TESTIMONY BEFORE THE DISTRICT OF COLUMBIA CITY COUNCIL COMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

District of Columbia Green Building Act – Bill 16-515

Dan Winters, Managing Principal
Evolution Partners

February 10, 2006

Thank you for the opportunity to be here today. My name is Dan Winters, Managing Principal of Evolution Partners headquartered here in the District of Columbia.

Evolution Partners is a commercial real estate finance firm with strong expertise in green building finance – we work with real estate developers throughout North America and represent them in securing financing from Wall Street capital sources, multi-national banks, and institutional private equity firms; I have participated in excess of $1.5 billion in financing assignments over my career. I am the only LEED–accredited finance professional currently identified as such by the US Green Building Council, contributing author to several ULI publications on green buildings and real estate development, and presented at several past and upcoming ULI conferences on topics including green building finance and corporate environmental strategy.

My testimony today is specifically directed to the incentives and mandates portion of the proposed Legislation (Section 7 on Page 7).

Besides the copy of this testimony, we are providing several written Exhibits which are numbered accordingly. These include a list of all federal, state, municipal, and educational green building initiatives in North America as of December 2005 – it is marked Exhibit #2 in the upper right corner with Exhibit #2-A being the recently signed Federal MOU on green buildings.

Thirty-one (31) municipalities currently have LEED-based green building mandates at various levels, mostly at the LEED Silver level with a few market leaders at the LEED Gold level. We just heard a partial list of cities from Ms. Tobias – the remainder are included within Exhibit #2 of the handouts and in the footnote at the bottom of this testimony. [1]

Ladies and Gentlemen……financial capital knows no boundaries. It flows to areas where return on investment has the highest probability of success at the lowest risk. Each city has a unique set of economic and financial risks and rewards. Each city seeks structural and competitive advantages to attract capital and companies to their locale. A compelling built-environment comprised of high-performance green buildings is a critical tool cities are using to enhance their economic competitive position on the national and international scene.

The District of Columbia is fortunate – since the dawn of the New Millennium it has been viewed as one of the Top 5 cities in the US for investment.

This hasn't always been the case and may not be in the future.

[1] Cities with LEED mandates for city buildings include Alameda County, CA; Albuquerque, NM; Arlington, MA; Arlington, VA; Atlanta, GA; Austin, TX; Berkeley, CA; Boulder, CO; Calabasas, CA; Calgary, AB; Cranford, NJ; Dallas, TX; Gainesville, FL; Kansas City, MO; Long Beach, CA; Los Angeles, CA; New York, NY; Pleasanton, CA; Portland, OR; Sacramento, CA; Salt Lake City, UT; San Diego, CA; San Francisco, CA; San Jose, CA; County of San Mateo, CA; Santa Monica, CA; Sarasota, FL; Scottsdale, AZ; Seattle, WA; Vancouver, BC.

Exhibit #1

WASHINGTON, DC GREEN BUILDING LEGISLATION

EXECUTIVE AND LEGISLATIVE BRIEFING
GREEN INCENTIVES AND MANDATES
FEBRUARY 10, 2006

SUMMARY

This proposed legislation's objective is to showcase Washington, DC's political and civic leadership via the creative development and practical implementation of a broad-based green building ordinance.

The legislation would include two components:

(1) Immediate green standards for municipal buildings and other buildings financed by the District of Columbia.

Instituting green requirements for municipal construction has been used widely throughout the U.S. Cities that have adopted such requirements include Boston, MA; Chicago, IL; New York, NY; Portland, OR; Scottsdale, AZ; Salt Lake City, UT; San Francisco, CA; and Seattle, WA.

(2) Initial private market green building implementation via market-based incentives. These incentives will then transition into a green building mandate for all District-based private development.

The objective of this incentive-based philosophy is to encourage market adoption at the legislation's early stage so by the time mandated elements of the proposed legislation are triggered the market will be prepared to respond.

Transitioning the real estate community to a series of green building standards is an achievable goal with numerous high-impact positive impacts on the District's resources, finances, business competitiveness, and overall quality of life. Incentives followed by phased-in mandates would be particularly helpful to smaller developers with little or no exposure to green design and construction.

Market forces expected to be stimulated by this approach include but are not limited to:

1. Green design expertise
2. Developers and city officials acquiring a working understanding of green building standards
3. Contractor implementation of appropriate construction methods
4. New business formation and associated job creation to meet new opportunities
5. Technological advancement
6. Lower costs as compared to the current environment given the increased demand for green-oriented construction materials over this timeframe

RECOMMENDED ACTION ITEMS

1. **Parallel track this legislation via a 60-90 day Task Force to advise the District of Columbia City Council on the composition of incentives and mandates, as well as on effective sanctions or penalties for non-compliance.**

2. **Review and consider the enclosed background information on incentive possibilities as a baseline to determining appropriate private developer incentives.**

3. **Extend the time-frame within the current proposed legislation for private developer mandates to allow market mechanisms to take effect.**

4. **Clarify within the proposed legislation that the green building ordinance applies ONLY to permits given for new construction projects (LEED Core and Shell and LEED New Construction) or substantial renovation of 75% or more of an existing property (LEED Existing Building), and not for building permits given for tenant improvements.**

5. **Develop a clear and meaningful penalty for non-compliance.**

TASK FORCE COMPOSITION & SCOPE

The Task Force suggested in the first point above should be comprised of private market developers including representatives of the District of Columbia Building Industry Association (DCBIA); design, construction and real estate investment and finance professionals; community stakeholders; and District government representatives responsible for implementation including Planning and Permit Review.

It is highly recommended the Task Force shall have a finite life of 60-90 days and be given the charge to develop 1) a set of achievable and readily implementable incentive structures, and 2) recommendation on a phased mandate schedule timeframe as part of this legislation.

INCENTIVE TOOLKIT

An initial list of potential private market incentives is below and discussed in detail on Pages 5-8:

TAX INSTRUMENTS

Tax Abatements / Tax Credits

Tax Increment Financing / Green Building Improvement Districts

REGULATORY INSTRUMENTS

Zoning / FAR Density Bonus (applicable outside CBD)

Green Transferable Development Rights

Expedited Permitting

PRECONDITIONS TO INCENTIVE ADOPTION

Any incentive system adopted must be 1) clear, 2) fair and orderly, and 3) able to be implemented within the District's systems of governance.

Ideally, agreed upon private market incentives can be implemented within existing systems within the District's Planning and Building Permit departments as well as other affected entities.

This should not preclude other alternatives. This legislation may provide an opportunity to create new systems and metrics within the District such as a Transferable Development Rights tracking and exchange system or other such mechanisms that would improve the District's overall workings.

INCENTIVE PHASE OUT

Private development projects that achieve green building compliance prior to any private market green mandates will be eligible for one or more incentives. It is recommended that the Task Force advise the Council on the nature, length and phase-out of incentives, and anticipated timeframes whereby incentives will be phased out if/when mandates are introduced.

POTENTIAL MANDATE, INCENTIVE, AND PENALTY SCHEDULE

A mandate schedule for consideration by the Task Force might include:

Mandate for Municipal Construction	Upon Effective Date
Incentives for Private Construction	Upon Effective Date
Basic Green Construction Mandate for Private Projects (Basic LEED Certified)	3 years after Effective Date
Penalties for Private Construction failing to meet DC Standard	3 years after Effective Date
Mid-Level Green Construction Mandate For Private Projects (LEED Silver)	5-7 years after Effective Date
Incentives for Private Construction to Meet LEED Standard Phased Out	3-7 years after Effective Date *

***** Incentive phase-out timeframes should be congruent with mandate phase-ins.

POTENTIAL NON-COMPLIANCE PENALTY

LEED is a post-construction rating system. In the event that all the proper pre-construction, permitting, and related activities are done in good faith but the final construction fails to meet the required LEED certification level under the legislation, a meaningful penalty should be assessed; a potential non-compliance penalty is suggested below.

We caution the City Council that because LEED certification is a post-construction, post-occupancy event, incentives and penalties should be drawn carefully. **It may be the case that a project will be granted an incentive during the permitting phase but upon final project delivery fail to achieve the intended results.**

RECOMMENDATION

We recommend the District require developers to post a bond in the amount of $1.00 – $2.00 / Gross SF of buildable space which will be held in third-party escrow and returned upon successful green compliance.

Should the project initially fail to meet the requisite standard, there must be a 180-day period to cure.

Should the project fail again following the cure period, we recommend a sliding scale penalty structure based on the # of LEED points missed to assess the penalty as follows:

1-2 Points	33% of bond amount
3-4 Points	67% of bond amount
5+ Points	100% of bond amount

All penalty proceeds should become part of the District's Green Building Education Fund and cannot be used in the District's general account.

In non-project-based incentive scenarios, the incentive initially sought such as a tax abatement or other financial incentive can be denied by the District without harm.

Of particular concern is any penalty clause that results in the District's withholding of the Certificate of Occupancy upon completion, or issuing a Stop Work order. As has been the experience with other municipalities which have considered legislation of this nature (Seattle, WA is a leading example) a "C/O Withhold" or a "Stop Work" penalty can create a "lose-lose-lose" scenario for the municipality which now has an empty building, an angry set of tenants who cannot move in, and a frustrated project developer who does not have complete and absolute control over the LEED certification process and ultimate results.

