

SEAT	NAME	City
Conservation Community	Davis, Hamilton	Isle of Palms
ASHRAE	Jones, Randy	Mount Pleasant
AIA	McLean, John C.	Columbia
Forestry Association	Ferguson, Joey A.	Pawleys Island
Manufacturer's Alliance	Snelling, Michael A., Jr.	Lexington
Council of Engineering and Surveying Societies	Krick, Kevin R.	Lexington
AGC	Estridge, Ashton	Lexington
Chemistry Council	Ruff, Chris	Pomaria
Energy Office	James, Anthony	Columbia
State Engineer - Chair	White John	Columbia
DHEC	Porter, Henry	Columbia
Higher Ed. Commission	Vacant	
Higher Ed. Commission	Vacant	

**South Carolina Energy Independence and Sustainable Construction Advisory Committee  
1201 Main Street, 3d Floor Conference Room, Columbia, SC 29201**

**Quarterly Council Meeting  
10:00 A.M., Wednesday, February 10, 2016**

*Public Notice of this meeting was properly posted at the Office of the State Engineer, 1201 Main Street, Suite 600, and provided to all requesting persons, organizations, and news media in compliance with the South Carolina Freedom of Information Act, Section 30-4-80.*

**MEETING AGENDA**

- 1. Welcome and Call to Order:**
- 2. Identification of Members** **Tab-1**
- 3. Approval of Agenda:** **Tab-2**
- 4. Approval/Disapproval of Absent Members:**
- 5. Chairman's Remarks:**
- 6. New Business:**
  - a. Adoption of Rules of Order** **Tab-3**
  - b. Statutory Provisions Governing Conduct of Meetings** **Tab-4**
  - c. Posting of Committee information:**  
<http://procurement.sc.gov/PS/PS-advisory-committee.phtml>
  - d. Ethics Act** **Tab-5**
  - e. Committee's Statutory Charge** **Tab-6**
  - f. Information only - Most current edition of rating systems & summary materials for LEED Ver. 4** **Tab-7**
  - g. Consideration and possible adoption of procedures for reviewing and making recommendations on rating systems within 30 days of referral**
  - h. Consideration and possible adoption of procedures for developing and implementing a methodology by which the cost-benefit ratio of the rating systems may be measured**
  - i. Appointment of individual(s) to monitor and report on the development of new rating systems or updates to existing systems**
- 7. Public Comments:**
- 8. Dates of Quarterly Meetings/Next Meeting: TBD**
- 9. Adjournment:**

# Roberts Rules of Order – Simplified

## Guiding Principle:

Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.

Everyone has the right to know what is going on at all times.

Only urgent matters may interrupt a speaker.

Only one thing (motion) can be discussed at a time.

May only discuss and act on items published on the agenda

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the chair, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

## How to do things:

### You want to bring up a new idea before the group.

After recognition by the chair, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

### You want to change some of the wording in a motion under discussion.

After recognition by the chair, move to amend by

- adding words,
- striking words or
- striking and inserting words.

### You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

### You want more study and/or investigation given to the idea being discussed.

Move to refer to a committee. Try to be specific as to the charge to the committee.

### You want more time personally to study the proposal being discussed.

Move to postpone to a definite time or date.

### You are tired of the current discussion.

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3<sup>rds</sup> vote.

### You have heard enough discussion.

Move to close the debate. Requires a 2/3<sup>rds</sup> vote. Or move to previous question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3<sup>rds</sup> vote.

### You want to postpone a motion until some later time.

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3<sup>rds</sup> vote. A majority is required to table a motion without killing it.

**You believe the discussion has drifted away from the agenda and want to bring it back.**  
Call for orders of the day.

**You want to take a short break.**  
Move to recess for a set period of time.

**You want to end the meeting.**  
Move to adjourn.

**You are unsure that the chair has announced the results of a vote correctly.**  
Without being recognized, call for a "division of the house." At this point a roll call vote will be taken.

**You are confused about a procedure being used and want clarification.**  
Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The chair will ask you to state your question and will attempt to clarify the situation.

**You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.**  
Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

**You want to change an action voted on at an earlier meeting.**  
Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3<sup>rds</sup> vote is required.

**You may INTERRUPT a speaker for these reasons only:**  
to get information about business – **point of information**  
to get information about rules – **parliamentary inquiry**  
if you can't hear, safety reasons, comfort, etc. – **question of privilege**  
if you see a breach of the rules – **point of order**  
if you disagree with the president of the board's ruling – **appeal**

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	√	√	√	Majority	√
Amend Motion	√	√		Majority	√
Kill a Motion	√			Majority	√
Limit Debate	√		√	2/3 <sup>rds</sup>	√
Close Discussion	√			2/3 <sup>rds</sup>	√
Recess	√		√	Majority	
Adjourn (End meeting)	√			Majority	
Refer to Committee	√	√	√	Majority	√
Postpone to a later time	√	√	√	Majority	√
Table	√			Majority	
Postpone Indefinitely	√	√	√	Majority	√

**SECTION 30-4-80.** Notice of meetings of public bodies.

(A) All public bodies, except as provided in subsections (B) and (C) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. An agenda for regularly scheduled or special meetings must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board or website, if any, public notice for any called, special, or rescheduled meetings. Such notice must include the agenda, date, time, and place of the meeting, and must be posted as early as is practicable but not later than twenty-four hours before the meeting. This requirement does not apply to emergency meetings of public bodies. Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this subsection, no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda. Nothing herein relieves a public body of any notice requirement with regard to any statutorily required public hearing.

(B) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

(C) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (A), must make reasonable and timely efforts to give notice of their meetings.

(D) Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(E) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

**SECTION 30-4-90.** Minutes of meetings of public bodies.

(a) All public bodies shall keep written minutes of all of their public meetings. Such minutes shall include but need not be limited to:

(1) The date, time and place of the meeting.

(2) The members of the public body recorded as either present or absent.

(3) The substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.

(4) Any other information that any member of the public body requests be included or reflected in the minutes.

(b) The minutes shall be public records and shall be available within a reasonable time after the meeting except where such disclosures would be inconsistent with Section 30-4-70 of this chapter.

(c) All or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic or video reproduction, except when a meeting is closed pursuant to Section 30-4-70 of this chapter, provided that in so recording there is no active interference with the conduct of the meeting. Provided, further, that the public body is not required to furnish recording facilities or equipment.

**SECTION 30-4-70.** Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

(3) Discussion regarding the development of security personnel or devices.

(4) Investigative proceedings regarding allegations of criminal misconduct.

(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

(6) The Retirement System Investment Commission, if the meeting is in executive session specifically pursuant to Section 9-16-80(A) or 9-16-320(C).

(b) Before going into executive session the public agency shall vote in public on the question and when

the vote is favorable, the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, "specific purpose" means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of this section. However, when the executive session is held pursuant to Sections 30-4-70(a)(1) or 30-4-70(a)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session be stated. No action may be taken in executive session except to (a) adjourn or (b) return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.

(c) No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(d) This chapter does not prohibit the removal of any person who wilfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

(e) Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.

(f) The Board of Trustees of the respective institution of higher learning, while meeting as the trustee of its endowment funds, if the meeting is in executive session specifically pursuant to Sections 59-153-80(A) or 59-153-320(C).

## SUMMARY OF FOIA PUBLIC MEETING REQUIREMENTS

- FOIA's requirements apply if a meeting involves a quorum or simple majority of a bodies members
- Remember, a "meeting" includes telephone conference calls or any other form of electronic communication.
- Written public notice of regular meetings must be posted at the beginning of each calendar year
  - Must include the dates, times, and places of such meetings
- Agenda for regularly scheduled or special meetings must be posted at least twenty-four hours prior to such meetings
  - In or on a publicly accessible place at the office of the public body and
  - On a public website maintained by the body
  - No items may be added to the agenda without an additional twenty-four hours' notice to the public
- After the meeting begins, items may be added to the agenda:
  - By a two-thirds vote of the members present and voting
  - Items upon which final action can be taken or for which there is not an opportunity for public comment with prior public notice require a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda
- Notice of meetings must be given to all persons requesting notice of the times, dates, places, and agenda of all public meetings
  - Whether scheduled, rescheduled, or called
  - Efforts made to comply with this requirement must be noted in the minutes of the meetings
- Must keep written minutes which include:
  - The date, time and place of the meeting
  - Members of the public body recorded as either present or absent
  - Substance of all matters proposed, discussed or decided
  - At the request of any member, a record, by individual member, of any votes taken
  - Any other information any member requests be included or reflected in the minutes
- Minutes are public records
- meeting of a public body may be recorded by any person in attendance
  - Executive Session Excepted



**SELECTED PROVISIONS OF THE ETHICS, GOVERNMENT ACCOUNTABILITY,  
AND CAMPAIGN REFORM ACT**

TITLE 8, CHAPTER 13  
ARTICLE 1  
General Provisions

**SECTION 8-13-100.** Definitions.

As used in Articles 1 through 11:

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(26) “**Public member**” means an individual appointed to a noncompensated part-time position on a board, commission, or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.

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(31) “**State board, commission, or council**” means an agency created by legislation which has statewide jurisdiction and **which exercises some of the sovereign power of the State.**

[emphasis added]

ARTICLE 7  
Rules of Conduct

**SECTION 8-13-700.** Use of official position or office for financial gain; disclosure of potential conflict of interest.

(A) No public official, **public member**, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official’s, **public member**’s, or public employee’s use that does not result in additional public expense.

(B) No public official, **public member**, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, **public member**, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;

(3) if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

(5) if he is a **public member**, he shall furnish a copy to the presiding officer of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes.

(C) Where a public official, **public member**, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.

(D) The provisions of this section do not apply to any court in the unified judicial system.

(E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

**SECTION 8-13-705.** Offering, giving, soliciting, or receiving anything of value to influence action of public employee, member or official, or to influence testimony of witness; exceptions; penalty for violation.

(A) A person may not, directly or indirectly, give, offer, or promise anything of value to a public official, **public member**, or public employee with the intent to:

(1) influence the discharge of a public official's, **public member's**, or public employee's official responsibilities;

(2) influence a public official, **public member**, or public employee to commit, aid in committing, collude in, or allow fraud on a governmental entity; or

(3) induce a public official, **public member**, or public employee to perform or fail to perform an act in violation of the public official's, **public member's**, or public employee's official responsibilities.

(B) A public official, **public member**, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:

(1) influenced in the discharge of his official responsibilities;

(2) influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or

(3) induced to perform or fail to perform an act in violation of his official responsibilities.

(C) A person may not, directly or indirectly, give, offer, or promise to give anything of value to another person with intent to influence testimony under oath or affirmation in a trial or other proceeding before:

(1) a court;

(2) a committee of either house or both houses of the General Assembly; or

(3) an agency, commission, or officer authorized to hear evidence or take testimony or with intent to influence a witness to fail to appear.

(D) A person may not, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value in return for influencing testimony under oath or affirmation in a trial or other proceeding before:

(1) a court;

(2) a committee of either house or both houses of the General Assembly; or

(3) an agency, commission, or officer authorized to hear evidence or take testimony, or with intent to influence a witness to fail to appear.

(E) Subsections (C) and (D) of this section do not prohibit the payment or receipt of witness fees provided by law or the payment by the party on whose behalf a witness is called and receipt by a witness of the reasonable costs of travel and subsistence at trial, hearing, or proceeding, or, in the case of an

expert witness, of the reasonable fee for time spent in the preparation of the opinion and in appearing or testifying.

(F) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than ten years and a fine of not more than ten thousand dollars and is permanently disqualified from being a public official or a **public member**. A public official, **public member**, or public employee who violates the provisions of this section forfeits his public office, membership, or employment.

(G) This section does not apply to political contributions unless the contributions are conditioned upon the performance of specific actions of the person accepting the contributions nor does it prohibit a parent, grandparent, or other close relative from making a gift to a child, grandchild, or other close relative for love and affection except as otherwise provided.

**SECTION 8-13-710.** Reporting of particular gifts received by public employee, official, or member on statement of economic interests.

(A) Unless provided by subsection (B) and in addition to the requirements of Chapter 17 of Title 2, a public official or public employee required to file a statement of economic interests under Section 8-13-1110 who accepts anything of value from a lobbyist's principal must report the value of anything received on his statement of economic interests pursuant to Section 8-13-1120(A)(9).

(B) A public official, **public member**, or public employee required to file a statement of economic interests under Section 8-13-1110 who receives, accepts, or takes, directly or indirectly, from a person, anything of value worth twenty-five dollars or more in a day and anything of value worth two hundred dollars or more in the aggregate in a calendar year must report on his statement of economic interests pursuant to Section 8-13-1120 the thing of value from:

(1) a person, if there is reason to believe the donor would not give the thing of value but for the public official's **public member's**, or public employee's office or position;

(2) a person, or from an officer or director of a person, if the public official, **public member**, or public employee has reason to believe the person:

(a) has or is seeking to obtain contractual or other business or financial relationships with the public official's, **public member's**, or public employee's governmental entity;

(b) conducts operations or activities which are regulated by the public official's, **public member's**, or public employee's governmental entity.

(C) Nothing in this section requires a public official, **public member**, or public employee to report a gift from a parent, grandparent, or relative to a child, grandchild, or other immediate family member for love and affection.

**SECTION 8-13-715.** Speaking engagements of public officials, members or employees; only expense reimbursement permitted; authorization for reimbursement of out-of-state expenses.

A public official, **public member**, or public employee acting in an official capacity may not receive anything of value for speaking before a public or private group. A public official, **public member**, or public employee is not prohibited by this section from accepting a meal provided in conjunction with a speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. Notwithstanding the limitations of Section 2-17-90, a public official, **public member**, or public employee may receive payment or reimbursement for actual expenses incurred for a speaking engagement. The expenses must be reasonable and must be incurred in a reasonable time and manner in which to accomplish the purpose of the engagement. A public official, **public member**, or public employee required to file a statement of economic interests under Section 8-13-1110 must report on his statement of economic interests the organization which paid for or reimbursed actual expenses, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement. A public official, **public member**, or public employee who is not required to file a statement of economic interests but who is paid or reimbursed actual expenses for a speaking engagement must

report this same information in writing to the chief administrative official or employee of the agency with which the public official, **public member**, or public employee is associated.

If the expenses are incurred out of state, the public official, **public member**, or public employee incurring the expenses must receive prior written approval for the payment or reimbursement from:

- (1) the Governor, in the case of a public official of a state agency who is not listed in an item in this section;
- (2) a statewide constitutional officer, in the case of himself;
- (3) the President Pro Tempore of the Senate, in the case of a member of the Senate;
- (4) the Speaker of the House, in the case of a member of the House of Representatives; or
- (5) the chief executive of the governmental entity in all other cases.

**SECTION 8-13-720.** Offering, soliciting, or receiving money for advice or assistance of public official, member or employee.

No person may offer or pay to a public official, **public member**, or public employee and no public official, **public member**, or public employee may solicit or receive money in addition to that received by the public official, **public member**, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, **public member**, or public employee.

**SECTION 8-13-725.** Use or disclosure of confidential information by public official, member, or employee for financial gain; examination of private records; penalties.

(A) A public official, **public member**, or public employee may not use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

(B)(1) A public official, **public member**, or public employee may not wilfully examine, or aid and abet in the wilful examination of, a tax return of a taxpayer, a worker's compensation record, a record in connection with health or medical treatment, social services records, or other records of an individual in the possession of or within the access of a public department or agency if the purpose of the examination is improper or unlawful.

(2) A person convicted of violating this subsection must be fined not more than five thousand dollars, or imprisoned not more than five years, or both, and shall reimburse the costs of prosecution. Upon conviction, the person also must be discharged immediately from his public capacity as an official, member, or employee.

**SECTION 8-13-730.** Membership on or employment by regulatory agency of person associated with regulated business.

Unless otherwise provided by law, no person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated. An employee of the regulatory agency which regulates a business with which he is associated annually shall file a statement of economic interests notwithstanding the provisions of Section 8-13-1110. No person may be an employee of the regulatory agency which regulates a business with which he is associated if this relationship creates a continuing or frequent conflict with the performance of his official responsibilities.

**SECTION 8-13-735.** Participation in decision affecting personal economic interests by one employed by and serving on governing body of governmental entity.

(A) Except as provided in subsection (B), no person who serves at the same time:

(1) on the governing body of a state, county, municipal, or political subdivision board or commission; and

(2) as an employee of the same board or commission or in a position subject to the control of that board or commission may make or participate in making a decision that affects his economic interests.

(B) No person shall serve at the same time as:

(1) a nonappointed member of the governing body of the board or commission for a water or sewer district or a nonprofit water or sewer corporation or company organized pursuant to the provisions of state law; and

(2)(a) an employee of the same board, commission, corporation, or company; or

(b) in a position subject to the control of that board, commission, corporation, or company; or

(c) in a decision-making position concerning the operation and functions of that board, commission, corporation, or company.

(C)(1) Any person violating the provisions of subsection (B) may be assessed a civil penalty of fifty dollars per day to be remitted to the general fund of the board, commission, corporation, or company.

(2) If a lawsuit is brought to force the person to vacate either his position held pursuant to subsection (B)(1) or subsection (B)(2), and the person is found in circuit court to have violated subsection (B), the person must pay the civil penalty in subsection (C)(1) plus court costs, attorney's fees, and any damages required by the court.

(3) Any individual or entity served by the board, commission, corporation, or company has standing to bring a lawsuit in the circuit court pursuant to this subsection.

**SECTION 8-13-740.** Representation of another by a public official, **member**, or employee before a governmental entity.

(A)(1) A public official occupying statewide office, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity, except as otherwise required by law.

(2) A member of the General Assembly, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity, except:

(a) as required by law;

(b) before a court under the unified judicial system; or

(c) in a contested case, as defined in Section 1-23-310, excluding a contested case for a rate or price fixing matter before the South Carolina Public Service Commission or South Carolina Department of Insurance, or in an agency's consideration of the drafting and promulgation of regulations under Chapter 23 of Title 1 in a public hearing.

(3) A **public member** occupying statewide office, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before the same unit or division of the governmental entity for which the **public member** has official responsibility, except as otherwise required by law.

(4) A public official, **public member**, or public employee of a county may not knowingly represent a person before an agency, unit, or subunit of that county for which the public official, **public member**, or public employee has official responsibility except:

(a) as required by law; or

(b) before a court under the unified judicial system.

(5) A public official, **public member**, or public employee of a municipality may not knowingly represent a person before any agency, unit, or subunit of that municipality for which the public official, **public member**, or public employee has official responsibility except as required by law.

(6) A public employee, other than those specified in items (4) and (5) of this subsection, receiving compensation other than reimbursement or per diem payments for his official duties, an individual with whom he is associated, or a business with which he is associated may not knowingly represent a person before an entity on the same level of government for which the public official, **public member**, or public employee has official responsibility except:

(a) as required by law;

(b) before a court under the unified judicial system; or

(c) in a contested case, as defined in Section 1-23-310, excluding a contested case for a rate or price fixing matter before the South Carolina Public Service Commission or the South Carolina

Department of Insurance, or in an agency's consideration of the drafting and promulgation of regulations under Chapter 23 of Title 1 in a public hearing.

(7) The restrictions set forth in items (1) through (6) of this subsection do not apply to:

(a) purely ministerial matters which do not require discretion on the part of the governmental entity before which the public official, **public member**, or public employee is appearing;

(b) representation by a public official, **public member**, or public employee in the course of the public official's, **public member's**, or public employee's official duties;

(c) representation by the public official, **public member**, or public employee in matters relating to the public official's, **public member's** or public employee's personal affairs or the personal affairs of the public official's, **public member's**, or public employee's immediate family.

(8) A state, county, or municipal public official, **public member**, or public employee, including a person serving on an agency, unit, or subunit of a governmental entity shall not be required to resign or otherwise vacate his seat or position due to a conflict of interest that arises under this section as long as notice of the possible conflict of interest is given and he complies with the recusal requirements of Section 8-13-700(B). A governmental entity includes, but is not limited to, a planning board or zoning commission.

(9) Notwithstanding another provision of law, a governmental entity shall not prohibit a state, county, or municipal public official, **public member**, or public employee, including a person serving on an agency, unit, or subunit of a governmental entity from service in office or employment based solely on race, color, national origin, religion, sex, disability, or occupation.

(B) A member of the General Assembly, when he, an individual with whom he is associated, or a business with which he is associated represents a client for compensation as permitted by subsection (A)(2)(c), must file within his annual statement of economic interests a listing of fees earned, services rendered, names of persons represented, and the nature of contacts made with the governmental entities.

(C) A member of the General Assembly may not vote on the section of that year's general appropriation bill relating to a particular agency or commission if the member, an individual with whom he is associated, or a business with which he is associated has represented any client before that agency or commission as permitted by subsection (A)(2)(c) within one year prior to such vote. This subsection does not prohibit a member from voting on other sections of the general appropriation bill or from voting on the general appropriation bill as a whole.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1993 Act No 181, Sections 70, 71, eff July 1, 1995; 1995 Act No. 6, Sections 22, 23, effective upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995; 1995 Act No. 6, Section 24, eff July 1, 1995 (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995; 2007 Act No. 10, Sections 1 to 3, eff April 12, 2007.

**Effect of Amendment**

The 1993 amendment by Section 70, in subparagraph (c) of paragraph (2) of subsection (A), and by Section 71, in subparagraph (c) of paragraph (6) of subsection (A), substituted "Department of Insurance" for "Insurance Commission".

The 1995 amendment, by Section 22, revised paragraphs (4) and (5) of subsection (A); by Section 23, revised paragraph (6) of subsection (A); and by Section 24, revised paragraph (6) of subsection (A) effective July 1, 1995.

The 2007 amendment, in subsection (A), in subparagraphs (4) and (5) deleted ", an individual with whom the public official, **public member**, or public employee is associated, or a business with which the public official, **public member**, or public employee is associated" and added subparagraphs (8) and (9).

**SECTION 8-13-745.** Paid representation of clients and contracting by member of General Assembly or associate in particular situations.

(A) No member of the General Assembly or an individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case, as defined in Section 1-23-310, before an agency, a commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the twelve preceding months.

(B) Notwithstanding any other provision of law, after the effective date of this section, no member of the General Assembly or any individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case, as defined in Section 1-23-310, before an agency, a commission, board, department, or other entity elected, appointed, recommended, or confirmed by the House, the Senate, or the General Assembly if that member has voted on the section of that year's general appropriation bill or supplemental appropriation bill relating to that agency, commission, board, department, or other entity within one year from the date of the vote. This subsection does not prohibit a member from voting on other sections of the general appropriation bill or from voting on the general appropriation bill as a whole.

(C) Notwithstanding any other provision of law, after the effective date of this section, no member of the General Assembly or an individual with whom he is associated in partnership or a business, company, corporation, or partnership where his interest is greater than five percent may enter into any contract for goods or services with an agency, a commission, board, department, or other entity funded with general funds or other funds if the member has voted on the section of that year's appropriation bill relating to that agency, commission, board, department, or other entity within one year from the date of the vote. This subsection does not prohibit a member from voting on other sections of the appropriation bill or from voting on the general appropriation bill as a whole.

(D) The provisions of this section do not apply to any court in the unified judicial system.

(E) When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.

(F) The provisions of subsections (A), (B), and (C) do not apply in the case of any vote or action taken by a member of the General Assembly prior to January 1, 1992.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-750.** Employment, promotion, advancement, or discipline of family member of public official, member, or employee.

(A) No public official, **public member**, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, **public member**, or public employee supervises or manages.

(B) A public official, **public member**, or public employee may not participate in an action relating to the discipline of the public official's, **public member's**, or public employee's family member.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-755.** Restrictions on former public official, member, or employee serving as lobbyist or accepting employment in field of former service.

A former public official, former **public member**, or former public employee holding public office, membership, or employment on or after January 1, 1992, may not for a period of one year after terminating his public service or employment:

(1) serve as a lobbyist or represent clients before the agency or department on which he formerly served in a matter which he directly and substantially participated during his public service or employment; or

(2) accept employment if the employment:

(a) is from a person who is regulated by the agency or department on which the former public official, former **public member**, or former public employee served or was employed; and

(b) involves a matter in which the former public official, former **public member**, or former public employee directly and substantially participated during his public service or public employment.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-760.** Employment by government contractor of former public official, member, or employee who was engaged in procurement.

Except as is permitted by regulations of the State Ethics Commission, it is a breach of ethical standards for a public official, **public member**, or public employee who is participating directly in procurement, as defined in Section 11-35-310(22), to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, **public member's**, or public employee's official responsibilities.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-765.** Use of government personnel or facilities for campaign purposes; government personnel permitted to work on campaigns on own time.

(A) No person may use government personnel, equipment, materials, or an office building in an election campaign. The provisions of this subsection do not apply to a public official's use of an official residence.

(B) A government, however, may rent or provide public facilities for political meetings and other campaign-related purposes if they are available on similar terms to all candidates and committees, as defined in Section 8-13-1300(6).

(C) This section does not prohibit government personnel, where not otherwise prohibited, from participating in election campaigns on their own time and on nongovernment premises.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-770.** Members of General Assembly prohibited from serving on state boards and commissions; exceptions.

A member of the General Assembly may not serve in any capacity as a member of a state board or commission, except for the State Fiscal Accountability Authority, the Advisory Commission on Intergovernmental Relations, the Legislative Audit Council, the Legislative Council, the Legislative Services Agency, the Judicial Council, the Commission on Prosecution Coordination, the South Carolina Tobacco Community Development Board, the Tobacco Settlement Revenue Management Authority, the South Carolina Transportation Infrastructure Bank, the Commission on Indigent Defense, the South Carolina Research Authority, and the joint legislative committees.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1998 Act No. 419, Part II, Section 35D, eff July 1, 1998; 1999 Act No. 77, Section 3, eff June 11, 1999; 2000 Act No. 387, Part II, Section 69A.4, eff June 30, 2000; 2003 Act No. 76, Section 18, eff June 26, 2003; 2005 Act No. 103, Section 1, eff July 1, 2005; 2012 Act No. 209, Section 5, eff June 7, 2012.

Code Commissioner's Note



At the direction of the Code Commissioner, reference to “Legislative Information Systems” was changed to “Legislative Services Agency” pursuant to 2013 Act No. 31.

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

Editor’s Note

2000 Act No. 387, Part II, Section 69A.6, provides as follows:

“If a provision of this subsection, including the provisions of Chapter 49, Title 11 of the 1976 Code as added by it, or the application of a provision to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection or the chapter added by it which may be given effect without the invalid provision or application. To this end, the provisions of this subsection and the chapter added by it are severable.”

Effect of Amendment

The 1998 amendment deleted “the Reorganization Commission” from the list of exceptions.

The 1999 amendment inserted “the South Carolina Tobacco Community Development Board,”.

The 2000 amendment added “the Tobacco Settlement Revenue Management Authority,”.

The 2003 amendment added “the South Carolina Transportation Infrastructure Bank,” after “the Tobacco Settlement Revenue Management Authority”.

The 2005 amendment deleted “the Sentencing Guidelines Commission,” and added “the Commission on Indigent Defense,”.

The 2012 amendment inserted “The South Carolina Research Authority,”.

**SECTION 8-13-775.** Public official, member, or employee with official function related to contracts not permitted to have economic interest in contracts.

A public official, **public member**, or public employee may not have an economic interest in a contract with the State or its political subdivisions if the public official, **public member**, or public employee is authorized to perform an official function relating to the contract. Official function means writing or preparing the contract specifications, acceptance of bids, award of the contract, or other action on the preparation or award of the contract. This section is not intended to infringe on or prohibit public employment contracts with this State or a political subdivision of this State nor does it prohibit the award of contracts awarded through a process of public notice and competitive bids if the public official, **public member**, or public employee has not performed an official function regarding the contract.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 25, eff upon approval (became law without the Governor’s signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

Effect of Amendment

The 1995 amendment, at the end of the third sentence, inserted “nor does it prohibit the award of contracts awarded through a process of public notice and competitive bids in the public official, **public member**, or public employee has not performed an official function regarding the contract”.

**SECTION 8-13-780.** Remedies for breaches of ethical standards by public officials, members, or employees.

(A) The provisions of this section are in addition to all other civil and administrative remedies against public officials, **public members**, or public employees which are provided by law.

