
Dallas Green Building Program for New Construction

The City of Dallas has set a goal to be carbon neutral by 2030 and concluded that reaching its goal will require the reduction in current building energy use citywide by 50%. In an effort to achieve such reductions, on April 9, 2008, the Dallas City Council adopted a new ordinance to require sustainable ("green") building design and construction practices in all new residential and commercial buildings constructed in the City. The program is intended not only to reduce greenhouse gas emissions, but to improve air quality, conserve energy and water, reduce stormwater impacts, minimize waste, preserve natural resources, and improve human health. In addition to imposing requirements on new construction, the City Council intends in the fall of this year to consider recommendations for imposing citywide green building requirements on existing buildings.

The City's green building program is based on the U.S. Environmental Protection Agency's ENERGY STAR program, the U.S. Green Building Council's ("USGBC") Leadership in Energy and Environmental Design ("LEED") rating system, and the Green Built North Texas ("GBNT") program. Launched in 1992, ENERGY STAR is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that helps businesses and consumers protect the environment through superior energy efficiency. The USGBC's LEED rating system has emerged as a national consensus of industry standards for sustainable design and construction practices. Projects can accumulate points in the categories of sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation in design. Projects achieving specified numbers of points can be certified by USGBC at various levels of achievement. GBNT uses a regionally-specific green building construction protocol that Home Builders Association members have deemed essential in order for a home to be recognized by the program. Homes built to this protocol conform to elevated standards of site management and waste recycling, water efficiency, indoor air quality, energy efficiency, materials, and homeowner education.

The City's green building requirements will be implemented in two phases, with the first phase going into effect on October 1, 2009. One- and two-family dwellings must document 15% reductions in energy use and meet specific water reduction strategies. All other new construction affecting less than 50,000 square feet within a 12-month period must comply with specific requirements for reductions in energy and water use, observe outdoor lighting restrictions, and low slope roofs must be ENERGY STAR "cool roofs." If a commercial project will affect 50,000 or more square feet of area within a 12-month period, the project must qualify for a specified minimum number of points under the LEED or equivalent rating system, with at least one water efficiency credit and two credits related to optimizing energy performance. Formal certification under LEED or an equivalent program is not required.

In Phase 2, which goes into effect on October 1, 2011, one- and two-family dwellings must be certifiable under LEED for homes, GBNT, or an equivalent green building standard and use specific water reduction strategies. LEED points must include at least one water efficiency credit and four credits related to optimizing energy performance. GBNT projects must demonstrate energy consumption 17.5% less than current standards and an ENERGY STAR Home Energy Rating System index of 83 or less. All other new construction must be certifiable under LEED, GBNT, or equivalent green building standard. Formal certification under LEED or an equivalent program is not required.

Expedited plan review is available during Phase 1 if the applicant for a building permit has provided a checklist from LEED, GBNT, or an equivalent green building standard showing that the proposed project is eligible for certification under the selected standard. During Phase 2, expedited review is available only if the checklist demonstrates that the project is eligible for LEED Silver or higher certification.

A person violating the new ordinance may be punished upon conviction by a fine not to exceed \$2,000.

More details of the green building ordinance for new construction are included in the attached summary.

For further information concerning environmental law, please contact: Charles Jordan (214.855.3021 • cjordan@ccsb.com) or Sally Longroy (214.855.3001 • slongroy@ccsb.com).

Carrington Coleman's environmental practice group specializes in the evaluation of property conditions in the context of capital transactions, legal defense and counseling regarding facility-related enforcement, remediation oversight, and compliance with the vast array of state and federal environmental regulatory requirements.

This bulletin provides only general information and is not intended as legal advice.
To subscribe or unsubscribe to this publication, please contact us at ccsb@ccsb.com.

DALLAS GREEN BUILDING PROGRAM FOR NEW CONSTRUCTION

**Phase 1
(Effective October 1, 2009)**

1. New One- and Two-Family Dwellings

- A. Submit USGBC, GBNT, or equivalent checklist
- B. Use 15% less energy than minimum provision of *Dallas One- and Two-Family Dwelling Code Ch. 11* or *Dallas Energy Conservation Code Ch. 4*
- C. Meet 4 of the following water reduction strategies:

	Average Flow Rate or Other Requirement
Lavatory Faucets	2.0 gal/min
Showerheads	2.0 gal/min
Toilets	1.3 gal/flush, dual-flush and meet ASME A112.19.14, or meet EPA WaterSense specifications (certified and labeled)
Dishwasher	ENERGY STAR labeled to use ≤6.0 gal/cycle
Clothes Washer	ENERGY STAR labeled with modified energy factor ≥ 2.0 and water factor < 5.5
Landscape	Drip irrigation emitters for all bedding areas

2. All Other New Construction Affecting < 50,000 sq. ft. Within 12 Month Period

- A. Authorize utility to release annual energy consumption data to City (except apartments)
- B. Submit USGBC, GBNT, or equivalent checklist
- C. Use 15% less energy than minimum provisions of Ch. 5 of *Dallas Energy Conservation Code*
- D. Use 20% less water than water use baseline calculated for building's total interior water fixture
- E. ENERGY STAR cool roofs for slope 2:12 or less
- F. Most outdoor light fixtures full cutoff or fully shielded
- G. Maximum outdoor lamp wattage: Commercial (250 watts); Residential (100 watts incandescent and 32 watts compact fluorescent)

3. All Other New Construction Affecting ≥ 50,000 sq. ft. Within 12 Month Period

- A. Authorize utility to release annual energy consumption data to City (except apartments)
- B. Meet the following USGBC (or equivalent) requirement by USGBC (or equivalent) not required:

LEED Rating System	Minimum Points
New Construction (NC)	22
Core & Shell (CS)	20
Retail	22
Healthcare	25
Schools	25
Homes	38

C. Total points must include:

- i. 1 point for water efficiency credit titled "Water Use Reduction (20% reduction)"; and
- ii. 2 points (14% better than ASHRAE 90.1-2004) under energy and atmosphere credit titled "Optimize Energy Performance"

Multifamily developments may use LEED NC, LEED for homes, GBNT, or equivalent standard.

**Phase 2
(Effective October 1, 2011)**

1. New One- and Two-Family Dwellings

- A. Certifiable under LEED for homes, GBNT, or an equivalent standard. Formal certification not required.

i. Total LEED points must include:

- a. 1 point for water efficiency credit titled "Indoor Water Use"; and
- b. 4 points (performance under Energy Star for homes with a HERS rating of 83 or less) under the energy and atmosphere credit titled "Optimize Energy Performance"

ii. GBNT projects must demonstrate:

- a. 17.5% less energy consumption than the minimum requirements of the *Dallas Building Code Ch. 11* or *Dallas Energy Conservation Code Ch. 4*; or
- b. HERS index of 83 or less

- B. Water reduction requirements same as Phase 1

2. All Other New Construction

- A. Certifiable under LEED, GBNT, or equivalent standard. Formal certification not required

B. Total LEED points must include:

- i. 1 point for water efficiency credit titled "Water Use Reduction (20% reduction)"; and
- ii. 3 points (17.5% better than ASHRAE 90.1-2004) under energy and atmosphere credit titled "Optimize Energy Performance"

Multifamily developments may use LEED NC, LEED for homes, GBNT, or equivalent standard.

For further information concerning environmental law, please contact: Charles Jordan (214.855.3021 • cjordan@ccsb.com) or Sally Longroy (214.855.3001 • slongroy@ccsb.com).

This bulletin provides only general information and is not intended as legal advice.
To subscribe or unsubscribe to this publication, please contact us at ccsb@ccsb.com.