Beyond this scenario, the uncertainty created by a "C/O Withhold" or "Stop Work" penalty will have a substantial negative effect on the ability to obtain competitive project financing as this risk will be underwritten into all future construction loans at a significant price – this is primarily why municipalities have moved to implement a bonded penalty scenario.

INCENTIVE ANALYSIS

1. TAX ABATEMENTS / TAX CREDITS

Provide developers of green projects an immediate tax incentive by reducing the amount of property tax due for a set period of time. This incentive provides an offset for any additional costs incurred by the developer during the initial "learning and adaptation" phase.

RECOMMENDATION

We encourage the District to view this through a long-term lens as green projects typically create less of a burden on municipal resources such as water/sewer and provide distinct long-term benefits by reducing the District's future infrastructure outlays and improving the quality of life.

In addition, should green projects be judged in the market as a more valuable project, the taxes collected will adjust upward when compared to a non-green project thereby being in the District's long-term best interest.

SUGGESTED IMPLEMENTATION

Prior to the inception of mandated green standards for private construction, provide tax incentives for all LEED certified projects as determined by the City Council pursuant to the advice of the Task Force. A possible schedule for tax abatements might be:

1. Provide a nine (9) month tax abatement to all projects that meet LEED Certification
2. Provide a twelve (12) month tax abatement to all projects that meet LEED Silver Certification
3. Provide a eighteen (18) month tax abatement to all projects that meet LEED Gold Certification
4. Provide a twenty-four (24) month tax abatement to all projects that meet LEED Platinum Certification

Conversely, a less-enticing tax abatement method could be to continue taxing the specific property at its pre-development taxable amount for a period of time before implementing a new tax assessment to reflect the value of the improvements.

Subsequent to the inception of mandated green standards, projects exceeding green construction requirements could be eligible for additional incentives.

IMPLEMENTATION CONSIDERATIONS

The Council should consider the effect of tax-based programs on District of Columbia tax revenues with an eye to the long-term benefits including reduced infrastructure outlays and higher relative property value.

2. TAX INCREMENT FINANCING (GREEN BUILDING IMPROVEMENT DISTRICTS)

Create additional TIF districts for green construction in expanded areas that the District statutorily defines as strategic redevelopment zones.

Tax Increment Financing (TIF) involves the issuance and sale of tax-exempt governmental revenue bonds to finance public infrastructure redevelopment within one or more predetermined geographic areas on the basis of specific statutory eligibility criteria. To secure the repayment of TIF bonds, the government consents to segregate into a special account a portion (e.g., 25 percent, 50 percent) of the incremental growth in real property tax collections occurring within the area from a specific date. Sales tax increments may be applied to shorten the repayment period, or to provide credit enhancement.

The District is in a unique position to complement these infrastructure development tools by issuing up to $15 million of tax-exempt "Enterprise Zone (EZ) Facility Bonds" to assist in financing each qualified privately-owned facility. At the same time, each such business annually may claim federal employment tax credits, special expensing allowances and other benefits during the five-year life of the EZ designation

SUGGESTED IMPLEMENTATION

Create additional TIF Districts with the focus on areas that will significantly benefit from redevelopment. By implementing green building standards within these areas, the likelihood that the area turns around and the tax revenue is significantly higher than projected increases.

Areas for TIF District expansion consideration would include:

- NOMA (North of Massachusetts Avenue / Union Station)
- H-Street Corridor
- Southeast
- Southwest/Waterfront/Skyland
- Stadium/Armory
- Georgia Avenue Corridor
- Other

IMPLEMENTATION CONSIDERATIONS

As stated on the District's web site, "Tax increment projects must be consistent with statutory criteria (Redevelopment Plan) and typically are supported by project feasibility studies, cost/benefit analyses, and development agreements with sponsors of private projects within the benefited areas. Issuance powers and limited tax collection authority may be delegated to TIF Districts, but generally is retained by the government or its instrumentality."

3. ZONING / FAR DENSITY BONUS (APPLICABLE OUTSIDE CBD)

Provide developers additional as-of-right FAR for projects on sites located outside the CBD such that given a site's current zoning constraints the site can support additional development.

SUGGESTED IMPLEMENTATION

Waive or significantly reduce the PUD review requirements for projects in areas where upzoning is appropriate for all projects meeting or exceeding mandated green design intentions during the permit phase. Provide FAR enhancements for non-PUD-eligible green projects that exceed mandated green construction requirements. All LEED Certified projects would be eligible for the density enhancement prior to the inception of mandates.

IMPLEMENTATION CONSIDERATIONS

Implement along with bonding penalty requirements as previously mentioned.

4. GREEN TRANSFERABLE DEVELOPMENT RIGHTS (TDR)

TDR programs allow communities to better manage growth by concentrating development in designated areas called "receiving zones".

Developers or landowners of the initial property ("sending property") can either utilize or sell development rights to others within confines of the program. When applied to a project in a "receiving zone" developers can then use these rights to increase the density of developments on projects within the receiving zone more than previously allowed under zoning regulations.

TDR development rights have the potential to offer significant value in the market and will be interpreted by developers and building owners as a future economic gain provided by the District to offset any perceived and/or real upfront project costs from implementing green design strategies and building features.

SUGGESTED IMPLEMENTATION

0.15 TDR SF / Gross SF (15,000 TDR SF / 100,000 Gross SF Constructed)

Eligible projects include all office, multi-family residential, retail, and mixed-use commercial projects that meet or exceed LEED Certification. Non-eligible projects include parking garages, stadiums, and other non-occupied buildings.

The property remains subject to height and set-back restrictions as governed under the specific DC zoning laws. However, TDRs can be applied in addition to the allowable FAR under current zoning thereby increasing site density.

Receiving zones are expanded to include those listed in point 2 below.

IMPLEMENTATION CONSIDERATIONS

1. It is our understanding the District does not currently have a manageable program to track and award Transferable Development Rights causing developers difficulty in redeeming TDR's for their projects. We recommend the District develop a TDR Bank via a database and deed recording system that tracks TDR's so as to create a straightforward process for awarding and redeeming these assets.
2. Expand the "receiving zones" for these TDRs. Areas of the District for consideration are:
    - NOMA
    - H-Street Corridor
    - Southeast
    - Southwest/Waterfront/Skyland
    - Stadium/Armory
    - Georgia Avenue Corridor
    - Other

5. EXPEDITED PERMITTING

Provide priority permit oversight and approval for proposed projects that meet or exceed LEED Certification as provided on a preliminary design scorecard

SUGGESTED IMPLEMENTATION

Utilize the LEED scorecard as part of the initial permitting process to determine if a project is eligible for expedited permitting.

IMPLEMENTATION CONSIDERATIONS

This incentive is the least desirable given the development community's general lack of confidence that expedited permitting can actually be implemented, can be accomplished fairly, and is readily achievable during the pre-mandate time period.

CONTACT INFORMATION

For follow-up information concerning these and other issues pertaining to this legislation please contact:

GREEN BUILDING INCENTIVES AND MANDATES

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EXHIBIT 2

LEED® Initiatives in Governments and Schools

Updated: 12/14/05

To update list, contact:
Allison Herren
Chapter Coordinator
202-828-1148
aherren@usgbc.org

For the most updated list of initiatives, please see www.usgbc.org/resources -State and Local Government.

FEDERAL INITIATIVES:

DOE: The Department of Energy supported the development of the LEED Rating System, training workshops, and reference materials.

Contact: Mark Ginsburg; 202-586-1394
mark.ginsberg@ee.doe.gov

DOI: The Department of the Interior has signed a Memorandum of Understanding with the USGBC supporting the use of LEED for Existing Buildings by its facilities. The DOI has also signed a memorandum with the GSA and the USGBC supporting LEED for all partnered projects.

Contact: Heather S. Davies; heather_davies@ios.doi.gov

EPA: The Environmental Protection Agency aims to have all of their new facility construction and new building acquisition projects 20,000 gsf or larger meet LEED Silver standard by 2005. The Agency also aims to use LEED for new Commercial Interiors and Existing Building standards by 2005 on at least one appropriate project where space in an existing building is acquired. The Agency currently has multiple projects registered for LEED-NC certification and is supporting development of LEED for Existing Buildings. The Agency will request that GSA provide new major office leases that meet the Energy Star requirements.

EPA's Chelmsford, MA lab is the first Gold-rated federal building.
http://www.epa.gov/greeningepa/

EPA's Green Buildings Vision and Policy Statement:
http://www.epa.gov/oaintrnt/projects/policy.htm

Contact: Cathy Berlow, (202) 564-3739
berlow.cathy@epa.gov

GSA: The General Services Administration requires that all building projects starting design in 2003 meet LEED Certified level standards with a target of LEED Silver. To support this policy, the GSA has signed a Memorandum of Understanding with the Department of the Interior and USGBC supporting the use of LEED on all new partnered (GSA-DOI) projects. The GSA strongly encourages projects to apply for certification. The department has more than 20 projects registered including federal courthouses, laboratories, border stations, and office buildings. The GSA is the nation's largest landlord, managing space in over 8,000 owned and leased buildings for over one million federal employees. GSA was the Council's first federal member and is currently supporting the development of LEED for Commercial Interiors.

Contact: Don Horn; donald.horn@gsa.gov

State: The Department of State has committed to using LEED on the construction of new embassies worldwide over the next 10 years and has worked with the USGBC to coordinate a green charrette for the project teams in early 2001. The Department has several project registered for LEED certification and are aiming to certify three by the summer or fall of 2003.

