

CONCURRENCE IN SENATE AMENDMENTS

AB 341 (Dickinson and Gordon)

As Amended June 19, 2013

Majority vote

ASSEMBLY: 76-1 (May 28, 2013) SENATE: 38-0 (August 26, 2013)

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Original Committee Reference: NAT. RES.

SUMMARY: Requires the Building Standards Commission (BSC) to integrate the existing Green Building Code (CalGreen) into the appropriate sections of the California Building Code (Title 24 of the California Code of Regulations).

The Senate amendments revise the requirements relating to expenditure of the building permit fees to:

- 1) Eliminate the requirements that BSC perform an analysis of existing green building standards.
- 2) Eliminate the requirement that BSC develop verification "protocols" relating to green building standards and instead require verification "guidelines".
- 3) Make related technical changes.

EXISTING LAW:

- 1) Authorizes BSC to adopt green building standards where no other state agency has the authority or expertise to do so.
- 2) Identifies state entities with authority to develop building standards for specified residencies:
  - a) Department of Housing and Community Development (HCD) develops standards for residential construction;
  - b) State Architect develops standards for public school construction;
  - c) Office of Statewide Health Planning and Development develops standards for hospitals and health clinics; and,
  - d) Office of the State Fire Marshal develops standards relating to fire and panic safety.
- 3) Requires BSC to consult with specified entities when developing green building standards, including the California Environmental Protection Agency, the Department of Resources Recycling and Recovery, the State Air Resources Board, the Department of Toxic Substances Control, the Department of Public Health, and the Department of Transportation.
- 4) Authorizes a city or county to make changes or modifications to the requirements contained in the provisions published by BSC for approval and adoption.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill has one-time costs of about \$130,000 per year for one to two years to develop regulations and expand training information by the Building Standards Commission (Building Standard Administration Special Revolving Fund).

COMMENTS: Green building refers to the design and construction of buildings in a manner that is environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.

Background on CalGreen. In 2003, the Legislature began a push toward more efficient buildings. While the early bills (AB 653 (Núñez), AB 2924 (Wiggins), and SB 1851 (Bowen)) were not chaptered, they prompted the state to take a leadership role in advancing more sustainable building. In 2004, Executive Order S-20-04 created the Green Action Team to establish efficiency measures for state-owned buildings, with the goal of reducing energy use 20% by 2015. In 2005, Executive Order S-03-05 established the Climate Action Team to begin an overall reduction of greenhouse gas (GHG) emissions in California. In 2006, AB 32, the California Global Warming Solutions Act, required statewide reductions of GHG emissions to 1990 levels by 2020. In 2008, SB 1473 (Calderon), Chapter 719, established a funding source for BSC to fund the development of building standards, with a priority for standards associated with green buildings. In 2010, BSC, with the assistance of other state agencies with the authority to develop building standards, adopted CalGreen.

CalGreen was adopted as a new part within Title 24 (Part 11) and established new requirements relating to planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and, environmental quality. The standards are separated into "tiers" that include minimal mandatory standards and voluntary standards separated into Tier 1 and Tier 2 (Tier 2 indicating the higher level of green measures). Local authorities may opt to make the tiered standards mandatory within that jurisdiction.

This bill. According to the author, the adoption of CalGreen as a separate part within Title 24 has caused some confusion and challenges for architects, designers, builders, and local building departments. Particular trades and inspectors may only review the part of Title 24 relevant to their trade and may be unaware of the related portions of CalGreen. This bill requires BSC to integrate CalGreen into the appropriate parts of Title 24, making a "uniform building code that is green throughout." This bill is intended to establish a clear process for transitioning voluntary measures into mandatory requirements in the future.

Currently, BSC and HCD publish CalGreen "guides" to help local officials and the building industry comply with the standards. BSC also provides training throughout the state relating to various building standards, including CalGreen. According to the author, these activities are not comprehensive enough for local implementation, particularly as they relate to the CalGreen Tiers. The bill requires verification guidelines to ensure more technical resources for CalGreen implementation.

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