

Topic:	Green Buildings & Energy Efficiency
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Babylon
Year (adopted, written, etc.):	Unknown
Community Type - applicable to:	Suburban; Rural
Title:	Town of Babylon Green Building Certification Ordinance
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Abstract

The Town of Babylon is located on Long Island, New York, with a population of approximately 211,792 people. The Town has a population density of 4,050 people per square mile, and a per capita income of \$22,844. Babylon has a total area of 114.2 square miles, and about 54% of the Town's total area is water. Babylon is home to beaches and several state parks.

The Town of Babylon was the first town on Long Island to adopt Energy Star standards for new homes, but the Town of Babylon did not stop there. Under its Green Building Certification law, the Town formally adopts the Leadership in Energy and Environmental Design New-Construction (LEED-NC) rating system, Version 2.2, and automatically adopts any future versions. Babylon's law requires all new construction of commercial, office, industrial, and multi-family residential buildings equal to or greater than 4,000 square feet to attain certification under the LEED green building rating system for New Construction & Major Renovations (LEED-NC) or a "local variant." Under this requirement, applicants must submit a completed LEED-NC checklist (or the local variant of a green building project checklist) as part of their building permit application. A building permit will then be issued if the Building Inspector finds that the submitted documentation demonstrates that the proposed project will attain certification. The Building Inspector is also charged with determining whether the requirements under the applicant's pre-permitting documentation have been met at each stage of construction and prior to issuance of a final Certificate of Occupancy. The Town has an unwritten policy of issuing a temporary Certificate of Occupancy until proof of full certification is achieved.

In addition to these requirements, Babylon also provides incentives for the completion of a LEED certified building. For all projects falling under this regulation, the applicant must pay a fee of \$0.03 per square foot of the project (not to exceed \$15,000) to the Town's Green Building Fund; buildings that are constructed and successfully meet LEED requirements do not have to pay this fee. Upon completion and successful LEED

certification, the fee is returned to the builder. However, in the event that the project does not gain LEED certification the Town of Babylon retains this fee to further environmentally-friendly development. The Town's fund allows for continued improvement in community sustainable development and, more importantly, has influenced surrounding local municipalities such as Islip, Long Island.

Resource

TOWN CODE – BABYLON, NEW YORK
PART II: GENERAL LEGISLATION
Chapter 89 – Building Construction
ARTICLE VIII. GREEN BUILDING CERTIFICATION
§ 89-83 to § 89-87

§ 89-83. Intent.

The Town of Babylon is committed to minimizing the short-term and long-term negative impacts construction has on the environment. The intent of this article is to provide owners and occupants of commercial buildings, offices, industrial buildings, multiple residences and senior citizen multiple residences with the economic benefits of energy and water savings, good indoor air quality and healthy, pleasant and productive surroundings. A further intent of this article is to benefit the community by having buildings constructed that are resource-efficient and conserve energy.

§ 89-84. Green building rating system.

A. The Town of Babylon hereby adopts, in principle, the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design for New Construction (LEED-NC) Rating System, Version 2.2, and, further, automatically adopts any future versions promulgated by the USGBC. For the first six months after adopting an amended version, applicants may apply under the preexisting version.

B. The LEED-NC system establishes several levels of environmental achievement from a "Certified" rating to a "Platinum" rating. The ratings are attained by earning LEED points in the categories of Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, Indoor Environmental Quality and Innovation & Design Process.

§ 89-85. Applicability.

This article shall be applicable to all new construction of a commercial building, office building, industrial building, multiple residence or senior citizen multiple residence equal to or greater than 4,000 square feet, and the provisions of this article are mandatory for any application received by the Town one year after its effective date.

§ 89-86. Standards for green building projects.

A. Every applicant who files a building permit application for construction of a new commercial building, industrial building, office building, multiple residence or senior citizen multiple residence shall provide a completed LEED-NC checklist or the local variant of a green building project checklist acceptable to the Commissioner of Planning and Development or his/her designee.

B. Every applicant shall pay a fee of \$0.03 per square foot of the project, not to exceed \$15,000, to the Town of Babylon Green Building Fund. An applicant who achieves LEED-certified status shall have this fee refunded.

C. No building permit shall be issued unless the LEED-NC review documentation or the local variant of green building project documentation demonstrates that the proposed building shall attain LEED-certification or the local variant acceptable to the Building Inspector.

§ 89-87. Compliance and enforcement.

The Building Inspector shall determine whether the requirements under the pre-permitting documentation have been implemented at each stage of construction, including at the foundation inspection, framing inspection, and prior to issuance of a final certificate of occupancy. The Building Inspector may conduct other inspections, as needed, to ensure compliance with this article.

The Building Inspector shall determine whether the requirements under the pre-permitting documentation are implemented at each stage of construction, including at the foundation inspection, framing inspection, and prior to issuance of a final certificate of occupancy. The Building Inspector may conduct other inspections, as needed, to ensure compliance with this act.

The Building Inspector shall review the information submitted by the applicant and determine whether the applicant will achieve LEED-certification, as set forth. If the Building Inspector finds that the applicant is not reasonably expected to achieve LEED-certification, the Building Inspector shall make the following findings:

- If the covered project has not met the requirements for LEED-certification, whether the applicant has made a good faith effort to comply with this act;
- If the applicant has not made a good faith effort to comply, or if the applicant fails to submit the documentation within the time period required under the regulations, whether the final building permit approval or certificate of occupancy should be withheld;
- If the applicant has not complied with this act, whether the applicant should be required to undertake further actions to mitigate this non-compliance.

Infeasibility exemption. The Building Inspector may issue an exemption from any of the requirements of this act upon finding that circumstances exist that make it a hardship or

infeasible for the applicant to meet those requirements. These circumstances may include, but are not limited to:

- The availability of markets for materials to be recycled;
- The availability of green building materials and technologies; and
- The compatibility of green building requirements with existing building standards.

The burden shall be on the applicant to show circumstances to establish infeasibility.

Appeals. Any applicant may appeal to the Commissioner of Planning and Development the determination of non-compliance.

No Certificate of Occupancy shall be issued unless and until the applicant produces documentation acceptable to the Building Inspector that the constructed commercial building, industrial building, office building, multiple residence or senior citizen multiple residence has achieved sufficient points to attain LEED-Certified status.