Contact: Donna McIntire; (703) 875-5336

Air Force: The Air Force has developed a LEED Application Guide for Lodging projects and has conducted LEED training seminars for its design and construction personnel. The Air Force encourages the use of LEED for new or major renovations for MILCON projects and has created an online design guide for sustainable development structured after LEED. An online Sustainable Training course is also being developed.

The Physical Fitness Center at Barksdale AFB in Louisiana earned LEED 1.0 Bronze certification in December 2002.

Contact: Boyce Bourland; (210) 536-5483

The Sustainable Development Guide:
http://www.afcee.brooks.af.mil/dc/dcd/arch/rfg/index.html

The LEED Application Guide for Lodging:
http://www.afcee.brooks.af.mil/dc/DCD/arch/leed/leedguide.pdf

The Air Force Policy Letter for Sustainable Development:
http://www.afcee.brooks.af.mil/green/resources/policymemo.pdf

Army:

The Army has adopted LEED into its Sustainable Project Rating Tool (SPiRiT), but is not requiring certification of its projects. All buildings built in the Fiscal Year 2004 (October 1-September 31) must have a Bronze rating; FY2005- Silver; FY2006 Gold SpiRiT rating.

Contact: Richard Schneider, U. S. Army Engineering Research & Development Center; 217-373-6752
r-schneider@cecer.army.mil

Construction Engineering Research Laboratory:
http://www.cecer.army.mil/SustDesign

Navy:

The Navy was the first federal agency to certify a LEED project. The Bachelor Enlisted Quarters at the Great Lakes Naval Training Center was certified under the Pilot version 1.0 of LEED. The Navy continues to pursue sustainable development in its facilities requiring all applicable projects to meet the LEED Certified level, unless justifiable conditions exist that limit accomplishment of the LEED credits necessary for achieving the Certified level. Submission to the USGBC for LEED certification is not a requirement, but is recommended for high visibility and showcase projects. The Navy uses the LEED Green Building Rating System as a tool in applying sustainable development principles and as a metric to measure the sustainability achieved. The Navy has provided support for the development of the LEED for Residential Construction and participates in the LEED Existing Buildings and Multiple Buildings committees.

Contact: Dennis Talton, R.A.; (757) 322-4211
taltondo@efdlant.navfac.navy.mil

STATE INITIATIVES:

Arizona: On Friday, Feb 11, 2005, Governor Janet Napolitano signed Executive Order #2005-05 requiring all state-funded buildings to achieve LEED Silver certification. The Executive Order also requires newly constructed state-funded buildings to incorporate renewable energy. This makes the state the first governmental entity in Arizona to adopt a mandatory green building standard.

Executive Order: http://www.governor.state.az.us/eo/2005_05.pdf

Contact: Mick Dalrymple, Desert Moon Productions, Inc. (602) 321-7265; md@desertmooninc.com.

Arkansas: Governor Mike Huckabee signed Act 1770 in July 2005 encouraging all state agencies to use green design strategies, including LEED. The bill also creates a "Legislative Task Force on Sustainable Building Design & Practices" which is to meet and continue to review, discuss and advise on issues related to sustainable building design.

Contact: Mark Robertson, MESA Landscape Architects, Inc., (501) 372-6092;
marobertson@mesainc.net

Martha Jane Murray, The Wilcox Group, (501) 666-4546;
mmurray@thewilcoxgroup.com

California: Governor Schwarzeneggar signed Executive Order #S-20-04 on December 14, 2004, requiring all new and renovated state-owned facilities to be LEED Silver.

Executive Order:
http://www.governor.ca.gov/state/govsite/gov_htmldisplay.jsp?sCatTitle=Exec+Order&sFilePath=/govsite/executive_orders/20041214_S-20-04.html&sTitle=Executive+Order+S-20-04

Contact: Dan Burgoyne, State of California, Department of General Services; (916) 376-5010
daniel.burgoyne@dgs.ca.gov

Colorado: On July 15, 2005, Governor Owens signed Executive Order # D005 05 adopting LEED-EB and incorporating LEED-NC practices for all state buildings. The order also creates a Colorado Greening Government Coordinating Council to develop and implement conservation policies.

Executive Order: http://www.colorado.gov/governor/eos/d00505.pdf

Contact: Linda Smith, Governor's Office of Energy Management & Conservation; 303-866-2264
Linda.Smith2@state.co.us

Connecticut: Proposed Bill #923 was introduced in January 2005 requiring any new state-funded construction to achieve LEED Silver certification. The bill was passed by the Senate on June 7, 2005, and is currently being reviewed by the House.
http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=923&which_year=2005&SUBMIT.x=19&SUBMIT.y=13

Contact: Bob Maddox; (203) 266-7973
bmaddox@sterlingplanet.com

Illinois: The State of Illinois Capital Development Board is considering requiring LEED certification of public projects.

Contact: Ron Wright, State of Illinois Capital Development Board; rwright@cdb.state.il.us

Maine: Governor John Baldacci issued an Executive Order in November 2003 directing all new or expanding state buildings to incorporate LEED guidelines provided that standards can be met on a cost-effective basis.

Contact: Wendy Porter; (207) 876-3331

Maryland: Maryland's governor issued an Executive Order in October 2001 calling for all capital projects greater than 5,000 gsf to earn LEED certification. The House and Senate passed legislation in April 2005 requiring a green building standard, such as LEED (Silver), be used for state capital projects.
http://mlis.state.md.us/2005rs/billfile/hb0196.htm

The state also approved a green building tax credit for commercial developers:
http://business.marylandtaxes.com/taxinfo/taxcredit/greenbldg/default.asp

MD Green Building Council contacts:
Sean McGuire, Environmental Design; (410) 260-8727
www.dnr.state.md.us/ed

Steve Gilliss, MD Dept. of General Services; (410) 767-4675
sgilliss@dgs.state.md.us

Massachusetts: Massachusetts is considering LEED adoption for all state projects as well as a green building tax credit program.

Contact: John DiModica, Dept. of Capital Planning; (617) 727-4030
John.DiModica@dcp.state.ma.us

Barbra Batshalom, The Green Roundtable; (617) 374-3740
bb@greenroundtable.org

Michigan: On April 22, 2005, Governor Granholm signed Executive Order #2005-4 requiring all state-funded new construction and major renovation projects over $1,000,000 to be LEED certified.

Executive Order: http://www.michigan.gov/gov/0,1607,7-168-21975_22515-116177--,00.html

New Jersey: Governor James E. McGreevey signed Executive Order # 24 in July 2002 requiring all new school designs to incorporate LEED guidelines. The New Jersey Economic Schools Construction Corporation is encouraging the use of LEED but not requiring certification of new projects built under its $12 billion public school construction program.

Executive Order: www.state.nj.us/infobank/circular/eom24.htm

Contact: Ted Huesing; (908) 281-5385

New York: New York Governor Pataki issued Executive Order #111 in June 2001 encouraging but not requiring state projects to seek LEED Certification. New York State Energy Research and Development Authority will be offering an incentive for design teams of any New York State building that achieves a LEED rating. NYSERDA's New Construction Program offers a 10% increase on incentives for energy efficiency measures that reduce the use of electricity. NYSERDA provides low interest loans (4% below market rate) for energy efficiency measures and building materials that meet LEED or other generally accepted green building standards.

The New York State Green Building Tax Credit Program provides a tax incentive to commercial developments incorporating specific green strategies informed by LEED.

New York Green Building Tax Incentive Program:
http://www.dec.state.ny.us/website/ppu/grnbldg/index.html

The New York Executive Order, Green and Clean State Buildings and Vehicles: http://www.nyserda.org/programs/exorder111.asp

Contact: Craig Kneeland, NYSERDA; (518) 862-1090 ext. 3311
cek@nyserda.org

Nevada:

On June 17, 2005 Governor Guinn signed AB3 requiring all state funded buildings be LEED Certified or higher in accordance with LEED or an equivalent standard. During each biennium, at least two occupied public buildings whose construction will be sponsored or financed by the State of Nevada must be designated as a demonstration project and be equivalent to a LEED Silver or higher certification, or an equivalent standard. The bill also provides tax abatements for property which has an eligible LEED Silver building and tax exemptions for products or materials used in the construction of a LEED Silver building.

www.leg.state.nv.us/22ndSpecial/Reports/history.cfm?ID=2546

Contact: Lance Kirk, Lucchesi Galati Architects; (702) 263-7111
ljkirk@lgainc.com

Oregon:

Oregon's 35% Business Energy Tax Credit for sustainable buildings is tied to the LEED certification level achieved. A LEED Silver rating is the minimum standard to obtain the tax credit for sustainable buildings and applies to LEED NC, CI, and CS certified buildings.
Examples:
100,000 sf. LEED-NC Silver bldg. eligible for $140,000 tax credit
100,000 sf. LEED-NC Gold bldg. eligible for $177,485 tax credit

http://www.energy.state.or.us/bus/tax/sustain.htm

Contact: Ann Grim, Oregon Office of Energy; (503) 378-4912

Pennsylvania:

In July 2005, the Pennsylvania legislature passed House Bill 628, amending the Public School Code to provide a financial incentive to public school districts that achieve LEED Silver certification.
http://www2.legis.state.pa.us/WU01/LI/BI/BT/2005/0/HB0628P2564.pdf

Buildings currently under construction on behalf of the Department of Environmental Protection and the Department of Conservation and Natural Resources are seeking LEED Silver certification.

