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February 19, 2010

Mr. Mark Stivers, Chief Consultant
Senate Committee on Transportation & Housing
State Capitol
Sacramento, California 95814

Dear Mr. ~~Stivers~~ *Mark*:

Thank you for giving California Building Officials (CALBO) the opportunity to provide written comments relative to the recently adopted California Green Building Code. We appreciate your inclusion within the process of informing the interested members of the Senate.

As background, CALBO represents local government building departments whose primary responsibility is to ensure building safety, accessibility and sustainability of our California communities. Local government is mandated under California law to enforce these codes. We are responsible for ensuring the safe and appropriate installation of all building components including structural, life safety, electrical, plumbing and mechanical components of a building. As such, our membership has a great interest in working with the State Legislature and State Agencies as codes are proposed and adopted.

From a global context, CALBO is very supportive of the State's desires and efforts to move forward with a statewide green building code. We too take great pride in being the first state to take such a progressive action in adopting such standards on a statewide and uniform basis. As the California Green Building Code was vetted, CALBO appreciated the open dialogue with applicable state agencies in addition to the California Building Standards Commission (CBSC). As representatives of local government, CALBO was treated as an "internal" stakeholder within the process and our comments were highly regarded.

Although we are pleased with the actions of the CBSC and their move forward with the adoption of the California Green Building Code, as local governments, we still have concerns that will need to be addressed in the future. Among those concerns is the enforcement of the “commissioning process.” When these provisions are incorporated into a building code, they become mandatory provisions that must be enforced by the local building department. Before a structure is approved for occupancy or issued a certificate of occupancy, all of the code requirements must be satisfied. A violation of the code is a violation of law and subject to penalties, revocation of the building’s certificate of occupancy, and depending on the jurisdiction, not complying with the code is typically a misdemeanor or an infraction. In some instances, a leasee may withhold rent or terminate their lease for violations of the building code.

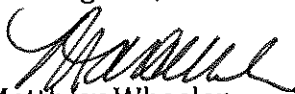
Unlike the vast majority of regulations contained within the building standards code, the commissioning process contains provisions for owner/operator training and operational knowledge. For example, the installation of an energy-efficient air conditioning system is verifiable and directly linked to the building design and construction. On the other hand, the requirement that a person be trained in ensuring its maintenance cannot be directly linked to the building design and construction and the enforcement of such is ambiguous.

This ambiguity is what concerns us as local government officials, which is what we will work with the CBSC and applicable state agencies on specifically as the next edition of the California Green Building Code is vetted through the process.

Again, let us reiterate our support for the California Green Building Code and the state agencies who worked tirelessly to adopt the code. We were asked for specific comments to the code to help inform the State Legislature, which is what we are attempting to do with this communication. We hope that you will find our comments to be of assistance to you as you seek to learn more about the unique California Green Building Code.

As always, please call on CALBO any time we can be of assistance to you and your public policy interests.

Best regards,


Matthew Wheeler
Executive Director

Cc: William Schock, Chair, CALBO Green Building Committee