



Green Building Policy for IGCC Coalition Partners

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Green Building Policy for IGCC Coalition Partners

As the IGCC, and its ASHRAE Standard 189.1 option, comes into focus as a baseline for regulating sustainable construction, it is important for the code's coalition of sponsors to be effective in making the case for why success is maximized where both the IGCC and beyond-code rating systems are employed to their best advantage. It is important that this argument address both the large number of jurisdictions embarking on sustainability planning, and those jurisdictions who are well on their way with repurposed or original language serving as local guidelines preceding the advent of the IGCC.

Simply put, a green building code and a beyond-code green building rating system provide the best-case scenario of **push-and-pull** market-driving tools. The **push-and-pull** phrase works as an immediately understandable descriptor of the relationship between the IGCC and beyond-code systems, and also describes the value of the dynamic between the two tools.

Beyond-code rating systems and programs are designed to stimulate the leading edge of the construction markets, and their regular, continuous improvement is targeted to keep them out ahead of mainstream construction practice. That means that most new buildings may remain untouched by the positive benefits that building green provides without stronger, more comprehensive codes. But without beyond-code rating systems, these codes may be seen as the best we can possibly do, rather than the most we can reasonably expect for all buildings.

It is incumbent upon the IGCC coalition to assure that any jurisdiction engaged in sustainability planning does consider the universe of available green building policy options. This approach will assist in efforts to further the policy innovations that have become a hallmark of the green building movement.

Our job is to make sure jurisdictions know that they now have a robust set of tools for the job. How these tools are used provides a myriad of scenarios. Unlike classic code adoption, where the goal is to minimize amendments to the model language and promote wholesale adoption, the IGCC is purposely designed as an "adaptable tool" that may become law in its entirety. However, it is equally useable as the basis for a more limited scope, ranging from certain sets of buildings or a decision to make only some sections mandatory. Further, because it is written in language to

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integrate with and build upon existing I-Codes, some jurisdictions may choose to imbed IGCC provisions within their existing codes. We hope and expect that codes and standards like the IGCC and ASHRAE 189.1 will continue to host ideas and practices that have been road-tested in beyond-code rating systems and programs. In the process, we also expect both the IGCC and ASHRAE 189.1 to learn from one another. Once the market and policy makers become more familiar with the broad application of green building requirements as set forth in green building codes and standards, we can certainly expect the conveyor belt of green building practices in enforceable, normative language to continue, feeding from beyond-code rating systems to green building codes and from green building codes into the base codes.

It is important to note that, when a jurisdiction selects the 189.1 option in Table 302.1 of the IGCC, it is intended to be an either/or option: either the entire IGCC, or 189.1 and only the administrative chapter of the IGCC, is enforceable, not both.

This scenario was implemented because, although the IGCC and 189.1 are similar in scope, their approaches intrinsically differ in many ways, and administering two different sets of requirements for green building might place a significant burden on building departments, that could significantly inhibit adoption. Also note that, while the IGCC and 189.1 are intended to be administered using code officials as third party verifiers, beyond-code rating systems streamline administration through a distinct third party verification system.

For now, there are a variety of approaches that adopting jurisdictions could take. What follows are examples on a sliding scale, ranging from the preferred “adopt the IGCC (with or without ASHRAE 189.1) as a *mandatory code for all buildings*, requiring additional leadership by public sector buildings and establishing incentives for beyond-code options” to more modest approaches. The below scenarios should be seen as a sliding scale from the ideal green building policy adopting jurisdictions to the tentative observers. Most jurisdictions will probably fall somewhere in between. It is desirable that any advocate within the IGCC coalition will be capable of facilitating discussions with jurisdictions using the following framework as a reference tool.

Please keep up to date with developments on the IGCC and the coalition’s efforts to promote its adoption on the ICC’s website at www.iccsafe.org/igcc.