Four state funds including the $20 million Sustainable Energy Fund provide grants, loans and "near-equity" investments in energy efficiency and renewable energy projects in Pennsylvania.

Contact: Catherine Brownlee, Governor’s Green Government Council; (717) 772-8946
cbrownlee@state.pa.us

Rhode Island: On August 22, 2005, Governor Donald Carcieri signed Executive Order # 05-14 requiring all new constructions and renovations of public buildings to meet LEED Silver certification or higher.

Executive Order:
http://www.governor.state.ri.us/executiveorders/2005/14_NewBuildings_Energy_Environmental_Standards.pdf

Washington: On April 8, 2005, Gov. Christine Gregoire signed into law ESSB 5509 requiring state-funded projects over 5,000 sq ft, including school district buildings, to achieve LEED Silver certification. Washington is the first state in the country to adopt LEED legislation.

ESSB 5509: http://www.leg.wa.gov/pub/billinfo/2005-06/Htm/Bills/Senate%20Passed%20Legislature/5509-S.PL.htm

The Dept. of Corrections has made LEED Silver a requirement and certification is also required for buildings down to 5,000 sq ft.

Community Colleges, Dept. of General Administration, The Evergreen State College, and several other smaller agencies have made LEED Silver the standard for design and construction, however certification is not required.

New Energy Life Cycle Cost Analysis Guidelines (ELCCA) went into affect January 2005 requiring that all new and remodeled public projects over 25,000 sq ft in Washington State analyze a LEED Silver building * as part of this process. This includes completing and submitting a LEED * Scorecard during schematic design that reflects a LEED * Silver building. This is one of the submittals required under the mandatory ELCCA process.
** or equivalent rating system as approved by WA State Dept. of General Administration.*

Department of General Administration green building webpage:
www.ga.wa.gov/eas/green

Contact: Stuart Simpson, Green Building Advisor, Dept. of General Administration;
(360) 902-7199
Ssimpso@GA.WA.GOV

Glen Gilbert, Cascadia Region Green Building Council;
(503) 228-5533
Glen@CascadiaGBC.org

MUNICIPAL INITIATIVES:

Acton, MA: A new zoning by-law (section 5.5B.2.2.d) unanimously adopted at the Annual Town Meeting on April 5, 2004 gives a density bonus for buildings achieving LEED certification.

Zoning Bylaw: http://doc.acton-ma.gov/dsweb/Get/Document-8253/EAVPC+Articles+Presented+at+Town+Meeting+-+April+2004.pdf

Contact: Acton Planning Department, planning@acton-ma.gov

Alameda County, CA: All county projects initiated after July 1, 2003 must be LEED "Silver" certified. This ordinance added chapter 4.38 to Title 4 of the Administrative Code of the County of Alameda.

Contact: Michael Cadrecha, Architect, County of Alameda GSA-TSD; (510) 208-9589
michael.cadrecha@acgov.org.

Albuquerque, NM: Mayor Martin Chavez signed an Executive Order on March 28, 2005 establishing high performance green building standards. All city-funded projects 5,000 ft^2 and above and/or using over 50 KW electrical demand must meet a minimum rating of LEED Silver certification. This includes LEED-NC, LEED-EB, LEED-CS, or LEED-CI rating system.

Arlington, MA: In May 2003, the town of Arlington voted in favor of requiring all new buildings and major renovation projects to achieve a LEED Silver rating at a minimum. The state approved the measure to be included into the Town Bylaw.

A description of the requirement may be found at http://www.town.arlington.ma.us/town/laws/bylaws/arlaw98.htm.

Contact: Town of Arlington Permanent Town Building Committee
Town Hall
730 Massachusetts Avenue
Arlington, MA 02476

Arlington, VA: Arlington County allows commercial projects and private developments earning LEED Silver certification to develop sites at a higher density than conventional projects.

All site plan applications for commercial projects are required to include a LEED Scorecard and have a LEED Accredited Professional on the project

team regardless of whether or not the project intends to seek LEED certification.

All projects must contribute to a green building fund for county-wide education and outreach activities. The contribution is refunded if projects earn LEED certification.

Arlington sponsors a voluntary green home program that encourages builders of new single-family homes to incorporate energy efficient and other green building components in their projects. The County offers "front-of-the-line" plan review, site signs, and publicity to program participants who achieve a given number of points as outlined by Arlington's Green Home Choice program.

Contact: Joan Kelsch; (703) 228-3599
jkelsch@arlingtonva.us

Department of Environmental Services:
http://www.arlingtonva.us/Departments/EnvironmentalServices/epo/EnvironmentalServicesEpoGreenBuildings.aspx

Atlanta, GA: The city passed Ordinance #03-0-1693 in December 2003 requiring all city-funded projects over 5,000 square feet or costing $2 million to meet a LEED Silver certified level. Projects exempt from this policy are required to complete a LEED checklist to assess any sustainable design techniques.

Contact: Benjamin Taube, Director of Government Affairs, EcoSMART Technologies;
(404) 931-1518
btaube@ecosmart.com

Austin, TX: The Austin City Council passed a resolution in June 2000 requiring LEED certification of all public projects over 5,000 gsf.

Contact: Richard Morgan, City of Austin-Green Building Program;
(512) 505-3709
Richard.morgan@austinenergy.com

City of Austin Green Building Program:
http://www.ci.austin.tx.us/greenbuilder/

Berkeley, CA: The Berkeley City Council passed Resolution #62,284-NS that requires municipal buildings over 5,000 ft^2 to achieve the LEED Certified rating in 2004 and 2005 and a LEED Silver rating in 2006 and beyond.

Details are available on the City Council website:
http://www.ci.berkeley.ca.us/sustainabledevelopment/greenbuilding/

Contact: Rahul Young, City of Berkeley's Green Building Coordinator;
(510) 981-7535
RahulYoung@ci.berkeley.ca.us

Boulder, CO: In 2001, the City Council adopted a policy that all new or significantly renovated city facilities are built to a LEED Silver level.

Contact: Elizabeth A. Vasatka, Environmental Coordinator;
(303) 441-1964
vasatkae@ci.boulder.co.us

Boston, MA: The city created a Green Building Task Force and aims to establish LEED Silver as the goal for all city-owned projects.

http://www.cityofboston.gov/bra/gbtf/gbtfhome.asp

Contact: The Green Roundtable, 617-374-3740

Bowie, MD: The City Council passed Resolution #R-15-03 requiring all municipal projects to follow green building criteria and to use LEED guidelines on a project by project basis. The city has partnered with several local, state, and federal agencies to construct the city's first green demonstration project, the Parks and Grounds Facility, with a minimum certification of LEED Silver.

Contact: Ruth Newell, City of Bowie; (301) 809-3009
www.cityofbowie.org/green/green.htm

Calabasas, CA: On January 7, 2004, the City Council adopted Ordinance # 2003-185 requiring all non-residential, city and privately-owned buildings between 500ft^2 and 5,000 ft^2 to meet the LEED Certified level. Buildings over 5,000ft^2 must meet a LEED Silver level.

Calgary, AB: The City Council passed a Sustainable Building Policy (#CE001) on September 13, 2004 that requires new or significant renovations over 500m^2 to achieve LEED Silver certification or higher.

Sustainable Building Policy:
http://www.calgary.ca/docgallery/bu/cityclerks/council_policies/sustainable_building_policy_ce001.pdf

Contact: Richard Allen, City of Calgary, richard.allan@gov.calgary.ab.ca

Chicago, IL: The city announced in June 2004 a resolution that all new city-funded construction and major renovation projects will earn LEED certification. Numerous buildings are already being designed and constructed using LEED.

http://egov.cityofchicago.org/webportal/COCWebPortal/COC_ATTACH/ChicagoStandard.pdf

Contact: John Albrecht, City of Chicago; (312) 744-6031 jalbrecht@cityofchicago.org

Cook County, IL: Cook County Commissioner Mike Quigley proposal for an ordinance requiring LEED certification of all county building projects passed on October 21, 2002. The ordinance calls for projects to earn a minimum of 8 credits in the Energy & Atmosphere category to ensure best life-cycle returns. Cook County's Domestic Violence Courthouse is currently being designed to comply with LEED standards.

Contact: Sadhu Johnson, Assistant to the Mayor for Green Initiatives, sjohnston@cityofchicago.org

Cranford, NJ: On November 15, 2005, the Township of Cranford adopted Ordinance No. 2005-46 requiring all township-funded facilities projects and township-owned facilities to meet LEED Silver certification. The Township also adopted LEED-EB for its existing facilities.

The township also has an incentive program whereby redevelopers may request an incentive, such as a density bonus, for achieving LEED certification.
http://www.usgbc.org/Docs/News/News1952.pdf

Contact: Nelson Dittmar, Chair, Cranford Environmental Commission, candndittmar@cs.com

Dallas, TX: The City of Dallas issued a resolution requiring all city buildings larger than 10,000 square feet to have at least LEED Silver certification. The city is exploring ways to encourage LEED buildings in the private sector.

