



# Construction and Land Use Newsletter

## Virginia is in Position to Review the ICC's New International Green Construction Code in 2012 and Could be Ready to Implement the IGCC by 2015

by Richard T. Lunger, III, (Tad), Esquire, LEED AP

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Sometimes it just gets deafening with all of the multiple jurisdictional green building requirements, policies, incentives and all of the various third party certification bodies. Every locality has their own distinct practices, policies and programs, many of which conflict with various federal and state laws, and our industry is stuck with keeping up with it all and making it all work out in the end. The good news is that there might be light at the end of the tunnel. The International Code Council is currently developing the International Green Construction Code that could be adopted and incorporated into states' building codes, including Virginia's Uniform Statewide Building Code. This has the potential to provide some much needed uniformity and consistency in the application of green building requirements, as well as an opportunity to work out a number of the conflicts between federal, state and local statutes and practices. It also has the potential to make things worse, if not drafted and implemented with our industry's input.

What the ICC is proposing in its current draft (Public Version 2.0) of the IGCC is something most of the readers of this newsletter should be pretty comfortable with at this point. Basically, what the ICC has done (with the help and input of the USGBC) is to incorporate the LEED Reference Guide for Green Building Design and Construction into the ICC building code format. In fact, the requirements set out for election by jurisdictions should sound pretty familiar, such as Site Development and Land Use, Material Resource Conservation and Efficiency, Energy Conservation and Earth Atmospheric Quality, Water Resource Conservation and Efficiency, Commissioning, Operation and Maintenance, etc. There's even a handy checklist to use, just like the one that USGBC provides. The major difference would be that your local building official would be interpreting it, enforcing it, conducting commissioning, etc., rather than the current "voluntary" system set up by the USGBC. Additionally, being part of the Uniform Statewide Building Code, for instance, would make the application of these requirements mandatory, although the current draft IGCC does provide for a number of "required" design components in conjunction with a number of "electable" design components, to maintain at least some of the necessary design flexibility we enjoy under the USGBC system today.

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It is also important to note that there is no distinction in the IGCC between building types, as it proposes to apply to "...every building or structure or any appurtenances connected or attached to such buildings or structure and to the site on which the building is located." The IGCC won't just apply to new construction either, but to "...the design, construction, addition, alteration, change of occupancy, movement, enlargement, replacement, repair, equipment, location, maintenance, removal and demolition of every building or structure..." Therefore, from an application standpoint, the proposed IGCC requirements would apply to every type of building or structure, new or existing, whenever a new certificate of occupancy, alterations, repairs or new construction occurs, and would be implemented and enforced by your building official during the permitting process. Clearly, this is an extremely broad-based, baseline requirement hike.

Currently, the schedule to approve the IGCC is well under way. The Public Version 2.0 was posted a couple of weeks ago (which is an updated Public Version 1.0 based on actions taken at the August hearings, public Code change submittal requests are due January 3, 2011, the Code Development Hearings will occur on May 16-22, 2011, public comments per the Code Development Hearings are due August 12, 2011, the Final Action Hearings will occur the week of November 2-6, 2011, and then the ICC intends to publish 2012 International Green Construction Code in March of 2012.

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*advice but, instead, as a general commentary regarding legal matters. You should consult with an attorney regarding your legal issues, as the advice will depend on your facts and the laws of your jurisdiction.*

## **Social Media in the Construction Industry**

by Juanita F. Ferguson, Esquire

Construction professionals are used to soliciting bids, addressing cost overruns, and taking pride in completed projects. And increasingly, the construction industry is embracing the concept of social media in order to interface with clients and to self-promote. LinkedIn, Facebook, Twitter, RSS Feed, Blogging, and other forms of social media enable companies to share a vast amount of information on a frequent basis and also to generate discussion among a larger community. Webcams that allow potential and existing customers to view a company's ongoing construction projects have replaced the time needed to visit a construction site and to assess a contractor's work. The benefits to embracing social media are still being assessed but it is nonetheless clear that social media is a means of marketing your company and strengthening your brand. Social media is also an effective means of recruitment, project management, and creating a community of followers on particular topics.

The advent of social media is not without high expectations for the construction industry. Having a blog is a great idea but if it is left untended and posts are infrequent, it is a certainty that fewer visitors will visit the blog site. There is nothing worse for the prospective client after typing in a few search terms than to find that the last update to your site was several months prior. Also, if you are posting regularly and there are no comments, it may be time to reassess the content that is being posted for quality and relevance to your target audience. As a business tool, a Twitter account is beneficial for sharing information about your product and getting information and feedback from your clients. However, if there are 50 tweets on your twitter account but no twitter followers or replies to your tweets, it is likely that your messages are not reaching the masses or generating the interest necessary to compel replies.

Social media allows a construction company to inform others about its accomplishments or updates in the construction industry. However, making use of social media in should be about more than sharing information. In other words, a company's effective use of social media should generate more than a one-sided display of information on the part of the company. It should also allow a company the ability to find out more about what its current and prospective customers want and expect. As a form of customer service, social media allows a company to increase its online reputation. Communication is what differentiates social media from other forms of disseminating information. An achievable result of social media should be to generate meaningful discussions between construction contractors and customers. The ongoing dialogue will hopefully result in not only increased business, but a stronghold digital presence for the company among the construction community and the digital community at large.

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### **GSA Sustainability Update**

by Timothy R. Hughes, Esquire, LEED AP

GSA has announced significant changes to the sustainability requirements of federally owned facilities. Effective September 2010, GSA will require all projects to achieve a LEED gold certification level from the Leadership in Energy and Environmental Design (LEED) certification

system of the USGBC. The new federal program must deliver additional energy performance of at least 30% below the levels mandated by ASHRAE 90.1-2007 standards.

For some time after this announcement, there was some lack of clarity regarding how GSA would address its leased facilities. At a November 9 Sustainability Summit which I moderated, Eleni Reed, Chief Greening Officer of GSA, provided a clear statement of GSA's sustainability requirements relative to leasing:

- New construction lease projects of 10,000 SF or more will require LEED silver certification and must achieve an Energy Star score of 75 or above within one year
- Leases in existing buildings:
  - o LEED for Commercial Interiors is optional, at the request of the tenant agencies
  - o New leases awarded after December 18, 2010, for 10,000 sq ft or greater must have earned the Energy Star label. There are 4 exceptions to this:
    1. the agency is staying in current facility
    2. the lease will be in a building of historical, architectural, or cultural significance
    3. the lease is for 10,000 sq ft or less, and
    4. no space is offered in a building with an Energy Star label in the delineated area that meets the functional requirements of an agency, including location needs.

In all excepted buildings, the lessor must still agree to complete all identified cost-effective (over the life of the government's lease) energy-efficiency improvements prior to the government's occupancy. Where the agency is

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already occupied in a building, the work must be completed within one year of lease award. Lease renewal's in GSA's terminology are options in existing leases permitting continued occupancy of space at specified terms and conditions including price. Lessors will not be required to make energy efficiency and conservation improvements in those facilities.

Given the extensive portfolio of leased and owned GSA facilities in the Washington Metro area, we can expect these developments to have a significant market impact even for the general commercial market.

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