The Ask (in a nutshell)

STATE GOVERNMENTS:

- A) Best-case scenario (usually where the state is already committed to green building policy)
- Statewide Adoption of the IGCC as Mandatory, with or without the 189.1 jurisdictional option (and the most up-to-date International Codes)
 - Leadership by Example Policy for State-Owned and State-Funded Buildings (including schools, hospitals and affordable housing)
 - Incentives for Beyond-Code Leadership (grant programs, financing for energy efficiency retrofits, etc.)
- B) If not A, then at the very least, B (probably in a state that has few or no policies adopting or promoting green building)
- State Enabling Legislation for Local Adoption of the IGCC, with or without the 189.1 jurisdictional option
 - Leadership by Example Policy for Certain State-Owned or -Funded Buildings (only for 50,000 sq. ft or above; only for schools; only for capitol complex as demonstration, etc.)
 - State Enabling Legislation for Locally Administered Incentives (PACE, tax incentives, density bonuses, priority permitting)

LOCAL GOVERNMENTS:

- A) Best-case scenario (usually where the locality already has green building policy on the books)
- Local Adoption of the IGCC as Mandatory, with or without the 189.1 jurisdictional option (and the most up-to-date International Codes)
 - Leadership by Example Policy for Municipally- or County-Owned and for Municipally- or County-Funded Buildings (including schools, hospitals and affordable housing)
 - Incentives for Local Beyond-Code Leadership (Innovative financing, tax incentives, density bonuses, priority permitting)
- B) If not A, then at the very least, B (probably in a locality that has few or no policies adopting or promoting green building)
- Leadership by Example Policy for Certain Municipally-Owned or -Funded Buildings (only for 50,000 sq. ft or above; only for schools; only for flagship buildings as demonstration, etc.)
 - Encouraging Green Building (by promoting IGCC, with or without the 189.1 jurisdictional option, and LEED for consideration)

Green Building Policy for IGCC Coalition Partners (continued)

FOR STATE GOVERNMENT ADVOCACY

Statewide Adoption of the IGCC as Mandatory, with or without the 189.1 jurisdictional option

When assisting a state with its interest to incorporate the IGCC (with or without the 189.1 jurisdictional option of the IGCC) into the statewide base codes, it's important to explain that this code is an overlay to the existing set of I-Codes, and that IGCC adoption neither replaces nor automatically updates other I-Codes. A common question that comes up is whether this adoption of the green building code takes away from beyond-code green building rating systems like LEED. As is detailed in USGBC's white paper, [Greening the Codes](#), beyond code rating systems like LEED play an important, distinct and complementary role to that of codes and green building codes. It's a push and pull – a push from the codes and a pull from beyond-code programs. Buildings conforming to any beyond-code rating system or program are always required to meet the minimum requirements of any code in a jurisdiction, and adoption of these rating systems for state-owned or state-funded buildings, enabling legislation, incentives or other policies that may facilitate the use of complementary beyond-code rating systems is a best-case scenario.

Legislative language for statewide adoption of the IGCC

The *International Green Construction Code*™ (IGCC™) is hereby adopted by reference with the following jurisdictional options:

Indicate all provisions intended to be enforced in the jurisdiction from the list provided in IGCC Table 302.1, including whether ANSI/ASHRAE/USGBC/IES Standard 189.1, the Standard for High Performance Green Buildings except Low-Rise Residential Buildings is to be enforced (which would completely replace the remaining portion of IGCC Chapter 3 and all remaining portions of the IGCC).

This code shall be applicable to new and existing construction as provided in the IGCC.

Leadership by Example Policy for State-Owned and State-Funded Buildings

As of January, 2011, 24 state governments have adopted the LEED® Green Building Rating System™ for use on state-owned, public buildings of a certain size or type – usually 5,000 sq. ft or above. These policies have been enacted by both legislation (16) and by Executive Order (15) – many of which have taken both paths. These commitments to sustainable building practices are tantamount to a responsible stewardship of public dollars by electing to benchmark the performance of their public buildings with LEED. Beyond the reduced impact on the environment and on the health of its occupants and visitors, public buildings that

boast a LEED label are highly-visible symbols that teach the community that green buildings: are achievable, create jobs, save energy, water and money, and build local expertise in green-building related practices and trades. Of course, any beyond-code rating system or program is always required to meet the minimum requirements of any code in a jurisdiction, and statewide adoption of the IGCC as mandatory for all covered buildings is an ideal complement to such a policy.

