

## **97th General Assembly Legislative Update and Monthly Spotlight–November 17, 2011.**

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### Legislative Update:

Since our last Legislative Update of September 12, 2011, we have some noteworthy action to report to you.

SB 747, GAMING-TECH, as introduced into the Illinois Senate by Senator John J. Cullerton makes a technical change in a Section concerning thoroughbred horses. But since then, and our last Legislative Update, there have been two amendments proposed by Senator Terry Link which deals broadly with gaming in the State of Illinois. These amendments are far too broad to detail here, but of particular interest to USGBC-Illinois are Floor Amendment No. 1 introduced on October 26, 2011 and Floor Amendment No. 4 introduced on November 8, 2011. Both would require all casinos, riverboats, and electronic gaming facilities be certified as meeting the U.S. Green Building Council's Leadership in Energy and Environmental Design standards that begin operations on or after January 1, 2012 or such operations which relocate facilities on or after the effective date of this legislation. Currently these Amendments are being considered by the Senate.

HB 1966, ILLINOIS MIDWEST HI-SPEED RAIL, creates the Illinois and Midwest High-Speed Rail Commission which would prepare and issue a report recommending the best governmental structure for a public-private partnership to design, build, operate, maintain, and finance a high-speed rail system for the State. HB 1966 was sent to the Governor on June 15, 2011, but was vetoed by him on August 12, 2011. The attempt to override the Governor's veto failed and as of November 8, 2011 the veto stands with no positive action taken on it.

SB 38, the PLUMBING-RAINWATER SYSTEMS bill addressing the current lack of minimum standards in the State Plumbing Code regarding the collection of rainwater for non-potable uses has had no action taken on it since May 2011. For those that recognize the importance of incorporating new techniques for water efficiency measures including the use of rain water may find some hope in the fact that after so much inaction, SB 38 has now found its way into the Illinois House and as of November 2, 2011 it has been assigned to Executive Committee.

### **Monthly Spotlight: Evanston and the Use of LEED in Local Ordinances.**

On November 15, 2011, the USGBC - Illinois Chapter in collaboration with the International Code Council, and ASHRAE Illinois premiered a roundtable program on understanding and implementing green codes and standards entitled *The Green Codes Landscape in a World of Standards & Rating Systems*. During the program, our speakers set the stage for how best practices and sustainable outcomes can be driven by a combination of codes, standards and rating systems. It addressed synergies and differences between the International Green Construction Code, which includes ASHRAE Standard 189.1 as an alternative compliance path, and the LEED Rating System. Following this overview, panelists

discussed challenges in and the implementation of green codes and standards in towns, villages and cities.

At this point it may be important to revisit the impetus for such “green codes” formation in the first place, which was the USGBC’s LEED Rating Systems were never intended to be an enforceable code for local ordinances. Despite this fact, there are some jurisdictions that took it upon themselves to implement the LEED Rating System as a “green building code” in their jurisdiction. An example: The Evanston Green Building Ordinance (GBO) found in the Evanston City Code Title 4 Chapter 26.

Here are the highlights of its requirements:

1. New construction and additions for City-owned or City-financed facilities ten thousand (10,000) square feet or greater: LEED Silver Rating or higher;
2. All new construction and additions to commercial and multifamily buildings greater than twenty thousand (20,000) square feet: LEED Silver Rating or higher;
3. All new construction and additions to commercial and multifamily buildings ten thousand (10,000) square feet to twenty thousand (20,000) square feet: LEED Silver Rating or higher, or employ eight (8) or more SUSTAINABLE BUILDING MEASURES FOR NEW CONSTRUCTION (ESBMNC) from at least five (5) of the ESBMNC categories.

The ESBMNC categories resemble those in the LEED Rating System: Sustainable Sites, Water use, Lighting, Mechanical Systems, Alternative Energy, Building Envelope, Materials and Reuse, and Indoor Environmental Quality.

Note: There are similar requirements in the Evanston Green Building Ordinance for Interior Renovations.

Other Evanston GBO highlights include:

1. Possible incentives, including expedited plan review or financial assistance for the costs that may be associated with projects required to meet the Green Building Ordinance;
2. Before a final certificate of occupancy ("FCO") for a project that must be certified LEED Silver or higher is issued, a completed USGBC LEED design phase review approval letter must be submitted. The Building Official may also request documentation related to the LEED credits earned;
3. Should a project fail to obtain the required LEED certification, a penalty will be assessed based on a formula outlined in the GBO. A temporary certificate of occupancy will be issued for two years, in which time the project developer must supply to the Building Official an independent report from the USGBC certifying the project's LEED certification. If the project fails again to receive the certification, a second penalty will be assessed based on an additional formula referenced in the GBO;
4. Monies collected will be deposited in the Sustainable Evanston Fund used to support the City's Office of Sustainability, provide technical assistance and plan review for proposed green buildings, support education, training and outreach to the public and private sectors on green building practices.

For additional information concerning the content of this Legislative Update, *The Green Codes Landscape in a World of Standards & Rating Systems*, or the Evanston Green Building Ordinance, contact Sean C. Ziadeh: [seanziadeh@hotmail.com](mailto:seanziadeh@hotmail.com)/(248) 320-3208.