Contact: Jill Jordan, City of Dallas; (214) 670-5299

Eugene, OR: The city of Eugene uses LEED NC as a guideline for all new city-funded construction as per Resolution # 4618 adopted in February 2000. Additionally, the city is using LEED EB as an assessment tool and looking to certify certain buildings that have already gone through building retrofits. Buildings apply as many EB prerequisites and credits as possible

whether or not they achieve EB certification.
http://www.ci.eugene.or.us/PDD/BPS/ecobuild/index.htm

Contact: Glen Svendsen, Facility Management Division Manager, Sustainable Building Task Force; (541) 682-5008
glen.l.svendsen@ci.eugene.or.us

Frisco, TX: The City of Frisco passed Ordinance #04-05-41 to be in effect for one year beginning September 1, 2004 that requires all non-single-family residential developments over 10,000 ft^2 to submit a LEED checklist to the city. The checklist must be filled out by a LEED Accredited Professional, must document which points can and cannot be earned, and must include an estimated cost for each point.

The city passed Ordinance #01-05-39 on May 1, 2001 creating a Green Building Program for all single-family residential buildings.
http://mail.ci.frisco.tx.us/WebLink/

Contact: Jeff Witt, Comprehensive and Environmental Administrator; (972) 335-5540 ext. 145
jwitt@ci.frisco.tx.us

Gainesville, FL: The city passed Ordinance # 1835 requiring all government county buildings be LEED certified. Additionally, the county is providing a fast-track building permit incentive and a 50% reduction in the cost of building permit fees for private contractors who use LEED.

Contact: City of Gainesville; (352) 334-5000
http://www.cityofgainesville.org/gov/

Houston, TX: The city adopted Green Building Resolution #2004-15 on June 23, 2004, stating that all city owned buildings and facilities over 10,000 sq ft shall use LEED to the greatest extent practical and reasonable with a target of LEED Silver certification.

Contact: Rebecca Bryant; (713) 524-2155 - rebeccab@baileyarchitects.com
Kathleen English; (713) 850-0400 - kenglish@english-architects.com

Issaquah, WA: Developers intending to use LEED may receive free professional consultation and projects achieving LEED certification are placed at the head of the building permit review line.
http://www.ci.issaquah.wa.us/Page.asp?NavID=326

Contact: David Fujimoto, City of Issaquah Resource Conservation Office; 425-837-3412
DavidF@ci.issaquah.wa.us

Kansas City, MO: Kansas City requires that all new city buildings be designed to meet a minimum of LEED Silver certification as per Resolution #041222 passed in 2004. The city is also participating in LEED EB pilot program for city hall.
http://cityclerk.kcmo.org/ordinancesearch.aspx

Contact: Tom Bean, City Architect; (816) 513-2531
EB pilot: Bob Lawler; (816) 513-2532

King County, WA: King County Executive Order FES 9-3 (AEP) requires all new public construction projects to seek LEED certification and encourages the application of LEED criteria to building retrofits and tenant improvements. There is a LEED supplement for King County projects.
http://dnr.metrokc.gov/swd/leed/kcbldgs.asp

Contact: Theresa Koppang, King County Solid Waste Division;
(206) 296-8480
theresa.koppang@metrokc.gov

Long Beach, CA: The City of Long Beach Green Building Policy requires LEED certification for new municipal construction over 7,500ft^2 with a policy goal of LEED Silver.

Contact: City of Long Beach; 562-570-6555
http://www.ci.long-beach.ca.us

Los Angeles, CA: On April 19, 2002, the Los Angeles City Council voted in favor of requiring LEED certification of all public works construction projects 7,500 gsf or larger. As of July 2003, all building projects funded by the city are required to be LEED certified.

Contact: Deborah Weintraub, City Architect; (213) 847-6370

In March 2002, LEED certification of new construction projects was approved as part of the $1.6 billion bond proposition funding building projects on the nine campuses of the LA Community College District.

New York, NY: On September 15, 2005, the City Council passed Int. No. 324-A requiring new construction, additions, and substantial reconstruction of all city-owned buildings with a construction cost of $2 million or more to be LEED Silver.
http://www.nyccouncil.info/pdf_files/reports/greenbuildings.pdf

Normal, IL: The Town of Normal passed Ordinance 4825 on March 18, 2002 requiring LEED certification in the Central Business District for public or private

new construction over 7,500 sq. ft. at ground level.
http://www.normal.org/code/ord4825.asp [see section 15.17-14]

Contact: Mercy Davison, Town Planner
mdavison@normal.org

Omaha, NE: All new Metropolitan Community College construction projects and sites must meet the minimum level of LEED certification.

Contact: Patrick Leahy, Chair, Board of Governors of Metropolitan Community College; (402) 399-1101

Final Plans and Specifications: Policy # 91105;
http://www.mccneb.edu/bogpolicies/

Phoenix, AZ: The Phoenix City Council passed green building guidelines for new facilities on June 21, 2005. Projects will follow the LEED rating system but certification is not required. Instead, certification will be pursued on a case-by-case basis.
http://phoenix.gov//PAGENDAC/packhtml.html#acon2

Contact: Mark Wilhelm, Green Ideas, Inc.;
(602) 512-0558
mark@egreenideas.com

Pleasanton, CA: The City Council adopted Ordinance #1873 in December 2002 requiring all commercial construction projects over 20,000 square feet to follow guidelines to meet a LEED "Certified" rating. Formal certification with USGBC is encouraged but not required.

Contact: Heidi Kline, Associate Planner; (925) 931-5609
hkline@ci.pleasanton.ca.us

Portland, OR: Portland passed a resolution April 27, 2005, requiring all new public projects to achieve LEED Gold certification and all city-owned, occupied, existing buildings to achieve LEED-EB Silver. The city has also developed a Portland LEED supplement.
http://www.portlandonline.com/shared/cfm/image.cfm?id=78564

On June 22, 2005, the Portland Development Commission passed resolution #6262, a Green Building Policy requiring developers who receive financial assistance from the Commission to achieve LEED standards.

A LEED Business Energy Tax Credit (BETC) is being administered by the state Office of Energy.
(http://www.energy.state.or.us/bus/tax/sustain.htm)

This site also contains a link to the City of Portland cost comparison study at http://www.green-rated.org/g_rated/resources/trpdfs/pdxleed.pdf

Contact: Rob Bennett, Office of Sustainable Development
G/Rated - City of Portland Green Building Program;
(503) 823-7082
bennett@ci.portland.or.us

Princeton, NJ: The Princeton Borough and Township amended their master plan in 2005 to encourage the use of LEED in the design, construction, and operation of all public facilities and publicly-funded projects.

Contact: Athena Sarafides, NJDEP; (609) 633-1161
athena.sarafides@dep.state.nj.us

Sacramento, CA: On September 21, 2004, Mayor Heather Fargo signed Resolution #2004-751 requiring LEED certification of all city projects. For projects over 5,000 ft^2 the city has a goal of LEED Silver certification.

Contact: Keith Roberts, City of Sacramento General Services;
916- 264-4726
kRoberts@cityofsacramento.org

Salt Lake City, UT: In July 2005, Mayor Anderson signed an executive order requiring all new city-constructed buildings and major renovations over 10,000 ft^2 to be LEED certified.
http://www.usgbc.org/News/usgbcnews_details.asp?ID=1679

Contact: Lisa R. Romney, Environmental Advisor to the Mayor;
801-535-7939
lisa.romney@slcgov.com

San Diego, CA: San Diego Mayor Dick Murphy included requiring LEED Silver certification of all municipal projects among his 10 goals for the year in his 2002 State of the City Address. The city has subsequently adopted LEED for all public projects. The city has also developed a sustainable building expedite program that uses LEED criteria and provides significant plan review and construction incentives. The city's downtown library is currently in the design phase with an aim for LEED Gold certification.

Contact: Tom Blair, Environmental Services; (858) 492-6001

San Francisco, CA On May 18, 2004, the Board of Supervisors of the City and County of San Francisco, CA adopted Ordinance #88-04 (adding a new Chapter 7 to the Environment Code) requiring all municipal new construction, additions and major renovation projects over 5,000 sq ft starting conceptual design on or after September 18 to achieve a LEED Silver certification. The ordinance also requires that a LEED Accredited Professional be a member of each design team and requires achievement of the additional commissioning LEED credit for all projects. http://www.sfgov.org/site/uploadedfiles/bdsupvrs/ordinances04/o0088-04.pdf

Contact: Mark Palmer, Green Building Coordinator, Department of Environment, City and County of San Francisco; (415) 355-3710 mark.palmer@sfgov.org

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San José, CA: The City San José adopted a green building policy in 2001 requiring LEED certification of all municipal projects over 10,000 gsf. http://www.sanjoseca.gov/esd/natural-energy-resources/gb-policy.htm

Contact: Mary Tucker, City of San Jose; (408) 277-4111 mary.tucker@ci.sj.ca.us

County of San Mateo, CA:

San Mateo County adopted a Sustainable Building Policy December 11, 2001. The policy requires new projects and additions that are built by the County and greater than 5000 sq. ft. to achieve certification at the highest practicable LEED rating level. Smaller projects are encouraged to follow LEED standards but are not required to submit documentation for certification.

In addition to the policy, the County offers information on Green Building and is developing a Countywide Green Building Program.