(B) In addition to existing remedies for breach of the ethical standards of this chapter or regulations promulgated hereunder, the State Ethics Commission may impose an oral or written warning or reprimand.

(C) The value of anything received by a public official, **public member**, or public employee in breach of the ethical standards of this chapter or regulations promulgated hereunder is recoverable by the State or other governmental entity in an action by the Attorney General against a person benefitting from the violations.

(D) Before a public employee's employment or a public official's or **public member**'s association with the governmental entity is terminated for a violation of the provisions of this chapter, notice and an opportunity for a hearing must be provided to the public official, **public member**, or public employee.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-785.** Communication by elected official with state board or commission on behalf of constituent.

Nothing in Chapter 13 of Title 8 prevents an elected official from communicating with a board or commission member or employee, on behalf of a constituent relating to delays in obtaining a hearing, discourteous treatment, scheduling, or other matters not affecting the outcome of pending matters, provided that the elected official, an individual with whom the elected official is associated, or a business with which the elected official is associated is not representing the constituent for compensation.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 26, effective upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

Effect of Amendment

The 1995 amendment deleted the designator (A) from the first paragraph; deleted “, in writing,” in that paragraph; and deleted former paragraph (B) pertaining to particular contacts between public officials as not prohibited.

**SECTION 8-13-790.** Recovery of amounts received by official or employee in breach of ethical standards; recovery of kickbacks.

(A) The value of anything transferred or received in breach of the ethical standards of Articles 1 through 11 of this chapter or regulations promulgated under it by a public employee, public official, or a nonpublic employee or official may be recovered from the public employee, public official, or nonpublic employee or official.

(B) Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order under it, it is conclusively presumed that the amount of the kickback was included in the price of the subcontract or order and ultimately borne by the State or governmental entity and is recoverable hereunder from the subcontractor making the kickback. Recovery from one offending party does not preclude recovery from other offending parties.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-795.** Receipt of award, grant, or scholarship by public official or family member.

Nothing in Chapter 13 of Title 8 prevents a public official or a member of his immediate family from being awarded an award, a grant, or scholarship, or negatively reflects on a public official because of an award, a grant, or scholarship awarded to the public official or to a member of his immediate family on a competitive, objective basis if the public official has not wilfully contacted any person involved in the selection of the recipient, on behalf of the recipient, before the award.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTIONS 8-13-810 to 8-13-850.** Repealed by 1991 Act No. 248, Section 3, eff January 1, 1992.

Editor's Note

Sections 8-13-810 through 8-13-850 formerly comprised Article 11 of this chapter. Article 11 now consists of Sections 8-13-1110 through 8-13-1180.

Former Section 8-13-810 was entitled "Persons required to file statement of economic interest before taking oath or commencing employment" and was derived from 1980 Act No. 374, Section 4; 1977 Act No. 150, Sections 7, 8; 1976 Act No. 741; 1976 Act No. 740, Section 2; 1975 (59) 217.

Former Section 8-13-820 was entitled "Contents of statement of economic interests" and was derived from 1980 Act No. 374, Section 4; 1977 Act No. 150, Sections 7, 8; 1976 Act No. 741; 1976 Act No. 740, Section 2; 1975 (59) 217.

Former Section 8-13-830 was entitled "Report on names of, purchases by and gifts from lobbyists" and was derived from 1980 Act No. 374, Section 4; 1977 Act No. 150, Sections 7, 8; 1976 Act No. 741; 1976 Act No. 740, Section 2; 1975 (59) 217.

Former Section 8-13-840 was entitled "Filing of updating statement" and was derived from 1980 Act No. 374, Section 4; 1977 Act No. 150, Sections 7, 8; 1976 Act No. 741; 1976 Act No. 740, Section 2; 1975 (59) 217.

Former Section 8-13-850 was entitled "Filing of statement of economic interest by member of judiciary" and was derived from 1980 Act No. 374, Section 4; 1977 Act No. 150, Sections 7, 8; 1976 Act No. 741; 1976 Act No. 740, Section 2; 1975 (59) 217.

## ARTICLE 9

### Forms and Reports by Candidates for Election by the General Assembly

Editor's Note

Former Article 9, which consisted of Sections 8-13-610 through 8-13-630, was repealed by 1991 Act No. 248, Section 3, effective January 1, 1992.

**SECTION 8-13-910.** Candidates elected or consented to by General Assembly to file statements of economic interests; authority with whom to file.

(A) No person who is a candidate for public office which is filled by election by the General Assembly may be voted upon by the General Assembly until at least ten days following the date on which the candidate files a statement of economic interests as defined in this chapter with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee.

(B) No person who is appointed to an office which is filled with the advice and consent of the Senate or the General Assembly may be confirmed unless the appointment, when received by the Senate and/or the House, is accompanied by a current original copy of a statement of economic interests which has been filed with the appointing authority and is transmitted with the appointment and until at least ten days following the date on which the appointment, with the attached original economic interest statement, has been received by the Senate and/or the House.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1993 Act No. 183 Section 3, eff June 21, 1993; 1993 Act No. 181 Section 72, eff July 1, 1993.

Effect of Amendment

The 1993 amendments, by both Act No. 181 and Act No. 183, designated the existing text as subsection (A); in (A) deleted "or with the advice and consent of the Senate or the General Assembly; and added subsection (B).

**SECTION 8-13-920.** Report of campaign expenditures.

A person running for an office elected by the General Assembly must file a report with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee of money in excess of one hundred dollars spent by him or in his behalf in seeking the office. The report must include the period beginning with the time he first announces his intent to seek the office. The report must not include travel expenses or room and board while campaigning. Contributions made to members of the General Assembly during the period from announcement of intent to election date must be included. The report must be updated quarterly with an additional report filed five days before the election and the final report filed thirty days after the election. Persons soliciting votes on behalf of candidates must submit expenses in excess of one hundred dollars to the candidate which must be included on the candidate's report. A copy of all reports received by the Senate Ethics Committee and the House of Representatives Ethics Committee must be forwarded to the State Ethics Commission within two business days of receipt.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-930.** Seeking or offering pledges of votes for candidates.

No candidate for an office elected by the General Assembly may seek directly the pledge of a member of the General Assembly's vote until the qualifications of all candidates for that office have been determined by the appropriate joint committee to review candidates for that office. No member of the General Assembly may offer a pledge until the qualifications of all candidates for that office have been determined by the appropriate joint committee to review candidates for that office.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-935.** Public Service Commission election requirements; violations and penalties.

(A) No candidate for or person intending to become a candidate for the Public Service Commission may seek, directly or indirectly, the pledge of a member of the General Assembly's vote or contact, directly or indirectly, a member of the General Assembly regarding screening for the Public Service Commission, until: (1) the qualifications of all candidates for that office have been determined by the State Regulation of Public Utilities Review Committee, and (2) the review committee has formally released its report as to the qualifications of all candidates for the office to the General Assembly. For purposes of this section, "indirectly seeking a pledge" means the candidate, or someone acting on behalf of and at the request of the candidate, requests a person to contact a member of the General Assembly on behalf of the candidate before nominations are formally made by the review committee. The prohibitions of this section do not extend to an announcement of candidacy by the candidate or statement by the candidate detailing the candidate's qualifications.

(B) No member of the General Assembly may offer his pledge until: (1) the qualifications of all candidates for the Public Service Commission have been determined by the State Regulation of Public Utilities Review Committee, and (2) the review committee has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications must occur no earlier than forty-eight hours after the names of nominees have been initially released to members of the General Assembly.

(C) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates, in exchange for another member's pledge to vote for a candidate for the Public Service Commission.

(D)(1) Violations of this section may be considered by the State Regulation of Public Utilities Review Committee when it considers the candidate's qualifications.

(2) Violations of this section by members of the General Assembly must be reported by the review committee to the House or Senate Ethics Committee, as may be applicable.

(3) Violations of this section by incumbent commissioners seeking reelection must be reported by the Public Service Commission to the State Ethics Commission.

A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22-3-545.

HISTORY: 2004 Act No. 175, Section 2, eff February 18, 2004.

**SECTION 8-13-1010.** Repealed by 1991 Act No. 248, Section 3, eff January 1, 1992.

Editor's Note

Former Section 8-13-1010 was derived from 1975 (59) 217; 1977 Act No. 150, Section 9.

Former Section 8-13-1010, which prescribed the penalty for violation of this chapter, was part of former Article 13. Similar provisions may now be found in Article 15. Article 13 now consists of Sections 8-13-1300 through 8-13-1372 and governs campaign practices.

**SECTION 8-13-1015.** Repealed by 1991 Act No. 248, Section 3, eff January 1, 1992.

Editor's Note

Former Section 8-13-1015 was derived from 1990 Act No. 330, Section 1.

Former Section 8-13-1015 provided a civil penalty for late filing, or failure to file, ethics statements, and specified exceptions to these provisions. For similar provisions, see Section 8-13-1510.

**SECTION 8-13-1020.** Repealed by 1991 Act No. 248, Section 3, eff January 1, 1992.

Editor's Note

Former Section 8-13-1020 was derived from 1975 (59) 217.

Former Section 8-13-1020, which provided the effective dates for the former provisions of this chapter, was located in former Article 13. Article 13 now consists of Sections 8-13-1300 through 8-13-1372, and governs campaign practices.

## ARTICLE 11

### Disclosure of Economic Interests

Editor's Note

Former Article 11, which consisted of Sections 8-13-810 through 8-13-850, was repealed by 1991 Act No. 248, Section 3, effective January 1, 1992.

**SECTION 8-13-1110.** Persons required to file statement of economic interests.

(A) No public official, regardless of compensation, and no **public member** or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests in accordance with the provisions of this chapter with the appropriate supervisory office. If a public official, **public member**, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect with the appropriate supervisory office. All disclosure statements are matters of public record open to inspection upon request.

(B) Each of the following public officials, **public members**, and public employees must file a statement of economic interests with the appropriate supervisory office, unless otherwise provided:

- (1) a person appointed to fill the unexpired term of an elective office;
- (2) a salaried member of a state board, commission, or agency;
- (3) the chief administrative official or employee and the deputy or assistant administrative official or employee or director of a division, institution, or facility of any agency or department of state government;
- (4) the city administrator, city manager, or chief municipal administrative official or employee, by whatever title;

(5) the county manager, county administrator, county supervisor, or chief county administrative official or employee, by whatever title;

(6) the chief administrative official or employee of each political subdivision including, but not limited to, school districts, libraries, regional planning councils, airport commissions, hospitals, community action agencies, water and sewer districts, and development commissions;

(7) a school district and county superintendent of education;

(8) a school district board member and a county board of education member;

(9) the chief finance official or employee and the chief purchasing official or employee of each agency, institution, or facility of state government, and of each county, municipality, or other political subdivision including, but not limited to, those named in item (6);

(10) a public official;

(11) a **public member** who serves on a state board, commission, or council; and

(12) Department of Transportation District Engineering Administrators.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 27, effective upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995; 2007 Act No. 114, Section 4, eff June 27, 2007.

**Effect of Amendment**

The 1995 amendment, in subsection (B), deleted former paragraph (12), which read: "a consultant".

The 2007 amendment added paragraph (B)(12) relating to Department of Transportation District Engineering Administrators.

**SECTION 8-13-1120.** Contents of statement of economic interests.

(A) A statement of economic interests filed pursuant to Section 8-13-1110 must be on forms prescribed by the State Ethics Commission and must contain full and complete information concerning:

(1) the name, business or government address, and workplace telephone number of the filer;

(2) the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer's immediate family during the reporting period;

(3)(a) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer's immediate family if:

(i) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are known to the filer; or

(ii) the interest can reasonably be expected to be the subject of a conflict of interest; or

(b) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;

(4) the name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement;

(5) the identity of every business or entity in which the filer or a member of the filer's immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;

(6)(a) a listing by name and address of each creditor to whom the filer or member of the filer's immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer's agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:

(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, **public member**, or public employee; or

(ii) the debt is promised or loaned by an individual's family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and

(b) the rate of interest charged the filer or a member of the filer's immediate family for a debt required to be reported in (a);

If a discharge of a debt required to be reported in (a) has been made, the date of the transaction must be shown.

(7) the name of any lobbyist, as defined in Section 2-17-10(13) who is:

(a) an immediate family member of the filer;

(b) an individual with whom or business with which the filer or a member of the filer's immediate family is associated;

(8) if a public official, **public member**, or public employee receives compensation from an individual or business which contracts with the governmental entity with which the public official, **public member**, or public employee serves or is employed, the public official, **public member**, or public employee must report the name and address of that individual or business and the amount of compensation paid to the public official, **public member**, or public employee by that individual or business;

(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:

(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official's or employee's office or position; or

(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:

(i) has or is seeking to obtain contractual or other business or financial relationship with the official's or employee's agency; or

(ii) conducts operations or activities which are regulated by the official's or employee's agency if the value of the gift is twenty-five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year.

(B) This article does not require the disclosure of economic interests information concerning:

(1) a spouse separated pursuant to a court order from the public official, **public member**, or public employee;

(2) a former spouse;

(3) a campaign contribution that is permitted and reported under Article 13 of this chapter; or

(4) matters determined to require confidentiality pursuant to Section 2-17-90(E).

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Sections 28, 29, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

**Effect of Amendment**

The 1995 amendment, in subsection (A), by Section 28, rewrote paragraphs (3) and (4), and by Section 29, in paragraph (6)(a), inserted "if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer's agency or department".

**SECTION 8-13-1125.** Exception to reporting requirement for events to which entire legislative body invited.

Notwithstanding Sections 2-17-90(C) and 8-13-710, the reporting requirement of Section 8-13-1120(A)(9) does not apply to an event to which a member of the General Assembly is invited by a lobbyist's principal, regardless of whether or not the member attended the event, if the invitation was extended to the entire membership of the House, Senate, or General Assembly, and the invitation was accepted by the House or Senate Invitations Committee pursuant to House or Senate rules.

HISTORY: 1995 Act No. 6, Section 30, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

**SECTION 8-13-1127.** Legislative invitations committees to keep records of invitations accepted; public inspection.

The House and Senate Invitations Committees shall keep an updated list of invitations accepted by the body. The list must be available for public inspection during regular business hours.

HISTORY: 1995 Act No. 6, Section 31, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

**SECTION 8-13-1130.** Report on names of, and purchases by, lobbyists.

In addition to the statement of economic interests required pursuant to Section 8-13-1110, a person required to file the statement shall further report to the appropriate supervisory office the name of any person he knows to be a lobbyist as defined in Section 2-17-10(13) or a lobbyist's principal as defined in Section 2-17-10(14) and knows that the lobbyist or lobbyist's principal has in the previous calendar year purchased from the filer, a member of the filer's immediate family, an individual with whom the filer is associated, or a business with which the filer is associated, goods or services in an amount in excess of two hundred dollars.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1140.** Filing of updated statement.

A person required to file a statement of economic interests under this chapter annually shall file, pursuant to Section 8-13-365, an updated statement for the previous calendar year, no later than noon on March thirtieth of each calendar year. If the person has filed the description by name, amount, and schedule of payments of a continuing arrangement relating to an item required to be reported under this article, an updating statement need not be filed for each payment under the continuing arrangement, but only if the arrangement is terminated or altered.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2013 Act No. 61, Section 8, eff June 25, 2013.

Editor's Note

2013 Act No. 61, Sections 11, 14, provide as follows:

"SECTION 11. In order to educate various parties regarding the provisions contained in this act, the following notifications must be made:

"(1) The State Election Commission must notify each county election commission of the provisions of this act.

"(2) The State Election Commission must post the provisions of this act on its website.

"(3) Each state party executive committee must notify their respective county executive parties of the provisions of this act."

"SECTION 14. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first."



The amendment by 2013 Act No. 61 became effective June 25, 2013, see *South Carolina Libertarian Party v. South Carolina State Election Com'n*, 407 S.C. 612, 757 S.E.2d 707 (2014).

Effect of Amendment

The 2013 amendment rewrote the first sentence.

**SECTION 8-13-1150.** Filing of statement by certain consultants.

A consultant must file a statement for the previous calendar year with the appropriate supervisory office no later than twenty-one days after entering into a contractual relationship with the State or a political subdivision of the State and must file an update within ten days from the date the consultant knows or should have known that new economic interests in an entity have arisen in which the consultant or a member of the consultant's immediate family has economic interests:

(1) where the entity's bid was evaluated by the consultant and who was subsequently awarded the contract by the State, county, municipality, or a political subdivision of any of these entities that contracted with the consultant; or

(2) where the entity was awarded a contract by the consultant.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 32, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

Effect of Amendment

The 1995 amendment deleted "of economic interests" following "must file a statement" at the beginning of the section.

**SECTION 8-13-1160.** Forwarding of copies of statement to State Ethics Commission and filing person's county of residence.

(A) The Senate Ethics Committee and the House of Representatives Ethics Committee must forward a copy of each statement filed with it to the State Ethics Commission within five business days of receipt.

(B) Within five business days of receipt, a copy of all statements of economic interests received by the State Ethics Commission must be forwarded to the clerk of court in the county of residence of the filing official or employee.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 33, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

Effect of Amendment

The 1995 amendment substituted "five" for "two" preceding "business days of receipt" in two instances.

**SECTION 8-13-1170.** Technical violations of disclosure requirements; extensions of time for filing statements.

(A) The appropriate supervisory office may, in its discretion, determine that errors or omissions on statements of economic interests are inadvertent and unintentional and not an effort to violate a requirement of this chapter and may be handled as technical violations not subject to the provisions of this chapter pertaining to ethical violations. Technical violations must remain confidential unless requested to be made public by the public official, **public member**, or public employee filing the statement. In lieu of all other penalties, the appropriate supervisory office may assess a technical violations penalty not exceeding fifty dollars.

(B) The appropriate supervisory office may grant a reasonable extension of time for filing a statement of economic interests. The extension may not exceed thirty days except in cases of illness or incapacitation.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1180.** Soliciting of contributions by elective official or agent from employees; favoritism by public official or employee towards employees making contributions.

(A) An elective official or the elective official's agent may not knowingly solicit a contribution from an employee in the elective official's area of official responsibility.

(B) A public official or public employee may not provide an advantage or disadvantage to a public employee or applicant for public employment concerning employment, conditions of employment, or application for employment based on the employee's or applicant's contribution, promise to contribute, or failure to contribute to a candidate, a political party, as defined in Section 8-13-1300(26) or a committee, as defined in Section 8-13-1300(6).

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

### ARTICLE 13 Campaign Practices

#### Editor's Note

Former Article 13, which consisted of Sections 8-13-1010 and 8-13-1020, was repealed by 1991 Act No. 248, Section 3, effective January 1, 1992.

#### **SECTION 8-13-1300.** Definitions.

As used in this article:

(1) "Appropriate supervisory office" means:

(a) the State Ethics Commission for all candidates for public office in this State except for members or staff, including staff elected to serve as officers of or candidates for the office of State Senator or State Representative;

(b) the Senate Ethics Committee for members or staff, including staff elected to serve as officers, of or candidates for the office of State Senator, and the House of Representatives Ethics Committee for members or staff, including staff elected to serve as officers, of or candidates for the office of State Representative;

(c) the State Ethics Commission for all committees, except legislative caucus committees, supporting or opposing a ballot measure or supporting or opposing a candidate;

(d) the Senate Ethics Committee for all legislative caucus committees and legislative special interest caucuses affiliated with the Senate, the House of Representatives Ethics Committee for all legislative caucus committees and legislative special interest caucuses affiliated with the House of Representatives, and both ethics committees for all legislative caucus committees and legislative special interest caucuses affiliated with both houses.

(2) "Ballot measure" means a referendum, proposition, or measure submitted to voters for their approval.

(3) "Business" means a corporation, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or a self-employed individual.

(4) "Candidate" means: (a) a person who seeks appointment, nomination for election, or election to a statewide or local office, or authorizes or knowingly permits the collection or disbursement of money for the promotion of his candidacy or election; (b) a person who is exploring whether or not to seek election at the state or local level; or (c) a person on whose behalf write-in votes are solicited if the person has knowledge of such solicitation. "Candidate" does not include a candidate within the meaning of Section 431(b) of the Federal Election Campaign Act of 1976.

(5) “Charitable organization” means an organization described in Title 26, Section 170(c) of the United States Code as it currently exists or as it may be amended.

(6) “Committee” means an association, a club, an organization, or a group of persons which, to influence the outcome of an elective office, receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means a person who, to influence the outcome of an elective office, makes:

(a) contributions aggregating at least twenty-five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or

(b) independent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.

“Committee” includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for the purpose of influencing an election.

(7) “Contribution” means a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in-kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge, whether any of the above are made or offered directly or indirectly. “Contribution” does not include (a) volunteer personal services on behalf of a candidate or committee for which the volunteer or any person acting on behalf of or instead of the volunteer receives no compensation either in cash or in-kind, directly or indirectly, from any source; or (b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in-kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made not more than forty-five days before the election to influence the outcome of an elective office as defined in Section 8-13-1300(31)(c). These funds must be deposited in an account separate from a campaign account as required in Section 8-13-1312.

(8) “Corporation” means an entity organized in the corporate form under federal law or the laws of any state.

(9) “Election” means:

(a) a general, special, primary, or runoff election;

(b) a convention or caucus of a political party held to nominate a candidate; or

(c) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or the Constitution of this State.

(10) “Election cycle” means the period of a term of office beginning on the day after the general election for the office, up to and including the following general election for the same office, including a primary, special primary, or special election; however, the contribution limits under Sections 8-13-1314 and 8-13-1316 apply only to elections occurring on or after January 1, 1992, and are for each primary, runoff, or special election in which a candidate has opposition and for each general election. If the candidate remains unopposed during an election cycle, one contribution limit shall apply.

(11) “Elective office” means an office at the state, county, municipal or political subdivision level. For the purposes of this article, the term ‘elective office’ does not include an office under the unified judicial system except for purposes of campaign practices, campaign disclosure, and disclosure of economic interests. “Elective office” includes the office of probate judge.

(12) “Expenditure” means a purchase, payment, loan, forgiveness of a loan, an advance, in-kind contribution or expenditure, a deposit, transfer of funds, gift of money, or anything of value for any purpose.

(13) “Expenditures incurred” means an amount owed to a creditor for purchase of delivered goods or completed services.

(14) “Family member” means an individual who is:

(a) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild; or

(b) a member of the individual's immediate family.

(15) "Gift" means anything of value, including entertainment, food, beverage, travel, and lodging given for pay to a public official or public employee to the extent that consideration of equal or greater value is not received. A gift includes a rebate or discount on the price of anything of value unless it is made in the ordinary course of business without regard to that person's status. A gift does not include campaign contributions accepted pursuant to this article.

(16) "Immediate family" means:

(a) a child residing in a candidate's, public official's, **public member's**, or public employee's household;

(b) a spouse of a candidate, public official, **public member**, or public employee; or

(c) an individual claimed by the candidate, public official, **public member**, or public employee or the candidate's, public official's, **public member's**, or public employee's spouse as a dependent for income tax purposes.

(17) "Independent expenditure" means:

(a) an expenditure made directly or indirectly by a person to advocate the election or defeat of a clearly identified candidate or ballot measure; and

(b) when taken as a whole and in context, the expenditure made by a person to influence the outcome of an elective office or ballot measure but which is not:

(i) made to;

(ii) controlled by;

(iii) coordinated with;

(iv) requested by; or

(v) made upon consultation with a candidate or an agent of a candidate; or a committee or agent of a committee; or a ballot measure committee or an agent of a ballot measure committee.

Expenditures by party committees or expenditures by legislative caucus committees based upon party affiliation are considered to be controlled by, coordinated with, requested by, or made upon consultation with a candidate or an agent of a candidate.

(18) "Individual" means one human being.

(19) "Individual with whom he is associated" means an individual with whom the person or a member of his immediate family mutually has an interest in a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

(20) "In-kind contribution or expenditure" means goods or services which are provided to or by a person at no charge or for less than their fair market value.

(21) "Legislative caucus committee" means:

(a) a committee of either house of the General Assembly controlled by the caucus of a political party or a caucus based upon racial or ethnic affinity, or gender; however, each house may establish only one committee for each political, racial, ethnic, or gender-based affinity;

(b) a party or group of either house of the General Assembly based upon racial or ethnic affinity, or gender;

(c) "legislative caucus committee" does not include a "legislative special interest caucus" as defined in Section 2-17-10(21).

(22) "Loan" means a transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or in part.

(23) "Noncandidate committee" means a committee that is not a campaign committee for a candidate but is organized to influence an election or to support or oppose a candidate or public official, which receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. "Noncandidate committee" does not include political action committees that contribute solely to federal campaigns.

(24) "Party committee" means a committee established by a political party.

(25) "Person" means an individual, a proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, an estate, a company, committee, an association, a corporation, club, labor organization, or any other organization or group of persons acting in concert.

(26) "Political party" means an association, a committee, or an organization which nominates a candidate whose name appears on the election ballot as the candidate of that association, committee, or organization.

(27) "Public employee" means a person employed by the State, a county, a municipality, or a political subdivision thereof.

(28) "Public official" means an elected or appointed official of the State, a county, a municipality or a political subdivision thereof, including candidates for the office. However, "public official" does not mean a member of the judiciary except for purposes of campaign financing. A probate judge is considered a public official and must meet the requirements of this article.

(29) "Statewide office" means an elective office other than a federal office eligible to be voted upon by all electors of the State.

(30) "Transfer" means the movement or exchange of funds or anything of value between committees and candidates except the disposition of surplus funds or material assets by a candidate to a party committee, as provided in this article.

(31) "Influence the outcome of an elective office" means:

(a) expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to "vote for", "elect", "cast your ballot for", "Smith for Governor", "vote against", "defeat", or "reject";

(b) communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate including or substantially similar to slogans or words such as "Smith's the One", "Jones 2000", "Smith/Jones", "Jones!", or "Smith-A man for the People!"; or

(c) any communication made, not more than forty-five days before an election, which promotes or supports a candidate or attacks or opposes a candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. For purposes of this paragraph, "communication" means (i) any paid advertisement or purchased program time broadcast over television or radio; (ii) any paid message conveyed through telephone banks, direct mail, or electronic mail; or (iii) any paid advertisement that costs more than five thousand dollars that is conveyed through a communication medium other than those set forth in subsections (i) or (ii) of this paragraph. "Communication" does not include news, commentary, or editorial programming or article, or communication to an organization's own members.

(32) "Ballot measure committee" means:

(a) an association, club, an organization, or a group of persons which, to influence the outcome of a ballot measure, receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle;

(b) a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or

(c) a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle.

(33) "Coordinated with" means discussion or negotiation between a candidate or a candidate's agent and:

(a) a person;

(b) an agent of a person;

(c) any other agent of a candidate; or

(d) any combination of these concerning, but not limited to, a political communication's:

(1) contents, including the specific wording of print, broadcast, or telephone communications; appearance of print or broadcast communications; the message or theme of print or broadcast communications;

(2) timing, including the proximity to general or primary elections, proximity to other political communications, and proximity to other campaign events;

(3) location, including the proximity to other political communications, or geographical targeting, or both;

(4) mode, including the medium (phone, broadcast, print, etc.) of the communication;

(5) intended audience, including the demographic or political targeting, or geographical targeting; and

(6) volume, including the amount, frequency, or size of the political communication.

(34) "Operation expenses" means expenditures for salaries and/or fringe benefits for part-time, full-time, temporary and/or contract employees; meeting expenses, travel, utilities, communications and/or communications equipment whether leased or purchased, printing or printing services, postage, food and/or beverage, advertising, consulting services, and/or any other expenditures which are not an authorized contribution to a candidate, committee, or ballot measure committee.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Sections 34-38, effective upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995; 2003 Act No. 76, Section 22, eff June 26, 2003; 2003 Act No. 76, Sections 19 to 21, 23 to 27, 54, eff November 3, 2004; 2006 Act No. 344, Sections 3, 4, eff May 31, 2006; 2008 Act No. 245, Section 3, eff May 29, 2008.

#### Effect of Amendment

The 1995 amendment, by Section 34, in paragraph (4), inserted the second sentence regarding write-in candidates; by Section 35, in paragraph (7), deleted "or ballot measure" following "influence an election"; by Section 36, in paragraph (9), inserted item (d); by Section 37, in paragraph (17), item (a), inserted "or ballot measure"; and by Section 38, in paragraph (23), deleted "or ballot measure" following "public official," in the first sentence.

