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State:	New Jersey
Jurisdiction Type:	Municipal
Municipality:	City of Jersey City
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Community Type – applicable to:	Urban; Suburban
Title:	City of Jersey City Green Building Initiative for Municipal Projects & Green Building Incentives
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Abstract

Jersey City, New Jersey, is part of the New York metropolitan area and lies on the west bank of the Hudson River across from Lower Manhattan, where about 26% of its employed residents work. Jersey City has a population of 242,389 with a density of roughly 16,045.5 people per square mile across a total area of 21.1 square miles (14.9 comprised of land and 6.2 of water). Jersey City is a port city, commercial and industrial center, and transportation terminus, although parts of the city remain under-utilized after years of commercial inactivity.

Jersey City's code devotes an entire chapter to "Green Building Standards." Article I contains the Green Building Initiative for Municipal Projects. This ordinance requires that a LEED Accredited Professional certify that new municipal projects achieve, at a minimum, the LEED-NC Silver Rating and that all existing municipal buildings achieve, at a minimum, the LEED-EB Silver Rating (versions not specified). All municipal projects must also earn the U.S. EPA's ENERGY STAR Building Label for their design and construction. However, an exemption does exist for existing municipal historic buildings. If the total cost for these new municipal projects to comply with the LEED or ENERGY STAR requirements exceeds the cost anticipated in the absence of such requirements by 20%, the Chief Architect must recommend such modifications to keep the costs within this amount, including a waiver of the requirements for LEED, ENERGY STAR, or both. In such a case, a LEED Accredited Professional must certify that the project achieved, at a minimum, the LEED-NC Certified Rating.

The Chief Architect must also review municipal projects in an existing building to determine if the cost of adhering to the LEED-EB Silver Rating or of achieving the ENERGY STAR building rate exceeds either (1%) of the building's current market value or \$20,000.00. If so, or if the modification of an existing municipal building to achieve the LEED-EB Silver Rating is determined to be "impracticable" or to materially compromise the health, safety, or

general welfare of the public, the city's Business Administrator can waive the LEED and ENERGY STAR requirements, yet the project must achieve a minimum of a LEED-EB Certified Rating.

Article II contains Green Building Incentives in order to encourage private developers to voluntarily achieve some level of LEED certification. In order to be eligible for any of the incentives listed in this ordinance, projects for new construction must obtain at least 26 LEED points, and projects relating to existing buildings must obtain at least 32 LEED points. When a building plan proposes to meet the minimum level of LEED certification, the plan receives "priority review" status and the process is expedited. The ordinance provides for a system where projects that receive LEED certification from the USGBC can apply for a refund of building permit fees. The refund rate is a percentage scale where the refund amount increases with each higher level of LEED certification.

Resource

MUNICIPAL CODE OF ORDINANCES – JERSEY CITY, NEW JERSEY
Chapter 180 – Green Building Standards
ARTICLE I – GREEN BUILDING INITIATIVE FOR MUNICIPAL PROJECTS
§ 180-1 to § 180-3

§ 180-1. Definitions

"USGBC" is hereby defined as the U.S. Green Building Council, a non-profit organization located at 1015 18th Street, N.W., Suite 508, Washington, DC 20036.

"LEED Standards" are hereby defined as the "Leadership in Energy & Environmental Design" standards and guidelines, as amended and supplemented by USGBC, which are on file with the Office of the City Clerk of the City of Jersey City.

"LEED Accredited Professional" means a person who has been designated a LEED accredited professional by the Green Building Certification Institute.

"Construction" is defined as the erection of a new principal or accessory building or structure on a lot or property; alterations and the act of creating an addition to an existing building.

"Building" is defined as a structure built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind.

"Structure" is defined as that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground.

"Municipal Project" or "Project" means construction of New Buildings owned by the City of Jersey City, renovations to buildings owned by the City of Jersey City, or construction or renovation of other buildings funded more than fifty percent (50%) by the City of Jersey City, where cost of such construction or renovation meets or exceeds one million dollars (\$1,000,000.00), as calculated on the date of enactment of this ordinance and as indexed for inflation using the Construction Consumer Price Index, as reported by Engineering News Record.