NOTE: In states where statewide adoption of the IGCC is not legally feasible, these government-owned and -funded buildings will be built to local codes and standards, in which case the state should consider promoting the adoption of the IGCC as an addition to local codes and standards.

NOTE: In states where statewide adoption of the IGCC is not legally feasible or desired, but the IGCC is considered for public buildings, consider the implications of a state government electing to build its buildings to two higher-than-current-code standards: both to the IGCC and to a beyond-code rating system like LEED. In the end, it should not be a choice between green building codes or green building rating systems, but for policies addressing government-owned and government-funded buildings there is a long history of experience pointing to how the adoption and use of LEED begets an interest and desire for more green building in the state – ultimately paving the way for mandatory adoption of the IGCC by the state or by local jurisdictions.

NOTE: Where a leadership by example policy may need to be dialed back for a less progressive state, increasing the square footage threshold for covered buildings, decreasing the targeted LEED level, or reducing the building types covered are common pathways. Schools and affordable housing should remain part of the requirement to ensure that the benefits of healthy and resource efficient buildings reach the populations that need it most.

Legislative Language for Leadership by Example Policy for State-Owned and State-Funded Buildings

Construction projects for all new publicly-owned or publicly-funded buildings of 5,000 sq ft or greater – including schools, hospitals, and low-income housing – shall achieve certification at no less than a LEED [Indicate Certified, Silver, Gold or Platinum – though Silver is most common in 16 of the 24 states] level under the U.S. Green Building Council's [2009, current] 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. The [Department / Agency] shall also consider the long-term operational efficiencies that may be realized by the application of the LEED for Existing Buildings: Operations & Maintenance Green Building Rating

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System (LEED EB: O&M). A LEED EB: O&M checklist shall be used for all covered projects, and ten per cent of all covered projects shall achieve LEED EB: O&M certification at no less than a LEED [Certified, Silver, Gold, Platinum – though Silver is most common in 16 of the 24 states] level under the U.S. Green Building Council's [2009, current] 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.

Incentives for Beyond-Code Leadership and Voluntary Green Building Programs

Establishing incentives (like grants, revolving loan funds or tax incentives) for the application of beyond-code green building rating systems like LEED, and/or compliance with an increased number of project electives beyond the minimum set in the IGCC, demonstrates a clear commitment to lowering real or perceived barriers to building green by giving value to the multiple co-benefits that green buildings provide through prioritization of resources or monetary support. States should consider supporting green building practices by incentives that are within their jurisdiction to reward projects that are willing to take steps beyond code minimums. Fostering a statewide interest in green building is a precursor for embracing code and regulatory improvements – where the IGCC is well positioned for adoption as mandatory for all buildings in the state. In states where the IGCC is already adopted, these incentives play a particularly important role to help reinforce the distinct and complementary role of green building rating systems to green building codes. A particular emphasis should be placed on the greening of existing buildings.

Legislative Language for Incentives for Beyond-Code Leadership

[For a full list of green building incentive policy options – including links to policy examples and legislative language – see USGBC's list of [Green Building Incentive Strategies](#). Contact ICC directly for guidance related to the incorporation of IGCC project electives in these [strategies](#).]

State Enabling Legislation for Local Adoption

In states where statewide adoption of the IGCC is not desirable (or not legal), enabling legislation may be required to permit local governments to build this added set of safeguards into their codes. This legislation can also play an important role in setting the tone for building green within the state. In this fashion, it is important to continue to work with local lawmakers to reinforce the message of the important, distinct and complementary roles of beyond-code green building rating systems and green building codes.

Legislative Language for State Enabling Legislation for Local Adoption

In order to facilitate construction that incorporates responsible elements of sustainable design for healthy and efficient building in [name of state], a county or city may elect to adopt a building code that exceeds the statewide minimum, allowing committed and capable local governments to build better buildings and reap their many rewards.

Note: The approach to enabling legislation that provides variances for local government to exceed state minimums will vary from state to state, and also amongst Dillon's Rule and Home Rule states.