The 2003 amendment by Act 76, Section 22 (eff June 26, 2003), in paragraph (9), deleted item (d) which read "a ballot measure" and by Sections 19, 20, 21, 23 and 54 (eff November 3, 2004), rewrote items (4), (6), (7), (17) and (21) respectively, and by Sections 24 to 27 (eff November 3, 2004) added items (31) to (34).

The 2006 amendment, in subparagraph (1)(d), added the references to legislative special interest caucuses; and added subparagraph (21)(c).

The 2008 amendment, in subitems (1)(a) and (b), added "or staff, including staff elected to serve as officers,".

#### **SECTION 8-13-1302.** Maintenance of records of contributions, contributors, and expenditures.

(A) A candidate, committee, or ballot measure committee must maintain and preserve an account of:

(1) the total amount of contributions accepted by the candidate, committee, or ballot measure committee;

(2) the name and address of each person making a contribution and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the candidate, committee, or ballot measure committee;

(4) the name and address of each person to whom an expenditure is made including the date, amount, purpose, and beneficiary of the expenditure;

(5) all receipted bills, canceled checks, or other proof of payment for each expenditure; and

(6) the occupation of each person making a contribution.

(B) The candidate, committee, or ballot measure committee must maintain and preserve all receipted bills and accounts required by this article for four years.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 28, eff November 3, 2004.

Effect of Amendment

The 2003 amendment, in subsection (A)(2), inserted “the amount and” following “contribution and”; added subsection (A)(6) relating to “the occupation of each person making a contribution”; inserted “, or ballot measure committee” following “committee” throughout this section; and made other nonsubstantive changes.

**SECTION 8-13-1304.** Committees receiving and spending funds to influence elections required to file statement of organization.

(A) A committee, except an out-of-state committee, which receives or expends more than five hundred dollars in the aggregate during an election cycle to influence the outcome of an elective office must file a statement of organization with the State Ethics Commission no later than five days after receiving the contribution or making the expenditure. An out-of-state committee which expends more than five hundred dollars in the aggregate during an election cycle to influence the outcome of an elective office must file a statement of organization with the State Ethics Commission no later than five days after making the expenditure.

(B) A ballot measure committee, except an out-of-state ballot measure committee, which receives or expends more than two thousand five hundred dollars in the aggregate during an election cycle to influence the outcome of a ballot measure must file a statement of organization with the State Ethics Commission no later than five days after receiving the contribution or making the expenditure. An out-of-state ballot measure committee which expends more than two thousand five hundred dollars in the aggregate during an election cycle to influence the outcome of a ballot measure must file a statement of organization with the State Ethics Commission no later than five days after making the expenditure.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 29, eff November 3, 2004.

Effect of Amendment

The 2003 amendment designated the existing paragraph as subsection (A), deleted “or ballot measure” following “elective office” twice in the existing paragraph, and added subsection (B) relating to ballot measure committees requirement to file a statement of organization when receiving and spending funds to influence elections.

**SECTION 8-13-1306.** Contents of statement of organization.

(A) The statement of organization of a committee or a ballot measure committee must include:

- (1) the full name of the committee or ballot measure committee;
- (2) the complete address and telephone number of the committee or ballot measure committee;
- (3) the date the committee or ballot measure committee was organized;
- (4) a summary of the purpose of the committee or ballot measure committee;
- (5) the name and address of a corporation or an organization that sponsors the committee or ballot measure committee or is affiliated with the committee or ballot measure committee. If the committee or ballot measure committee is not sponsored by or affiliated with a corporation or an organization, the committee or ballot measure committee must specify the trade, profession, or primary interest of contributors to the committee or ballot measure committee;
- (6) the name and address of affiliated committees, as defined in Section 8-13-1331;
- (7) the full name, address, telephone number, occupation, and principal place of business of the chairman and treasurer of the committee or ballot measure committee;

(8) the full name, address, telephone number, occupation, and principal place of business of the custodian of the books and accounts, if the custodian is not one of the designated officers;

(9) the full name and address of the depository in which the committee or ballot measure committee maintains its campaign account and the number of the account; and

(10) a certification of the statement by the chairman and the treasurer.

(B) The name of the committee or ballot measure committee designated on the statement of organization must incorporate the full name of the sponsoring entity, if any. An acronym or abbreviation may be used in other communications if the acronym or abbreviation commonly is known or clearly recognized by the general public.

(C) The chairman must notify the State Ethics Commission in writing of a change in information previously reported in a statement of organization no later than ten business days after the change.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 30, eff June 26, 2003; 2008 Act No. 245, Section 6, eff May 29, 2008.

**Effect of Amendment**

The 2003 amendment added “, or ballot measure committee” following “committee”, and substituted “the custodian is not one of” for “other than” in subsection (A)(7); and made nonsubstantive changes throughout this section.

The 2008 amendment added paragraph (A)(6) and redesignated paragraphs (A)(6) to (9) as paragraphs (A)(7) to (10).

**SECTION 8-13-1308.** Filing of certified campaign reports by candidates and committees.

(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8-13-1304(A) must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

(C) Campaign reports filed by a candidate must be certified by the candidate. Campaign reports filed by a committee must be certified by a duly authorized officer of the committee.

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

(2) A committee immediately shall file a campaign report listing expenditures if it makes an independent expenditure or an incurred expenditure within the calendar quarter in which the election is conducted or twenty days before the election, whichever period of time is greater, in excess of:

(a) ten thousand dollars in the case of a candidate for statewide office; or

(b) two thousand dollars in the case of a candidate for any other office.

(3) In the event of a runoff election, candidates or committees are not required to file another campaign report in addition to the reports already required under this section. However, records must remain open to public inspection upon request between the election and the runoff.

(E) Notwithstanding the provisions of subsections (B) and (D), if a pre-election campaign report provided for in subsection (D) is required to be filed within thirty days of the end of the prior quarter, a



candidate or committee must combine the quarterly report provided for in subsection (B) and the pre-election report and file the combined report subject to the provisions of subsection (D) no later than fifteen days before the election.

(F) Certified campaign reports detailing campaign contributions and expenditures must contain:

- (1) the total of contributions accepted by the candidate or committee;
- (2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;
- (3) the total expenditures made by or on behalf of the candidate or committee;
- (4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

(G) Notwithstanding any other reporting requirements in this chapter, a political party, legislative caucus committee, and a party committee must file a certified campaign report upon the receipt of anything of value which totals in the aggregate five hundred dollars or more. For purposes of this section, “anything of value” includes contributions received which may be used for the payment of operation expenses of a political party, legislative caucus committee, or a party committee. A political party also must comply with the reporting requirements of subsections (B), (C), and (F) of Section 8-13-1308 in the same manner as a candidate or committee.

(H) A committee that solicits contributions pursuant to Section 8-13-1331 must certify compliance with that section on a form prescribed by the State Ethics Commission.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 39, eff upon approval (became law without the Governor’s signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995; 2003 Act No. 76, Sections 31 to 34, eff November 3, 2004; 2008 Act No. 245, Section 7, eff May 29, 2008.

#### Effect of Amendment

The 1995 amendment added subsection (E) and redesignated former subsection (E) as (F).

The 2003 amendment, in subsection (A), in the first sentence, added “or the making of independent expenditures” after “campaign contributions” and in the second sentence, deleted “or a committee” following “candidate”; in subsection (D)(1) inserted “and expenditures” following “one hundred dollars”; in subsection (F)(2) added “amount and” preceding “date of receipt”; and added subsection (G) relating to filing a certified campaign report by a political party upon receipt of anything of value in the amount of five hundred dollars or more.

The 2008 amendment added subsection (H) relating to certification of compliance.

#### **SECTION 8-13-1309.** Certified campaign reports; filing; contents.

(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling, in an accumulated aggregate, two thousand five hundred dollars or more, a ballot measure committee required to file a statement of organization pursuant to Section 8-13-1304(B) must file an initial certified campaign report within ten days of these initial receipts or expenditures.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after a ballot measure election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370(C).

(C) At least fifteen days before a ballot measure election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the ballot measure committee for the period ending twenty days before the ballot measure election. The ballot measure committee must maintain a current list during the period before the ballot measure election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

(D) Notwithstanding the provisions of subsections (B) and (C), if a pre-election campaign report provided for in subsection (C) is required to be filed within thirty days of the end of the prior quarter, a ballot measure committee must combine the quarterly report provided for in subsection (B) and the pre-election report and file the combined report subject to the provisions of subsection (C) no later than fifteen days before the ballot measure election.

(E) Certified campaign reports detailing campaign contributions and expenditures must contain:

- (1) the total amount of contributions accepted by the ballot measure committee;
- (2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;
- (3) the total amount of expenditures made by or on behalf of the ballot measure committee; and
- (4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

HISTORY: 2003 Act No. 76, Section 35, eff November 3, 2004.

**SECTION 8-13-1310.** Recipients of certified campaign reports and copies thereof; State Ethics Commission review.

(A) All persons required to file certified campaign reports pursuant to the provisions of this article must file those reports with the appropriate supervisory office.

(B) The Ethics Committees of the Senate and the House of Representatives must forward a copy of each statement filed with them to the State Ethics Commission within five business days of receipt.

(C) Within five days of receipt, a copy of all campaign reports received by the State Ethics Commission must be forwarded to the clerk of court in the county of residence of the person required to file.

(D) As provided in Section 8-13-1372, the State Ethics Commission must review all statements for inadvertent and unintentional errors or omissions.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Sections 40, 41, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995; 2003 Act No. 76, Section 36, eff June 26, 2003.

Effect of Amendment

The 1995 amendment, by Section 40, in subsection (B), substituted "five business days" for "two business days"; and by Section 41, in subsection (C), substituted "five days" for "two days".

The 2003 amendment, in subsection (C), deleted "State Election Commission and the" preceding "clerk", in subsection (D) substituted "Ethics Commission" for "Election Commission" and deleted "forwarded to it by the State Ethics Commission" after "statement", and made nonsubstantive changes throughout.

**SECTION 8-13-1312.** Campaign bank accounts.

Except as is required for the separation of funds and expenditures under the provisions of Section 8-13-1300(7), a candidate shall not establish more than one campaign checking account and one campaign savings account for each office sought, and a committee shall not establish more than one checking account and one savings account unless federal or state law requires additional accounts. For purposes of this article, certificates of deposit or other interest bearing instruments are not considered separate accounts. A candidate's accounts must be established in a financial institution that conducts business within the State and in an office located within the State that conducts business with the general public. The candidate or a duly authorized officer of a committee must maintain the accounts in the name of the candidate or committee. An acronym must not be used in the case of a candidate's accounts. An acronym or abbreviation may be used in the case of a committee's accounts if the acronym or abbreviation commonly is known or clearly recognized by the general public. Except as otherwise provided under Section 8-13-1348(C), expenses paid on behalf of a candidate or committee must be

drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt. All contributions received by an agent of a candidate or committee must be forwarded to the candidate or committee not later than five days after receipt. A contribution must not be deposited until the candidate or committee receives information regarding the name and address of the contributor. If the name and address cannot be determined within seven days after receipt, the contribution must be remitted to the Children's Trust Fund.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 37, eff November 3, 2004.

**Effect of Amendment**

The 2003 amendment, in the first sentence, added "Except as is required for the separation of funds and expenditures under the provisions of Section 8-13-1300(7)," at the beginning, substituted "shall" for "may" twice and made nonsubstantive changes, and in the last sentence substituted "seven" for "ten".

**SECTION 8-13-1314.** Campaign contribution limits and restrictions.

(A) Within an election cycle, no candidate or anyone acting on his behalf shall solicit or accept, and no person shall give or offer to give to a candidate or person acting on the candidate's behalf:

- (1) a contribution which exceeds:
  - (a) three thousand five hundred dollars in the case of a candidate for statewide office; or
  - (b) one thousand dollars in the case of a candidate for any other office;
- (2) a cash contribution from an individual unless the cash contribution does not exceed twenty-five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;
- (3) a contribution from, whether directly or indirectly, a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election;
- (4) contributions for two elective offices simultaneously, except as provided in Section 8-13-1318.

(B) The restrictions on contributions in subsections (A)(1) and (A)(2) do not apply to a candidate making a contribution to his own campaign.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 38, eff November 3, 2004.

**Effect of Amendment**

The 2003 amendment, in the introductory paragraph of subsection (A), added ", and no person shall give or offer to give to a candidate or person acting on the candidate's behalf" following "accept", and in subsection (A)(3) added ", whether directly or indirectly," preceding "a registered lobbyist".

**SECTION 8-13-1316.** Restrictions on campaign contributions received from political parties; exception for multi-candidate promotions.

(A) Notwithstanding Section 8-13-1314(A)(1), within an election cycle, a candidate may not accept or receive contributions from a political party through its party committees or legislative caucus committees, and a political party through its party committees or legislative caucus committees may not give to a candidate contributions which total in the aggregate more than:

- (1) fifty thousand dollars in the case of a candidate for statewide office; or
- (2) five thousand dollars in the case of a candidate for any other office.

(B) The recipient of a contribution given in violation of subsection (A) may not keep the contribution, but within seven days must remit the contribution to the Children's Trust Fund.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 39, eff November 3, 2004.

#### Effect of Amendment

The 2003 amendment, in the introductory paragraph of subsection (A), added “Notwithstanding Section 8-13-1314(A)(1),” at the beginning, added “, and a political party through its party committees or legislative caucus committees may not give to a candidate contributions” preceding “which total”, and made a nonsubstantive change; and replaced existing subsection (B) relating to expenditures of multi-candidate promotions with new subsection (B) relating to remittance of unauthorized contributions to the “Children’s Trust Fund”.

**SECTION 8-13-1318.** Acceptance of contributions to retire campaign debt; limits; reporting requirements.

If a candidate has a debt from a campaign for an elective office, the candidate may accept contributions to retire the debt, even if the candidate accepts contributions for another elective office or the same elective office during a subsequent election cycle, as long as those contributions accepted to retire the debt are:

- (1) within the contribution limits applicable to the last election in which the candidate sought the elective office for which the debt was incurred; and
- (2) reported as provided in this article.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1320.** Contributions within specified period after primary, special, or general election attributed to that primary or election.

For purposes of this article:

- (1) A contribution made on or before the seventh day after a primary or primary runoff is attributed to the primary or primary runoff, respectively.
- (2) A contribution made on or before the end of the quarter immediately following a general election or special election is attributed to the general election or special election, respectively.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1322.** Dollar limits on contributions to committees.

(A) A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.

(B) A person may not contribute to a committee and a committee may not accept from a person a cash contribution unless the cash contribution does not exceed twenty-five dollars for each election and is accompanied by a record of the amount of the contribution and the name and address of the contributor.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1324.** Anonymous campaign contributions.

(A) A person shall not make an anonymous contribution to a candidate, committee, or ballot measure committee, and a candidate, committee, or ballot measure committee shall not accept an anonymous contribution from an individual except at a ticketed event where food or beverages are served or where political merchandise is distributed and where the price of the ticket is twenty-five dollars or less and goes toward defraying the cost of food, beverages, or political merchandise in whole or in part.

(B) The recipient of an anonymous contribution given in violation of subsection (A) or the recipient of any other anonymous contribution shall not keep the contribution but within seven days must remit the contribution to the Children’s Trust Fund.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 40, eff June 26, 2003.

Effect of Amendment

The 2003 amendment, in subsection (A), added “, or ballot measure committee” twice after “committee” and in subsections (A) and (B) substituted “shall” for “may” and made nonsubstantive changes.

**SECTION 8-13-1326.** Loans to candidates considered contributions; limitations; exceptions.

(A) A loan is considered a contribution from the maker or the guarantors of the loan and is subject to the contribution limitations of this article.

(B) A loan to a candidate must be by written agreement.

(C) The proceeds of a loan made to a candidate under the following conditions are not subject to the contribution limits of this article:

- (1) by a commercial lending institution;
- (2) in the regular course of business;
- (3) on the same terms ordinarily available to members of the public; and
- (4) secured or guaranteed upon which collection is not made.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1328.** Limits on repayment of loans from candidate or family members to campaign.

(A) A candidate for statewide office or the candidate’s family member must not be repaid, for a loan made to the candidate, more than twenty-five thousand dollars in the aggregate after the election.

(B) A candidate for an elective office other than those specified in subsection (A) or a family member of a candidate for an elective office other than those specified in subsection (A) must not be repaid, for a loan made to the candidate, more than ten thousand dollars in the aggregate after the election.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1330.** Contributions by spouses or parent and child.

Contributions by each spouse are considered separate contributions and are not attributable to the other spouse. Contributions by unemancipated children under eighteen years of age are considered contributions by their parents. Fifty percent of the contributions are attributed to each parent, or in the case of a single custodial parent, the total amount is attributed to the custodial parent.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1331.** Solicitation of contributions by corporations from shareholders, executive personnel, and certain related corporate entities.

Notwithstanding Section 8-13-1332(3), a corporation or committee of a corporation may solicit the shareholders and executive or administrative personnel of the corporation and its subsidiaries, branches, divisions, affiliates and their families. For purposes of this section, all committees established, financed, maintained, or controlled by the same corporation, including any direct or indirect parent, subsidiary, branch, or division thereof, are affiliated. With respect to a corporation or committee of a corporation that solicits contributions pursuant to this section, contributions made or received by affiliated committees are considered to be made or received by a single committee for purposes of contribution limits in Sections 8-13-1314 and 8-13-1322. A corporation or committee of a corporation that solicits contributions pursuant to this section must certify in the manner prescribed by Section 8-13-1308(H) that contributions

made or received by the committee and its affiliated committees, if any, have complied with contribution limits in Sections 8-13-1314 and 8-13-1322 as if the committee and its affiliated committees, if any, were a single committee.

HISTORY: 2008 Act No. 245, Section 5, eff May 29, 2008.

**SECTION 8-13-1332.** Unlawful contributions and expenditures.

It is unlawful for:

- (1) a committee or ballot measure committee to make a contribution or expenditure by using:
  - (a) anything of value secured by physical force, job discrimination, financial reprisals, or threat of the same;
  - (b) dues, fees, or other monies required as a condition of membership in a labor organization, or as a condition of employment; or
  - (c) monies obtained by the committee or the ballot measure committee in a commercial transaction;
- (2) a person to solicit an employee for a contribution and fail to inform the employee of the political purposes of the committee or ballot measure committee and of the employee's right to refuse to contribute without any advantage or promise of an advantage conditioned upon making the contribution or reprisal or threat of reprisal related to the failure to make the contribution;
- (3) a corporation or committee of a corporation to solicit contributions to the corporation or committee from a person other than its shareholders, directors, executive or administrative personnel, and their families, except as provided in Section 8-13-1333.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 41, eff June 26, 2003.

**Effect of Amendment**

The 2003 amendment, in paragraphs (1), (1)(c) and (2), added "or ballot measure committee" after "committee", in paragraph (3), added "except as provided in Section 8-13-1333." at the end, and deleted paragraph (4) relating to an organization's solicitation of contributions from others than its members being unlawful, and made nonsubstantive changes.

**SECTION 8-13-1333.** Soliciting contributions from the general public.

(A) Not-for-profit corporations and committees formed by not-for-profit corporations may solicit contributions from the general public.

(B) An organization or a committee of an organization may solicit contributions from the general public.

(C)(1) A legislative special interest caucus must not solicit contributions as defined in Section 8-13-100(9), however, it may solicit funds from the general public for the limited purpose of defraying mailing expenses, including cost of materials and postage, and for members of the legislative special interest caucus to attend regional and national conferences. Legislative special interest caucus members may attend a regional or national conference only if the conference is exclusively comprised of legislative special interest caucus counterparts and convenes for the purpose of interacting and exchanging ideas among caucus members and the conference is sponsored by a national organization with which the legislative special interest caucus is affiliated. Attendance at any conference is prohibited if the conference is sponsored by any lobbying group or extends an invitation to persons other than legislators. Under no circumstances may a legislative special interest caucus accept funds from a lobbyist. Each special interest caucus must submit a financial statement to the appropriate supervisory office by January first and July first of each year showing the total amount of funds received and total amount of funds paid out. It must also maintain the following records, for not less than four years, which must be available to the appropriate supervisory office for inspection:

- (a) the total amount of funds received by the legislative special interest caucus;

(b) the name and address of each person or entity making a donation and the amount and date of receipt of each donation;

(c) all receipted bills, canceled checks, or other proof of payment for any expenses paid by the legislative special interest caucus.

(2) A legislative special interest caucus may not accept a gift, loan, or anything of value, except for funds permitted in subsection (C)(1) above.

HISTORY: 2003 Act No. 76, Section 42, eff June 26, 2003; 2006 Act No. 344, Section 5, eff May 31, 2006.

Effect of Amendment

The 2006 amendment added subsection (C) relating to legislative special interest caucuses.

**SECTION 8-13-1334.** Certain solicitation of contributions by corporations and organizations from employees not unlawful.

Notwithstanding Section 8-13-1332, a corporation or organization and their committees may through biannual seminars or at the time of hiring nonexecutive and nonadministrative personnel provide educational materials to such personnel explaining their organization, purposes, and operation and also may request contributions to their committees if the committees certify in their reports, as required under Section 8-13-1308, that the requirements of Section 8-13-1332 are met.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1336.** Accepting or soliciting contributions on State Capitol grounds or in official residence prohibited; exception for contributions by mail.

(A) No public official, candidate, public employee, or committee may accept or solicit campaign contributions on the State Capitol grounds, including the office complexes located on them, or in any building which houses the principal office of a statewide officer.

(B) No public official, candidate, public employee, or committee may accept or collect campaign contributions on the grounds of or in any building which houses the official residence of a statewide officer.

(C) Contributions delivered by mail are excluded from the provisions of this section.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1338.** Persons prohibited from soliciting contributions.

(A) The following persons personally may not solicit, verbally or in writing, a contribution to a candidate:

(1) a law enforcement officer while in uniform;

(2) a judge or candidate for judicial office;

(3) a solicitor, an assistant solicitor, or an investigator in a solicitor's office;

(4) the Attorney General, a deputy attorney general, an assistant attorney general, or an investigator in the Attorney General's office.

(B) The restrictions of subsection (A) on solicitation of contributions do not apply to:

(1) a candidate soliciting a contribution to his own campaign; or

(2) a part-time assistant solicitor.

(C) A law enforcement officer while in uniform may not solicit a contribution to any political party or candidate.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1340.** Restrictions on contributions by one candidate to another; committees established, financed, maintained, or controlled by a candidate.

(A) Except as provided in subsections (B) and (E), a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate's or public official's campaign account or through a committee, except legislative caucus committees, directly or indirectly established, financed, maintained, or controlled by the candidate or public official.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate's own personal funds on behalf of the candidate's candidacy or to another candidate for a different office; or

(2) providing the candidate's surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8-13-1370 of this article.

(C) Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).

(D) A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:

(1) the candidate or public official, or an agent of either, has signature authority on the committee's checks;

(2) funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;

(3) the candidate or public official is clearly identified on either the stationery or letterhead of the committee;

(4) the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;

(5) the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee's solicitations, contributions, donations, disbursements, or contracts to make disbursements; or

(6) the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.

(E) The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.

(F) No committee operating under the provisions of Section 8-13-1340(E) may:

(1) solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or

(2) transfer anything of value to any other committee except as a contribution under the limitations of Section 8-13-1314(A) or the dissolution provisions of Section 8-13-1370.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992; 2003 Act No. 76, Section 43, eff July 1, 2003.

Editor's Note

2003 Act No. 76, Section 57, provides in part as follows:



“ . . . the amendments to Section 8-13-1340 as contained in Section 43 (effective July 1, 2003), apply to contributions and transfers made on and after the effective date . . . ”

#### Effect of Amendment

The 2003 amendment rewrote subsection (A), added subsection (D) relating to committees being established, financed, or controlled by a candidate, added subsection (E) relating to exceptions to subsection (A), and added (F) relating to prohibitions on committees operating under subsection (E).

**SECTION 8-13-1342.** Restrictions on contributions by contractor to candidate who participated in awarding of contract.

No person who has been awarded a contract with the State, a county, a municipality, or a political subdivision thereof, other than contracts awarded through competitive bidding practices, may make a contribution after the awarding of the contract or invest in a financial venture in which a public official has an interest if that official was in a position to act on the contract's award. No public official or public employee may solicit campaign contributions or investments in exchange for the prior award of a contract or the promise of a contract with the State, a county, a municipality, or a political subdivision thereof.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1344.** Contributions by public utilities; seeking endorsement in return for contribution; discrimination by employers based on contributions; reimbursement for contributions.

(A) A public utility may not include in its operating expenses a contribution or expenditure to influence an election or to operate a political action committee.

(B) A person may not solicit from a candidate, committee, political party, or other person, money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate, committee, or political party.

(C) An employer may not provide an advantage or disadvantage to an employee concerning the employee's employment or conditions of employment based on the employee's contribution, promise to contribute, or failure to contribute to a candidate, committee, or political party.

(D) A person may not, directly or indirectly, reimburse a person, except for the person's immediate family, for a contribution to a candidate, committee, or political party.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1346.** Use of public funds, property, or time to influence election prohibited; exceptions.

(A) A person may not use or authorize the use of public funds, property, or time to influence the outcome of an election.

(B) This section does not prohibit the incidental use of time and materials for preparation of a newsletter reporting activities of the body of which a public official is a member.

(C) This section does not prohibit the expenditure of public resources by a governmental entity to prepare informational materials, conduct public meetings, or respond to news media or citizens' inquiries concerning a ballot measure affecting that governmental entity; however, a governmental entity may not use public funds, property, or time in an attempt to influence the outcome of a ballot measure.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 42, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

#### Effect of Amendment

The 1995 amendment rewrote this section, designating existing first and second sentences as (A) and (B), respectively, and adding subsection (C).

**SECTION 8-13-1348.** Use of campaign funds for personal expenses; expenditures more than twenty-five dollars; expenditures not to exceed fair market value; petty cash funds.

(A) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

(B) The payment of reasonable and necessary travel expenses or for food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event are permitted.

(C)(1) An expenditure of more than twenty-five dollars drawn upon a campaign account must be made by:

- (a) a written instrument;
- (b) debit card; or
- (c) online transfers.

The campaign account must contain the name of the candidate or committee, and the expenditure must contain the name of the recipient. These expenditures must be reported pursuant to the provisions of Section 8-13-1308.

(2) Expenditures of twenty-five dollars or less that are not made by a written instrument, debit card, or online transfer containing the name of the candidate or committee and the name of the recipient must be accounted for by a written receipt or written record.

(D) An expenditure may not be made that is clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.

(E) A candidate or a duly authorized officer of a committee may not withdraw more than one hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty-five dollars for each expenditure.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2010 Act No. 225, Section 1, eff June 7, 2010.

**Effect of Amendment**

The 2010 amendment rewrote subsection (C).

**SECTION 8-13-1350.** Prohibition of use of funds for campaign for one office to further candidacy of same person for different office.

(A) A candidate for elective office may use or permit the use of contributions solicited for or received by the candidate for that office to further the candidacy of the individual for a different office as long as the contributions have been received on or before December 31, 1992, and have been transferred to a campaign account for the different office on or before December 31, 1992. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the funds or contributions are solicited or received before the general election for which the candidate is a nominee or is unopposed. The prohibition on the use or solicitation of funds does not limit in any way a candidate from retaining funds for use in a subsequent race for the same elective office.

(B) Any assets or funds which are:

(1) the proceeds of a campaign contribution which are held by or under the control of a public official or a candidate for public office on January 1, 1993; and

(2) which continue to be held by or under the control of a public official or a candidate for public office on January 1, 1993; are subject to the provisions of subsection (A).

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1993 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1352.** Exception to prohibition of use of funds for campaign for one office to further candidacy of same person for different office.

Notwithstanding the provisions of Section 8-13-1350, a candidate may use or permit the use of contributions solicited for or received by the candidate to further the candidacy of the individual for an elective office other than the elective office for which the contributions were received if:

(1) the person originally making the contribution gives written authorization for its use to further the candidacy of the individual for a specific office which is not the office for which the contribution was originally intended; and

(2) the contribution is otherwise permitted by law.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1354.** Identification of person independently paying for election-related communication; exemptions.