"New Building" means any building not previously erected prior to construction.

"Green building" means the design, construction, and operation of buildings that mitigates the environmental, economic, and social impact of buildings.

"Historic building" means a building that is listed in or formally determined eligible for the National Register of Historic Places, the New Jersey Register of Historic Places, Buildings in Historic Districts, or Buildings identified in an adopted historic resources survey as eligible for designation.

"Renovation" means any rehabilitation, repair, remodeling, change, addition or modification to an existing building.

"LEED-NC Certified Rating" means that a building or other project that has earned twenty-six (26) to thirty-two (32) points as such points as defined in the LEED Standard entitled "LEED for New Construction and Major Renovations" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "certified level."

"LEED-NC Silver Rating" means that a building or other project that has earned thirty-three (33) to thirty-eight (38) points as such points as defined in the LEED Standard entitled "LEED for New Construction & Major Renovations" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "Silver Level."

"LEED-EB Gold Rating" means that a building or other project that has earned thirty-nine (39) to fifty-one (51) points as such points as defined in the LEED Standard entitled "LEED for Existing Buildings" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "Gold Level."

"LEED-NC Platinum Rating" means that a building or other project that has earned fifty-two (52) to sixty-nine (69) points as such points as defined in the LEED Standard entitled "LEED for New Construction and Major Renovations" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "Platinum Level."

ENERGY STAR is hereby defined as those products which meet the energy efficiency standards set forth by the United States Environmental Protection Agency (EPA) and the U.S. Department of Energy for compliance with its ENERGY STAR program.

§ 180-2. Application of LEED-NC Green Building Rating System to Municipal Projects

(a) The "Leadership in Energy & Environmental Design (LEED) Green Building Rating System and guidelines are herein incorporated by reference, as amended and supplemented, and as may be found by contacting the U.S. Green Building Council, 1015 18th Street, N.W., Suite 508, Washington, DC 20036, and as are on file with the Office of the City Clerk for the City of Jersey City.

(b) Subject to sections (e) and (f) below, there is hereby adopted as the minimum standard for each Municipal Project the LEED-NC Silver Rating. For all such Municipal Projects, A LEED Accredited Professional must certify each Municipal Project as having achieved, at a minimum, the LEED-NC Silver Rating.

(c) Subject to sections (e) and (f) below, all municipal projects must, in their design and construction, earn the U.S. EPA's Energy Star Building Label.

(d) Except where waived pursuant to sections (e) and (f) below, specifications and terms for all bids, contracts, or agreements for those municipal projects which require public advertisement for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., shall be modified to require adherence at a minimum to the LEED-NC Silver Rating, and ENERGY STAR Building Label requirements above.

(e) The Chief Architect of the City of Jersey City shall review each municipal project and determine whether or not the total cost of adhering to the LEED-NC Silver Rating and achieving the ENERGY STAR building label on that project shall exceed by twenty percent (20%) of the cost anticipated in the absence of the LEED and ENERGY STAR requirements, in which case he or she shall recommend to the Business Administrator of the City of Jersey City such modifications for amendments to the project necessary to assure that the costs remain within the amount appropriated for such project, up to and including waiver of the LEED-NC Silver Rating requirement, the ENERGY STAR Building Label Requirement or both.

(f) Where cost of the project's adherence to the LEED-NC Silver Rating and the ENERGY STAR Building Label Requirement exceeds by twenty percent (20%) of the cost otherwise anticipated in the absence of its application, the Business Administrator is hereby empowered to waive application of either or both requirements for the entire project or for any specifications or portions thereof as he or she deems necessary and appropriate.

(g) Where the Business Administrator has waived application of LEED Silver Rating or the ENERGY STARTM Building Label requirement pursuant to section (f) above, A LEED Accredited Professional must certify each Municipal Project as having achieved, at a minimum, the LEED-NC Certified Rating.

