

**LOCAL LAW NO. 16-2007**

A LOCAL LAW to require compliance with certain energy-efficient building standards for Nassau County buildings.

BE IT ENACTED by the County Legislature of the County of Nassau to read as follows:

Section 1. Short Title.

This law shall be known and may be cited as the “Green Building Standards Law” and shall appear in the miscellaneous laws as Title 66.

§2. Legislative Intent.

The Legislature hereby finds it important to ensure that, to the greatest extent practicable, new construction and development are planned, designed, and managed to minimize adverse environmental impacts. The use of sustainable design practices will significantly reduce operations and maintenance costs, while decreasing the negative impacts of new construction and development on the environment. The United States Green Building Council has emerged as the leading standard for sustainable planning, design and management of the nation’s greenest buildings, through the Leadership in Energy and Environmental Design (LEED) green building system. It is the intent of this legislature to apply this system to new development, construction, rehabilitation and maintenance undertaken by the County, to promote better environmental standards for the construction, rehabilitation, and maintenance of buildings in the state; improve energy efficiency and increase generation of energy through renewable and clean energy

technologies; increase the demand for environmentally preferable building materials, finishes, and furnishings; improve the environment by decreasing the discharge of pollutants from buildings; create industry and public awareness of new technologies that can improve the quality of life for building occupants; and improve the health and productivity of building occupants by meeting advanced criteria for indoor environmental quality.

§ 3. Definitions.

As used in this local law:

“Capital project” means a construction project which the county funds at least thirty three and one third percent of the costs of construction from the county capital fund.

“County” means Nassau County and its agencies of government.

“Construction work” means any work or operations necessary or incidental to the erection, demolition, assembling, alteration, installing, or equipping of any building.

“Green building standards” means design guidelines, a rating system or rules for constructing buildings that ensure site planning, water efficiency, energy efficiency and renewable energy, conservation of materials and resources and indoor environmental quality.

“Inflation” means the annual twelve month average of the consumer price index (CPI) published by the United States Department of Labor.

"LEED green building rating system" means an approved version of the Leadership in Energy and Environmental Design (LEED) building rating system published by the United States Green Building Council, including a standard developed by or for the County consisting of practices and technologies derived from the LEED rating system that are reasonable and appropriate for building in Nassau County.

“Life-cycle cost” means the cost of a building, as determined by the methodology identified in the National Institute of Standards and Technology’s special publication 544 and interagency report 80-2040, available as set forth in the Code of Federal Regulations, Title 15, Part 230, including the initial cost of its construction or renovation, the marginal cost of future energy capacity, the cost of the energy consumed by the facility over its expected useful life or, in the case of a leased building, over the remaining term of the

lease, and the cost of operating and maintaining the facility as such cost affects energy consumption.

“Rehabilitation” shall mean any restoration, replacement or repair of any materials, systems and/or components.

“Selected green building rating system” means the most current and most appropriate building rating system published by the United States Green Building Council; provided, however, at the County executive’s discretion, the term “selected green building rating system” shall mean New Commercial Construction and Major Renovation Project (LEED NC), Existing Buildings (LEED EB), Commercial Interiors (LEED CI), Core and Shell (LEED CS) or other appropriate approved LEED Standard.

“Silver rating” means the rating in compliance with, or exceeding, the third highest rating awarded by the USGBC LEED certification process.

“Substantial reconstruction” means a capital project in which the scope of work includes rehabilitation work in at least two of the three major systems, electrical, HVAC (heating, ventilating and air conditioning) and plumbing, of a building and construction work affects at least fifty percent of the building’s floor area.

#### § 4. Green building requirements.

a. Any capital project involving greater than five thousand square feet and with an estimated construction cost of one million dollars or more involving the (i) the construction of any new building, (ii) any addition to any existing building, or (iii) the substantial reconstruction of any existing building shall be designed and constructed in a manner that shall comply with green building standards not less stringent than the standards prescribed for buildings designed in accordance with the LEED green building rating system to achieve a LEED silver or higher rating as relates to energy efficiency, water efficiency, material and resources, energy and atmosphere and/ or indoor environmental quality.

b. Any capital project involving the installation or replacement or rehabilitation of any HVAC system or lighting system in any building at an estimated construction cost of one million dollars or more, or involving the installation or replacement or rehabilitation of plumbing systems in any building at an estimated construction cost for of five hundred thousand dollars or more must comply with the USGBC LEED Green Building Rating

System to the maximum extent practicable such that the cost of compliance does not exceed the building's life-cycle cost savings.