A candidate, committee, or other person which makes an expenditure in the distribution, posting, or broadcasting of a communication to voters supporting or opposing a public official, a candidate, or a ballot measure must place his name and address on the printed matter or have his name spoken clearly on a broadcast so as to identify accurately the person and his address. Campaign buttons, balloons, yard signs, or similar items are exempt from this requirement.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 43, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.

Effect of Amendment

The 1995 amendment, at the beginning of the section, substituted "A candidate, committee, or other person which makes" for "A person who makes an independent".

**SECTION 8-13-1356.** Economic interests statements, filing deadlines for particular candidates.

(A) A person who becomes a candidate by filing a statement of intention of candidacy seeking nomination by political party primary or political party convention must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8-13-365 prior to the close of filing for the particular office.

(B) A person who becomes a candidate by filing a petition for nomination must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8-13-365 within fifteen days of submitting the petition pursuant to Section 7-11-70 or 7-11-71.

(C) A person who becomes a write-in candidate must electronically file a statement of economic interests for the preceding calendar year within twenty-four hours of filing an initial campaign finance report pursuant to Section 8-13-1308(A) or before taking the oath of office, whichever occurs earlier.

(D) A candidate who is not a public official otherwise filing a statement has the same disclosure requirements as a public official with the exception of reporting gifts.

(E) The appropriate supervisory office shall assess a civil penalty pursuant to Section 8-13-1510 against a candidate who fails to timely file a statement of economic interests as required by this section.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 1995 Act No. 6, Section 44, eff upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995; 1996 Act No. 330, Section 1, eff upon approval (became law without the Governor's signature on May 21, 1996); 2013 Act No. 61, Section 9, eff June 25, 2013.

Editor's Note

2013 Act No. 61, Sections 11, 14, provide as follows:

"SECTION 11. In order to educate various parties regarding the provisions contained in this act, the following notifications must be made:

"(1) The State Election Commission must notify each county election commission of the provisions of this act.

"(2) The State Election Commission must post the provisions of this act on its website.

"(3) Each state party executive committee must notify their respective county executive parties of the provisions of this act."

"SECTION 14. This act takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first."

The amendment by 2013 Act No. 61 became effective June 25, 2013, see *South Carolina Libertarian Party v. South Carolina State Election Com'n*, 407 S.C. 612, 757 S.E.2d 707 (2014).

Effect of Amendment

The 1995 amendment in subsection (C) substituted "after candidacy books close" for "after receiving a candidate's statement of economic interests under subsection (B)".

The 1996 amendment substantially revised subsection (A).

The 2013 amendment rewrote the section.

**SECTION 8-13-1358.** Format of certified campaign reports.

Except as provided in Section 8-13-365, certified campaign reports must be filed on a format specified by the State Ethics Commission. The reports filed must be typed or printed in ink on forms supplied by the commission. A report may be filed with the commission on a computerized printout if the commission approves the proposed format and style.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992; 2003 Act No. 76, Section 44, eff November 3, 2004.

Editor's Note

2003 Act No. 76, Section 57, sets forth funding contingency and applicability provisions as follows:

"... Sections 16 [adding Section 8-13-365] and 44 [amending Section 8-13-1358] take effect November 3, 2004, if funding is appropriated by the General Assembly for this purpose, and apply to: (1) reports required to be filed with the commission after November 2, 2004, by candidates and committees for statewide offices, and (2) the forwarding of filings after November 2, 2004, to the commission by the Ethics Committees of the Senate and House of Representatives, pursuant to Section 8-13-365(A), and take effect January 2006 for these candidates and entities, notwithstanding the failure of the General Assembly to appropriate such funds for this purpose ..."

Effect of Amendment

The 2003 amendment substituted "Except as provided in Section 8-13-365, certified" for "Certified".

**SECTION 8-13-1360.** Contribution and expenditure reporting form; contents.

(A) The State Ethics Commission shall develop a contribution and expenditure reporting form which must include:

(1) a designation as a pre-election or quarterly report and, if a pre-election report, the election date;

(2) the candidate's name and address or, in the case of a committee, the name and address of the committee;

(3) the balance of campaign accounts on hand at the beginning and at the close of the reporting period and the location of those campaign accounts;

(4) the total amount of all contributions received during the reporting period; the total amount of contributions of one hundred dollars or less in the aggregate from one source received during the reporting period; and the name and address of each person contributing more than one hundred dollars in the aggregate during the reporting period, the date and amount of the contribution, and the year-to-date total for each contributor. Written promises or pledges to make a contribution must be reported separately in the same manner as other monetary contributions;

(5) the total amount of all loans received during the reporting period and the total amount of loans for the year to date. The report also must include the date and amount of each loan from one source during the reporting period, the name and address of each maker or guarantor of each loan, the year-to-date total of each maker or guarantor, and the terms of the loan, including the interest rate, repayment terms, loan payments, and existing balances on each loan;

(6) the date and amount of any in-kind contributions of more than one hundred dollars in the aggregate by one person during the reporting period, and the contributor's name, address, and year-to-date total;

(7) the total amount of all refunds, rebates, interest, and other receipts not previously identified during the reporting period, and their year-to-date total; the total amount of other receipts received of one hundred dollars or less in the aggregate from one source during the reporting period; the date and amount of each refund, rebate, interest, or other receipt not previously identified of more than one hundred dollars in the aggregate from one source, the name and address and the year-to-date total for each source;

(8) the aggregate total of all contributions, loans, and other receipts during the reporting period and the year-to-date total; the amount, date, and a brief description of each expenditure made during the reporting period, the name and address of the entity to which the expenditure was made, and the year-to-date total of expenditures to that entity. Credit card expenses and candidate reimbursements must be itemized so that the purpose and recipient of the expenditure are identified;

(9) the total amount of all loans made during the reporting period and the year-to-date total. The report also must include the date and amount of each loan to one entity during the reporting period, the name and address of each recipient of the loan, and the terms of the loan, including the interest rate, repayment terms, purpose of the loan, the year-to-date total, and existing balances.

(B) A candidate or committee must disclose all information required on the form developed under this section.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1362.** Filing of statement of inactivity by candidate or committee having no contributions or expenditures to report.

(A) If a candidate or committee has not accepted any contributions and has not made any expenditures during a reporting period, the candidate or a duly authorized officer of the committee must file a statement of inactivity.

(B) A statement of inactivity must include the candidate's or committee's name and address; the type of report, pre-election or quarterly; and a statement by the candidate or a duly authorized officer of the committee verifying that no contributions were received and no expenditures were made during the reporting period. For the purpose of this report, interest earned is not a contribution.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1364.** Sending of notice of obligation to report and forms.

The appropriate supervisory office must send a notice of obligation to report and reporting forms by first class mail no less than thirty days before the filing date for each reporting period. A candidate or committee is not relieved of reporting responsibilities if the notice or forms are not sent or if the candidate or committee does not receive a notice or forms.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

**SECTION 8-13-1366.** Public availability of certified campaign reports.

Certified campaign reports must be made available for public inspection at the office of the State Ethics Commission, the Senate Ethics Committee, the House of Representatives Ethics Committee, and the county clerk of court within two business days of receipt. The commission, ethics committees, and county clerks of court shall not require any information or identification as a condition of viewing a report or reports. The commission, ethics committees, and the county clerks of court must ensure that the reports are available for copying or purchase at a reasonable cost.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 45, eff June 26, 2003.

Effect of Amendment

The 2003 amendment deleted “the State Election Commission,” after “the State Ethics Commission” in the first sentence, substituted “shall” for “may” in the second sentence, substituted “commission” for “commissions” in the first and second sentences, and made a nonsubstantive change.

**SECTION 8-13-1368.** Termination of campaign filing requirements; dissolution of committees; final report.

(A) A candidate is not exempt from the campaign filing requirements as provided in this article until after an election in which the candidate is a candidate or is defeated and after the candidate no longer accepts contributions, incurs expenditures, or pays for expenditures incurred.

(B) Committees and ballot measure committees may dissolve only after no longer accepting contributions, incurring expenditures, or paying for expenditures incurred.

(C) If a committee or a ballot measure committee owes or is owed money, the committee or a ballot measure committee may dissolve, but must report the status of the debt annually on the same schedule as active committees or ballot measure committees until all debts are resolved. The method of resolution to eliminate these debts, including contributions accepted and payment for expenditures incurred, must be stated on the report.

(D) A final report may be filed at the time or before a scheduled filing is due. The form must be marked “final” and include a list of the material assets worth one hundred dollars or more and state their disposition.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 46, eff June 26, 2003.

Effect of Amendment

The 2003 amendment, in subsections (B) and (C), added references to “ballot measure committee” after “committee” and “ballot measure committees” after “committees” and made nonsubstantive changes.

**SECTION 8-13-1370.** Use of unexpended contributions by candidate after election; distribution of unexpended funds of committee.

(A) Contributions received by a candidate that are in excess of expenditures during an election cycle must be used by the candidate upon final disbursement:

(1) to defray ordinary and necessary expenses incurred in connection with his duties in his public office;

(2) to be contributed to an organization exempt from tax under Section 501(c)(3) of the Internal Revenue Code of 1986, a political party, or a committee;

(3) to be maintained in the campaign account for a subsequent race for the same elective office;

(4) to further the candidacy of the individual for a different elective office. However, after December 31, 1992, the funds must be used in a campaign for a different elective office only as provided for in Section 8-13-1352;

(5) to be returned pro rata to all contributors;

(6) to be contributed to the state's general fund; or

(7) to be distributed using a combination of these options.

(B) No candidate may expend contributions for personal use.

(C) A committee required to file reports under this article which has an unexpended balance of funds upon final disbursement not otherwise obligated for expenditures incurred to further the committee's purposes must designate how the surplus funds are to be distributed. The surplus funds must be:

(1) contributed to the state's general fund;

(2) returned pro rata to all contributors;

(3) contributed to a political party or to another committee;

(4) contributed to an organization exempt from tax pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code; or

(5) distributed using a combination of these options.

(D) A ballot measure committee required to file reports under this article which has an unexpended balance of funds upon final disbursement not otherwise obligated for expenditures incurred to further the ballot measure committee's purposes must designate how the surplus funds are to be distributed. The surplus funds must be:

(1) contributed to the state's general fund;

(2) returned pro rata to all contributors;

(3) contributed to another ballot measure committee;

(4) contributed to an organization exempt from tax pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code; or

(5) distributed using a combination of these options.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Sections 47, 48, eff June 26, 2003.

**Effect of Amendment**

The 2003 amendment made a nonsubstantive change in subsection (C)(1), in (C)(4) deleted "of 1986" following "Code"; and added subsection (D) relating to the designation of how a ballot measure committee is to distribute surplus funds.

**SECTION 8-13-1371.** Use of contributions for unintended purposes by ballot measure committee; written authorization; distribution of seized funds.

(A) A ballot measure committee must not use or permit the use of contributions solicited for or received by the ballot measure committee for any purpose other than the purpose for which the ballot measure committee was originally created, unless the person making the contribution gives written authorization for a different use other than for which the contribution was originally intended.

(B) The State Ethics Commission has jurisdiction to seize all funds in a ballot measure committee's account and distribute them in accordance with subsection (D) of this section when the ballot measure committee violates any provision of this section.

(C) Within sixty days after the election or referendum at which the ballot measure committee attempted to influence the outcome of the election or referendum, the funds remaining in the ballot measure committee's account after the election or referendum must be distributed in accordance with subsection (D) of this section.

(D) The seized funds must be:

- (1) contributed to the state's general fund;
- (2) contributed to an organization exempt from tax pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986;
- (3) returned pro rata to all contributors; or
- (4) distributed using a combination of these options.

HISTORY: 2003 Act No. 76, Section 49, eff November 3, 2004.

**SECTION 8-13-1372.** Technical violations of rules on campaign reports.

(A) The appropriate supervisory office, in its discretion, may determine that errors or omissions on campaign reports are inadvertent and unintentional and not an effort to violate a requirement of this chapter and may be handled as technical violations which are not subject to the provisions of this chapter pertaining to ethical violations. Technical violations must remain confidential unless requested to be made public by the candidate filing the report. In lieu of all other penalties, the appropriate supervisory office may assess a technical violations penalty not to exceed fifty dollars.

(B) A violation other than an inadvertent or unintentional violation must be considered by the appropriate supervisory office for appropriate action.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 50, eff June 26, 2003; 2011 Act No. 1, Section 2, eff January 19, 2011.

**Effect of Amendment**

The 2003 amendment substituted "Ethics Commission" for "Election Commission" twice in subsection (A) and deleted the commas surrounding "other than an inadvertent or unintentional violation" in subsection (B).

The 2011 amendment in subsection (A) substituted "appropriate supervisory office" for "State Ethics Commission" in two places; and in subsection (B) substituted "considered by" for "referred to".

**SECTION 8-13-1373.** Fiscal Accountability Authority to defend State after refusal by Attorney General; selection of counsel; management of litigation.

If the Attorney General, after request by the State or any of its political subdivisions, refuses to defend an action brought in a court of competent jurisdiction challenging any provision of this chapter, the State Fiscal Accountability Authority, using funds appropriated to the civil contingency fund, must defend the action brought against the State or the political subdivision. In cases where the Attorney General refuses to defend such an action, the State Fiscal Accountability Authority must consult with the President Pro Tempore of the Senate and the Speaker of the House of Representatives in the selection of counsel and in other matters relating to the management of the litigation.

HISTORY: 2003 Act No. 76, Section 51, eff June 26, 2003.

**Code Commissioner's Note**

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

**SECTION 8-13-1374.** Richland County designated as site of failure to file.

The failure to file a report or statement with the appropriate supervisory office, as required under the provisions of this chapter, is deemed to have occurred in Richland County.

HISTORY: 1995 Act No. 6, Section 45, effective upon approval (became law without the Governor's signature January 12, 1995) and applies only to transactions occurring on or after January 1, 1995.



ARTICLE 15  
Penalties

**SECTION 8-13-1510.** Civil and criminal penalties for late filing of or failure to file report or statement required by this chapter.

(A) Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days;

(3) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

**HISTORY:** 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 52, eff July 1, 2003; 2011 Act No. 40, Section 6, eff June 7, 2011.

**Effect of Amendment**

The 2003 amendment, in item (1), added “the statement or report is” following “dollars” and “or” following “chapter”; and in item (2) added “for the first ten days after notice has been given, and one hundred dollars” following “per day”, deleted “, not exceeding five hundred dollars” following “not filed”, and made a nonsubstantive change.

The 2011 amendment designated the existing text as subsection (A); in subsection (A)(1), substituted “and” for “or”; in subsection (A)(2), inserted “calendar” following “ten dollars per”, inserted “or report” following “statement”, and added “, not exceeding five thousand dollars”; and added subsection (B).

**SECTION 8-13-1520.** Violation of chapter constitutes misdemeanor; violation not necessarily ethical infraction.

(A) Except as otherwise specifically provided in this chapter, a person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(B) A person who violates any provision of this Article 13 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred percent of the amount of contributions or anything of value that should have been reported pursuant to the provisions of this Article 13 but not less than five thousand dollars or imprisoned for not more than one year, or both.

(C) A violation of the provisions of this chapter does not necessarily subject a public official to the provisions of Section 8-13-560.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991; 2003 Act No. 76, Section 53, eff November 3, 2004.

Effect of Amendment

The 2003 amendment rewrote this section.

### **Duties of the Energy Independence and Sustainable Construction Advisory Committee**

1. Review and analyze all rating systems referred to it by the State Fiscal Accountability Authority (SFAA) pursuant to Section 48-52-825 within 30 calendar days of the referral commencing on the day of referral
2. Make recommendations to the State Engineer concerning the promulgation of regulations concerning the rating systems referred to it by SFAA.
3. Monitor the development of new rating systems or updates to existing systems
4. Review and analyze the rating systems in use for effectiveness in meeting the goals of:
  - a. promoting effective energy and environmental standards for construction, rehabilitation, and maintenance of buildings in this State
  - b. improving the state's capacity to design, build, and operate high-performance buildings
  - c. creating new jobs and contributing to economic growth
  - d. increasing the state's energy independence
5. Develop and implement a methodology by which the cost-benefit ratio of the rating systems may be measured

CHAPTER 52  
Energy Efficiency

ARTICLE 8  
Energy Independence and Sustainable Construction Act of 2007

Editor's Note

2007 Act No. 88, Section 2, provides as follows:

“This act takes effect upon approval by the Governor and will apply to all major facility projects that receive approval of the State Budget and Control Board--Permanent Improvement Project Request A-1 form on or after the effective date.”

**SECTION 48-52-800.** Citation of article.

This article may be cited as the “Energy Independence and Sustainable Construction Act of 2007”.

HISTORY: 2007 Act No. 88, Section 1, eff June 20, 2007.

**SECTION 48-52-810.** Definitions.

As used in this article:

- (1) “Board” means the State Fiscal Accountability Authority’s governing board.
- (2) “Building project” means the design, construction, renovation, operation, and maintenance of any inhabited physical structure and its associated project building site.
- (3) “Commercial interior fit-out” means interior design and installation by owners or tenants of new or existing office space, typically exclusive of structural components and core and shell elements.
- (4) “GBI” means the Green Building Initiative.
- (5) “Globes” means the level of a building’s sustainability and energy efficiency performance as determined by GBI’s Green Globes Rating System.
- (6) “Green Globes Rating System” means the environmental building rating system established by the Green Building Initiative.
- (7) “High-performance building” means a building designed to achieve integrated systems design and construction so as to significantly reduce or eliminate the negative impact of the built environment.
- (8) “LEED” means the U.S. Green Building Council’s Leadership in Energy and Environmental Design Rating System.
- (9) “LEED Silver standard” means the Silver standard as set forth by USGBC’s LEED Green Building Rating System.
- (10)(a) “Major facility project” means:
  - (i) a state-funded new construction building project in which the building to be constructed is larger than ten thousand gross square feet;
  - (ii) a state-funded renovation project in which the project involves more than fifty percent of the replacement value of the facility or a change in occupancy; or
  - (iii) a state-funded commercial interior tenant fit-out project that is larger than seven thousand five hundred square feet of leasable area.
- (b) “Major facility project” does not mean:
  - (i) a building, regardless of size, that does not have conditioned space as defined by Standard 90.1 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers;
  - (ii) a public kindergarten, elementary school, middle school, secondary school, junior high school, or high school, all as defined in Section 59-1-150;
  - (iii) a correctional facility constructed for the Department of Corrections, Department of Mental Health, or Department of Juvenile Justice;
  - (iv) a building project funded by the State Ports Authority, the Coordinating Council for Economic Development, or the State Infrastructure Bank; or

(v) a building project funded by the Department of Health and Environmental Control in which the primary purpose of the building project is for the storage of archived documents.

(11) “Renovation project” means a building project involving the modification or adaptive reuse of an existing facility.

(12) “Third-party commissioning agent” means a person accredited by the USGBC or GBI, with expertise in building system performance, who will analyze, evaluate, and confirm the proper function and performance of a high performance building, its systems, equipment, and indoor air quality, and who did not participate in the original certification of the major facility project or renovation project.

(13) “USGBC” means the United States Green Building Council.

HISTORY: 2007 Act No. 88, Section 1, eff June 20, 2007; 2014 Act No. 150 (H.3592), Section 3, eff July 1, 2015.

Effect of Amendment

2014 Act No. 150, Section 3, in subsection (1), substituted “Fiscal Accountability Authority’s governing board” for “Budget and Control Board”.

**SECTION 48-52-820.** Promoting effective energy and environmental standards for buildings; adoption of policies and procedures.

The purpose of this section is to promote effective energy and environmental standards for construction, rehabilitation, and maintenance of buildings in this State, improving the state’s capacity to design, build, and operate high-performance buildings and creating new jobs and contributing to economic growth and increasing the state’s energy independence. To accomplish the objectives of this article, the State shall adopt policies and procedures that:

- (1) optimize the energy performance of buildings throughout this State;
- (2) increase the demand for environmentally preferable building materials, finishes, and furnishings;
- (3) improve environmental quality in this State by decreasing the discharge of pollutants from state buildings and their manufacture;
- (4) create public awareness of new technologies that can improve the health and productivity of building occupants by meeting advanced criteria for indoor air quality;
- (5) improve working conditions and reduce building-related health problems;
- (6) reduce the state’s dependence on imported sources of energy through buildings that conserve energy and utilize local and renewable energy sources;
- (7) protect and restore this state’s natural resources by avoiding development of inappropriate building sites;
- (8) reduce the burden on municipal water supply and treatment by reducing potable water consumption;
- (9) reduce waste generation and manage waste through recycling and diversion from landfill disposal;
- (10) establish life cycle cost analysis as the appropriate and most efficient analysis to determine a building project’s optimal performance level;
- (11) ensure each building project’s systems are designed, installed, and tested to perform according to the building’s design intent and its operational needs through third-party, post-construction review and verification; and
- (12) authorize the board to pursue ENERGY STAR designation from the United States Environmental Protection Agency to further demonstrate a building project’s energy independence.

HISTORY: 2007 Act No. 88, Section 1, eff June 20, 2007.

**SECTION 48-52-825.** Adoption of current facility energy efficiency rating system.

(A)(1)(a) The board shall automatically adopt by reference the most current editions of the rating systems developed by Green Building Initiative and U.S. Green Building Council’s Leadership in Energy and Environmental Design used for certification pursuant to this article. Upon adoption, the most current edition of the rating system shall be used for certification purposes under this article. Provided, however,

that the most current edition of the rating system shall be subject to regulations concerning that edition of the rating system when promulgated pursuant to item (2).

(b) In the event that two rating systems from the same organization have been adopted by reference and are effective concurrently for certification purposes, then either rating system may be utilized to certify projects as required pursuant to this article. The latter of the two rating systems to be adopted by reference pursuant to subitem (a) shall be deemed to be the most current edition of the rating system for purposes of review and regulation pursuant to subsection (B).

(2) The board shall refer new or updated rating systems to the Energy Independence and Sustainable Construction Advisory Committee for consideration pursuant to Section 48-52-865(B) immediately upon the release of the new or updated rating system and prior to the rating system's effective date. After receiving the advisory committee's recommendations, the board shall promulgate regulations to amend the rating system under consideration to remove specific provisions, provided that the recommended amendments would not so alter the rating system as to render certification under the rating system impossible. If the advisory committee does not make a recommendation within the time period prescribed in Section 48-52-865(B)(2) the board, upon consultation with the State Engineer, shall proceed with promulgating regulations as provided in this item.

(B) The regulations promulgated pursuant to subsection (A) must provide that the rating systems provide certification credits for, preference for, and promotes building materials or furnishings, including, but not limited to, wood grown in this State, and masonry, plastics, concrete, steel, textiles, and wood that are manufactured or produced within the State. The regulations promulgated may not place at a disadvantage building materials or furnishings that are manufactured or produced within the State.

HISTORY: 2014 Act No. 150 (H.3592), Section 1, eff April 7, 2014.

**SECTION 48-52-827.** Certain major facility projects may not seek rating credit or point for building product disclosure and optimization credit.

A major facility project, as defined in Section 48-52-810(10), requesting third-party certification shall not be allowed to seek a rating credit or point for building product disclosure and optimization credit that requires material ingredient reporting; and, the language would apply to any subsequent editions of rating systems developed by the Green Building Initiative, the U.S. Green Building Council's Leadership in Energy and Environmental Design, or third-party certification initiatives.

HISTORY: 2014 Act No. 150 (H.3592), Section 1, eff April 7, 2014.

**SECTION 48-52-830.** Certification standards for major facility projects.

(A)(1) All major facility projects in this State, as defined in Section 48-52-810(10)(i), must be designed, constructed, and at least certified as receiving two globes using the Green Globes Rating System or receiving the LEED Silver standard. All major facility projects in this State, as defined in Section 48-52-810(10)(a)(ii) or (iii), must be analyzed using a life cycle cost analysis comparing the cost and benefits of designing, constructing, maintaining, and operating the facility at the LEED Silver standard or two globes standard, or better, with certification; normal industry and regulatory standards as applicable; or some standard between the two that causes the project to be designed and constructed in a manner that achieves the lowest thirty-year life cycle cost.

(2) In obtaining certification as receiving two globes using the Green Globes Rating System, a major facility project must earn at least twenty percent of the available points for energy performance under "C.1.1 Energy Consumption". In obtaining certification as meeting the LEED Silver standard, a major facility project must earn at least forty percent of the available points for energy performance under "EA Credit: Optimize Energy Performance". The Office of State Engineer may waive the requirements of this item for a proposed major facility project should it determine that the costs of meeting this item are not economically feasible. The Office of State Engineer shall notify the board of the reason for the issuance of a waiver.

(B) The board may petition the General Assembly to require all major facility projects be certified to a high-performance building rating system standard in addition to or instead of the systems provided in this chapter. However, any alternate rating system adopted by the General Assembly must be no less stringent than the systems provided in this chapter.

(C) The board shall administer and enforce the provisions in this article. Also, the board may adopt rules and promulgate regulations to comply with the goals set forth in Section 48-52-820.

**HISTORY:** 2007 Act No. 88, Section 1, eff June 20, 2007; 2014 Act No. 150 (H.3592), Section 4, eff April 7, 2014.

**Effect of Amendment**

2014 Act No. 150, Section 4, in subsection (A)(2), substituted "EA Credit" for "EA Credit 1", and twice substituted "Office of State Engineer" for "State Engineer's Office".

**SECTION 48-52-840.** Certification using LEED rating system; inspection and monitoring of environmental benefits.

(A) In order to become certified using a LEED rating system, a major facility project shall register with USGBC prior to filing the first building construction permit application. USGBC shall have the sole discretion in determining whether a major facility project receives certification.

(B) All major facility projects that were certified at the LEED Silver standard or higher must be inspected by a third-party commissioning agent in the fifth, tenth, and fifteenth year following certification. The third-party commissioning agent shall determine whether the building is operating at the standard to which it was originally designed and certified. The third-party commissioning agent shall report its findings to the State Engineer. The report must include, but is not limited to, the building's savings on energy and water, the level of its indoor air quality, the existing system's function and performance, problems with the system, and whether the system's performance meets the facility's requirements. If the State Engineer determines that the building is not operating within the spirit of this article, the State Engineer may take appropriate measures to bring the building into compliance.

(C) The board shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each major facility project designed, constructed, or renovated pursuant to this article. The monitoring and evaluation of each major facility project shall commence one year after certification of the major facility project and shall continue for nineteen years thereafter. All data concerning energy and environmental benefits collected pursuant to this section must be made available to the Department of Administration to be compiled and submitted to the General Assembly pursuant to Section 48-52-860.

**HISTORY:** 2007 Act No. 88, Section 1, eff June 20, 2007.

**SECTION 48-52-850.** Certification using Green Globes Rating System; inspection and monitoring of environmental benefits.

(A) In order to become certified using a Green Globes Rating System, a major facility project shall register with GBI prior to filing the first building construction permit application. GBI shall have the sole discretion in determining whether a major facility project receives certification.

(B) All major facility projects that were first certified as receiving two globes using the Green Globes Rating System must be inspected by a third-party commissioning agent in the fifth, tenth, and fifteenth year following certification. The third-party commissioning agent shall determine whether the building is operating at the standard to which it was originally designed and certified. The third-party commissioning agent shall report its findings to the State Engineer. The report must include, but is not limited to, the building's savings on energy and water, the level of its indoor air quality, the existing system's function and performance, problems with the system, and whether the system's performance meets the facility's requirements. If the State Engineer determines that the building is not operating within the spirit of this article, the State Engineer may take appropriate measures to bring the building into compliance.

(C) The board shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each major facility project designed, constructed, or renovated pursuant to this article. The monitoring and evaluation of each major facility project shall commence one year after certification of the major facility project and shall continue for nineteen years thereafter. All data concerning energy and environmental benefits collected pursuant to this section must be made available to the Department of Administration to be compiled and submitted to the General Assembly pursuant to Section 48-52-860.

HISTORY: 2007 Act No. 88, Section 1, eff June 20, 2007.

