

SENATE BILL REPORT

SB 6244

As Reported by Senate Committee On:
Environment, Water & Energy, January 29, 2010

Title: An act relating to defining a green home and an energy efficient home.

Brief Description: Defining a green home and an energy efficient home.

Sponsors: Senators Fraser, Rockefeller, Marr, Ranker, Pridemore, Kohl-Welles, Shin and Kline.

Brief History:

Committee Activity: Environment, Water & Energy: 1/20/10, 1/29/10 [DPS-WM].

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Fraser, Marr, Morton, Oemig and Ranker.

Staff: Jan Odano (786-7486)

Background: The goal of green buildings is to use energy, water, and natural resources efficiently; protect human health; and reduce waste, pollution, and environmental impacts. The process for constructing a green building includes an assessment of the site and design, construction, operation, and maintenance.

There are national and state associations for green and sustainable home builders to provide assistance to those who choose to use environmentally friendly building practices and the construction of homes that are energy and resource efficient. These associations have standards and verification processes to ensure that homes are built to meet certain energy efficiency, water use, and health and indoor air criteria. Some associations provide varying levels of certification depending on the criteria met during construction and features included in the home. Third-party verification is an option in some programs to evaluate and authenticate information provided by the builder and achievement of a specified level of performance.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Some homebuilders have raised concerns about homes being sold as green or energy efficient that do not have features for energy efficiency, conservation of water and natural resources, or indoor air quality.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): By July 1, 2011, the State Building Code Council (SBCC) must define in rule green home and energy efficient home. The definition for a green home must include requirements for certification by a local or national program using criteria for energy efficiency, indoor air quality, environmental responsibility, and resource efficiency; an evaluation by a multi-stakeholder group consisting of representatives from the regional housing market area that must consider energy efficiency, indoor air quality, environmental responsibility, and resource efficiency criteria; and provides for varying levels of certified green homes. An energy efficient home must be defined as a home that uses 15 percent less energy than a similar building constructed to the most recent edition of the Washington State Energy Code.

The SBCC must publish an appendix of the requirements for an energy efficient home for each revised edition of the State Energy Code. In addition, the SBCC must provide compliance methods using prescriptive, component performance, and systems analysis approaches, and prescribe labels for an energy efficient home consistent with requirements of the State Energy Code.

The SBCC must review the rules every three years, coinciding with the reviews and updates to the State Energy Code. The rules must be revised to meet changes in the energy code so that an energy efficient home uses 15 percent less energy than a similar building constructed to the most recent edition of the energy code.

A local building department or a third-party inspector approved by a local building department may review plans and inspect energy efficient homes. The local building department may establish reasonable fees for additional plan reviews that are beyond mandatory code inspections.

EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Substitute As Passed Committee): The provisions that it is a violation of the Consumer Protection Act to sell, represent, or label a home as green or energy efficient that does not meet the definition of such as defined by the State Building Code Council are removed.

The home builder association is replaced with the Building Industries Association of Washington as a stakeholder in the rulemaking process.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 17, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute as Heard In Committee:

PRO: The bill provides a way for people to know that if a house is labeled green or energy efficient, it is what they're buying. There should be a way for consumers to know what they are buying. There are homes being marketed as green when they may just be code homes. Consumers should have the assurance that a home advertised as green is green. The bill needs to clearly articulate that other types of dwellings are included.

CON: It will be very expensive for the state to monitor. The existing green building programs should be recognized to do the inspections. Some aspects of green buildings have no relationship to the structural integrity of a building and therefore may not fit within an inspection regime of a building department. We need to educate the consumers and tenants of these buildings so that they know what green is and that the buildings are used appropriately. It is not clear as the building code changes if the status of a green building retains a green label it obtained in previous years. It would be difficult to document damages to consumers. There are controls in place for real estate licensees. Washington State has one of the most energy efficient building codes in the nation and therefore all of the homes built in the state are energy efficient. There should be a way to certify green homes on varying levels or a sliding scale.

OTHER: The goals of the bill are good. The SBCC should be directed to study how to set a standard instead of setting the standard at this time. There are many private industry standards now, and this bill would pick winners and losers. Last year's legislation required the energy code to be 15 percent more efficient. This is a good goal, but we would want the SBCC to look at the energy efficiency requirement in this bill to see if it is realistic.

Persons Testifying: **PRO:** Mary Moore, League of Women Voters; Kraig Stevenson, International Code Council; Carrie Dolwick, NW Energy Coalition.

CON: Michael Schoonover, WA Commercial Association of Realtors; Jan Ellingson, WA Realtors; Schott Hildebrand, Master Builders Association, King & Snohomish Counties; Julie Nichols, Building Industry Association of WA.

OTHER: Scott Bergford, Scott Homes, Inc.; Paul Huff, Apple Homes; John Cochran, Tim Nogler, SBCC; Stan Bowman, American Institute of Architects.