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## First Statewide Mandatory Green Building Code Published; Effective January 1, 2011

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The International Code Council recently published the 2010 California Green Building Standards Code, Title 24, Part 11 -- otherwise known as CALGreen, the nation's first mandatory statewide green building code which was adopted January 12, 2010 by the California Building Standards Commission. CALGreen will take effect in California on January 1, 2011 along with the other 11 published parts of the 2010 version of Title 24, the California Building Standards Code.

CALGreen applies to construction of all new buildings and sets forth both mandatory and voluntary standards that focus on conserving energy and resources to further the greenhouse gas reduction goals of AB 32. These standards address planning and site design, energy efficiency, water efficiency, material conservation, and construction waste reduction. The California Air Resources board estimates that CALGreen will reduce greenhouse gas emissions by an equivalent of about three million metric tons of carbon dioxide by 2020. Mandatory provisions of CALGreen include:

- 20% reduction in indoor water use (with voluntary goals of 30%, 35% and 40%)
- 50% reduction in the amount of construction waste sent to landfills
- Installation of separate water meters for non-residential indoor and outdoor water use
- Use of low-emitting construction and finishing materials
- One-time commissioning of non-residential buildings more than 10,000 square feet
- Compliance with energy efficiency standards promulgated by



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the California Energy Commission (with voluntary goals of 15% and 30% reductions from the California Energy Commission standards)

### **Local Adoption and Impact on Existing Local Green Ordinances**

Local jurisdictions must draft and approve ordinances to adopt CALGreen and the rest of the 2010 updated Title 24 California Building Code -- along with any desired amendments to the Code - - by January 1, 2011. While not effective until January 1, 2011, some California cities, including Irvine and Calabasas, have already adopted CALGreen.

In addition to its mandatory minimum requirements, CALGreen includes two tiers of stricter voluntary standards that are not mandatory unless adopted as mandatory by local jurisdictions. While CALGreen is intended to set minimum green building standards, localities may only adopt CALGreen's voluntary standards as mandatory -- or otherwise adopt amendments to strengthen the minimum CALGreen requirements -- based upon prescribed climatic, topographical, or geological findings that must be adopted through the local amendment process and filed with the California Buildings Standards Commission and the California Energy Commission (the same process that applies to Title 24 generally). In addition, California Energy Commission (CEC) approval is required for any energy-related amendments to CALGreen. For cities that lack the resources or the political will to devise their own amendments to strengthen the CALGreen mandatory requirements, adopting the rack Tier 1 and/or Tier 2 CALGreen voluntary measures as mandatory is a practical and economical option for ramping up their green building code requirements.

More than 50 California cities have already adopted local green ordinances, many of them based on private green rating systems such as LEED (Leadership in Energy and Environmental Design) and Build-It-Green that are widely considered more stringent than CALGreen. These cities -- which include San Francisco, San Jose, Palo Alto and Los Angeles -- will need to review their existing green building ordinances for compliance with the minimum mandatory requirements of CALGreen. If they exceed the requirements of CALGreen, then findings based on specified climatic, topographical, or geological conditions must be adopted and filed with the Buildings Standards Commission. If this is not

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completed, then the less rigorous mandatory provisions of CALGreen will supersede the more stringent provisions of these existing local green ordinances as of January 1, 2011. Likewise, any less stringent local green building ordinances will be superseded by the mandatory provisions of CALGreen.

### **Costs and Enforcement**

While CALGreen does increase building costs in difficult economic times, the consensus among building industry commentators is that it would only slightly increase construction costs (estimated at \$1500 per new home) and would provide them with an economic alternative to private rating systems. Unlike private rating systems such as LEED or Build-it-Green, CALGreen is mandatory and would not require costly fees for certification, thereby allowing California's builders to build to a certifiable green standard without the often astronomical costly fees associated with private certification programs.

CALGreen's enforcement, however, is expected to burden already struggling local jurisdictions charged with verifying compliance with CALGreen through the regular building permit process. To properly ensure compliance, local jurisdictions must either fund extensive training of its local building department staff so that they have the necessary expertise or hire outside special inspectors (an option available under Title 24 if the expertise required for code verification is greater than a typical building inspector is able to provide). In a time of limited budget resources, some cities may consider imposing fees to offset the costs of enforcing CALGreen.

### **2013 CALGreen and International Green Construction Code**

As is the case with the rest of Title 24, the Building Standards Commission intends to revisit and update CALGreen every three years. It is anticipated that many of the first tier voluntary measures in the 2010 CALGreen -- such as deconstructing existing buildings onsite and salvaging them for reuse -- will become mandatory in the 2013 update, and, depending on market penetration and acceptance, it is expected that CALGreen's stringency will be increasingly ramped-up over time with each update's first tier voluntary measures becoming mandatory in the next update.

It is also anticipated that the 2013 CALGreen may incorporate the world's first international green building code once adopted.

The International Green Construction Code (IGCC) was released

for public comment by four building organizations -- the International Code Council (ICC), the American Society of Heating, Refrigerating and Air Conditioning Engineers, the U.S. Green Building Council (which administers LEED) and the Illuminating Engineering Society of North America. The IGCC is an elective set of rules that provides the building industry with language to broaden and strengthen building codes in a way that will accelerate the construction of green buildings. The ICC plans to hold public hearings on the IGCC in August, and the final version is expected to be adopted in 2012. CALGreen was one of the resource documents for implementation of the IGCC. Preliminary reports indicate the draft IGCC to be at least 30% more energy efficient than CALGreen. If adopted in 2012, it is expected that the IGCC will be incorporated into the 2013 CALGreen.

#### **Training, Certification and Legal Expertise**

The International Code Council is planning to introduce comprehensive training courses on CALGreen this fall for inspectors, plan reviewers and other building professionals, as well as a number of certification practice tests and exams to validate the competency of these professionals on their understanding and ability to implement the provisions of CALGreen. It will also offer seminars to help jurisdictions adopt and implement CALGreen. Details on these programs are expected to be available soon. For more information, click [here](#).

Meanwhile, a series of half-day seminars to train city officials and professionals in the building industry on the mechanics of the CALGreen Code is now being offered by Green Technology, a non-profit initiative designed to inform government efforts toward sustainability and provide a forum for government officials to communicate with those in the private sector who are developing and distributing green technologies. The seminar was developed in conjunction with the California Building Standards Commission and the California Department of Housing and Community Development. Seminars will be held in Sacramento on August 25th, Los Angeles on September 14, and San Francisco on September 16th. For more information and for other locations, click [here](#).

Now is the time to understand CALGreen's requirements and impacts before it takes effect. Manatt's land use team has expertise on the new CALGreen requirements and its implications

on local green building regulations. We can assist you with navigating CALGreen, LEED and other green building ordinance provisions applicable to your project.

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**For additional information on this issue, contact:**



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