State Enabling Legislation for Locally Administered Incentives

In states where state-administered incentives are not workable, enabling legislation may be required to permit local governments to encourage green building activity in their jurisdictions. Establishing incentives for the use of beyond-code rating systems like LEED on a *voluntary* basis may foster demand for jurisdiction-wide adoption of the IGCC on a *mandatory* basis and demonstrates a clear commitment to lowering real or perceived barriers to building green by giving value to the multiple co-benefits that green buildings provide through prioritization of resources or monetary support. Jurisdictions should consider supporting green building practices by providing structural, financial or other incentives for commercial building projects that are willing to take steps beyond code minimums – especially in jurisdictions where the IGCC is already adopted, thus helping to reinforce their distinct and complementary roles.

NOTE: Unlike financial incentives or other types of incentives that require resource allocation, structural incentives (like priority permitting and density bonuses for projects pursuing LEED certification and/or a higher number of project electives beyond the minimum set in the IGCC) do not cost the jurisdiction any money, but can reap big rewards to project owners and developers.

Legislative Language for State Enabling Legislation for Locally Administered Incentives

In order to facilitate construction that incorporates responsible elements of sustainable design for healthy and efficient building in [name of state], a county or city may [insert allowance for incentive here].

Note: For a full list of green building incentive policy options – including links to policy examples and legislative language – see USGBC's list of [Green Building Incentive Strategies](#). Contact ICC directly for guidance related to the incorporation of IGCC project electives in these [strategies](#).

Green Building Policy for IGCC Coalition Partners (continued)

FOR LOCAL GOVERNMENT ADVOCACY

Local Adoption of the IGCC as Mandatory, with or without the 189.1 jurisdictional option.

When assisting a local government with their interest to incorporate the IGCC (with or without the 189.1 jurisdictional option) into the base codes of that jurisdiction, it's important to explain that the IGCC is an overlay to the existing set of I-Codes, and that IGCC adoption neither replaces, nor automatically updates other I-Codes. A common question that comes up is whether this adoption of the green building code takes away from beyond-code green building rating systems like LEED. As is detailed in USGBC's white paper, [Greening the Codes](#), beyond code rating systems like LEED play an important, distinct and complementary role to that of codes and green building codes. It's a push and pull – a push from the codes and a pull from beyond-code programs. Buildings conforming to any beyond-code rating system or program are always required to meet the minimum requirements of any code in a jurisdiction, and policies that facilitate the use of complementary beyond-code rating systems is a best-case scenario.

Legislative language for local adoption of the IGCC

The *International Green Construction Code*™ (IGCC™) is hereby adopted by reference with the following jurisdictional options:

Indicate all provisions intended to be enforced in the jurisdiction from the list provided in IGCC Table 302.1, including whether ANSI/ASHRAE/USGBC/IES Standard 189.1, the Standard for High Performance Green Buildings except Low-Rise Residential Buildings is to be enforced (which would completely replace the remaining portion of IGCC Chapter 3 and all remaining portions of the IGCC).

This code shall be applicable to new and existing construction as provided in the IGCC.

Leadership by Example Policy for Municipally- or County-Owned and Municipally- or County-Funded Buildings

As of June, 2010, more than 130 local governments have adopted the LEED® Green Building Rating System™ for use on government-owned, public buildings of a certain size or type – usually 5,000 sq. ft or above. These commitments to sustainable building practices are tantamount to a responsible stewardship of public dollars by electing to benchmark the performance of their public buildings with LEED. Beyond the reduced impact on the environment and on the health of building occupants and visitors, public buildings that boast a LEED label are highly-visible symbols that teach the community that green buildings: are achievable, create jobs, save energy, water and money, and build local expertise in green-building-related practices and trades. Of course, any beyond-code rating system or program is always required to

meet the minimum requirements of any code in a jurisdiction, and jurisdiction-wide adoption of the IGCC as mandatory for all covered buildings is an ideal complement to such a policy.

NOTE: In localities where jurisdiction-wide adoption of the IGCC is not feasible, but the IGCC is considered for public buildings, consider the implications of a local government electing to build its buildings to two higher-than-current-code standards: both to the IGCC and to a beyond-code rating system like LEED. In the end, it should not be a choice between green building codes or green building rating systems, but for policies addressing government-owned and government-funded buildings there is a long history of experience pointing to how the adoption and use of LEED begets an interest and desire for more green building in the community – ultimately paving the way for mandatory adoption of green building codes like the IGCC.