#### §5. Green building standards

The County Executive may use green building standards other than the LEED green building rating system, provided, however, that he or she publishes findings demonstrating that such other green building standards are not less stringent than the standards prescribed for buildings designed in accordance with the LEED green building rating system. Any standards other than the LEEDS standards shall be reviewed and updated no less often than once every three years.

#### §6. Exemptions.

a. The County Executive may grant an exemption from the requirements of this local law:

i. To capital projects accounting for up to five percent of the capital dollars budgeted in each fiscal year. In determining whether an exemption shall be granted the factors to be considered by the County Executive should include, but not be limited to the following: the nature and cost of the project; the overall financial resources involved in the project; the number of persons employed at the site; the effect on expenses and resources, or the impact otherwise upon the operation of the site; the overall size of the site with respect to the number of its employees; and the type of operation or operations conducted at the site, including the composition, structure, and functions of the workforce at such site.

ii. To capital projects for which the cost of compliance with these requirements exceeds the building's life-cycle cost savings;

iii. To capital projects for which compliance with these requirements would result in a conflict with state or federal requirement;

iv. To capital projects for which compliance with these requirements would result in a ten percent increase for a project with a cost of over one hundred million dollars in the overall project budget, a fifteen percent increase for a project with a cost of over fifty million dollars and under one hundred million dollars in the overall project budget, a twenty percent increase for a project with a cost of over ten million dollars and under

fifty million dollars in the overall project budget and a twenty five percent increase for a project with a cost of over one million dollars in the overall project budget;

v. To capital projects for which the project's purpose is historic preservation of historic and/or cultural places or property as such terms are defined in Section 119-bb of the General Municipal Law.

vi. To capital projects undertaken in the case of a public emergency arising out of an accident or other unforeseen circumstances affecting public buildings, public property or the life, health, safety or property of the County of Nassau.

b. Any project that is granted an exemption under this section must comply with the USGBC LEED Green Building Rating System to the maximum extent practicable.

#### §7. Adjustment for inflation

The costs listed in section four of this local law shall be indexed to the Regional CPI inflation index.

§8. All Requests for Proposals to which this law applies, shall contain a request for an offer that meets the minimum specifications.

#### §9. Annual reporting.

An annual report shall be prepared no later than the first day of September of each year. Such report shall include, but shall not be limited to, a list of any capital project subject to section four of this local law, completed during the preceding calendar year; the estimated level of LEED certification such capital projects have achieved as determined by the design agency in accordance with the LEED rating system or, if applicable, the level achieved, as certified by the United States Green Building Council; additional costs attributable to complying with the LEED green building rating system or any other green building standard; an assessment of the health, environmental and energy-related benefits achieved in comparison with a base-case code compliant project (including projected energy savings and reductions in peak load, reductions in emissions, reductions in storm water runoff and potable water use); and a list and description of, and the total value of, the capital allocations in each fiscal year, by the county, of projects subject to, and exempted by the major from, each of subdivisions this local law. The first such report shall be completed on or prior to September 1, 2008.

§10. Effective Date.

This local law shall take effect on January 1, 2008 and shall apply to all projects added to the capital plan subsequent to that date, except that prior to such effective date the County Executive shall take all actions necessary for the timely implementation of this local law, including the promulgation of rules, and shall take all practicable steps to implement this local immediately.

§11. SEQRA determination. It is hereby determined pursuant to the provisions of SEQRA, Part 617 of 6 N.Y.C.R.R. and Section 1611 of the County Government Law of Nassau County that this legislative action is “Unlisted”; and further, that upon review of the Environmental Assessment Form (“EAF”) for the action, the recommendation of negative declaration from the Nassau County Planning Commission acting in an advisory capacity to the Nassau County Legislature, and supporting documentation, such action is determined not to have a significant effect on the environment and does not require further environmental review. A record of such determination shall be maintained in a file, readily accessible to the public, at the office of the Clerk of the Legislature.