Contact: Jill Boone, RecycleWorks Programs Manager, Green Building Coordinator; (650) 599-1433 jill@RecycleWorks.org

www.RecycleWorks.org

Santa Monica, CA: The City Council adopted an ordinance in 2000 requiring all new city projects to achieve LEED Silver certification. http://greenbuildings.santa-monica.org/index.html

In April 2004, the city launched a grant program that provides a financial incentive for private developers who achieve LEED certification.

http://greenbuildings.santa-monica.org/mainpages/Details%20-%20LEED%20Grants.pdf

In August 2005, the city passed an ordinance allowing LEED registered projects to receive expedited permitting. This includes all LEED for New Construction, Homes, Core and Shell.
http://www.smgreen.org/mainpages/whatsnew.htm

Contact: Greg Reitz, City of Santa Monica
greg-reitz@santa-monica.org

Sarasota County, FL: On March 18, 2005, the county passed a resolution mandating that all government county buildings be LEED certified. Additionally, the county is providing a fast-track building permit incentive and a 50% reduction in the cost of building permit fees for private contractors who use LEED.

Contact: Jodi L. John, Manager, Sustainable Sarasota, Sarasota County Government, 941-861-5656
jjohn@scgov.net

Scottsdale, AZ: On March 23, 2005, the City Council unanimously approved Resolution #6644 requiring all new city buildings of any size to achieve LEED Gold and to strive for the highest level of certification whenever project resources and conditions permit. In addition, all future renovations and non-occupied city buildings will be designed, contracted, and built to include as many principles of both the LEED program and the City's Green Building Program as feasible.

This resolution makes Scottsdale the first city in the U.S. to adopt a LEED Gold policy.

City of Scottsdale Green Building Program:
http://www.scottsdaleaz.gov/greenbuilding/

Contact: Anthony C. Floyd, City of Scottsdale, 480-312-4202
afloyd@scottsdaleaz.gov

Seattle, WA: Seattle requires LEED Silver certification of all city owned projects over 5,000 gsf. The city is encouraging the private construction sector to incorporate LEED design standards into new and existing buildings by providing economic incentives.
http://www.cityofseattle.net/light/conserve/sustainability/

City of Seattle Sustainable Building Policy:
http://www.cityofseattle.net/util/rescons/susbuild/policy.htm

Contact: Peter Dobrovolny, Seattle City Light; (206) 615-1094
peter.dobrovolny@seattle.gov

Suffolk County, NY: Legislators Viloria-Fisher and Caracciolo introduced Resolution #1754-2004 to designate a pilot project from the 2005-2007 Capital Program to be built to the LEED Certified level. . If passed by the County Legislature, the legislation would require County Building proposals to meet a minimum LEED criteria in order to be approved. The resolution has been tabled. http://www.co.suffolk.ny.us/legis/resos2004B/I1754-04.htm

Contact: Office of Hon. Vivian Viloria-Fisher; (631) 854-1500

Vancouver, BC: On July 8, 2004, the City of Vancouver officially announced the adoption of green building standards – LEED for British Columbia (LEED-BC) for all new civic buildings greater than 500 square meters. New public buildings must achieve the LEED Gold certification. The City also mandated specific energy points in the LEED Rating System to ensure a 30% energy reduction in all new civic buildings.
http://www.city.vancouver.bc.ca/ctyclerk/cclerk/20040708/pedec.htm

Contact: Thomas Mueller; (604) 436-6818
thomas.mueller@gvrd.bc.ca

Washington, DC: The Department of Parks and Recreation has a policy to build LEED Silver at a minimum for all new construction and major renovation.

Contact: Michael Lucy, Department of Parks and Recreation, (202) 673-7681
michael.lucy@dc.gov.

The Office of Property Management's environmental scorecard goals integrates LEED specifications for all future projects, where applicable. The goals also include the adoption of green building standards for all new public buildings and having members of capital construction administration be LEED Accredited. The District is also working on its Environmental Strategic Plan for Greening the Government, which will include LEED.

Contact: Susan Riley, Office of Property Management, (202) 724-4117
susan.riley@dc.gov.

SCHOOL INITIATIVES

Arizona State University:
The university has a LEED initiative to attain a Silver rating for all new buildings.

http://www.asu.edu/fm/greenbuilding.htm

Contact: Ray Tena, Facilities Management, ASU;
(480) 965-1835
Ray.Tena@asu.edu

Brown University: The university has a goal to achieve LEED Silver for new construction and major renovation projects.

Carnegie Mellon: New construction and significant renovations will achieve LEED certification with the target of LEED Silver certification. The university will also use LEED-CI where applicable for less extensive renovations.

http://www.cmu.edu/greenpractices/green_initiatives/leed_buildings.html

Contact: Peg Hart, Campus Design and Facility Development;
(412) 268-5567
hart@andrew.cmu.edu

Clemson University: All new construction must achieve a minimum of LEED Silver certification. http://www.clemson.edu/leed/

Connecticut College: The college adopted a green building policy including a goal to utilize guidelines such as LEED to evaluate the sustainability of construction projects.
http://camel.conncoll.edu/ccrec/greennet/GreenBuildingPolicy.pdf

Dartmouth College: All new construction must achieve LEED certification.
http://www.dartmouth.edu/~stplan/imperatives/facilities.html

Duke University: The University aims to have its new buildings and renovations achieve LEED Certified level at a minimum.
http://www.duke.edu/sustainability/buildings.html

Emory University: The University has a goal for new construction to achieve a LEED Certified level.
http://www.fm.emory.edu/emory-std/frontend/00030.pdf

Georgia Institute of Technology:

All buildings currently in design must utilize green features and some projects will pursue LEED certification as appropriate.

Campus Master Plan: http://www.space.gatech.edu/masterplan.htm

Contact: Leslie M. Saunders, Sr., Director, Capital Planning & Space Management; 404-894-4801
leslie.saunders@spaceplan.gatech.edu

Harvard University: The Harvard Green Campus Initiative (HGCI) works to support environmental sustainability on campus and encourages buildings to incorporate the LEED rating system where possible. Several campus buildings are pursuing and have achieved LEED certification.
http://www.greencampus.harvard.edu/hpbs/services.php#LEED

Contact: Mike Crowley, Manager, High Performance Building Service; Michael_Crowley@havard.edu

Lewis and Clark College:
The university developed a green building strategy that includes constructing new LEED buildings with a goal of LEED Silver certification.
http://www.lclark.edu/dept/lcsc/buildings.html

Massachusetts Institute of Technology:
All new construction and renovations are required to achieve LEED Silver certification.
http://web.mit.edu/environment/commitment/gbtf.html

Montgomery County, Maryland Public Schools
The county has developed a High Performance Green Building Plan that outlines strategies to implement LEED in some county public school construction.

FY 2005 High Performance Green Building Plan:
http://www.mcps.k12.md.us/departments/facilities/greenschoolsfocus/2004%20High%20Performance%20Green%20Building%20Plan%20for%20MCPS.pdf

Contact: Anja Caldwell, Green Schools Program Manager
Montgomery County Public Schools; (301) 279-3475
Anja_S_Caldwell@mcpsmd.org

New Jersey Public Schools:
Governor James McGreevey signed Executive Order #24 on July 29, 2002 requiring all new schools to incorporate LEED guidelines in new construction.

http://www.state.nj.us/infobank/circular/eom24.htm

Northwestern University:

As a standard for design and construction, all new and renovated university buildings will meet the LEED Certified level Each project will be evaluated on its ability to meet a higher LEED certification level. http://www.northwestern.edu/fm/environmental_sustainability.htm

Omaha Metropolitan Community College:

All new Metropolitan Community College construction projects and sites must meet the minimum level of LEED certification.

Final Plans and Specifications: Policy # 91105; http://www.mccneb.edu/bogpolicies/

Contact: Patrick Leahy, Chair, Board of Governors of Metropolitan Community College; (402) 399-1101

Pomona College: The college uses the LEED rating system as one standard of reference for the construction and renovation program. http://www.pomona.edu/cpm/environpolicy.shtml

Princeton University: New construction and major renovation projects are encouraged to use LEED in the design phase and to submit their LEED scorecard to the university before official submission.

Santa Clara University:

The university has a goal of LEED certification on all new projects. LEED criteria is being applied to major renovations and smaller projects.

Contact: Joe Sugg, (408) 551-1606, jsugg@scu.edu

State University of New York:

All new construction is encouraged to follow LEED guidelines as per Executive Order #111, June 2001. http://www.nyserda.org/programs/exorder111.asp

SUNY- University of Buffalo has created it's own High Performance Building Guidelines. http://wings.buffalo.edu/ubgreen/guidelines.html

University of California:

All new buildings on the University of California campuses, except for laboratories and acute care facilities, proposed for construction after July 2004, must meet a minimum of LEED Certified level. Campuses will aim for LEED Silver whenever possible. Laboratories will aim to achieve LEED Certified rating as appropriate.

The University is exploring using LEED for Existing Buildings.
http://www.ucop.edu/facil/greenbldgs/

University of Cincinnati:

New construction must achieve LEED certification with a target of Gold.
http://www.uc.edu/architect/documents/design/sustain1.pdf

University of Florida: The University of Florida requires all new construction and major renovation projects to be LEED certified.
http://www.facilities.ufl.edu/sustain/index.htm

Contact: Bahar Armaghani, University of Florida, Facilities, Planning, Construction: (352)294-0080
barmagh@ufl.edu

University of North Carolina- Chapel Hill:

The university will use LEED guidelines to develop a sustainability program for new projects.

University of Oregon: All new construction projects must meet LEED certification.
http://darkwing.uoregon.edu/%7Euplan/sustainable.html#sustplan

University of Vermont: The university's policy, Environmental Design and Vermont Purchasing in New and Renovated Buildings, states that all new buildings and major renovations will achieve a LEED Certified level.
http://www.uvm.edu/%7Euvmppg/ppg/facil/greenbuilding.html

University of Washington/Washington Community Colleges

As per ESSB 5509 (see Washington listing above), state-funded projects over 5,000 sq ft, including school district buildings, must achieve LEED Silver certification.