**SECTION 48-52-860.** Annual report; contents.

The board annually shall submit a report regarding major facility projects to the General Assembly that includes:

- (1) the number and types of buildings designed and constructed;
- (2) the level of certification of each building designed, constructed, or renovated;
- (3) actual savings in energy costs;
- (4) a description of all potential environmental benefits, including, but not limited to, water resources savings and the reduction of waste generation;
- (5) the ability of buildings to continue to operate at the standard to which it was originally certified;
- (6) the reason for any waiver granted by the State Engineer's Office; and
- (7) any conflicts or barriers that hinder the effectiveness of this article.

HISTORY: 2007 Act No. 88, Section 1, eff June 20, 2007.

**SECTION 48-52-865.** Energy Independence and Sustainable Construction Advisory Committee; creation; membership; duties.

(A)(1) There is established the Energy Independence and Sustainable Construction Advisory Committee. The committee shall consist of thirteen members, ten of which shall be appointed by the Governor for terms of four years until their successors are appointed and qualified. The committee shall be composed of the following:

- (a) the State Engineer, or his designee, who shall serve as chairman;
- (b) the Director of the State Energy Office, or his designee;
- (c) the Director of the Department of Health and Environmental Control, or his designee;
- (d) one member recommended by the Association of General Contractors;
- (e) two members recommended by the Commission on Higher Education, one of which shall be appointed from either a research university or a comprehensive teaching institution and one of which shall be appointed from either a regional two-year campus of the University of South Carolina or a technical college;
- (f) one member recommended by the South Carolina Manufacturer's Alliance;
- (g) one member recommended by the American Chemistry Council;
- (h) one member recommended by the South Carolina Chapter of the American Institute of Architects;
- (i) one member recommended by the South Carolina Forestry Association;
- (j) one member recommended by the South Carolina Council of Engineering and Surveying Societies;
- (k) one member recommended by the South Carolina Chapter of the American Society of Heating, Refrigerating and Air Conditioning Engineers; and
- (l) one member recommended by the conservation community.

(2) When making appointments to the committee, the Governor shall appoint members that have subject area expertise related to the design, engineering, construction, operation, maintenance,



management, energy management, or growing or manufacturing products used in major facility projects certified under this article.

(B)(1) The committee shall:

- (a) review and analyze all rating systems referred to it by the board pursuant to Section 48-52-825;
- (b) closely monitor the development of new rating systems, or updates to existing rating systems, to expedite review and analysis of the new or updated rating systems pursuant to subitem (a);
- (c) review and analyze rating systems in use concerning the rating systems' effectiveness in meeting the goals set forth in Section 48-52-820;
- (d) make recommendations to the State Engineer concerning the promulgation of regulations concerning rating systems referred to it by the board pursuant to Section 48-52-825;
- (e) report to the board concerning the effectiveness of current rating systems in meeting the goals set forth in Section 48-52-820; and
- (f) develop and implement a methodology by which the cost-benefit ratio of the rating systems may be measured so that the State may consider the return on its investment for projects subject to this chapter.

(2) The committee shall make recommendations to the board concerning the promulgation of regulations relating to rating systems referred to it by the board pursuant to Section 48-52-825 no later than thirty days after the referral. The thirty day review time shall commence on the day of referral.

(C)(1) The committee shall meet as soon as practicable after being referred new rating systems pursuant to Section 48-52-820.

(2) Except as provided in item (1), the committee shall meet quarterly, or more frequently as necessary upon the call of the chair or a majority of the membership.

(3) Seven members constitutes a quorum to transact committee business.

(D) Vacancies on the committee shall be filled in the manner of the original appointment.

(E) Members of the committee shall not receive per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees.

HISTORY: 2014 Act No. 150 (H.3592), Section 2, eff April 7, 2014.

## STATUTORY REQUIREMENTS TO CONSIDER WHEN RECOMMENDING REGULATIONS

### Limitations on Application of a Rating Systems Available Points

**SECTION 48-23-300.** Major facility projects may not seek rating points which discriminate against State wood products.

A major facility project as defined in Section 48-52-810(10) requesting third-party certification **shall not be allowed** to seek a rating point that would discriminate against wood products of this State derived from forest lands certified by the Sustainable Forestry Initiative or the American Tree Farm System.

[Emphasis added]

### **SECTION 48-52-827**

A major facility project, as defined in Section 48-52-810(10), requesting third-party certification **shall not be allowed to** seek a rating credit or point for building product disclosure and optimization credit that requires material ingredient reporting; and, the language would apply to any subsequent editions of rating systems developed by the Green Building Initiative, the U.S. Green Building Council's Leadership in Energy and Environmental Design, or third-party certification initiatives.

[Emphasis added]

### Limitations on Committee Recommendations for Promulgation of Regulations

- May not place at a disadvantage building materials or furnishings that are manufactured or produced within the State
- May not so alter the rating system as to render certification under the rating system impossible

## SUMMARY

# LEED (LEADERSHIP IN ENERGY & ENVIRONMENTAL DESIGN)

from US Green Building Council (USGBC) website:  
<http://www.usgbc.org/leed>

To receive LEED certification, building projects satisfy prerequisites and earn points to achieve different levels of certification. Prerequisites and credits differ for each rating system, and teams choose the best fit for their project.

LEED is flexible enough to apply to all project types. Each rating system groups requirements that address the unique needs of building and project types on their path towards LEED certification. Once a project team chooses a rating system, they'll use the appropriate credits to guide design and operational decisions. There are five rating systems that address multiple project types:

- Building Design and Construction
- Interior Design and Construction
- Building Operations and Maintenance
- Neighborhood Development
- Homes

Within each of the credit categories, there are specific prerequisites projects must satisfy and a variety of credits projects can pursue to earn points. The number of points the project earns determines its level of LEED certification. There are four levels of certification. Typical certification thresholds are:

- Platinum..... 80+ Points
- Gold ..... 60-79 Points
- Silver..... 50-59 Points
- Certified..... 40-49 Points

**Each LEED registered project receives access to:**

**LEED Online:** Clear and convenient tool for documenting the achievement of each LEED credit.

**Customer service:** Users can interact with their project reviewers, the customer service team, account managers, representatives from the business development team and subject matter experts from USGBC's LEED department.

**Professional Infrastructure:** LEED projects are supported by an unrivaled infrastructure of 185,000+ industry professional credential holders

## SUMMARY

# GREEN GLOBES

from Green Building Initiative (GBI) website:  
<http://www.thegbi.org/green-globes/>

Green Globes is a web-based program for green building guidance and certification that includes an onsite assessment by a third party. Backed by excellent customer support, Green Globes offers a streamlined and affordable alternative to LEED as a way to advance the overall environmental performance and sustainability of commercial buildings.

The program has modules supporting new construction - Green Globes for New Construction (NC), existing buildings - Green Globes for Continual Improvement of Existing Buildings (CIEB), and Healthcare buildings - Green Globes CIEB for Healthcare. It is suitable for a wide range of buildings from large and small offices, multi-family structures, hospitals, and institutional buildings such as courthouses, schools, and universities.





### Green Globes Rating System

To achieve Green Globes certification, buildings must:

1. Attain a minimum of 35% of applicable points out of the 1,000 possible points available; and
2. For New Construction/Major Renovation projects, attain a minimum percentage of points in each environmental assessment area.

Those buildings that achieve 35% or more of the 1,000 points possible in the Green Globes rating system are eligible candidates for a certification of one, two, three, or four Green Globes. The Green Globes system provides higher levels of achievement based on the number of points a building acquires.

### GREEN GLOBES RATING SCALE

85% - 100%	 4 Globes	Demonstrates national leadership and excellence in the practice of energy, water, and environmental efficiency to reduce environmental impacts.
70 - 84%	 3 Globes	Demonstrates leadership in applying best practices regarding energy, water, and environmental efficiency.
55 - 69%	 2 Globes	Demonstrates excellent progress in the reduction of environmental impacts and use of environmental efficiency practices.
35 - 54%	 1 Globe	Demonstrates a commitment to environmental efficiency practices.

Those buildings that achieve 35% or more of the 1,000 points possible in the Green Globes rating system are eligible candidates for a certification of one, two, three, or four Green Globes. The Green Globes system provides higher levels of achievement based on the number of points a building acquires.

### Building Certification

After achieving a minimum threshold of 35% of the 1,000 total points in the preliminary self-evaluation – and, for New Construction/Major Renovation projects, attaining a minimum percentage of points in each environmental assessment area – new and existing buildings are eligible to seek a Green Globes certification and rating for their environmental sustainability and achievements. The process utilizes third-party assessors with expertise in green building design, engineering, construction and facility operations. These professionals interface with project teams and building owners to review documentation and conduct onsite building tours. Green Globes rating and certification is attainable for a wide range of commercial and government buildings, and enables building owners to credibly market their environmental responsibility to shareholders, tenants, and their community.

Green Globes is a well-established green building guidance and assessment program that offers a practical and affordable way to advance the environmental performance and sustainability of a wide variety of building types, including new construction and major renovation building projects.

# LEED v4

## User Guide

UPDATED:  
NOVEMBER 2014



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# WELCOME TO LEED v4

[play video]

## Demanding more from our buildings



**Rick Fedrizzi**  
CEO and Founding Chair  
U.S. Green Building Council

To the green building community:

By now, you've heard that the newest update to LEED, LEED v4, went live in November 2013 at USGBC's annual Greenbuild International Conference and Expo in Philadelphia. Voted on and passed by USGBC's membership, the changes to LEED herald the next era for the built environment in which we're collectively scaling up and demanding more from the places where we live, work and play. We're demanding stronger energy performance, better materials, increased water efficiency, and accounting for human experience. That spirit is captured in LEED v4.

When LEED launched 13 years ago, we knew it couldn't be a static rating system. It would need to change and evolve, become more stringent and push project teams further. What amazed us was how quickly—and how significantly—we were able to increase LEED's rigor. The green building industry is one of impacts and innovation. It moves fast, with new technologies and strategies emerging in nearly every green building project. LEED v4 is as much a testament to the achievements of LEED project teams around the world as it is to USGBC's own ambition to create significant global and local change through resource-efficient, cost-effective green buildings. It's an opportunity to recalibrate our expectations for green buildings, providing a new "normal" and a new "extraordinary."

LEED v4 features new market sectors that address the unique needs of specific building types, from data centers to existing school buildings, and revamped credits that call for higher achievement and performance in regard to resource-savings and emissions abatement. Designed to challenge project teams and reward exceptional performance, LEED v4 wasn't created to be "easy." However, it was created to be achievable—and to make sure that the rating system's tools and processes didn't stand in the way of a project team's success. To make sure of that, we opened up a "beta" period for interested projects to test-drive the tools and new rating system features in LEED v4. We've had 112 projects participate, ranging from elementary schools to corporate headquarters.

In the pages that follow, you'll read highlights on LEED v4 that will help you gear up to apply it to your projects. There are a number of other resources that can assist



you, from our webinar series ([usgbc.org/articles/available-now-leed-v4-education](https://usgbc.org/articles/available-now-leed-v4-education)), to freshly designed reference guides, to a suite of up-to-the-minute articles on [usgbc.org](https://usgbc.org).

Whether you're a builder, owner, architect, consultant, advocate, project team member or just someone who thinks where you spend most of your time should be a healthier, more sustainable place, we thank you for the important role you've played in advancing the green building movement. I hope you'll join us as we move forward with a new benchmark for sustainability— and that you shape it and grow it in ways that only you can. LEED v4 raises the bar on our buildings and on leadership, but that wouldn't be the case without you. I like to say that every story about a green building is about people, and that holds true for LEED v4, too. Your incredible projects, innovations and products have made LEED v4 possible. I can't wait to see how you bring it to life.

## Better buildings are our legacy



A building is a collection of systems that creates a whole. It is an organism. Similar to the human body, each system has a different role, but they all must work together so that the body can perform. One system cannot operate properly without the other. By honoring these interconnections, buildings can be built and operated in a more sustainable and efficient way. By bringing the right people to the table, decisions can be made that position the building for excellence in operational performance.

LEED v4 is a sophisticated way of looking at buildings' systems and finding the synergies that not only help us do less bad on a scale unmatched by any previous versions of the rating system, but do so in manner that makes things more efficient for the teams implementing these projects.

LEED v4 leverages integrative process to help project teams better understand the interconnectivity that exists throughout building systems and the phases of building design and construction. From that point, the LEED credits work with one another to push for greater transformation throughout the built environment, from the buildings themselves to the products and materials that are used to build them, from designing new buildings to operating those that already exist.



## Transformation on a larger scale

The mission of LEED remains the beneficial transformation of design, construction, operations and maintenance of buildings, not just for some, but for all. To that end, a critical part of LEED v4 has been making sure that it is flexible enough to be applicable on a wide scale that is not limited by location or building type.

## One global LEED

LEED has become a common language of best practices in buildings around the world. In the new rating system, project teams will find greater recognition of regional context with the incorporation of regional and local equivalent standards or programs usable to achieve the same credit intent. Project teams will also see that metric units have been included in all tools and resources.

Today, LEED projects can be found in over 140 countries and territories.

## New market sectors

The building industry now uses the LEED rating system on a wider variety of project types than ever before. From stadiums to convention centers, commercial offices to hospitals, each space type has unique needs and challenges when using LEED. LEED v4 addresses 21 different market sector adaptations - each reviewed by market leaders either owning or designing or operating those space types - to identify and address the unique needs of each market. LEED v4 provides new solutions for the following sectors:

- o existing schools
- o existing retail
- o data centers (new and existing)
- o warehouses and distribution centers (new and existing)
- o hospitality
- o mid-rise residential

## Using LEED v4

Building a better LEED user experience means a new approach to documentation, reference guides and education. LEED v4 builds documentation requirements based on lessons learned from previous versions of the system that are designed to save project teams time while creating tools and resources that focus on the needs of those who use them. It also means testing the new program to ensure that it functions as it was designed to. Think of it as a commissioning process for LEED itself. USGBC has worked with over 100 projects testing LEED v4 through the LEED v4 Beta Program to refine the program tools and resources. When LEED v4 launches, the building community will notice several key updates.

## Documentation

For most, paperwork is necessary but not relished. With this in mind, USGBC focused on simplifying the work for project teams so they can focus on achieving credits rather than documenting them. The documentation forms have gone through over a year of development and several rounds of review to ensure that the documentation process does not create unnecessary burden for project teams. Fields within forms have been minimized wherever possible, and are more focused on industry standard documentation, reducing the need to create documents simply for LEED certification.

1. **Combined forms for prerequisites and credits.** Reduces the amount of overlap and duplicative work.
2. **Downloadable calculators.** Increased transparency to provide LEED users a better understanding of the equations behind the calculations.
3. **Less documentation needed.** There are many instances where industry standard documentation provides all of the information needed to confirm credit compliance and submittal documents have been modified to reflect that.

## Reference guides

When project teams have a question about LEED requirements, they reach for the reference guide. Completely redesigned for LEED v4, the reference guides have been restructured to focus on the most useful information for project teams. First the guides were evaluated to determine ways to make them function better as full guides, instead of a collection of separate credit-specific explanations. To support this, USGBC added the following:

**Getting Started section:** This new segment at the beginning of each guide goes beyond what's found in the introduction and includes a work-plan framework that guides project teams through the steps leading up to certification.

**Navigation tools:** Information is only helpful if you can find it. Throughout the guides, we've identified connections—so when there is one credit that connects to another, we let you know. If a credit references information in the *Getting Started* section, we let you know that too. Using icons and other wayfinders, we point out relationships so that project teams can benefit from the full picture.

At the credit level, the focus is on clarity, making sure project teams can quickly and easily see what each credit requires and how to achieve it. Supporting that goal are several new sections within each credit.

In addition to the traditional digital and hard copy versions, a web-based version of the LEED v4 reference guides that is built into the credit library will be available for purchase. This new format combines all of the information that's available in the

traditional versions of the guides with all of the benefits of the fully searchable credit library. It will also give project teams access to a new set of modules developed specifically to supplement the reference guide content, including interactive videos, tutorials, presentations and documents. Over time, USGBC will continue to add content to the web-based reference guides, creating a continually growing body of knowledge in one convenient location.

LEED has become a marketplace standard of best practice in designing, building, operating and maintaining buildings around the world. v4 is the LEED of the future, where we challenge the marketplace of shelter to go further, to make the next great leap toward better, cleaner, healthier buildings.

## Improved environmental outcomes

What do we want LEED projects to accomplish? That is the central question that has driven our technical development for LEED v4. As a market transformation tool, LEED engages building project teams in a way that connects strategies to a defined set of goals – or the things we ultimately want LEED projects to accomplish. LEED’s goals are referred to as “impact categories.” Seven impact categories have been selected to provide the framework for the technical development of LEED version 4, as well as future versions of the system. USGBC wants LEED projects to do the following:

- Reverse Contribution to **Global Climate Change**
- Enhance Individual **Human Health** and Well-Being
- Protect and Restore **Water Resources**
- Protect, Enhance, and Restore **Biodiversity** and Ecosystem Services
- Promote Sustainable and Regenerative **Material Resources** Cycles
- Build a **Greener Economy**
- Enhance Social Equity, Environmental Justice, and **Community Quality of Life**

The impact categories provide an ambitious agenda for the buildings industry that is readily actionable when presented in the simple LEED framework: prerequisites, credits and points. Projects earning a higher number of points are positioned to deliver a set of performance outcomes that span the impact categories in an integrated way. The LEED certification structure is designed to incentivize progressively higher credit achievement and, in turn, progressively higher compliance with credits whose outcomes accomplish the system goals.

The development of LEED v4 has spanned more than three years, engaged hundreds of volunteers and thousands of stakeholders around the world. LEED v4 has the potential to drive the reduction of building carbon emissions and take a stronger stand on human health, more so than any previous version of LEED. This guide provides an in depth overview of the program and its changes from previous

versions of the rating system. We invite you to explore this guide and get to know LEED v4.

If you have any questions about LEED v4, [just ask!](#)

## LEED CERTIFICATION PROCESS

Certification begins with rating system selection and project registration. The project team then prepares documentation for all prerequisites and for the credits the team has chosen to pursue. When submitted for certification, a project goes through preliminary and final reviews. The preliminary review provides the project team with technical advice on credits that require additional work for their achievement, and the final review contains the project's final score and certification level. The latter can be accepted or appealed in cases where the team believes additional consideration is warranted.

There are four possible levels of certification that can be achieved by exceeding the following point thresholds:

- Certified 40–49 points
- Silver 50–59 points
- Gold 60–79 points
- Platinum 80 points and above

## PREPARING FOR LEED CERTIFICATION

Approaching certification using an integrative process gives the project team the greatest chance of success. The process includes three phases:

- *Discovery*: This is the most important phase of the integrative process; it can be thought of as an extensive expansion of what is conventionally called “Pre-Design.” It is unlikely that a project’s environmental goals will be achieved cost-effectively if this phase is not rigorously engaged as a discreet phase of the design process. Discovery work needs to be accomplished before “putting pencil to paper” . . . in other words, before schematic design begins.
- *Design and Construction (Implementation)*: This phase begins with what is conventionally called “Schematic Design”. It resembles conventional practice in its structure, but integrates all of the work and collective understanding of system interactions reached during the Discovery Phase.

- *Occupancy, Operations, and Performance Feedback*: This third stage focuses on implementing performance measurement and creating performance feedback mechanisms. Such feedback is critical for informing building operations, so the degree to which established performance targets have been met can be assessed and so corrective actions can be taken.

Achieving the greatest effectiveness in cost and environmental performance requires that every issue and every team member be brought into the project at the earliest point, before anything is yet designed. The structure to manage this flow of people, information, and analysis is fairly simple:

- All project team disciplines gather information and data relevant to the project;
- This information is analyzed;
- The people on the project team who hold this information (clients, designers, engineers, constructors, operators) gather together in workshops to compare notes and identify opportunities for synergy.

This process of research, analysis, and meeting is done in a repeating cycle that progressively approximates and refines the design solution iteratively. In the best scenario, this cycling of research and workshops continues until the project systems are optimized, all reasonable synergies are identified, and the related strategies associated with all LEED credits are documented and implemented.

## MINIMUM PROGRAM REQUIREMENTS

The Minimum Program Requirements (MPRs) are the minimum characteristics or conditions that make a project appropriate to pursue LEED certification. These requirements are foundational to all LEED projects and define the types of buildings, spaces, and neighborhoods that the LEED rating system is designed to evaluate.

### 1. Must be in a permanent location on existing land

#### Intent

The LEED rating system is designed to evaluate buildings, spaces, and neighborhoods in the context of their surroundings. A significant portion of LEED requirements are dependent on the project's location, therefore it is important that LEED projects are evaluated as permanent structures. Locating projects on existing

land is important to avoid artificial land masses that have the potential to displace and disrupt ecosystems.

#### Requirements

All LEED projects must be constructed and operated on a permanent location on existing land. No project that is designed to move at any point in its lifetime may pursue LEED certification. This requirement applies to all land within the LEED project.

#### Additional guidance

##### *Permanent location*

- Movable buildings are not eligible for LEED. This includes boats and mobile homes.
- Prefabricated or modular structures and building elements may be certified once permanently installed as part of the LEED project.

##### *Existing land*

- Buildings located on previously constructed docks, piers, jetties, infill, and other manufactured structures in or above water are permissible, provided that the artificial land is previously developed, such that the land once supported another building or hardscape constructed for a purpose other than the LEED project.

## 2. Must use reasonable LEED boundaries

#### Intent

The LEED rating system is designed to evaluate buildings, spaces, or neighborhoods, and all environmental impacts associated with those projects. Defining a reasonable LEED boundary ensures that project is accurately evaluated.

#### Requirements

The LEED project boundary must include all contiguous land that is associated with the project and supports its typical operations. This includes land altered as a result of construction and features used primarily by the project's occupants, such as hardscape (parking and sidewalks), septic or stormwater treatment equipment, and landscaping. The LEED boundary may not unreasonably exclude portions of the building, space, or site to give the project an advantage in complying with credit requirements. The LEED project must accurately communicate the scope of the certifying project in all promotional and descriptive materials and distinguish it from any non-certifying space.

#### Additional guidance

##### *Site*

- Non-contiguous parcels of land may be included within the LEED project boundary if the parcels directly support or are associated with normal building operations of the LEED project and are accessible to the LEED project's occupants.
- Facilities (such as parking lots, bicycle storage, shower/changing facilities, and/or on-site renewable energy) that are outside of the LEED project boundary may be included in certain prerequisites and credits if they directly serve the LEED project and are not double-counted for other LEED projects. The project team must also have permission to use these facilities.
- The LEED project boundary may include other buildings.
  - If another building or structure within the LEED project boundary is ineligible for LEED certification, it may be included in the certification of the LEED project. It may also be excluded,
  - If another building within the LEED project boundary is eligible for LEED certification, it may be either included or not included in the certification as outlined in USGBC's campus guidance.
- Projects that are phased sites with a master plan for multiple buildings must designate a LEED project boundary for each building or follow USGBC's master site guidance.
- The gross floor area of the LEED project should be no less than 2% of the gross land area within the LEED project boundary.

### *Building*

- *The LEED project should include the entire building and complete scope of work*
- Buildings or structures primarily dedicated to parking are not eligible for LEED certification. Parking that serves an eligible LEED project should be included in the certification.
- Buildings that are physically connected by programmable space are considered one building for LEED purposes unless they are physically distinct and have distinct identities as separate buildings or if they are a newly constructed addition. If separated, the projects should also have separate air distribution systems and water and energy meters (including thermal energy meters).
- Buildings that have no physical connection or are physically connected only by circulation, parking, or mechanical/storage rooms are considered separate buildings and individual projects for LEED purposes, with the following exceptions:
  - Primary and secondary school projects, hospitals (general medical and surgical), hotels, resorts, and resort properties, as defined by ENERGY STAR building rating purposes, may include more than one physically distinct building in a single LEED project. For new construction projects, each building in the application must be less than 25,000 sq. ft. Please contact USGBC if with any questions.
  - For other cases such as buildings that have programmatic dependency (spaces – not personnel – within the building cannot function independently without the other building) or architectural cohesiveness

(the building was designed to appear as one building), project teams are encouraged to contact USGBC to discuss their project prior to proceeding.

#### *Interiors*

- *The LEED project should be defined by a clear boundary such that the LEED project is physically distinct from other interior spaces within the building.*

#### *Neighborhood*

- The LEED neighborhood includes the land, water, and construction within the LEED project boundary.
- The LEED boundary is usually defined by the platted property line of the project, including all land and water within it.
  - Projects located on publicly owned campuses that do not have internal property lines must delineate a sphere-of-influence line to be used instead.
  - Projects may have enclaves of non-project properties that are not subject to the rating system, but cannot exceed 2% of the total project area and cannot be described as certified.
  - Projects must not contain non-contiguous parcels, but parcels can be separated by public rights-of-way.
- The project developer, which can include several property owners, should control a majority of the buildable land within the boundary, but does not have to control the entire area.

### 3. Must comply with project size requirements

#### Intent

The LEED rating system is designed to evaluate buildings, spaces, or neighborhoods of a certain size. The LEED requirements do not accurately assess the performance of projects outside of these size requirements.

#### Requirements

All LEED projects must meet the size requirements listed below.

#### *LEED BD+C and EB:O&M Rating Systems*

The LEED project must include a minimum of 1,000 square feet (93 square meters) of gross floor area.

#### *LEED ID+C Rating Systems*

The LEED project must include a minimum of 250 square feet (22 square meters) of gross floor area.



### *LEED Neighborhood Development Rating Systems*

The LEED project should contain at least two habitable buildings and be no larger than 1500 acres.

### *LEED for Homes Rating Systems*

The LEED project must be defined as a “dwelling unit” by all applicable codes. This requirement includes, but is not limited to, the International Residential Code stipulation that a dwelling unit must include “permanent provisions for living, sleeping, eating, cooking, and sanitation.”

## **RATING SYSTEM SELECTION**

USGBC provides general guidance to help project teams select a LEED rating system. Projects are required to use the rating system that is most appropriate. However, when the decision is not clear, it is the responsibility of the project team to make a reasonable decision in selecting a rating system before registering their project.

The project teams should first identify an appropriate rating system, and then determine the best adaptation. Occasionally, USGBC recognizes that an entirely inappropriate rating system has been chosen. In this case, the project team will be asked to change the designated rating system for their registered project. Please review this guidance carefully and contact USGBC if it is not clear which rating system to use.

### **Rating system descriptions**

**LEED for Building Design and Construction.** Buildings that are new construction or major renovation. At least 60% of the project’s *gross floor area* must be *complete* by the time of certification (except for LEED BD+C: Core and Shell). Must include the entire building’s gross floor area in the project.

- **LEED BD+C: New Construction and Major Renovation.** New construction or major renovation of buildings that do not primarily serve K-12 educational, retail, data centers, warehouses and distribution centers, hospitality, or healthcare uses. New construction also includes high-rise residential buildings 9 stories or more.
- **LEED BD+C: Core and Shell Development.** Buildings that are new construction or major renovation for the *exterior shell* and core mechanical,

electrical, and plumbing units, but not a *complete interior fit-out*. LEED BD+C: Core and Shell is the appropriate rating system to use if more than 40% of the gross floor area is incomplete at the time of certification.

- **LEED BD+C: Schools.** Buildings made up of *core* and *ancillary learning spaces* on K-12 school grounds. LEED BD+C: Schools may optionally be used for higher education and non-academic buildings on school campuses.
- **LEED BD+C: Retail.** Buildings used to conduct the retail sale of consumer product goods. Includes both direct customer service areas (showroom) and preparation or storage areas that support customer service.
- **LEED BD+C: Data Centers.** Buildings specifically designed and equipped to meet the needs of high density computing equipment such as server racks, used for data storage and processing. LEED BD+C: Data Centers only addresses whole building data centers (greater than 60%).
- **LEED BD+C: Warehouses and Distribution Centers.** Buildings used to store goods, manufactured products, merchandise, raw materials, or personal belongings, such as self-storage.
- **LEED BD+C: Hospitality.** Buildings dedicated to hotels, motels, inns, or other businesses within the service industry that provide transitional or short-term lodging with or without food.
- **LEED BD+C: Healthcare.** Hospitals that operate twenty-four hours a day, seven days a week and provide inpatient medical treatment, including acute and long-term care.
- **LEED BD+C: Homes and Multifamily Lowrise.** Single-family homes and multi-family residential buildings of 1 to 3 stories. Projects 3 to 5 stories may choose the Homes rating system that corresponds to the ENERGY STAR program in which they are participating.
- **LEED BD+C: Multifamily Midrise.** Multi-family residential buildings of 4 to 8 occupiable stories above grade. The building must have 50% or more residential space. Buildings near 8 stories can inquire with USGBC about using Midrise or New Construction, if appropriate.