NOTE: Where a leadership by example policy may need to be dialed back for a less progressive jurisdiction, increasing the square footage threshold for covered buildings, decreasing the targeted LEED level, or reducing the building types covered are common pathways. Schools and affordable housing, however, should remain part of a mandatory green initiative to ensure that the benefits of healthy and resource efficient buildings reach the populations that need it most.

Legislative Language for Leadership by Example Policy for Municipally- or County-Owned and Municipally- or County-Funded Buildings

Construction projects for all new publicly-owned or publicly-funded buildings of 5,000 sq ft or greater – including schools, hospitals, and low-income housing – shall achieve certification at no less than a LEED [Indicate Certified, Silver, Gold or Platinum – though Silver is most common in most localities] level under the U.S. Green Building Council's [2009, current] 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. The [Department / Commission] shall also consider the long-term operational efficiencies that may be realized by the application of the LEED for Existing Buildings: Operations & Maintenance Green Building Rating System (LEED EB: O&M). A LEED EB: O&M checklist shall be used for all covered projects, and ten percent of all covered projects shall achieve LEED EB: O&M certification at no less than a LEED [Indicate Certified, Silver, Gold or Platinum] level under the U.S. Green Building Council's [2009, current] 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.

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Incentives for Local Beyond-Code Leadership

Establishing incentives for green building demonstrates a clear commitment to lowering real or perceived barriers to building green by giving value to the multiple co-benefits that green buildings provide through prioritization of resources or monetary support, and may be essential to ensure the success of voluntary programs and adoptions. Jurisdictions should consider supporting green building practices by providing structural, financial or other incentives for building projects that are willing to take steps beyond code minimums. Fostering a community-wide interest in green building is a precursor for embracing code and regulatory improvements – where the IGCC is well positioned for adoption as mandatory for all buildings in the jurisdiction. In localities where the IGCC is already adopted, these incentives play a particularly important role to help reinforce the distinct and complementary role of green building rating systems to green building codes. A particular emphasis should be placed on the greening of existing buildings.

Legislative Language for Incentives for Local Beyond-Code Leadership

[For a full list of green building incentive policy options – including links to policy examples and legislative language – see USGBC’s list of [Green Building Incentive Strategies](#), focusing, in particular on the greening of existing buildings. Contact ICC directly for guidance related to the incorporation of IGCC project electives in these [strategies](#).]

Encouraging Green Building

Some jurisdictions just need to figure it out for themselves.

The objective is to encourage jurisdictions to endorse the benefits of green building and encourage green building practices. A jurisdiction may commission a task force or study to analyze how codes and rating systems might be used.

Another option is to commit to a demonstration project that specifically uses the IGCC and LEED.

Local ordinances that highlight the merits of looking to available green building tools like the IGCC, 189.1, LEED or others are not insignificant as they officially start a dialogue in a jurisdiction that may not have otherwise had it. Establishing a task force to study the merits and applicability of such tools for use in their community is a good way to formalize this dialogue and set them on track for adoption. Even in this non-binding medium, reinforcing the message is imperative: green building rating systems play an important, distinct and complementary role to codes and green building codes. Furthermore, a demonstration project (or set of demonstration projects) using LEED and the IGCC could be part of a strategy to introduce green building into the community.

Legislative Language for Encouraging Green Building

All commercial and residential construction shall consider the environmental, economic and health benefits that green buildings provide, and, to the greatest extent practicable, use a voluntary, nationally-recognized, consensus-based tool for guiding building design, construction, renovation and operations such as the LEED Green Building Rating System. This ordinance also establishes a task force to study the benefits and applicability of the *International Green Construction Code*, with or without the Standard 189.1 jurisdictional option for possible future adoption in [name of jurisdiction]. Furthermore, [select signature building] will be designed, constructed and operated to meet the minimum requirements of both the *International Green Construction Code* and earn no less than LEED Gold certification [pick the level Certified, Silver, Gold, Platinum – but for a demonstration project, Gold should be minimum].

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Green Building Policy for IGCC Coalition Partners (continued)

With Questions or for Purposes of Coordination, Contact GR Staff at Partner Organizations:

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