ESSB 5509: http://www.leg.wa.gov/pub/billinfo/2005-06/Htm/Bills/Senate%20Passed%20Legislature/5509-S.PL.htm

Community Colleges, Dept. of General Administration, The Evergreen State College, and several other smaller agencies have made LEED Silver the standard for design and construction, however certification is not required.

EXHIBIT 2-A

FEDERAL LEADERSHIP IN HIGH PERFORMANCE and SUSTAINABLE BUILDINGS MEMORANDUM OF UNDERSTANDING

PURPOSE: With this Memorandum of Understanding (MOU), signatory agencies commit to federal leadership in the design, construction, and operation of High-Performance and Sustainable Buildings. A major element of this strategy is the implementation of common strategies for planning, acquiring, siting, designing, building, operating, and maintaining High Performance and Sustainable Buildings. The signatory agencies will also coordinate with complementary efforts in the private and public sectors.

BACKGROUND AND FEDERAL POLICY: The Federal government owns approximately 445,000 buildings with total floor space of over 3.0 billion square feet, in addition to leasing an additional 57,000 buildings comprising 374 million square feet of floor space. These structures and their sites affect our natural environment, our economy, and the productivity and health of the workers and visitors that use these buildings.

Therefore, the Federal government is committed to designing, locating, constructing, maintaining, and operating its facilities in an energy efficient and sustainable manner that strives to achieve a balance that will realize high standards of living, wider sharing of life's amenities, maximum attainable reuse and recycling of depletable resources, in an economically viable manner, consistent with Department and Agency missions. In doing so and where appropriate, we encourage the use of life cycle concepts, consensus-based standards, and performance measurement and verification methods that utilize good science, and lead to sustainable buildings.

GOALS AND OBJECTIVES OF THIS MOU: Consistent with and in addition to Federal policy, statutes, executive orders and supplemental agency policies and guidance, the Parties to this MOU collaboratively seek to establish and follow a common set of sustainable Guiding Principles (attached) for integrated design, energy performance, water conservation, indoor environmental quality, and materials aimed at helping Federal agencies and organizations:

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- Reduce the total ownership cost of facilities;
-- Improve energy efficiency and water conservation;
-- Provide safe, healthy, and productive built environments; and,
-- Promote sustainable environmental stewardship.

OTHER LAWS AND MATTERS: This MOU is for internal management purposes of the Parties involved. It is not legally enforceable and shall not be construed to create any legal obligation on the part of any of the signatories. This MOU shall not be construed to provide a private right or cause of action for or by any person or entity. This MOU in no way restricts the

Parties from participating in any activity with other public or private agencies, organizations or individuals.

The Parties mutually recognize and acknowledge that MOU implementation will be subject to financial, technical, and other mission-related considerations. It is not intended to create any rights, benefits, or trust responsibilities, either substantive or procedural, nor is it enforceable in law by a party against the US, its agencies, its officers, or any other person.

Collaboration under this MOU will be in accordance with applicable statutes and regulations governing the respective Parties. Nothing in this MOU is intended to affect existing obligations or other agreements of the Parties.

EFFECTIVE PERIOD: This MOU will become effective upon signature. It shall remain in effect unless otherwise modified or terminated. Any Party may withdraw upon 30 days written notification to the others.

MODIFICATIONS: This MOU can be modified through mutual written agreement among the Parties.

ADMINISTRATION: Agencies will strive to incorporate and adopt, as appropriate and practical, the attached *Guiding Principles* into existing agency policy and guidance within 180 days of signature. To assist with this effort, the Interagency Sustainability Working Group (ISWG) will provide technical guidance and updates for the *Guiding Principles*.

The Office of the Federal Enviromental Executive will work with the ISWG and Federal Green Building Council to develop methods of reporting on progress towards this MOU in a manner that is least burdensome to the agencies. This may include incorporating reporting into existing mechanisms, such as executive order reports; but in any case with a goal of avoiding a separate reporting process.

GUIDING PRINCIPLES
FOR
FEDERAL LEADERSHIP IN HIGH PERFORMANCE AND SUSTAINABLE BUILDINGS

I. Employ Integrated Design Principles

Integrated Design. Use a collaborative, integrated planning and design process that

> Initiates and maintains an integrated project team in all stages of a project's planning and delivery;
> Establishes performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals; and, ensures incorporation of these goals throughout the design and lifecycle of the building; and,
> Considers all stages of the building's lifecycle, including deconstruction.

Commissioning. Employ total building commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include a designated commissioning authority, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

II. Optimize Energy Performance

Energy Efficiency. Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the Energy Star® targets for new construction and major renovation where applicable. For new construction, reduce the energy cost budget by 30 percent compared to the baseline building performance rating per the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., (ASHRAE) and the Illuminating Engineering Society of North America (IESNA) Standard 90.1-2004, Energy Standard for Buildings Except Low-Rise Residential. For major renovations, reduce the energy cost budget by 20 percent below pre-renovations 2003 baseline.

Measurement and Verification. In accordance with DOE guidelines issued under section 103 of the Energy Policy Act of 2005 (EPAct), install building level utility meters in new major construction and renovation projects to track and continuously optimize performance. Compare actual performance data from the first year of operation with the energy design target. After one year of occupancy, measure all new major installations using the Energy Star® Benchmarking Tool for building and space types covered by Energy Star®. Enter data and lessons learned from sustainable buildings into the High Performance Buildings Database. (www.eere.energy.gov/femp/highperformance/index.cfm)

III. Protect and Conserve Water

Indoor Water. Employ strategies that in aggregate use a minimum of 20 percent less potable water than the indoor water use baseline calculated for the building, after meeting the Energy Policy Act of 1992 fixture performance requirements.

Outdoor Water. Use water efficient landscape and irrigation strategies, including water reuse and recycling, to reduce outdoor potable water consumption by a minimum of 50 percent over that consumed by conventional means (plant species and plant densities). Employ design and construction strategies that reduce storm water runoff and polluted site water runoff.

IV. Enhance Indoor Environmental Quality

Ventilation and Thermal Comfort. Meet the current ASHRAE Standard 55-2004, Thermal Environmental Conditions for Human Occupancy, including continuous humidity control within established ranges per climate zone, and ASHRAE Standard 62.1-2004, Ventilation for Acceptable Indoor Air Quality.

Moisture Control. Establish and implement a moisture control strategy for controlling moisture flows and condensation to prevent building damage and mold contamination.

Daylighting. Achieve a minimum of daylight factor of 2 percent (excluding all direct sunlight penetration) in 75 percent of all space occupied for critical visual tasks. Provide automatic dimming controls or accessible manual lighting controls, and appropriate glare control.

Low-Emitting Materials. Specify materials and products with low pollutant emissions, including adhesives, sealants, paints, carpet systems, and furnishings.

Protect Indoor Air Quality during Construction. Follow the recommended approach of the Sheet Metal and Air Conditioning Contractor's National Association Indoor Air Quality Guidelines for Occupied Buildings under Construction, 1995. After construction and prior to occupancy, conduct a minimum 72-hour flush-out with maximum outdoor air consistent with achieving relative humidity no greater than 60 percent. After occupancy, continue flush-out as necessary to minimize exposure to contaminants from new building materials.

V. Reduce Environmental Impact of Materials

Recycled Content. For EPA-designated products, use products meeting or exceeding EPA's recycled content recommendations. For other products, use materials with recycled content such that the sum of post-consumer recycled content plus one-half of the pre-consumer content constitutes at least 10% (based on cost) of the total value of the materials in the project.

Biobased Content. For USDA-designated products, use products meeting or exceeding USDA's biobased content recommendations. For other products, use biobased products made from rapidly renewable resources and certified sustainable wood products.

Construction Waste. During a project's planning stage, identify local recycling and salvage operations that could process site related waste. Program the design to recycle or salvage at least 50 percent construction, demolition and land clearing waste, excluding soil, where markets or on-site recycling opportunities exist.

Ozone Depleting Compounds. Eliminate the use of ozone depleting compounds during and after construction where alternative environmentally preferable products are available, consistent with either the Montreal Protocol and Title VI of the Clean Air Act Amendments of 1990, or equivalent overall air quality benefits that take into account life cycle impacts.

SIGNATORIES

The undersigned individuals hereby execute this MOU on behalf of their respective agencies. The Parties envision that other Federal agencies may wish to join this MOU. The Parties encourage all Federal agencies that support the MOU goals and objectives to do so by signing the MOU and applying the *Guiding Principles*.