**LEED for Interior Design and Construction.** Interior spaces that are a complete interior fit-out. In addition, at least 60% of the project's gross floor area must be complete by the time of certification.

- **LEED ID+C: Commercial Interiors.** Interior spaces dedicated to functions other than retail or hospitality.
- **LEED ID+C: Retail.** Interior spaces used to conduct the retail sale of consumer product goods. Includes both direct customer service areas (showroom) and preparation or storage areas that support customer service.
- **LEED ID+C: Hospitality.** Interior spaces dedicated to hotels, motels, inns, or other businesses within the service industry that provide transitional or short-term lodging with or without food.

**LEED for Building Operations and Maintenance.** Buildings that are fully operational and occupied for at least one year. Project may be undergoing improvement work or little to no construction. Must include the entire building's gross floor area in the project.

- **LEED O+M: Existing Buildings.** Existing buildings that do not primarily serve K-12 educational, retail, data centers, warehouses and distribution centers, or hospitality uses.
- **LEED O+M: Retail.** Existing buildings used to conduct the retail sale of consumer product goods. Includes both direct customer service areas (showroom) and preparation or storage areas that support customer service.
- **LEED O+M: Schools.** Existing buildings made up of core and ancillary learning spaces on K-12 school grounds. May also be used for higher education and non-academic buildings on school campuses.
- **LEED O+M: Hospitality.** Existing buildings dedicated to hotels, motels, inns, or other businesses within the service industry that provide transitional or short-term lodging with or without food.
- **LEED O+M: Data Centers.** Existing buildings specifically designed and equipped to meet the needs of high density computing equipment such as server racks, used for data storage and processing. LEED O+M: Data Centers only addresses whole building data centers.
- **LEED O+M: Warehouses & Distribution Centers.** Existing buildings used to store goods, manufactured products, merchandise, raw materials, or personal belongings (such as self-storage).

**LEED for Neighborhood Development.** New land development projects or redevelopment projects containing residential uses, nonresidential uses, or a mix. Projects may be at any stage of the development process, from conceptual planning through construction. It is recommended that at least 50% of total building floor area be new construction or major renovation. Buildings within the project and features in the public realm are evaluated.

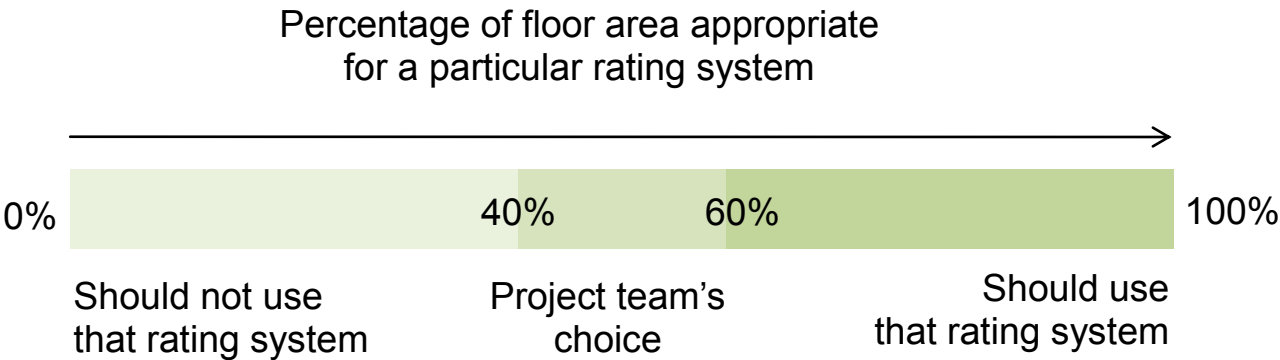
- **LEED ND: Plan.** Projects in conceptual planning or master planning phases, or under construction.
- **LEED ND: Project.** Completed development projects.

## Choosing between rating systems

The following 40/60 rule provides guidance for making a decision when several rating systems appear to be appropriate for a project. To use this rule, first assign a

rating system to each square foot or square meter of the building. Then, choose the most appropriate rating system based on the resulting percentages.

The entire gross floor area of a LEED project must be certified under a single rating system and is subject to all prerequisites and attempted credits in that rating system, regardless of mixed construction or space usage type.



- If a rating system is appropriate for less than 40% of the gross floor area of a LEED project building or space, then that rating system should not be used.
- If a rating system is appropriate for more than 60% of the gross floor area of a LEED project building or space, then that rating system should be used.
- If an appropriate rating system falls between 40% and 60% of the gross floor area, project teams must independently assess their situation and decide which rating system is most applicable.

# LEED 2009 TO LEED v4 COMPARISON CHARTS

## Building Design and Construction: New Construction



### LEED v4 TECHNICAL IMPROVEMENTS: LOCATION & TRANSPORTATION

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
	<b>Credit: LEED for Neighborhood Development Location</b>	<ul style="list-style-type: none"> <li>- Encourages selection of a LEED ND certified site</li> <li>- Streamlined path to earn LT points</li> </ul>
SSc1 Site Selection	<b>Credit: Sensitive Land Protection</b>	<ul style="list-style-type: none"> <li>- Floodplain requirements now refer to "flood hazard area shown on a legally adopted flood hazard map"</li> <li>- Expanded sensitive habitat requirements to include species or ecological communities listed by NatureServe</li> <li>- Changed water body buffer and wetland buffer requirements</li> </ul>
SSc3 Brownfield Redevelopment	<b>Credit: High Priority Site</b>	Added options for infill location in a historic district and for locating in a priority redevelopment area
SSc2 Development Density and Community Connectivity	<b>Credit: Surrounding Density and Diverse Uses</b>	<ul style="list-style-type: none"> <li>- Multiple thresholds to reward different density levels and diverse uses</li> <li>- Added specific requirements for warehouses and distribution centers</li> <li>- Radius for building density calculation specified as ¼ mile (400 meters) from the project boundary</li> <li>- Proximity to the diverse uses based on walking distance instead of a radius</li> </ul>
SSc4.1 Alternative Transportation – Public Transportation Access	<b>Credit: Access to Quality Transit</b>	<ul style="list-style-type: none"> <li>- Addresses both weekday and weekend availability</li> <li>- Point thresholds based on the number of transit trips available within the required walking distance</li> <li>- Modes of transportation include ferry, streetcar, rapid transit, and rideshare</li> </ul>
SSc4.2 Alternative Transportation – Bicycle Storage and Changing Rooms	<b>Credit: Bicycle Facilities</b>	<ul style="list-style-type: none"> <li>- Requirement for projects to be located at a bicycle-accessible site or bicycle network</li> <li>- Changed shower room calculation method</li> </ul>
SSc4.4 Alternative Transportation – Parking Capacity	<b>Credit: Reduced Parking Footprint</b>	Minimum parking requirements reference the ITE <i>Transportation Planning Handbook</i>
SSc4.3 Low-Emitting and Fuel-Efficient Vehicles	<b>Credit: Green Vehicles</b>	<ul style="list-style-type: none"> <li>- Minimum ACEEE green score raised to 45</li> <li>- 5% of parking spaces reserved for green vehicles</li> <li>- Additional 2% of parking spaces must have refueling stations: electric vehicle charging; liquid, gas, or battery facilities</li> <li>- Added requirements for electrical connectors</li> </ul>

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# LEED v4 TECHNICAL IMPROVEMENTS: SUSTAINABLE SITES

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
SSp1 Construction Activity Pollution Prevention	<b>Prerequisite: Construction Activity Pollution Prevention</b>  <b>Credit: Site Assessment</b>	<p>No substantive changes</p> <p>Encourages early analysis of site conditions to inform design</p>
SSc5.1 Site Development – Protect or Restore Habitat	<b>Credit: Site Development – Protect or Restore Habitat</b>	<ul style="list-style-type: none"> <li>- Setback requirements replaced with preservation and restoration standards</li> <li>- Option for financial support of off-site preservation</li> </ul>
SSc5.2 Site Development – Maximize Open Space	<b>Credit: Open Space</b>	<ul style="list-style-type: none"> <li>- Credit no longer tied to presence of a local zoning code; the same open space requirement applies to all projects.</li> <li>- Revised credit to emphasize the quality of the open space in addition to the quantity</li> <li>- Modified intent to encourage physical connection to open space</li> </ul>
SSc6.1 Stormwater Design – Quantity Control	<b>Credit: Rainwater Management</b>	<ul style="list-style-type: none"> <li>- Projects must use GI and LID rainwater management techniques on site</li> <li>- Site-specific criteria for more frequent, low-intensity events</li> <li>- Option for zero lot line, urban projects</li> <li>- Metric by which to test compliance is now the total volume of runoff calculated for the 95th percentile of regional or local storm events</li> </ul>
SSc6.2 Stormwater Design – Quality Control		
SSc7.1 Heat Island Effect – Nonroof	<b>Credit: Heat Island Reduction</b>	<ul style="list-style-type: none"> <li>- Vegetated roofs and high-reflectance roofs have equal weight when calculating compliance</li> <li>- Tree canopy shade area calculated after 10 years of growth rather than 5 years</li> <li>- Increased initial SRI thresholds for roofing material</li> <li>- Credit compliance for nonroof hardscape is now calculated using SR values instead of SRI values</li> </ul>
SSc7.2 Heat Island Effect – Roof		
SSc8 Light Pollution Reduction	<b>Credit: Light Pollution Reduction</b>	<ul style="list-style-type: none"> <li>- Added new compliance option based on BUG ratings</li> <li>- Relocated lighting power density and interior lighting requirements to EA Prerequisite Minimum Energy Performance</li> <li>- Photometric information now needs to include only vertical illuminance calculations</li> </ul>

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## LEED v4 TECHNICAL IMPROVEMENTS: WATER EFFICIENCY

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
	<b>Prerequisite: Outdoor Water Use Reduction</b>	<ul style="list-style-type: none"> <li>- Modified calculator used</li> <li>- Moved alternative water source credit and smart sensor irrigation to the prerequisite</li> </ul>
WEp1 Water Use Reduction	<b>Prerequisite: Indoor Water Use Reduction</b>	<ul style="list-style-type: none"> <li>- Requirements for water-using appliances and processes, as well as cooling towers and evaporative condensers</li> <li>- WaterSense label requirements mandatory in the U.S., with local equivalents allowed outside the U.S.</li> <li>- New prescriptive compliance path based on demonstrating that all fixtures are 20% below baseline</li> <li>- Duration-based savings from autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case</li> </ul>
	<b>Prerequisite: Building-Level Water Metering</b>	Requires each project to be capable of measuring whole building water use
WEc1 Water Efficient Landscaping	<b>Credit: Outdoor Water Use Reduction</b>	Requires at least a 50% reduction in landscape water using EPA's WaterSense Budget Tool or no irrigation
WEc3 Water Use Reduction	<b>Credit: Indoor Water Use Reduction</b>	<ul style="list-style-type: none"> <li>- Appliance and process water savings can earn credit under the Retail, Healthcare, Hospitality, and Schools rating systems</li> <li>- WaterSense label requirements are now mandatory in the U.S., with local equivalencies allowed elsewhere</li> <li>- Duration-based savings from autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case</li> </ul>
WEc2 Water Use Reduction	<b>Credit: Cooling Tower Water Use</b>	Encourages projects to analyze water source and maximize water cycles
	<b>Credit: Water Metering</b>	Rewards projects for submetering at least two water end uses

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# LEED v4 TECHNICAL IMPROVEMENTS: ENERGY & ATMOSPHERE

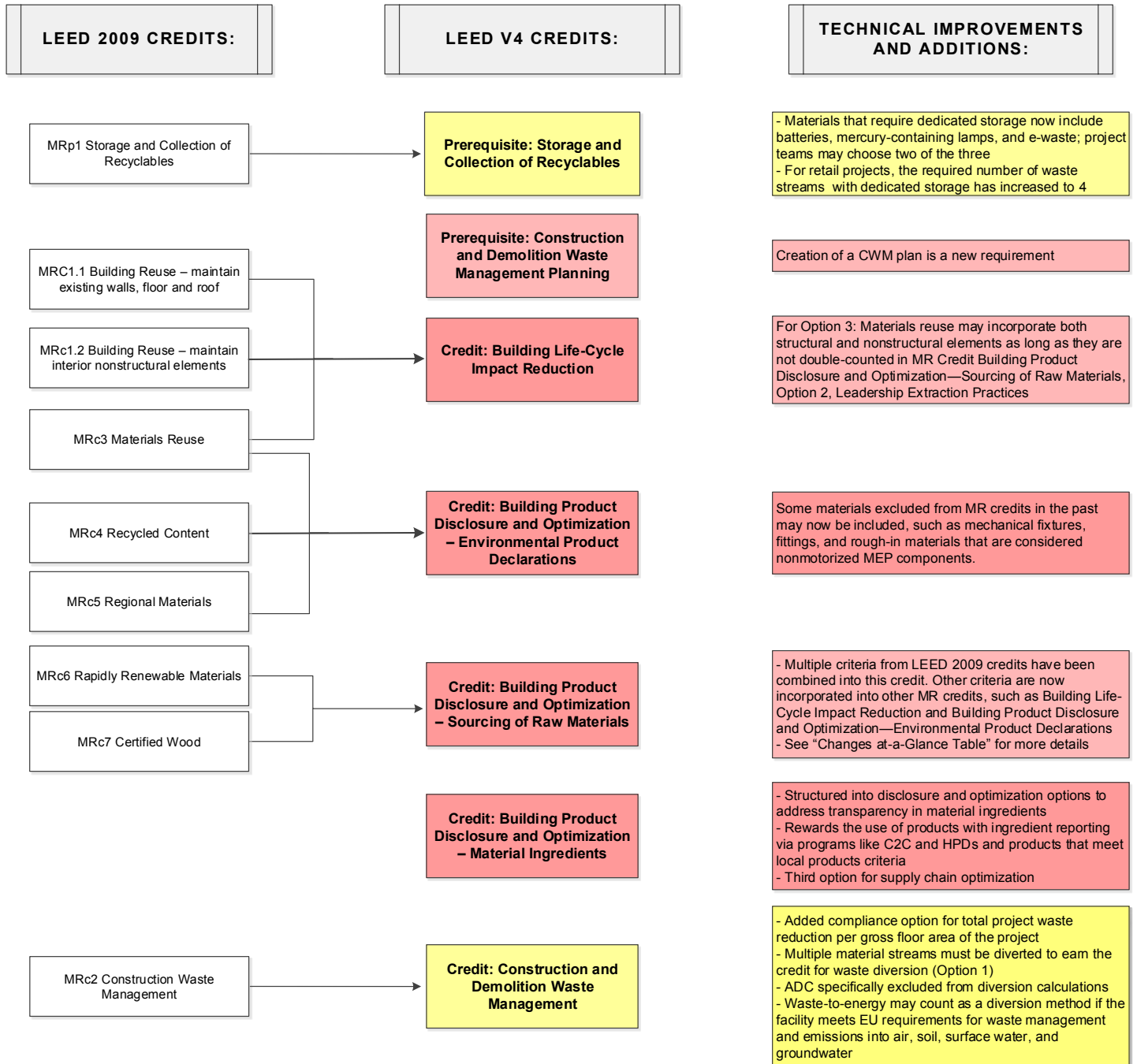
LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
EAp1 Fundamental Commissioning of Building Energy Systems	<b>Prerequisite: Fundamental Commissioning and Verification</b>	<ul style="list-style-type: none"> <li>- Requirements to prepare an O+M plan and to engage CxA by the end of design development phase</li> <li>- Expanded electrical and plumbing scopes</li> <li>- Elements of envelope commissioning are now incorporated in the OPR and BOD</li> </ul>
EAp2 Minimum Energy Performance	<b>Prerequisite: Minimum Energy Performance</b>	<ul style="list-style-type: none"> <li>- Updated reference standard to ASHRAE 90.1-2010</li> <li>- Updated Advanced Energy Design Guides prescriptive option to 50% AEDG</li> <li>- Updated Core Performance Guide prescriptive option to meeting core requirements + 6 additional strategies</li> </ul>
	<b>Prerequisite: Building-Level Energy Metering</b>	Requires each project to be capable of measuring whole building energy use
EAp3 Fundamental Refrigerant Management	<b>Prerequisite: Fundamental Refrigerant Management</b>	No substantive changes
EAc3 Enhanced Commissioning	<b>Credit: Enhanced Commissioning</b>	Added options for monitoring-based commissioning and building envelope commissioning
EAc1 Optimize Energy Performance	<b>Credit: Optimize Energy Performance</b>	See improvements for v4 EAp Minimum Energy Performance
	<b>Credit: Advanced Energy Metering</b>	<ul style="list-style-type: none"> <li>- Requires metering of all energy end-uses representing 10% or more of total building energy consumption</li> <li>- Meters must be connected to BAS and log data regularly</li> </ul>
	<b>Credit: Demand Response</b>	Encourages projects to design and install systems necessary to participate in a demand response program
EAc2 On-Site Renewable Energy	<b>Credit: Renewable Energy Production</b>	Credit now allows solar gardens and community-scale renewable energy systems
EAc4 Enhanced Refrigerant Management	<b>Credit: Enhanced Refrigerant Management</b>	Added sector-specific requirements for commercial refrigeration equipment
EAc5 Measurement and Verification		
EAc6 Green Power	<b>Credit: Green Power and Carbon Offsets</b>	<ul style="list-style-type: none"> <li>- In addition to including electricity, credit now requires nonelectric energy use to be offset using carbon offsets</li> <li>- Credit now requires a five-year contract and specifies that resources must have come online after January 1, 2005, and be delivered at least annually</li> <li>- Increased percentage thresholds to 50% for 1 point and 100% for 2 points</li> </ul>

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# LEED v4 TECHNICAL IMPROVEMENTS: MATERIALS & RESOURCES



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# LEED v4 TECHNICAL IMPROVEMENTS: INDOOR ENVIRONMENTAL QUALITY

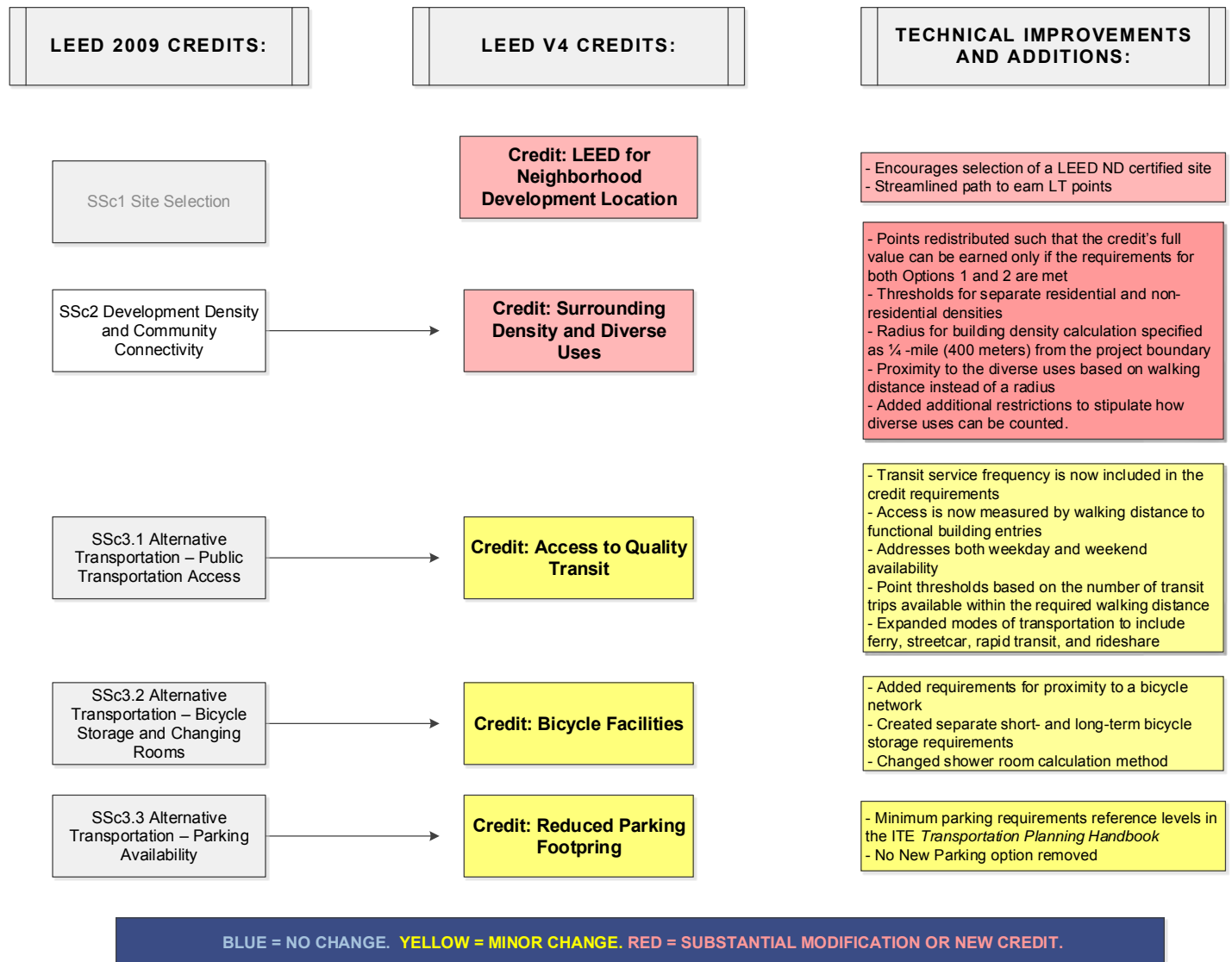
LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
IEQp1 Minimum IAQ Performance	<b>Prerequisite: Minimum Indoor Air Quality Performance</b>	<ul style="list-style-type: none"> <li>- ASHRAE Standard 62.1 updated to version 2010</li> <li>- Projects outside the U.S. may demonstrate achievement via CEN requirements (rather than ASHRAE 62.1-2010)</li> <li>- Includes specific requirements for residential projects</li> </ul>
IEQp2 Environmental Tobacco Smoke Control	<b>Prerequisite: Environmental Tobacco Smoke Control</b>	<ul style="list-style-type: none"> <li>- No designated smoking areas indoors</li> <li>- Expanded no-smoking policy</li> <li>- Added requirement for location of exterior posted signs</li> <li>- Expanded acceptable procedure for air leakage requirements in residential projects</li> </ul>
IEQc1 Outdoor Delivery Monitoring	<b>Credit: Enhanced Indoor Air Quality Strategies</b>	<ul style="list-style-type: none"> <li>- Meeting the requirements of interior cross-contamination prevention no longer requires a calculation of a minimum pressure differential</li> <li>- Added options regarding naturally ventilated spaces.</li> <li>- Additional guidance for warehouses, distribution centers, health care facilities, data centers, and residential projects.</li> <li>- Added option for filtration media requirements</li> </ul>
IEQc2 Increased Ventilation		
IEQc5 Indoor Chemical and Pollutant Source Control		
IEQc4.1 Low-Emitting Materials – adhesives and sealants	<b>Credit: Low-Emitting Materials</b>	<ul style="list-style-type: none"> <li>- Compliance of interior finishes may be demonstrated in assemblies with multiple layers in combination, or in each system individually</li> <li>- Included consideration of furniture emissions</li> <li>- New referenced standards to address international projects and new product requirements</li> <li>- Ceilings are now included in the requirements</li> <li>- Emissions from insulation are now included.</li> <li>- Emissions requirements for on-site, wet-applied, full-spread products measured via chamber tests in air are now included. VOC content limits for on-site, wet-applied products are still required</li> </ul>
IEQc4.2 Low-Emitting Materials – paints and coatings		
IEQc4.3 Low-Emitting Materials – flooring systems		
IEQc4.4 Low-Emitting Materials – composite wood and agrifiber products		
IEQc3.1 Construction Indoor Air Quality Management Plan – During Construction	<b>Credit: Construction Indoor Air Quality Management Plan</b>	No substantive changes
IEQc3.2 Construction Indoor Air Quality Management Plan – Before Occupancy	<b>Credit: Indoor Air Quality Assessment</b>	<ul style="list-style-type: none"> <li>- Installation of movable furnishings (such as workstations and partitions) before testing or flush-out is now required</li> <li>- Options can no longer be combined</li> </ul>
IEQc7.1 Thermal Comfort – Design	<b>Credit: Thermal Comfort</b>	<ul style="list-style-type: none"> <li>- Updated reference standard to ASHRAE 55-2010</li> <li>- Included international standards</li> <li>- New compliance paths for data centers and warehouses</li> </ul>
IEQc7.2 Thermal Comfort – Verification		
IEQc6.1 Controllability of Systems - Lighting	<b>Credit: Interior Lighting</b>	<ul style="list-style-type: none"> <li>- Added option addresses lighting quality</li> <li>- At least three levels required for lighting control: on, off, and a midlevel</li> </ul>
IEQc6.2 Controllability of Systems – Thermal Comfort		
IEQc8.1 Daylight and Views - Daylight	<b>Credit: Daylight</b>	<ul style="list-style-type: none"> <li>- Changed number of points available and thresholds for achievement</li> <li>- Added simulation option that incorporates 2 new metrics</li> </ul>
IEQc8.2 Daylight and Views – Views	<b>Credit: Quality Views</b>	<ul style="list-style-type: none"> <li>- Added requirement for quality view defined by LEED 2009 exemplary performance criteria</li> <li>- Glazing must provide clear view to the outdoors</li> <li>- Atriums now qualify for up to 30% of the total area</li> </ul>
	<b>Credit: Acoustic Performance</b>	<ul style="list-style-type: none"> <li>- New credit except in Schools and Healthcare</li> <li>- Updated standards for Schools</li> </ul>

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## Interior Design and Construction: Commercial Interiors



### LEED v4 TECHNICAL IMPROVEMENTS: LOCATION & TRANSPORTATION





## LEED v4 TECHNICAL IMPROVEMENTS: WATER EFFICIENCY

### LEED 2009 CREDITS:

### LEED V4 CREDITS:

### TECHNICAL IMPROVEMENTS AND ADDITIONS:

WEp1 Water Use  
Reduction

**Prerequisite: Indoor  
Water Use Reduction**

WEc1 Water Use  
Reduction

**Credit: Indoor Water  
Use Reduction**

- Includes requirements for water-using appliances and processes, as well as cooling towers and evaporative condensers
- WaterSense label requirements are now mandatory in the U.S.
- New prescriptive compliance path (based on demonstrating that all fixtures are 20% below baseline)

- Appliance and process water savings can earn credit under the Retail and Hospitality rating systems
- WaterSense label requirements are now mandatory in the U.S.
- To earn points, project teams must include fixtures necessary to meet occupants' needs. When no facilities are available within project boundaries, the closest available restrooms must be included in credit calculations. These additional restrooms can be excluded from prerequisite compliance requirements.

