction or major renovation of ____-owned [state/county/city/town] building in excess of _____ square feet [10,000 sq. ft. is most common, 5,000 sq. ft. is increasingly prescribed].
- ii. **Leased property.** The requirements of this ordinance shall apply to the procurement of any buildings or property leased by the _____ [state/county/city/town].
- iii. **Publicly-financed construction.** The requirements of this ordinance shall apply to publicly-financed buildings and building projects that receive a majority of funds from the _____ [state/county/city/town].
- iv. **Existing Buildings.** The requirements of this ordinance shall apply to all publicly-owned buildings in excess of _____ [may prefer a higher threshold than new construction] square feet that are constructed and occupied at the date of this action.
 - (a) **Plan to Green Existing Buildings.** One year from the date of this action the _____ [state/county/city/town] Manager [or appropriate authority] shall publish a plan to improve these buildings in accordance with this section. Such plan shall establish the means by which all applicable existing buildings will comply with this section within _____ [five] years of the date of this action. Implementing agencies or departments shall publish an annual progress report.
- (d) **Research cost-saving potential of greening multiple buildings.** The _____ [state/county/city/town] Manager's office [or appropriate authority] shall study the feasibility and appropriateness of the U.S. Green Building Council's LEED Volume Program to satisfy the requirements of this section. [best suited for states and large cities].
- (e) **Contracts:** All contracts for Covered Public Buildings as defined in section (b) shall contain provisions sufficient to ensure that contracted parties fulfill necessary associated responsibilities for the building project to comply with the requirements of this ordinance, except where exempted as provided in section (f).
- (f) **Exemptions:** The _____ [state/county/city/town] Manager [or appropriate authority] may exempt a Covered Public Building from the requirements of this ordinance if the _____ [state/county/city/town] Manager [or appropriate authority] finds that these requirements pose unreasonable burden or hardship on city resources after reviewing the results of a Lifecycle Cost Assessment.
 - i. Such exempt projects shall use the appropriate LEED rating system as a guide to the greatest extent practicable.
- (g) **Rules and Regulations:** The _____ [state/county/city/town] Manager [or appropriate authority] shall draft and adopt any rules and regulations necessary to administer this section and to facilitate the review and determination process.

Notes:

- This draft legislation is intended to be a draft from which state and local policymakers can work with stakeholders to identify and legislate appropriately tailored and effective green building policy.
- If the jurisdiction already has a green building policy commitment to newly-constructed public buildings and is looking only for an existing buildings policy, strike 1(c)(i). Provisions for leased property and publicly-financed construction [1(c)(ii) and 1(c)(iii), respectively] may satisfy the intent of expanding the government's commitment to green existing buildings through procurement and public finance of both minor and major renovations.
- Some jurisdictions have legislated language that does not require LEED certification, instead offering "LEED certifiable" as an alternative. The rigor of the LEED verification process is what enables most good buildings to become great buildings by ensuring full execution of smart design plans, minimizing corner-cutting in critical areas that undeniably happens on any construction project. No newly-constructed building – LEED or otherwise – will perform optimally if not properly operated and maintained, but LEED certification is the best available means of assurance that the building starts out with the best possible advantage. USGBC's existing buildings rating system and program carry this performance forward through verifying superior operations and maintenance.

Find the full list of LEED-based public policies and initiatives, as well as other green building policy resources at: <http://www.usgbc.org/government>. See here for USGBC's [2012 Advocacy Campaigns](#)