(h) The Business Administrator of the City of Jersey City shall select, from among the next three (3) municipal projects, one (1) project which will adhere to the LEED-NC Platinum

Rating and achieve the ENERGY STAR Building Requirement. That project will be viewed as a pilot project and will be evaluated by the City Chief Architect who will make further recommendations to the Municipal Council of the City of Jersey City, concerning the feasibility of application of the LEED Platinum Rating to future municipal projects.

§ 180-3. Application of LEED-EB Green Building Rating System to Existing Municipal Buildings

(a) Subject to sections (c) and (d) below, there is hereby adopted as the minimum standard the LEED-EB Silver Rating. All existing municipal buildings must be evaluated by a LEED Accredited Professional to determine if LEED Standards may be applied to achieve, at a minimum, the LEED-EB Silver Rating.

(b) The Chief Architect of the City of Jersey City, in consultation with Business Administrator, shall determine the estimated cost of modifying the existing municipal building and implementing the operational procedures necessary to achieve the LEED-EB Silver Rating.

(c) The Business Administrator may waive application of the LEED-EB Silver Rating requirement for the Existing Municipal Buildings where:

- i. The total estimated cost of modifying the existing municipal building and devising and implementing the operational procedures necessary to achieve the LEED-EB Silver Rating exceeds either one percent (1%) of the building's current market value or twenty thousand dollars (\$20,000.00).
- ii. Modification of the existing municipal building or implementation of operational procedures necessary to achieve the LEED-EB Silver Rating would be impracticable, or would materially compromise the health, safety, or general welfare of the public.

(d) Where the Business Administrator has waived application of LEED-EB Silver Rating requirement pursuant to section (c) above, A LEED Accredited Professional must evaluate each existing municipal building to determine if LEED Standards may be applied to achieve, at a minimum, the LEED-EB Certified Rating.

(e) The Business Administrator may waive application of the LEED-EB Certified Rating requirement for the existing municipal buildings where:

- i. The total estimated cost of modifying the existing municipal building and devising and implementing the operational procedures necessary to achieve the LEED-EB Certified Rating exceeds either one percent (1%) of the building's current market value or twenty thousand dollars (\$20,000.00).
- ii. Modification of the existing municipal building or implementation of operational procedures necessary to achieve the LEED-EB Certified Rating would be

impracticable, or would materially compromise the health, safety, or general welfare of the public.

(f) Exemption for historic buildings. The provisions of this section shall not apply to any historic building; however, green building strategies should be employed where possible.

MUNICIPAL CODE OF ORDINANCES – JERSEY CITY, NEW JERSEY

Chapter 180 – Green Building Standards

ARTICLE II: GREEN BUILDING INCENTIVES

§ 180-4. Green Building Incentives.

1. The City of Jersey City shall promote sustainable green building practices in accordance with U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) guidelines in the municipality through the methods provided in this section. The LEED standards are incorporated herein by reference, as amended and supplemented, and may be found at <http://www.usgbc.org>, or by contacting the U.S. Green Building Council, 1015 18th Street, NW, Suite 508, Washington, DC 20036.

2. Applications for development are encouraged, but are not required, to comply with LEED criteria.

3. Only projects involving an application for LEED accreditation meeting a minimum of twenty-six (26) points for LEED - New Construction, and thirty-two (32) points for LEED - Existing Buildings on the LEED rating system, or the minimum rating to be designated an LEED Certified development, whichever is greater, shall be eligible for the incentives in this section.

4. Review of applications proposing to meet a minimum accreditation level of LEED Certified shall be expedited by City of Jersey City staff by receiving priority review before other applications, except where the other applications are for affordable or workforce housing.

5. A refund of building permit and land development application fees required and shall be provided upon the applicant's written request, accompanied by submission of proof of LEED certification by the USGBC, within one (1) year of such certification, as follows:

1. LEED Platinum = Twenty-five percent (25%) refund of fees;

2. LEED Gold = Twenty percent (20%) refund of fees;

3. LEED Silver = Fifteen percent (15%) refund of fees; and

4. LEED Certified = Ten percent (10%) refund of fees.