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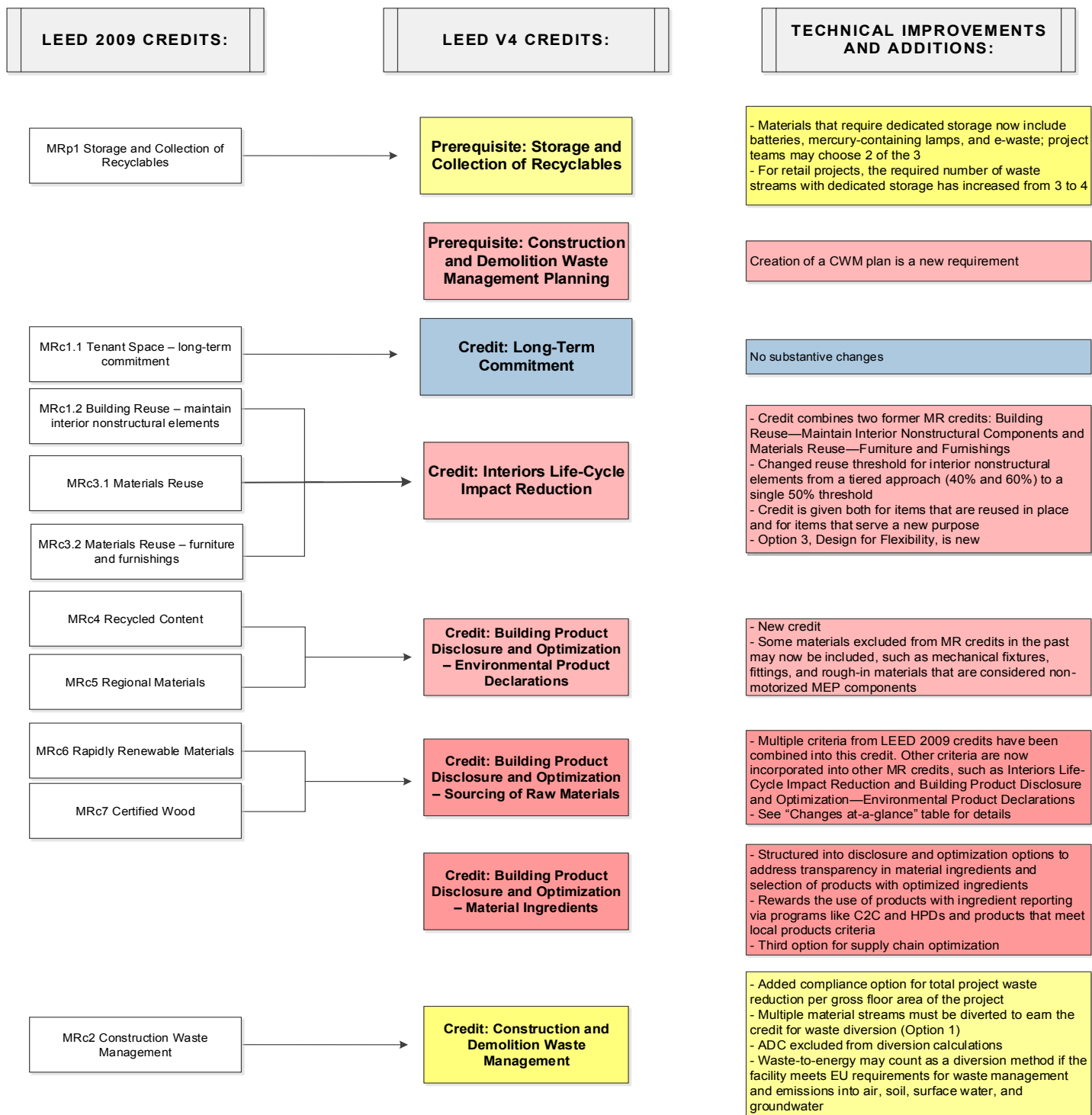
# LEED v4 TECHNICAL IMPROVEMENTS: ENERGY & ATMOSPHERE

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
EAp1 Fundamental Commissioning of Building Energy Systems	<b>Prerequisite: Fundamental Commissioning and Verification</b>	<ul style="list-style-type: none"> <li>- Requirements to prepare an O+M plan and to engage CxA by the end of design development phase</li> <li>- Expanded plumbing and electrical scopes</li> </ul>
EAp2 Minimum Energy Performance	<b>Prerequisite: Minimum Energy Performance</b>	<ul style="list-style-type: none"> <li>- Prerequisite now includes two options: Option 1, Tenant-Level Energy Simulation, and Option 2, Prescriptive Compliance.</li> <li>- Option 1. Tenant-Level Energy Simulation: more closely follows that for whole buildings; revised LEED methodology for modeling shared HVAC systems; baseline case must follow Appendix G requirements for all components and systems</li> <li>- Option 2. Prescriptive Compliance: adapted requirements of the 2009 prerequisite were adapted to become Option 2</li> </ul>
EAp3 Fundamental Refrigerant Management	<b>Prerequisite: Fundamental Refrigerant Management</b>	No substantive changes
EAc2 Enhanced Commissioning	<b>Credit: Enhanced Commissioning</b>	Includes monitoring-based commissioning option
EAc1.1 Optimize Energy Performance – lighting power	<b>Credit: Optimize Energy Performance</b>	See improvements listed for LEED v4 EA prerequisite Minimum Energy Performance
EAc1.2 Optimize Energy Performance – lighting controls		
EAc1.3 Optimize Energy Performance - HVAC		
EAc1.4 Optimize Energy Performance – equipment and appliances		
EAc3 Measurement and Verification	<b>Credit: Advanced Energy Metering</b>	New credit
SSc1 Site Selection, Option 2, Path 11. On-Site Renewable Energy	<b>Credit: Renewable Energy Production</b>	Solar gardens and community systems are eligible under certain conditions
	<b>Credit: Enhanced Refrigerant Management</b>	Added sector-specific requirements for commercial refrigeration equipment
EAc4 Green Power	<b>Credit: Green Power and Carbon Offsets</b>	<ul style="list-style-type: none"> <li>- In addition to including electricity, the credit now requires nonelectric use to be offset using carbon offsets</li> <li>- Credit now requires a five-year contract and specifies that resources must have come online after January 1, 2005, and be delivered at least annually</li> <li>- Increased percentage thresholds to 50% for 1 point and 100% for 2 points</li> </ul>

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# LEED v4 TECHNICAL IMPROVEMENTS: MATERIALS & RESOURCES



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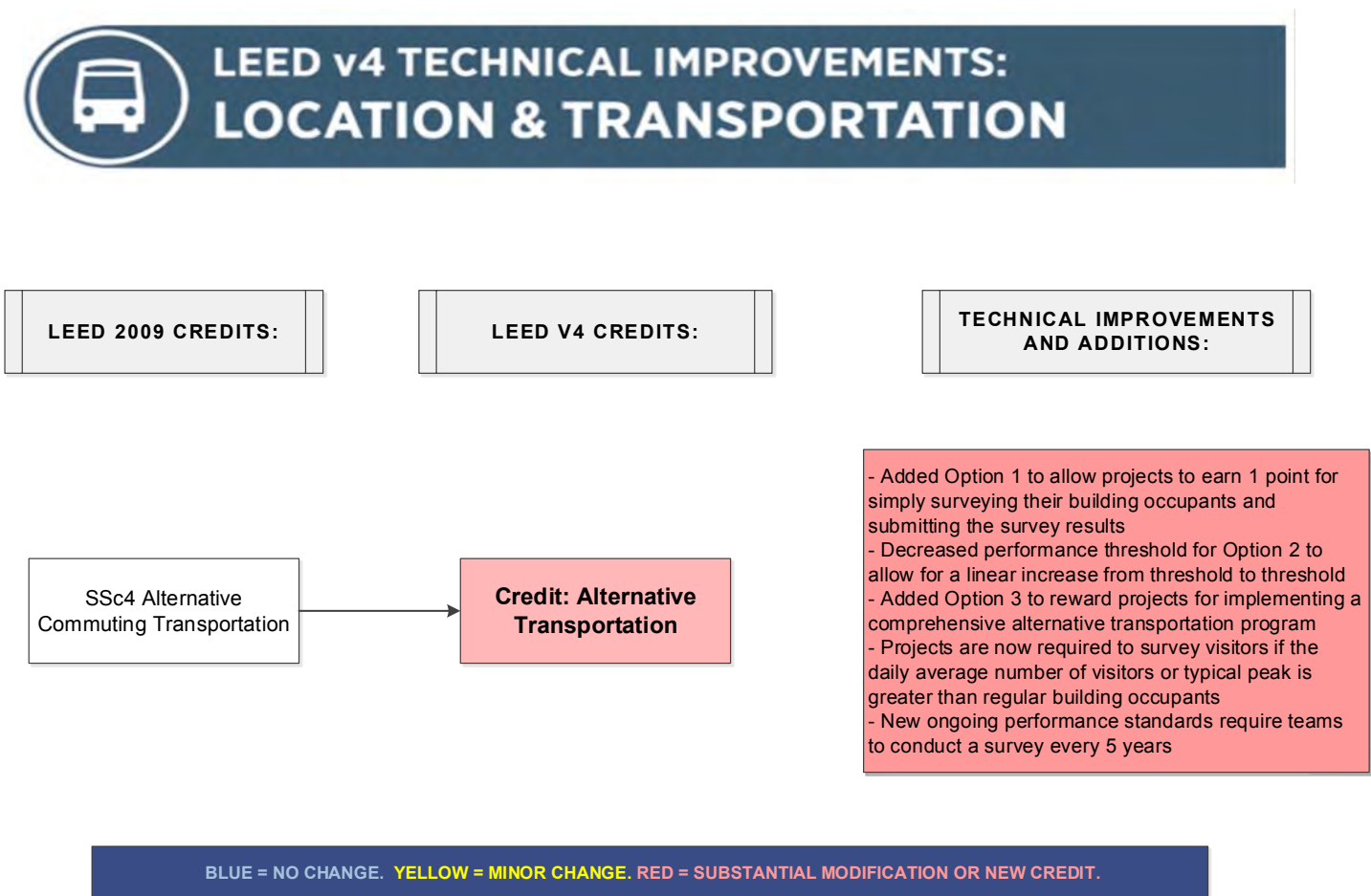


# LEED v4 TECHNICAL IMPROVEMENTS: INDOOR ENVIRONMENTAL QUALITY

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
IEQp1 Minimum IAQ Performance	<b>Prerequisite: Minimum Indoor Air Quality Performance</b>	<ul style="list-style-type: none"> <li>- Updated ASHRAE Standard 62.1 to version 2010- Project teams are required to confirm the appropriate application of natural ventilation through CIBSE AM10, Figure 2.8 (flow chart)</li> <li>- Projects outside U.S. can use CEN requirements</li> </ul>
IEQp2 Environmental Tobacco Smoke Control	<b>Prerequisite: Environmental Tobacco Smoke Control</b>	<ul style="list-style-type: none"> <li>- No designated smoking areas indoors</li> <li>- Expanded no-smoking policy</li> <li>- Added requirement for location of exterior posted signs</li> </ul>
IEQc1 Outdoor Delivery Monitoring	<b>Credit: Enhanced Indoor Air Quality Strategies</b>	<ul style="list-style-type: none"> <li>- Meeting the requirements of interior cross-contamination prevention no longer requires a calculation of a minimum pressure differential</li> <li>- Additional options for naturally ventilated spaces</li> <li>- Added an option for filtration media requirements, CEN Standard EN 779-2002, Particulate Air Filters for General Ventilation, Determination of the Filtration Performance</li> </ul>
IEQc2 Increased Ventilation		
IEQc5 Indoor Chemical and Pollutant Source Control		
IEQc4.1 Low-Emitting Materials – adhesives and sealants	<b>Credit: Low-Emitting Materials</b>	<ul style="list-style-type: none"> <li>- Compliance of interior finishes may be demonstrated in assemblies with multiple layers in combination, or in each system individually</li> <li>- All rating systems now consider furniture emissions</li> <li>- New referenced standards address non-U.S. projects and new product requirements</li> <li>- Ceilings are now included in the requirements.</li> <li>- Emissions from insulation are now included.</li> <li>- Emissions requirements for on-site wet-applied, full-spread products measured via chamber tests in air are now included. VOC content limits for on-site, wet-applied products are still required</li> </ul>
IEQc4.2 Low-Emitting Materials – paints and coatings		
IEQc4.3 Low-Emitting Materials – flooring systems		
IEQc4.4 Low-Emitting Materials – composite wood and agnifiber products		
IEQc3.1 Construction Indoor Air Quality Management Plan – During Construction	<b>Credit: Construction Indoor Air Quality Management Plan</b>	No substantive changes
IEQc3.2 Construction Indoor Air Quality Management Plan – Before Occupancy	<b>Credit: Indoor Air Quality Assessment</b>	<ul style="list-style-type: none"> <li>- Options can no longer be combined</li> <li>- Upper interior temperature limit is now identified in Option 1</li> <li>- Testing now required for an expanded list of contaminants in Option 2</li> </ul>
IEQc7.1 Thermal Comfort – Design	<b>Credit: Thermal Comfort</b>	<ul style="list-style-type: none"> <li>- Updated referenced standard to ASHRAE 55-2010.</li> <li>- Included international standards to provide more relevant compliance options for non-U.S. projects</li> </ul>
IEQc7.2 Thermal Comfort – Verification		
IEQc6.1 Controllability of Systems – Lighting	<b>Credit: Interior Lighting</b>	<ul style="list-style-type: none"> <li>- Added an additional point and option for lighting quality to the previous lighting control requirements</li> <li>- Revised requirements for lighting control to require at least 3 lighting levels to meet the controllability criteria</li> </ul>
IEQc6.2 Controllability of Systems – Thermal Comfort		<ul style="list-style-type: none"> <li>- Eliminated prescriptive compliance path</li> <li>- Additional simulation option with 2 new metrics</li> <li>- Option 2: illuminance simulation now relies on local weather data and uses a calculated illuminance intensity</li> <li>- Option 3: measurements required at 2 times of the year</li> <li>- Changed available points and achievement thresholds</li> </ul>
IEQc8.1 Daylight and Views - Daylight	<b>Credit: Daylight</b>	<ul style="list-style-type: none"> <li>- Exemplary performance requirements from LEED 2009 are now the basis for the credit requirements</li> <li>- Glazing must provide a clear image of the outdoors</li> <li>- Atriums now qualify for up to 30% of the total area</li> </ul>
IEQc8.2 Daylight and Views – Views	<b>Credit: Quality Views</b>	
	<b>Credit: Acoustic Performance</b>	New credit

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# Building Operations and Maintenance: Existing Buildings







# LEED v4 TECHNICAL IMPROVEMENTS: SUSTAINABLE SITES

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
SSc1 LEED Certified Design and Construction		
SSc2 Building Exterior and Hardscape Management Plan	<b>Prerequisite: Site Management Policy</b>	<ul style="list-style-type: none"> <li>- Prerequisite derived from 2 LEED 2009 credits: SS Credit 2, Building Exterior and Hardscape Management Plan, and SS Credit 3, Integrated Pest Management, Erosion Control, and Landscape Management Plan</li> <li>- Integrated pest management is now covered under the EQ credit category</li> </ul>
SSc3 Integrated Pest Management, Erosion Control and Landscape Management Plan		
SSc5 Site Development – Protect or Restore Open Habitat	<b>Credit: Site Development – Protect or Restore Habitat</b>	<ul style="list-style-type: none"> <li>- Changed calculation for the native vegetation threshold to 20% of the total site area (including the building footprint) and a minimum of 5,000 square feet</li> <li>- Replaced off-site option with an option for financial support</li> </ul>
SSc6 Stormwater Quantity Control	<b>Credit: Rainwater Management</b>	<ul style="list-style-type: none"> <li>- Projects must use GI and LID rainwater management techniques on site</li> <li>- Metric by which to test compliance is now the total volume of runoff calculated for the 95th percentile of regional or local storm events, rather than the one-year and two-year storm events</li> </ul>
SSc7.1 Heat Island Effect – Nonroof	<b>Credit: Heat Island Reduction</b>	<ul style="list-style-type: none"> <li>- Changed minimum frequency for cleaning paving and roof surfaces to every 3 years</li> <li>- Tree canopy shade area is now calculated after 10 years of growth rather than 5 years</li> <li>- SRI thresholds have been increased and now include both initial SRI and three-year aged SRI</li> <li>- Credit compliance for nonroof hardscape is now calculated using SR values instead of SRI values</li> </ul>
SSc7.2 Heat Island Effect – Roof		
SSc8 Light Pollution Reduction	<b>Credit: Light Pollution Reduction</b>	<ul style="list-style-type: none"> <li>- No interior lighting requirements</li> <li>- LEED 2009 approach for perimeter measurements to demonstrate compliance by meeting maximum footcandle (lux) levels, prescribed by IESNA RP-33, is no longer available</li> </ul>
SSc2 Building Exterior and Hardscape Management Plan	<b>Credit: Site Management</b>	<ul style="list-style-type: none"> <li>- Added soil testing and irrigation system monitoring requirements</li> <li>- Added a new compliance option for reducing emissions from site maintenance equipment</li> </ul>
SSc3 Integrated Pest Management, Erosion Control and Landscape Management Plan		
	<b>Credit: Site Improvement Plan</b>	New credit addresses long-term ecological health of site
	<b>Credit: Joint Use of Facilities (Schools only)</b>	New credit encourages shared use of community spaces

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## LEED v4 TECHNICAL IMPROVEMENTS: WATER EFFICIENCY

### LEED 2009 CREDITS:

### LEED V4 CREDITS:

### TECHNICAL IMPROVEMENTS AND ADDITIONS:

WEp1 Minimum Indoor  
Plumbing Fixture and Fitting  
Efficiency

**Prerequisite: Indoor Water  
Use Reduction**

WEc1 Water Performance  
Measurement

**Prerequisite: Building-  
Level Water Metering**

WEc3 Water Efficient  
Landscaping

**Credit: Outdoor Water Use  
Reduction**

WEc2 Additional Indoor  
Plumbing Fixture and Fitting  
Efficiency

**Credit: Indoor Water Use  
Reduction**

WEc4 Cooling Tower Water  
Management

**Credit: Cooling Tower  
Water Use**

WEc1 Water Performance  
Measurement

**Credit: Water Metering**

- Changed baseline multiplier cutoff year from 1994 to 1995
- Multiplier for projects built and occupied before 1995 has changed from 160% to 150% of UPC/IPC
- Duration-based savings from autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case
- Applying nonpotable water is no longer allowed as an ACP in the prerequisite

Prerequisite requires permanently installed whole building water meter and water usage data shared with USGBC

- New credit.
- WaterSense Water Budget Tool is now listed as the referenced calculation tool

Added second option for metered water use

Modified the cooling tower credit structure to highlight appropriate cycling based on the concentrations of dissolved solids on the project site

- Moved Option 1, Whole Building Metering, from LEED 2009 to the prerequisite level
- Credit is now comparable to Option 2, Submetering, in LEED 2009

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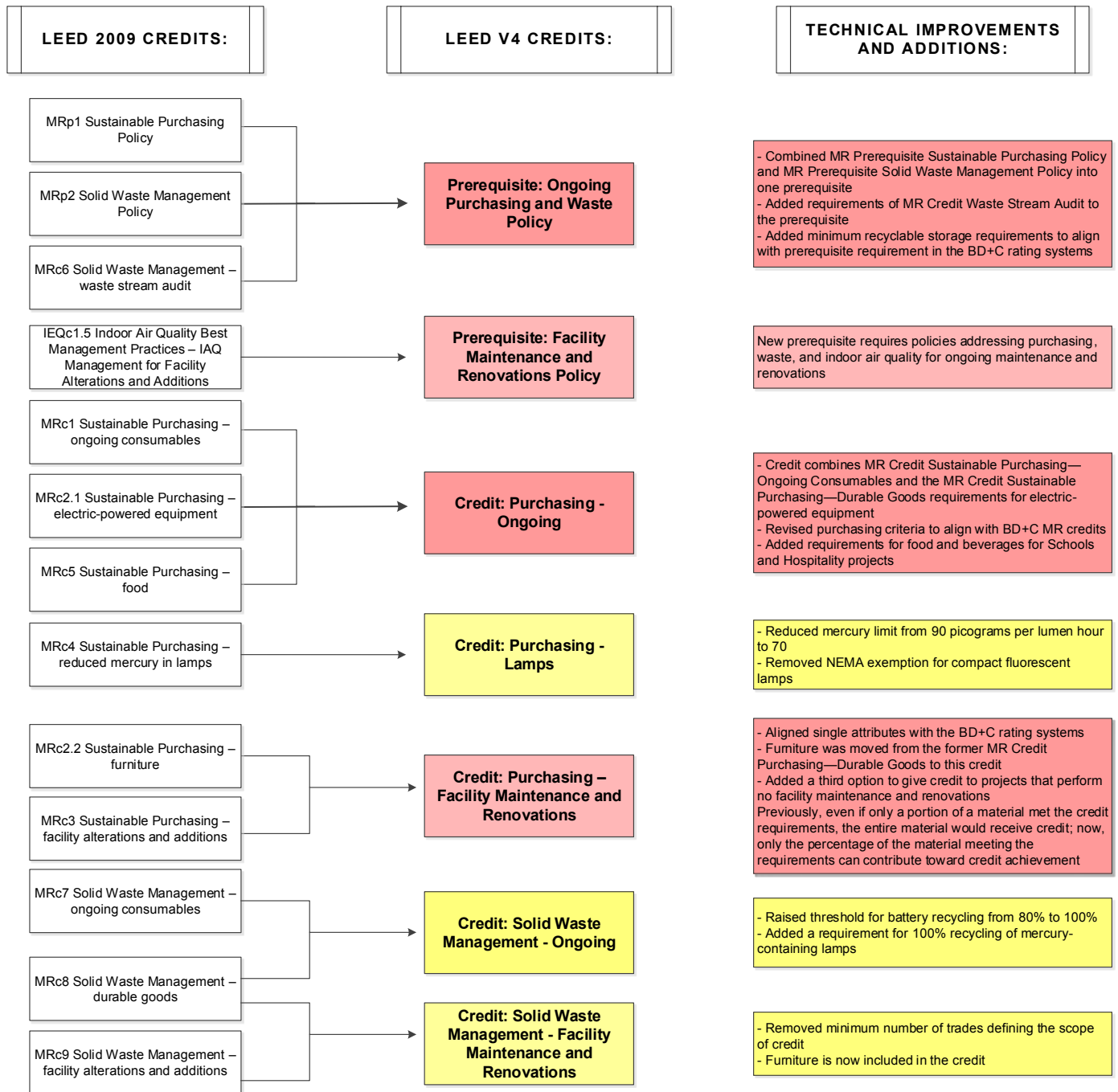
# LEED v4 TECHNICAL IMPROVEMENTS: ENERGY & ATMOSPHERE

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
EAp1 Energy Efficiency Best Management Practices – planning, documentation, and opportunity assessment	<b>Prerequisite: Energy Efficiency Best Management Practices</b>	Includes specific requirements for data centers
EAp2 Minimum Energy Performance	<b>Prerequisite: Minimum Energy Performance</b>	Increased minimum required ENERGY STAR rating from 69 to 75 in Option 1
	<b>Prerequisite: Building-Level Energy Metering</b>	Requires energy meters capable of providing whole building energy use data and energy usage data shared with USGBC
EAp3 Fundamental Refrigerant Management	<b>Prerequisite: Fundamental Refrigerant Management</b>	No substantive changes
EAc2.1 Existing Building Commissioning – investigation and analysis	<b>Credit: Existing Building Commissioning - Analysis</b>	For DES, building-owned systems are treated the same as third-party systems
EAc2.2 Existing Building Commissioning – implementation	<b>Credit: Existing Building Commissioning - Implementation</b>	<ul style="list-style-type: none"> <li>- Capital plan required for major retrofits and upgrades is now specified as a 5 year plan</li> <li>- Formal tracking and verification plan is now required for the implemented energy conservation measures</li> </ul>
EAc2.3 Existing Building Commissioning – ongoing commissioning	<b>Credit: Ongoing Commissioning</b>	No substantive changes
EAc1 Optimize Energy Efficiency Performance	<b>Credit: Optimize Energy Performance</b>	Increased minimum ENERGY STAR score to 75
EAc3.1 Performance Measurement – building automation system	<b>Credit: Advanced Energy Metering</b>	System-level metering and building automation systems were included in LEED 2009 as minimum program requirement 6 and as EA Credit Performance Measurement—Building Automation System. Both topics are combined into this credit.
EAc3.2 Performance Measurement – system-level metering		
	<b>Credit: Demand Response</b>	<ul style="list-style-type: none"> <li>- New credit</li> <li>- Option 1 requires necessary infrastructure and/or participation in a demand response program</li> <li>- Option 2 requires 10% of peak loads shifted to off-peak hours</li> </ul>
EAc4 On-Site and Off-Site Renewable Energy	<b>Credit: Renewable Energy and Carbon Offsets</b>	Aligned performance thresholds with LEED BD+C rating systems
EAc5 Enhanced Refrigerant Management	<b>Credit: Enhanced Refrigerant Management</b>	<ul style="list-style-type: none"> <li>- Added sector-specific requirements for commercial refrigeration equipment</li> <li>- Default leakage rate, rather than a measured rate, must be used in the calculations</li> </ul>
EAc6 Emissions Reduction Reporting		

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# LEED v4 TECHNICAL IMPROVEMENTS: MATERIALS & RESOURCES



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# LEED v4 TECHNICAL IMPROVEMENTS: INDOOR ENVIRONMENTAL QUALITY

LEED 2009 CREDITS:	LEED V4 CREDITS:	TECHNICAL IMPROVEMENTS AND ADDITIONS:
IEQp1 Minimum IAQ Performance	<b>Prerequisite: Minimum Indoor Air Quality Performance</b>	<ul style="list-style-type: none"> <li>- Updated ASHRAE Standard 62.1 to version 2010 from 2007</li> <li>- Updated standards for prerequisite compliance. See "Changes at-a-glance" Table for details.</li> </ul>
IEQp2 Environmental Tobacco Smoke (ETS) Control	<b>Prerequisite: Environmental Tobacco Smoke Control</b>	<ul style="list-style-type: none"> <li>- Designated interior smoking rooms are no longer permitted</li> <li>- Expanded no-smoking policy and added requirement for the location of exterior posted signs</li> <li>- Expanded acceptable procedure for demonstrating compliance with air leakage requirements in residential projects</li> </ul>
IEQp3 Green Cleaning Policy	<b>Prerequisite: Green Cleaning Policy</b>	Added requirement to implement policy and option to contract third party certified cleaning contractors
IEQc3.1 Green Cleaning – high-performance cleaning program		
IEQc1.1 Indoor Air Quality Best Management Practices – IAQ Management Program	<b>Credit: Indoor Air Quality Management Program</b>	<ul style="list-style-type: none"> <li>- All preventive maintenance and periodic inspection procedures are included in one document, the O&amp;M plan</li> <li>- Only an audit was previously required; the credit now requires developing an IAQ management program as well</li> </ul>
IEQc1.2 Indoor Air Quality Best Management Practices – outdoor air delivery monitoring	<b>Credit: Enhanced Indoor Air Quality Strategies</b>	<ul style="list-style-type: none"> <li>- Credit combines portions of IEQ Credit 1.2 Indoor Air Quality Best Management Practices—Outdoor Air Delivery Monitoring, IEQ Credit 1.4 Indoor Air Quality Best Management Practices—Reduce Particulates in Air Distribution, and IEQ Credit 3.5 Green Cleaning—Indoor Chemical and Pollutant Source</li> <li>- Additional options for naturally ventilated spaces</li> <li>- Additional guidance for warehouses, distribution centers, data centers, and residential projects</li> <li>- Added option for filtration media requirements, CEN Standard EN 779–2002, Particulate Air Filters for General Ventilation, Determination of the Filtration Performance</li> </ul>
IEQc1.3 Indoor Air Quality Best Management Practices – increased ventilation		
IEQc1.4 Indoor Air Quality Best Management Practices – reduce particulates in air distribution		
IEQc3.5 Green Cleaning – indoor chemical and pollutant source control		
IEQc2.3 Occupant Comfort – thermal comfort monitoring	<b>Credit: Thermal Comfort</b>	<ul style="list-style-type: none"> <li>- Updated reference standard to ASHRAE 55-2010</li> <li>- Added international standards for non-U.S. projects</li> <li>- Humidity monitoring is required at the humidity zone level</li> <li>- New compliance path for data centers</li> </ul>
IEQc2.2 Controllability of Systems - lighting	<b>Credit: Interior Lighting</b>	<ul style="list-style-type: none"> <li>- Additional point and option for lighting quality</li> <li>- Requirement for 3 controllable lighting levels: on, off, and midlevel</li> </ul>
IEQc2.4 Daylight and Views	<b>Credit: Daylight and Quality Views</b>	<ul style="list-style-type: none"> <li>- No simulation and prescriptive options for daylighting compliance</li> <li>- Glazing must provide a clear view to the outdoors</li> <li>- Atriums now qualify for up to 30% of the total area for views</li> <li>- View quality is now a component of the credit requirements</li> </ul>
IEQc3.2 Green Cleaning – custodial effectiveness assessment	<b>Credit: Green Cleaning – custodial effectiveness assessment</b>	<ul style="list-style-type: none"> <li>- Credit directly links implementation of the Green Cleaning Policy to the audit process</li> <li>- Tightened credit achievement threshold of the audit score from 3 to 2.5</li> </ul>
IEQc3.3 Green Cleaning – purchase of sustainable cleaning products and materials	<b>Credit: Green Cleaning – products and materials</b>	<ul style="list-style-type: none"> <li>- Raised performance threshold for purchases from 30% to 75%</li> <li>- Added a provision for nonchemical and ionized water cleaning</li> <li>- Added Design for the Environment as an acceptable standard</li> </ul>
IEQc3.4 Green Cleaning – sustainable cleaning equipment	<b>Credit: Green Cleaning - equipment</b>	<ul style="list-style-type: none"> <li>- Raised performance threshold for achievement from 20% to 40%.</li> <li>- A phase-out plan can now be used in lieu of discarding equipment that has useful life remaining</li> </ul>
IEQc3.6 Green Cleaning – indoor integrated pest management	<b>Credit: Integrated Pest Management</b>	<ul style="list-style-type: none"> <li>- Contains SS Credit 3 exterior pest management requirements and IEQ Credit 3.7 interior pest management requirements</li> <li>- Shortened 72-hour window for alerting building occupants that a non-least-risk pesticide application was going to occur to 24 hours</li> <li>- Expanded required log to include pest population tracking</li> </ul>
IEQc2.1 Occupant Comfort – occupant survey	<b>Credit: Occupant Comfort Survey</b>	Corrective action for any area with a dissatisfaction rate higher than 20% is now required

