

Sustainable Building Guidelines

Update to 2023 Evaluation Report

February 2024

Problems Identified

- **Unclear Roles and Responsibilities.** Statutes require the departments of Administration and Commerce to *develop* the sustainable building guidelines; however, statutes do not assign an agency responsibility for the *administration or oversight* of the guidelines. For example, statutes do not require an agency to identify which projects are subject to the guidelines, monitor or enforce compliance with the guidelines, or evaluate the effects of the guidelines. Additionally, the roles of most project team members, who are responsible for implementing the guidelines on individual building projects, are not clearly defined.
- **Limited Oversight and Accountability.** Widespread confusion regarding roles and responsibilities has resulted in a program with limited oversight and accountability. For instance, it is unclear who—if anyone—is ensuring that projects comply with the guidelines.
- **Unknown Program Outcomes.** The state has not systematically tracked which projects are subject to the guidelines, whether projects have complied with the guidelines, or what effect the guidelines have had on the cost or sustainability of capital projects.

Changes Implemented

- **Report Produced.** In response to a 2023 legislative directive, the Department of Administration published a report with recommendations for the program; however, no changes have been implemented in response to the problems identified above.

Actions Needed

- **Clarify Roles and Responsibilities.** The Legislature should determine which agency is responsible for administering and overseeing the sustainable building guidelines and codify those duties in law. That agency should ensure that the guidelines clearly define the roles of all project team members responsible for implementing the guidelines.
- **Track Project Outcomes.** The Legislature should amend statutes to task an agency with determining which projects are subject to the guidelines. The Legislature should also direct that agency to monitor project compliance with the guidelines and to evaluate the impacts of the guidelines on building costs and sustainability.