



Date: December 17, 2009

To: Dave Walls, Executive Director
California Building Standards Commission

<p>From: CA Building Industry Association CA Business Properties Association California Chamber of Commerce California Apartment Association California Forestry Association California Association of Realtors Western Electrical Contractors Assn</p>	<p>CA Manufacturers and Technology Association Plumbing Heating Contractors of California NAIOP of California, the Commercial Real Estate Assn Building Owners & Managers Assn. of CA International Council of Shopping Centers American Council of Engineering Companies American Institute of Architects, CA Council Associated General Contractors of California</p>
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**RE: SUPPORT for BSC and HCD Green Building Standards
California Code of Regulations, Title 24, Part 11**

The above listed organizations are pleased to inform you that we strongly support the Green Building Standards as proposed by the Building Standards Commission (BSC) for new commercial construction and by the Department of Housing & Community Development (HCD) for residential dwellings.

Third-Party Verification:

With regards to specific issues, industry is very pleased that both BSC and HCD have chosen to leave the issue of inspection and verification up to the local building department. As with all other state building codes, each local jurisdiction already has the authority to relinquish some or all of its administrative authority for plan-check and inspections to “third-party entities”. However, that is an administrative decision best left up to each individual local jurisdiction.

CALGREEN:

We also support the use of the term “CALGREEN” to help distinguish the voluntary Tier 1 and Tier 2 provisions from those of other private-sector programs. As indicated during the many workshops and advisory committee hearings, there are numerous green building programs already in the public domain and it makes sense to have some simplistic way of distinguishing the State of California’s green building standards from those contained in other, non-state programs.

Voluntary Tier 1 and Tier 2 green building standards:

We also strongly support the voluntary Tier 1 and Tier 2 provisions as proposed by the Building Standards Commission and the Department of Housing and Community Development.

Rationale for support:

1. The voluntary Tiers will help introduce new and unfamiliar concepts to the design, enforcement and construction communities that may, at a later date, be moved into the mandatory set of green building standards. Having voluntary tiers also provides the opportunity to “work out the bugs” on some of the newer concepts prior to the state adopting them as a mandate.
2. The national code-writing bodies have already made the decision to utilize a “tier-based” system of compliance with their green building standards. The recently published ICC 700: National Residential Green Building Standard has four, point-based “tiers”. In addition, ICC is presently developing a green building code for commercial buildings which will also have at least four “tier levels” of compliance.
3. The availability of voluntary tiers in the California Green Building Code provides “reach standards” for consideration by jurisdictions, designers and builders. The “tier” system provides local jurisdictions with a uniform and consistent way to go beyond minimum code and yet allows- regional flexibility in the design of buildings. Local jurisdictions will verify the provisions of the code through their normal inspection and plan review process and may require third party verification when necessary. *Note: At the present time, 10% of CA jurisdictions have some manner of adopted mandatory or voluntary GB ordinance. This means that 90% of California’s 500+ jurisdictions do not have a GB program in place.*
4. There is a very strong possibility that compliance with AB 32 and/or SB 375 may well prompt the need for access to a state-sanctioned tier system for use by builders and local jurisdictions.
5. The State has already started down the “tier path” with BSC’s adoption of the July 17, 2008 amendments to the California Green Building Standards Code (an action supported by several environmental groups). Substantial time and resources have been devoted throughout the last 12 months by BSC and HCD staffs in the development of the new proposed Tiers.
6. The proposed BSC/HCD Tier 1 and Tier 2 packages incorporate the existing tiers already in use by the CEC in their New Solar Home Program (NSHP) thus maintaining continuity among state regulations.
7. The contention that a tier-based program will lead to confusion is not borne out by the facts. Most of the private-sector green building programs use point-based or prescriptive-based Tiers. The confusion factor is quickly overcome after reading the contents of a particular program, something that can be done very quickly. And, as with any new or updated building code, education and training can alleviate any confusion that may remain for those not familiar with the specific provisions.