



# DRAFT LEGISLATIVE TEXT

**LEED Silver/Gold Public  
Buildings Commitment**

## DRAFT Ordinance/Resolution NO. \_\_\_\_

**WHEREAS**, the \_\_\_\_ [legislative body] of \_\_\_\_\_ [state or 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 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/advocacy/priorities](http://usgbc.org/advocacy/priorities)];

**WHEREAS**, a 2012 study published by the Harvard Business School [read more [here](#)], researchers find that local government commitments to green public buildings produce a near doubling effect of private investment, supply and market uptake of green building in the adopting jurisdiction and more than a 60% increase in the same within neighboring communities; and

**WHEREAS**, More than \_\_\_\_ [46 as of January, 2013] 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 [usgbc.org/leed/certification/programs/volume](http://usgbc.org/leed/certification/programs/volume)];

**NOW, THEREFORE, BE IT RESOLVED BY THE \_\_\_\_\_ [legislative body of state or county/city/town] THAT:**

### Section 1: Green Public Buildings Commitment – New Construction

- (a) **Requirements.** The design, construction, and major renovation of Covered Buildings shall achieve LEED certification at the \_\_\_\_\_ [LEED Silver® is most common, LEED Gold® is increasingly prescribed] level within the applicable LEED green building rating system, 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. When certifying under LEED, documentation shall be submitted to the Green Building Certification Institute for official, independent third-party review against LEED credit criteria, resulting in an award of LEED certification at no less than the rating level prescribed in this section.
- Research cost-saving potential of greening multiple buildings.** The \_\_\_\_\_ [state or 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 and Campus Program to satisfy the requirements of this section. [see LEED Volume Program [brief](#)]
  - Annual progress report.** Implementing agencies or departments shall publish an annual progress report.
- (b) **Exemptions.** The \_\_\_\_\_ [state or county/city/town] Manager [or appropriate authority] may exempt a Covered Building from the requirements of this ordinance if the \_\_\_\_\_ [state or 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.
- Such exempt projects shall use the appropriate LEED green building rating system as a guide to the greatest extent practicable.
- (c) **Definitions**
- Covered Building.** A building as outlined in this subsection, including:



# DRAFT LEGISLATIVE TEXT

## LEED Silver/Gold Public Buildings Commitment

- (a) New construction or major renovation of \_\_\_\_\_-owned [state or county/city/town] buildings in excess of \_\_\_\_\_ square feet [10,000 sq. ft. is most common, 5,000 sq. ft. is increasingly prescribed].
  - (b) Commercial real estate that is procured for lease by \_\_\_\_\_ [state or county/city/town]. [Note USGBC's [Green Office Guide](#)]
  - (c) Buildings and building projects that receive a majority of construction funds from the \_\_\_\_\_ [state or county/city/town].
- ii. **LEED.** The LEED green building certification program is developed and managed by U.S. Green Building Council, Inc. Building type and use will dictate the most appropriate rating system for the Covered Building. The available rating systems include: LEED® for New Construction and Major Renovations™; 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, 4] is the edition currently being administered at the date of this action [verify here: [usgbc.org/LEED](http://usgbc.org/LEED)] and is the applicable edition for the provisions of this ordinance.
  - (b) **LEED certification.** The LEED green building certification program is administered by the Green Building Certification Institute [the project verification affiliate of USGBC]. LEED certification includes the submission of documentation to the Green Building Certification Institute for official, independent third-party review against LEED credit criteria. Satisfactory compliance will result in an award of LEED certification, including: LEED Certified®, LEED Silver®, LEED Gold®, and LEED Platinum®.
- iii. **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 #135: Lifecycle Costing Manual [see [here](#) for the 1995 version, which is the most recent at the date of this drafting].
- (d) **Rules and Regulations.** The \_\_\_\_\_ [state or 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.

## Section 2: Green Public Buildings Commitment – Existing Buildings

- (a) **Requirements.** By \_\_\_\_\_ [5 or 10 years into the future] the operation, maintenance and renovation of \_\_\_\_\_% [25 or 50] of the \_\_\_\_\_'s [state or county/city/town] Occupied Spaces shall achieve LEED® for Existing Buildings: Operations & Maintenance™ certification at the \_\_\_\_\_ [LEED Silver® is most common, LEED Gold® is increasingly prescribed] level, 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. When certifying under LEED, documentation shall be submitted to the Green Building Certification Institute for official, independent third-party review against LEED credit criteria, resulting in an award of LEED certification at no less than the rating level prescribed in this section.
  - i. **Research cost-saving potential of greening multiple buildings.** The \_\_\_\_\_ [state or 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 and Campus Program to satisfy the requirements of this section. [see LEED Volume Program [brief](#)]
  - ii. **Annual progress report.** Implementing agencies or departments shall publish an annual progress report.
- (b) **Exemptions.** The \_\_\_\_\_ [state or county/city/town] Manager [or appropriate authority] may exempt an Occupied Space from the requirements of this ordinance if the \_\_\_\_\_ [state or 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 green building rating system as a guide to the greatest extent practicable.
- (c) **Definitions**
  - i. **Occupied Space.** Real estate as outlined in this subsection, including:
    - (d) Existing buildings in excess of \_\_\_\_\_ square feet [10,000 sq. ft., or may prefer a higher threshold than new construction] that are owned and occupied by the [state or county/city/town].
    - (e) Leased commercial real estate that is occupied by \_\_\_\_\_ [state or county/city/town]. [Note USGBC's [Green Office Guide](#)]
  - iii. **LEED:** The LEED green building certification program is developed and managed by U.S. Green Building Council, Inc. Building type and use will dictate the most appropriate rating system for use, however the scope of this section intends to commit government-owned real estate LEED® for Existing Buildings: Operations & Maintenance™ only.
    - (c) **Applicable Version:** LEED version \_\_\_\_\_ [2009, 4] is the edition currently being administered at the date of this action [verify here: [usgbc.org/leed](http://usgbc.org/leed)] and is the applicable edition for the provisions of this ordinance.



# DRAFT LEGISLATIVE TEXT

## LEED Silver/Gold Public Buildings Commitment

- (d) **LEED certification:** The LEED green building certification program is administered by the Green Building Certification Institute [the project verification affiliate of USGBC]. LEED certification includes the submission of documentation to the Green Building Certification Institute for official, independent third-party review against LEED credit criteria. Satisfactory compliance will result in an award of LEED certification, including: LEED Certified®, LEED Silver®, LEED Gold®, and LEED Platinum®.
- 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 #135: Lifecycle Costing Manual [see [here](#) for the 1995 version, which is the most recent at the date of this drafting].
- (d) **Rules and Regulations.** The \_\_\_\_\_ [state or 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.
- Note that procurement policies that require design-bid-build can be a significant hurdle to delivering cost-effective green building projects since the integrative design process is necessarily fractured. For maximal rewards from a green public buildings commitment, consider updating project delivery methods required for capital construction.
- Many jurisdictions have already established commitments to green public buildings, but could do more to expand this commitment to leased property, publicly-funded construction and existing public buildings. This draft legislative text intends to be useful to seed ideas that could be useful for any jurisdiction seeking to further its green building leadership by public example.
- Some jurisdictions have legislated language that does not require LEED certification, instead offering "LEED certifiable" as an alternative. The rigor of the LEED certification 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: [USGBC.org/advocacy](http://USGBC.org/advocacy). See also, USGBC's [Leadership with LEED](#) campaign, including [draft legislative text](#) for green building incentives.