



Evolution of the green movement to actual green performance

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During the past few years, green projects have received, quite possibly, celebrity status as developers incorporate a variety of new design elements in order to attain platinum, gold or silver status for their projects. These elements can provide both commercial and environmental benefits including carbon reduction, energy savings, increased marketability and tax savings.

In a recent real estate seminar discussing a public-private partnership development in N.Y.C., the project's developer was asked "what aspects of the development would be green?" The developer promptly responded that most purchasers, residential and commercial, are educated about sustainability; therefore, green design elements are now a baseline design requirement in practically all new high-end developments.

These educated purchasers present new complexities to the projects' design and construction. On one hand, the purchasers' interests and desires for these projects allow developers to hire creative design and construction professionals to push the limits on current building techniques. However, they also now expect a building that actually performs the way it was intended. In fact, the emphasis on building performance is evident as the U.S. Green Building Council now incorporates a re-certification requirement within its LEED for Building Operations and Maintenance (LEED O+M), requiring "projects certifying under any version of LEED for Existing Buildings (to) recertify at least once every five years in order to keep their certification up-to-date." Due to some of the onerous requirements with building rating systems, some developers now pursue the construction of buildings with green components rather than formal certification. The construction industry is well aware that the risks surrounding a building's non-compliance with the design is not limited to projects involving LEED certification.

Developers that are developing green projects should be committed to achieving successful long-term performance within these green buildings. This requires a well-versed project team from project inception through close out. During project inception, the developer should establish a project strategy which accounts for the desired building performance and also contemplates potential issues it may face, such as desires of the end user regarding, among others, energy efficiency and HVAC performance. The project's construction agreements should incorporate these performance strategies to ensure that the developer can deliver an innovative and sustainable project that actually performs as designed while, at the same time, minimizes its own risk.

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