_____ _____

Philip W. Grone Date
Deputy Under Secretary of Defense for Installations and Environment
Department of Defense

_____ _____

Douglas L. Faulkner Date
Acting Assistant Secretary for Energy Efficiency and Renewable Energy
Department of Energy

_____ _____

David L. Winstead Date
Commissioner, Public Buildings Service
General Services Administration

_____ _____

Robert J. Henke Date
Assistant Secretary for Management
Office of Management
Department of Veterans Affairs

_____ _____

P. Lynn Scarlett Date
Deputy Secretary
Department of the Interior

_____ _____

Ronald L. Deacon Date
Director, Facilities and Administrative Services
Department of Justice

_____ _____

Thomas C. Dorr Date
Under Secretary for Rural Development
Department of Agriculture

_____ _____

Olga M. Dominguez Date
Deputy Assistant Administrator for Infrastructure
and Administration
National Aeronautics and Space Administration

_____ _____

Donald Bathurst Date
Chief Administrative Services Officer
Department of Homeland Security

_____ _____

William C. Stamper Date
Deputy Assistant Secretary
Office for Facilities Management & Policy
Department of Health and Human Services

_____ _____

Linda J. Washington Date
Deputy Assistant Secretary for Administration,
Department of Transportation

_____ _____

John E. Long, Jr. Date
Executive Vice President, Administrative Services
Tennessee Valley Authority

_____ _____

Luis A. Luna Date
Assistant Administrator
Administration And Resources Management
Environmental Protection Agency

_____ _____

Henrietta H. Fore Date
Under Secretary of State for Management
Department of State

_____ _____

General Charles E. Williams Date
Director/COO
Overseas Buildings Operations
Department of State

_____ _____

Frank J. Coulter, Jr. Date
Deputy Assistant Secretary
Representing the Agency Environmental Executive
Department of State

_____ _____

Keith Nelson Date
Assistant Secretary of Administration
Department of Housing and Urban Development

_____ _____

Ronald C. Flom Date
Associate Director, Management Services Division
Office of Personnel Management

_____ _____

Bryan Hannegan Date
Chief of Staff,
Council on Environmental Quality
Executive Office of the President

EXHIBIT 3

GREEN BUILDINGS MATRIX

Municipality	Green Municipal Buildings	Green Building Requirements or Guidelines	Private Development Requirements	Incentive Programs	Links
Acton, Maine	No	No	Yes, density bonus for LEED certification	No	doc.acton-ma.gov/dsweb/Get/Document-8222/Town+of+Acton+Zoning+Bylaw+2004.pdf See Section 5.5B.2.2.d
Alameda County, California	Yes	No	N/A	N/A	www.co.alameda.ca.us/admin/admincode/
Arlington County, Virginia	No	Yes, for site plan projects	Yes, density bonus	Voluntary green single-family home program, priority plan review	www.co.arlington.va.us/Departments/EnvironmentalServices/epo/EnvironmentalServicesEpoGreenBuildings.aspx?lnsLinkID=1075
Arlington, Massachusetts	Yes, LEED Silver certification requirement	No	No	No	www.town.arlington.ma.us/Public_Documents/ArlingtonMA_TownBylaws/title1#article16 See Article 15 (construction projects), Section 4 (LEED)
Atlanta, Georgia	Yes, city-funded buildings over 5,000 square feet must meet LEED Silver rating	No	No	N/A	www.atlantaga.gov/client_resources/forms/energy%20conservation/adopted%20ordinance.pdf
Austin, Texas	Yes, the city has developed three-volume set of sustainable development guidelines for municipal facilities	Yes, all new developments in the central business district achieve at least a rating of "one star" under the Austin Green Building Program	Yes, rebate programs, seminars, technical assistance	Austin has developed separate rating systems for commercial, multi-family, municipal, and single-family developments	www.ci.austin.tx.us/greenbuilder/
Battery Park Authority, New York	No	Green building guidelines may be required in RFPs	No	Residential, commercial, institutional green building guidelines	www.batteryparkcity.org/Working/green-guidelines.htm
Berkeley, California	Yes	No	Yes, resource center, demonstration projects	N/A	www.ci.berkeley.ca.us/sustainabledevelopment/greenbuilding/
Boston, Massachusetts	No	No	Yes, green building feasibility study grants, green building task force	N/A	www.cityofboston.gov/bra/gbtf/gbtfhome.asp
Boulder, Colorado	Yes	No	N/A	New residential construction, interior remodeling, and residential building additions that are over 500 square feet are required to comply with the city's green points program	www.ci.boulder.co.us/environmentalaffairs/green_points/
Bowie, Maryland	Yes, low-impact development, waste management, and conservation landscaping requirements for municipal buildings	No	No	N/A	www.cityofbowie.org/green/legislation/bowie_legislation.htm
Calabasas, California	Yes	Yes, non-residential structures over 500 square feet up to 5,000 square feet must meet LEED certified level. Non-residential structures over 5,000 square feet must meet LEED Silver level	No	N/A	www.cityofcalabasas.com/pdf/green-building-ordinance.pdf
Chicago, Illinois	Yes, the City of Chicago has adopted The Chicago Standard to guide the design, construction, renovation, operation, and maintenance of municipal facilities based on LEED	Yes, for planned unit developments and lakefront protection ordinance developments	Yes	Green bungalow initiative, center for green technology, rooftop garden demonstration project	egov.cityofchicago.org/
Corvallis, Oregon	N/A	Yes, in the professional and administrative office district	No	No	www.ci.corvallis.or.us/downloads/cd/ldc3-11.pdf
Eugene, Oregon	Yes	N/A	N/A	N/A	www.ci.eugene.or.us/PDD/BPS/ecobuild/index.htm
Frisco, Texas	Yes	Yes, mandates the EPA "Energy Star" standards for residential development	No	Feasibility study of a mandatory commercial green building program, drought-tolerant landscaping initiative	www.friscotexas.gov/planning_dev/greenbuilding/
Hailey, Idaho	No	No	Yes, density bonus for renewable energy sources	No	www.haileycityhall.org/p_z/ordinance/zoning_ord/Article_10_Planned_Unit_Developments.pdf
Issaquah, Washington	N/A	N/A	Water utility rebates, energy rebates, free technical assistance, preferential building permit review	N/A	www.ci.issaquah.wa.us/Page.asp?NavID=325

(Continued)

GREEN BUILDINGS MATRIX *(continued)*

Municipality	Green Municipal Buildings	Green Building Requirements or Guidelines	Private Development Requirements	Incentive Programs	Links
Kansas City, Missouri	Yes	No	No	N/A	cityclerk.kcmo.org/ordinancesearch.aspx Search for ordinance number 041222
King County, Washington	Yes, all county projects must be LEED certified	N/A	N/A	Adopted a LEED supplement for King County	www.metrokc.gov/dnrp/swd/greenbuilding/index.asp
Long Beach, California	Yes	No	No	N/A	www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=7226 www.longbeach.gov/plan/pb/apd/green_building.asp
Los Angeles, California	Yes	No	No	N/A	cityclerk.lacity.org/CFI/ Search for council file number 02-0182
Minneapolis, Minnesota	No	No	Yes, density bonus for energy efficiency	No	www.municode.com/ Search for State of Minnesota, City of Minneapolis Code of Ordinances, Title 20 – Zoning, Chapter 549 – Downtown Districts, Article II – Floor Area Premiums, Section 549.220(12) – Energy Efficiency
Montgomery County, Maryland	The Montgomery County green schools program encourages efficient and responsible energy use in Montgomery County public schools	N/A	N/A	N/A	www.greenschoolsfocus.org/
New York, New York	No, pilot program to implement sustainable features on selected Department of Design and Construction projects	No	No	Published high-performance guidelines	www.nyc.gov/html/ddc/html/ddcgreen/home.html
Pleasanton, California	All new construction projects must meet LEED-certified rating. Formal LEED certification is not required	Yes, for commercial development	No	No	www.ci.pleasanton.ca.us/pdf/greenbldg.pdf
Portland, Oregon	Yes, also adopted a Portland LEED standard for municipal developments	N/A	Yes, density bonus for green roofs	N/A	www.green-rated.org/uploaded_files/01_jan_gb_policy.pdf
San Diego, California	Yes	N/A	N/A	N/A	genesis.sannet.gov/infospc/templates/esd/commercial_programs.jsp
San Francisco, California	Yes	No	No	N/A	www.sfgov.org
San Jose, California	Yes	No	No	N/A	www.sanjoseca.gov/esd/natural-energy-resources/greenbuilding.htm
San Mateo County, California	Yes, applies to new construction and additions to existing county buildings and facilities over 5,000 square feet	No	No	Published online sustainable building guide	www.recycleworks.org/greenbuilding/sus_building_policy.html
Santa Barbara County, California	No	No	Design incentives for energy-efficient building design	Established an innovative building design review committee to advise builders on energy-efficient design. Incentives for energy-efficient building design	www.silcom.com/~sbcplan/ibdrc.html
Santa Monica, California	N/A	Yes	N/A	Construction and material recycling waste ordinance. Green building design and construction guidelines	greenbuildings.santa-monica.org/
Scottsdale, Arizona	New city-occupied buildings must be built to LEED Gold level	N/A	N/A	Incentives, expedited plans, checklist	www.scottsdaleaz.gov/greenbuilding/
Seattle, Washington	Yes	No	No	Contributed to preparation of the Northwest Regional Sustainable Building Action Plan. Prepared facility standards for design, construction, and operations, which includes green building elements	www.cityofseattle.net/sustainablebuilding/SBpolicy.htm
Suffolk County, New York	LEED pilot program for municipal buildings from the 2005-2007 capital improvement program	No	No	No	www.co.suffolk.ny.us/legis/resos2004/i1754-04.htm
Wenatchee, Washington	No	No	Yes, density bonus for environmental design	No	www.cityofwenatchee.com/acrofiles/3070%20effective%2010-10-04.pdf Density bonus section, page 39

Source: This list is partially based on Peter Templeton's "LEED Users Summary Government Sector." (Washington D.C.: U.S. Green Building Council, 2004).