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# CHANGES AT-A-GLANCE

## LEED v4 for Building Design and Construction

*Summary of changes from LEED 2009*

Prerequisite	Integrative Project Planning and Design (Healthcare Only)	<ul style="list-style-type: none"> <li>Changed required charrette duration from a full day to four hours.</li> <li>Added disciplines to list of eligible professions on the integrative design team.</li> </ul>
Credit	Integrative Process	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
LOCATION AND TRANSPORTATION		
Credit	LEED for Neighborhood Development Location	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Sensitive Land Protection	<ul style="list-style-type: none"> <li>Floodplain requirements now refer to “flood hazard area shown on a legally adopted flood hazard map” instead of specifically referencing the 100-year floodplain. Projects must now avoid the flood hazard instead of being at least 5 feet (1.5 meters) above the 100-year floodplain.</li> <li>Expanded sensitive habitat requirements to include species or ecological communities listed by NatureServe (in addition to local equivalents for projects outside the U.S. or outside areas covered by NatureServe).</li> <li>The water body buffer has been changed from 50 feet (15 meters) to 100 feet (30 meters).</li> <li>The wetland buffer has been changed from 100 feet (30 meters) to 50 feet (15 meters).</li> <li>A list of allowable minor improvements in wetland or water body buffers has been added.</li> </ul>
Credit	High Priority Site	<ul style="list-style-type: none"> <li>Adapts many of the concepts formerly found in SS Credit 3 Brownfield Redevelopment.</li> <li>Projects now have options for infill location in a historic district and for locating in a priority redevelopment area.</li> <li>Projects no longer limited to officially designated brownfields. Contaminated sites requiring remediation, as deemed by the authority having jurisdiction, can qualify a project for this credit.</li> </ul>
Credit	Surrounding Density and Diverse Uses	<ul style="list-style-type: none"> <li>Points have been redistributed such that the credit’s full value can be earned only if the requirements for both Options 1 and 2 are met.</li> <li>For all rating systems except Healthcare, there are now two thresholds for each option.</li> <li>There are now thresholds for separate residential and nonresidential densities.</li> <li>Added specific requirements for warehouses and distribution centers.</li> <li>The radius for building density calculation is now specified</li> </ul>

		<p>as ¼ mile (400 meters) from the project boundary.</p> <ul style="list-style-type: none"> <li>• Proximity to the diverse uses is now based on walking distance instead of a radius.</li> <li>• Additional restrictions have been added to stipulate how diverse uses can be counted.</li> </ul>
Credit	Access to Quality Transit	<ul style="list-style-type: none"> <li>• Transit service frequency included in the credit requirements.</li> <li>• Access measured by walking distance to functional building entries.</li> <li>• Addresses both weekday and weekend availability.</li> <li>• Point thresholds based on the number of transit trips available within the required walking distance.</li> <li>• Expanded modes of transportation to include ferry, streetcar, rapid transit, and rideshare.</li> <li>• For Schools projects, Option 2 Pedestrian Access now includes a tiered point system based on the percentage of students within the walkable attendance area.</li> <li>• Private shuttles cannot be used to comply with the requirement.</li> </ul>
Credit	Bicycle Facilities	<ul style="list-style-type: none"> <li>• Added requirements for proximity to a bicycle network.</li> <li>• Created separate short- and long-term bicycle storage requirements.</li> <li>• Changed shower room calculation method.</li> </ul>
Credit	Reduced Parking Footprint	<ul style="list-style-type: none"> <li>• Requirements now the same for nonresidential and residential, and for New Construction and Core and Shell.</li> <li>• Added baseline reference to a third-party standard (ITE Transportation Planning Handbook, 3rd edition, Tables 18-2 through 18-4).</li> <li>• Credit no longer awarded for providing no new parking. If there is existing parking that will continue to be used by the project, it must also comply with credit requirements.</li> </ul>
Credit	Green Vehicles	<p>New Construction, Core and Shell, Data Centers, Hospitality, Retail, Healthcare:</p> <ul style="list-style-type: none"> <li>• Changed term “low-emitting and fuel-efficient vehicles” to “green vehicles.”</li> <li>• Reorganized Options 1 and 2 such that all projects must provide preferred parking for green vehicles and alternative-fuel fueling stations.</li> <li>• Raised minimum ACEEE green score to 45.</li> <li>• Lowered requirement for alternative-fuel stations to 2% of total parking capacity.</li> <li>• Electrical connectors must comply with SAE Surface Vehicle Recommended Practice J1772, SAE Electric Vehicle Conductive Charge Coupler (or a regional or local equivalent standard) and must also be capable of dynamic interaction with the utility grid.</li> <li>• Credit can no longer be earned by providing green vehicles or a car-sharing program for building occupants.</li> </ul> <p>Schools:</p> <ul style="list-style-type: none"> <li>• See section above for changes in Option 1.</li> <li>• Designated carpool drop-off area for green vehicles (formerly “low-emitting and fuel-efficient vehicles”) is no longer required.</li> <li>• Option 2 now requires an implementation plan to meet NOx and particulate emissions standards for school buses</li> </ul>



		<p>and green vehicle designation for vehicles other than buses.</p> <p>Warehouses and Distribution Centers:</p> <ul style="list-style-type: none"> <li>Added credit requirements specific to these two project types.</li> </ul>
<b>SUSTAINABLE SITES</b>		
Prerequisite	Construction Activity Pollution Prevention	<ul style="list-style-type: none"> <li>Updated the EPA Construction General Permit version from 2003 to 2012.</li> </ul>
Prerequisite	Environmental Site Assessment	<ul style="list-style-type: none"> <li>Removed blanket exclusion of former landfill sites.</li> <li>Local equivalent assessments are available to all project teams as an alternative to Phase I and II ESAs.</li> <li>Projects are no longer allowed to achieve the prerequisite based on an asbestos sampling plan and remediation report.</li> </ul>
Credit	Site Assessment	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Site Development - Protect or Restore Habitat	<ul style="list-style-type: none"> <li>Replaced setback requirements with preservation and restoration requirements.</li> <li>Modified soil requirements to include disturbed or compacted soils.</li> <li>Replaced off-site option with an option for financial support.</li> </ul>
Credit	Open Space	<ul style="list-style-type: none"> <li>Credit no longer tied to presence of a local zoning code; the same open space requirement applies to all projects.</li> <li>Revised credit to emphasize the quality of the open space in addition to the quantity.</li> <li>Modified intent of credit to encourage physical connection to open space and to reduce the focus on biodiversity (which is covered in SS Credit Site Development—Protect or Restore Habitat).</li> </ul>
Credit	Rainwater Management	<ul style="list-style-type: none"> <li>Combined stormwater quality and quantity management credits into a single Rainwater Management credit.</li> <li>Projects must use GI and LID rainwater management techniques on site.</li> <li>Created specific path to accommodate reduced rainwater management opportunities in zero lot line urban projects.</li> <li>Expanded multitenant complex path to all projects types in addition to retail projects.</li> <li>Metric by which to test compliance is now the total volume of runoff calculated for the 95th percentile of regional or local storm events, rather than the one-year and two-year storm events.</li> </ul>
Credit	Heat Island Reduction	<ul style="list-style-type: none"> <li>Credit combines the roof and nonroof heat island credits from LEED 2009.</li> <li>Vegetated roofs and high-reflectance roofs now have equal weight when calculating compliance.</li> <li>Tree canopy shade area is now calculated after 10 years of growth rather than five years.</li> <li>Increased initial SRI thresholds for roofing material.</li> <li>Credit compliance for nonroof hardscape is now calculated using SR values instead of SRI values.</li> <li>Credit now takes into account the three-year aged SRI values for roofing material.</li> </ul>



Credit	Light Pollution Reduction	<ul style="list-style-type: none"> <li>Added new compliance option based on BUG ratings.</li> <li>Relocated lighting power density requirements to EA Prerequisite Minimum Energy Performance.</li> <li>Relocated interior lighting requirements to EA Prerequisite Minimum Energy Performance.</li> <li>Photometric information now needs to include only vertical illuminance calculations. Also, point-by-point calculation output documentation needs to be provided only for the worst-case vertical plane, not all site lighting.</li> </ul>
Credit	Site Master Plan (Schools)	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Tenant Design and Construction Guidelines (Core and Shell)	<ul style="list-style-type: none"> <li>Tenant guidelines no longer required to include information on LEED for Commercial Interiors or explain how the core and shell building contributes to achieving these credits.</li> </ul>
Credit	Places of Respite (Healthcare)	<ul style="list-style-type: none"> <li>Added requirement that 25% of all qualifying outdoor space be vegetated at the ground plane or with overhead vegetated canopy (trees and shrubs only) to ensure that vegetation is present to provide additional benefits.</li> </ul>
Credit	Direct Exterior Access (Healthcare)	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Joint Use of Facilities (Schools)	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
<b>WATER EFFICIENCY</b>		
Prerequisite	Outdoor Water Use Reduction	<ul style="list-style-type: none"> <li>New prerequisite.</li> <li>Modified calculator used.</li> <li>Moved alternative water source credit and smart sensor irrigation to the prerequisite.</li> </ul>
Prerequisite	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>Prerequisite now includes requirements for water-using appliances and processes, as well as cooling towers and evaporative condensers.</li> <li>WaterSense label requirements were recommended in LEED 2009; they are now mandatory in the U.S., with local equivalents allowed outside the U.S.</li> <li>New prescriptive compliance path based on demonstrating that all fixtures are 20% below baseline.</li> <li>Duration-based savings from autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case.</li> <li>Applying nonpotable water is no longer allowed as an alternative compliance path in the prerequisite. Alternative water sources can, however, earn points in the corresponding credit.</li> </ul>
Prerequisite	Building-Level Water Metering	<ul style="list-style-type: none"> <li>New prerequisite. The ongoing tracking and reporting components were previously required under Minimum Program Requirement 6 for all LEED 2009 projects.</li> </ul>
Credit	Outdoor Water Use Reduction	<ul style="list-style-type: none"> <li>New credit.</li> <li>WaterSense Water Budget Tool now listed as the referenced calculation tool.</li> </ul>
Credit	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>Appliance and process water savings can earn credit under the Retail, Healthcare, Hospitality, and Schools rating systems.</li> <li>WaterSense label requirements, recommended in LEED</li> </ul>

		<p>2009, are now mandatory in the U.S., with local equivalencies allowed elsewhere.</p> <ul style="list-style-type: none"> <li>• Duration-based savings from autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case.</li> <li>• To earn points, project teams must include fixtures necessary to meet the occupants' needs. When no facilities are available within project boundaries, the closest available restrooms must be included in credit calculations. These additional restrooms can be excluded from prerequisite compliance requirements.</li> </ul>
Credit	Cooling Tower Water Use	<ul style="list-style-type: none"> <li>• New credit.</li> </ul>
Credit	Water Metering	<ul style="list-style-type: none"> <li>• New credit.</li> </ul>
<b>ENERGY AND ATMOSPHERE</b>		
Prerequisite	Fundamental Commissioning and Verification	<ul style="list-style-type: none"> <li>• Requires the CxA to be engaged before the design development phase is complete.</li> <li>• Expanded electrical and plumbing scopes.</li> <li>• Elements of envelope commissioning are now incorporated in the OPR and BOD.</li> <li>• One design review and one operations and maintenance plan are now required.</li> </ul>
Prerequisite	Minimum Energy Performance	<p>Option 1 Whole Building Energy Simulation</p> <ul style="list-style-type: none"> <li>• ASHRAE 90.1–2010 replaces ASHRAE 90.1–2007.</li> <li>• Process energy is no longer required to make up 25% of overall building energy for the baseline and proposed models.</li> <li>• Prerequisite compliance must now be achieved without accounting for the cost offset by site-generated renewable energy.</li> <li>• For data centers, 2% of the required 5% energy cost reductions must come from building power and cooling infrastructure energy use.</li> </ul> <p>Option 2 ASHRAE 50% Advanced Energy Design Guide, and Option 3 Advanced Buildings Core Performance Guide</p> <ul style="list-style-type: none"> <li>• For Option 2, the standard for compliance with the prerequisite has been changed from the 30% savings version of the AEDG to the 50% savings version. This represents 50% expected savings over ASHRAE 90.1–2004.</li> <li>• For Options 2 and 3, the project must now comply with mandatory and prescriptive requirements of ASHRAE 90.1–2010 to achieve the prerequisite.</li> </ul>
Prerequisite	Building-Level Energy Metering	<ul style="list-style-type: none"> <li>• New prerequisite.</li> <li>• Minimum program requirements: The ongoing energy tracking and reporting components were previously required under MPR 6 for all LEED 2009 projects.</li> </ul>
Prerequisite	Fundamental Refrigerant Management	<ul style="list-style-type: none"> <li>• No substantive changes.</li> </ul>
Credit	Enhanced Commissioning	<ul style="list-style-type: none"> <li>• Credit now includes monitoring-based commissioning and building envelope commissioning options.</li> </ul>

Credit	Optimize Energy Performance	<ul style="list-style-type: none"> <li>See <i>Changes from LEED 2009</i> in EA Prerequisite Minimum Energy Performance.</li> </ul>
Credit	Advanced Energy Metering	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Demand Response	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Renewable Energy Production	<ul style="list-style-type: none"> <li>Credit now allows solar gardens and community systems.</li> </ul>
Credit	Enhanced Refrigerant Management	<ul style="list-style-type: none"> <li>Added sector-specific requirements for commercial refrigeration equipment.</li> </ul>
Credit	Green Power and Carbon Offsets	<ul style="list-style-type: none"> <li>In addition to including electricity, credit now requires nonelectric energy use to be offset using carbon offsets.</li> <li>Credit now requires a five-year contract and specifies that resources must have come online after January 1, 2005, and be delivered at least annually.</li> <li>Increased percentage thresholds to 50% for 1 point and 100% for 2 points.</li> </ul>
<b>MATERIALS AND RESOURCES</b>		
Prerequisite	Storage and Collection of Recyclables	<ul style="list-style-type: none"> <li>Materials that require dedicated storage now include batteries, mercury-containing lamps, and e-waste; project teams may choose two of the three.</li> <li>For retail projects, the required number of waste streams with dedicated storage has increased from three to four.</li> </ul>
Prerequisite	Construction and Demolition Waste Management Planning	<ul style="list-style-type: none"> <li>The creation of a CWM plan is a new requirement.</li> </ul>
Prerequisite	PBT Source Reduction—Mercury	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Building Life Cycle Impact Reduction	<ul style="list-style-type: none"> <li>Building reuse is a combination of two LEED 2009 credits: MR Credit Building Reuse—Maintain Walls, Floor and MR Credit Roof and Building Reuse—Maintain Interior Nonstructural Elements.</li> <li>MR Credit Building Life-Cycle Impact Reduction, Option 3. Materials reuse may incorporate both structural and nonstructural elements as long as they are not double-counted in MR Credit Building Product Disclosure and Optimization—Sourcing of Raw Materials, Option 2, Leadership Extraction Practices.</li> </ul>
Credit	Building Product Disclosure and Optimization—Environmental Product Declarations	<ul style="list-style-type: none"> <li>New credit.</li> <li>Some materials excluded from MR credits in the past may now be included, such as mechanical fixtures, fittings, and rough-in materials that are considered nonmotorized MEP components.</li> </ul>
Credit	Building Product Disclosure and Optimization—Sourcing of Raw Materials	<p>Multiple criteria from the following LEED 2009 credits have been combined into this credit. Except as noted, the criteria are unchanged from LEED 2009. Other criteria are now incorporated into other MR credits, such as Building Life-Cycle Impact Reduction and Building Product Disclosure and Optimization—Environmental Product Declarations:</p> <ul style="list-style-type: none"> <li>MR Credit Resource Reuse. Materials that are reused on-site are no longer required to be repurposed.</li> <li>MR Credit Recycled Content. The requirements for recycled content have not changed; however, this criterion is now combined with other criteria in a single</li> </ul>

		<p>option.</p> <ul style="list-style-type: none"> <li>MR Credit Regional Materials. The 500-mile (805-km) radius requirement was decreased to 100 miles (160 km). The definition of regional has been expanded to include the distribution and purchase location and now includes all points of manufacture.</li> <li>MR Credit Rapidly Renewable Materials. Biobased materials are no longer defined by the harvest cycle of the raw materials; instead, products must meet the Sustainable Agriculture Standard to count toward this credit.</li> <li>MR Credit Certified Wood. The requirements for certified wood have not changed; however, this criterion is not combined with other criteria in a single option.</li> </ul>
Credit	Building Product Disclosure and Optimization—Material Ingredients	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	PBT Source Reduction-Mercury (Healthcare)	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	PBT Source Reduction-Lead, Cadmium, Copper (Healthcare)	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Furniture and Medical Furnishings (Healthcare)	<ul style="list-style-type: none"> <li>Updated air testing protocols for Option 2 to reflect leadership standards.</li> <li>Modified requirements in Option 3 to reflect changes to related Materials and Resources credits.</li> </ul>
Credit	Resource Use-Design for Flexibility (Healthcare)	<ul style="list-style-type: none"> <li>No longer a minimum requirement for interstitial space.</li> </ul>
Credit	Construction and Demolition Waste Management	<ul style="list-style-type: none"> <li>Added compliance option for total project waste reduction per gross floor area of the project.</li> <li>Multiple material streams must be diverted to earn the credit for waste diversion (Option 1).</li> <li>ADC specifically excluded from diversion calculations. In LEED 2009, it was allowed to count as diverted waste.</li> <li>Waste-to-energy may count as a diversion method if the facility meets European Union requirements for waste management and emissions into air, soil, surface water, and groundwater.</li> </ul>
<b>INDOOR ENVIRONMENTAL QUALITY</b>		
Prerequisite	Minimum Indoor Air Quality Performance	<ul style="list-style-type: none"> <li>ASHRAE Standard 62.1 updated to version 2010 from version 2007.</li> <li>ASHRAE 62.1–2010 natural ventilation calculations now consider window configuration and ceiling height.</li> <li>ASHRAE 62.1–2010 now requires supplementary mechanical ventilation systems for naturally ventilated spaces in some cases.</li> <li>Project teams are required to confirm the appropriate application of natural ventilation through CIBSE AM10, Figure 2.8 (flow chart).</li> <li>Projects outside the U.S. allowed to demonstrate achievement via CEN requirements (rather than ASHRAE 62.1–2010).</li> <li>Prerequisite now includes the monitoring requirements</li> </ul>

		<p>previously included in Indoor Environmental Quality Credit 1, Outdoor Air Delivery Monitoring. Additionally, the monitoring requirements now distinguish between variable air volume and constant volume systems.</p> <ul style="list-style-type: none"> <li>• Prerequisite now includes specific requirements for residential projects, which are mostly taken from LEED for Homes, Indoor Environmental Quality Credit 2, Combustion Venting.</li> </ul>
Prerequisite	Environmental Tobacco Smoke Control	<ul style="list-style-type: none"> <li>• Designated interior smoking rooms are no longer permitted, with the exception of residential spaces.</li> <li>• Expanded no-smoking policy to apply to spaces outside the property line if the space is used for business purposes and is within 25 feet (7.5 meters) of building openings or outdoor air intakes.</li> <li>• Added specific requirement for the location of exterior posted signs.</li> <li>• Expanded acceptable procedure for demonstrating compliance with air leakage requirements in residential projects. This change allows teams to use testing procedures other than blower door testing.</li> </ul>
Prerequisite	Minimum Acoustic Performance (Schools)	<ul style="list-style-type: none"> <li>• Revised maximum allowable background noise from 45 dBA to 40 dBA.</li> <li>• Added an exterior noise requirement to minimize exterior noise intrusion into classrooms and core learning spaces.</li> <li>• Updated ANSI referenced standard to ANSI S12.60–2010.</li> <li>• Updated ASHRAE referenced standard to 2011 HVAC Applications ASHRAE Handbook, Chapter 48, Noise and Vibration Control.</li> <li>• For spaces 20,000 cubic feet (566 cubic meters) or larger, the referenced standard for reverberation time has changed to NRC-CNRC Construction Technology Update No. 51. This standard specifies variable reverberation time and total sound absorption values depending on the size of the space.</li> <li>• Added exceptions for projects with limited renovation scopes or strict historic preservation requirements.</li> </ul>
Credit	Enhanced Indoor Air Quality Strategies	<ul style="list-style-type: none"> <li>• Combined portions of IEQ Credit 1 Outdoor Air Delivery Monitoring, IEQ Credit 2 Increased Ventilation, and IEQ Credit 5 Indoor Chemical and Pollutant Source Control into a single credit.</li> <li>• Meeting the requirements of interior cross-contamination prevention no longer requires a calculation of a minimum pressure differential. However, the exhaust rates from the ventilation standard in EQ Prerequisite Minimum Indoor Air Quality Performance must be used. For spaces that do not have a requirement from this standard, a minimum exhaust rate of 0.5 cubic feet per minute per square foot (2.54 liters per second per square meter) must be used.</li> <li>• Added options regarding naturally ventilated spaces.</li> <li>• Additional guidance for warehouses, distribution centers, health care facilities, data centers, and residential projects.</li> <li>• Added option for filtration media requirements, CEN Standard EN 779–2002, Particulate Air Filters for General Ventilation, Determination of the Filtration Performance.</li> </ul>
Credit	Low-Emitting Materials	<ul style="list-style-type: none"> <li>• Combined former individual credit paths into one credit, with a scaled point system for each path earned.</li> </ul>

		<ul style="list-style-type: none"> <li>• Compliance of interior finishes may be demonstrated in assemblies with multiple layers in combination, or in each system individually.</li> <li>• Included consideration of furniture emissions for all rating systems.</li> <li>• Added new referenced standards to address international projects and new product requirements.</li> <li>• Ceilings are now included in the requirements.</li> <li>• Emissions from insulation are now included.</li> <li>• Emissions requirements for on-site, wet-applied, full-spread products measured via chamber tests in air are now included. VOC content limits for on-site, wet-applied products are still required.</li> </ul>
Credit	Construction Indoor Air Quality Management Plan	<ul style="list-style-type: none"> <li>• The use of tobacco products during construction is now explicitly prohibited inside the building and within 25 feet (7.5 meters) (or greater, if required by the local jurisdiction) of the building entrance.</li> </ul>
Credit	Indoor Air Quality Assessment	<ul style="list-style-type: none"> <li>• Installation of movable furnishings (such as workstations and partitions) before testing or flush-out is now required.</li> <li>• Options can no longer be combined.</li> <li>• An upper interior temperature limit is now identified in Option 1.</li> <li>• Testing is now required for an expanded list of contaminants in Option 2.</li> </ul>
Credit	Thermal Comfort	<ul style="list-style-type: none"> <li>• Combines the LEED 2009 credits Controllability of Systems: Thermal Comfort (IEQ Credit 6.2, IEQ Credit 6) and Thermal Comfort: Design (IEQ Credit 7.1, IEQ Credit 7) into a single credit.</li> <li>• Updated referenced standard to ASHRAE 55–2010.</li> <li>• Included international standards to provide more relevant compliance options for non-U.S. projects.</li> <li>• Requirements for natatoriums are now applicable to all rating systems.</li> <li>• Established new compliance paths for data centers and warehouses.</li> </ul>
Credit	Interior Lighting	<ul style="list-style-type: none"> <li>• Added additional point and option for lighting quality.</li> <li>• Revised requirements for lighting control to require at least three lighting levels: on, off, and a midlevel.</li> </ul>
Credit	Daylight	<ul style="list-style-type: none"> <li>• Eliminated prescriptive compliance path.</li> <li>• Additional simulation option that incorporates two new metrics, spatial daylight autonomy and annual sunlight exposure, based on annual daylight computer simulation models.</li> <li>• For Option 2, the illuminance simulation now relies on local weather data and uses a calculated illuminance intensity.</li> <li>• For Option 3, measurements are required at two times of the year.</li> <li>• Changed number of points available and thresholds for achievement.</li> <li>• Schools is no longer broken out by classroom and core learning spaces vs. other regularly occupied spaces.</li> </ul>
Credit	Quality Views	<ul style="list-style-type: none"> <li>• Exemplary performance requirements from LEED 2009 are now the basis for the credit requirements.</li> <li>• Glazing must provide a clear view to the outdoors. The</li> </ul>

		<p>glazing does not have to be located between 30 and 90 inches (750 and 2300 millimeters) above the finished floor.</p> <ul style="list-style-type: none"> <li>• Atriums now qualify for up to 30% of the total area.</li> <li>• For Healthcare projects, the inpatient unit requirements now include nonperimeter area. The requirements for direct lines of sight in the perimeter area have been modified to align with other rating systems.</li> </ul>
Credit	Acoustic Performance	<ul style="list-style-type: none"> <li>• New credit except in Schools and Healthcare.</li> </ul> <p>Schools:</p> <ul style="list-style-type: none"> <li>• Decreased background noise level limit from 40 dBA to 35 dBA.</li> <li>• Updated referenced ANSI S12.60 standard from 2002 to 2010.</li> <li>• Added AHRI Standard 885–2008 as a referenced standard for background noise.</li> <li>• Equivalent local codes may now be used in place of the national codes specified in the credit requirements.</li> </ul> <p>Healthcare:</p> <ul style="list-style-type: none"> <li>• Changed credit name from Acoustic Environment.</li> </ul>

## LEED v4 for Interior Design and Construction

### *Summary of changes from LEED 2009*

Credit – Integrative Process		<ul style="list-style-type: none"> <li>• New credit.</li> </ul>
LOCATION AND TRANSPORTATION		
Credit	LEED for Neighborhood Development Location	<ul style="list-style-type: none"> <li>• New credit.</li> </ul>
Credit	Surrounding Density and Diverse Uses	<ul style="list-style-type: none"> <li>• Points redistributed such that the credit's full value can be earned only if the requirements for both Options 1 and 2 are met.</li> <li>• Now thresholds for separate residential and non-residential densities.</li> <li>• The radius for building density calculation is now specified as ¼ -mile (400 meters) from the project boundary.</li> <li>• Proximity to the diverse uses based on walking distance instead of a radius.</li> <li>• Added additional restrictions to stipulate how diverse uses can be counted.</li> </ul>
Credit	Access to Quality Transit	<ul style="list-style-type: none"> <li>• Transit service frequency is now included in the credit requirements.</li> <li>• Access is now measured by walking distance to functional building entries.</li> <li>• Credit now addresses both weekday and weekend availability.</li> </ul>

		<ul style="list-style-type: none"> <li>Point thresholds now based on the number of transit trips available within the required walking distance.</li> <li>Expanded modes of transportation to include ferry, streetcar, rapid transit, and rideshare.</li> <li>Private shuttles cannot be used to comply with the requirement.</li> </ul>
Credit	Bicycle Facilities	<ul style="list-style-type: none"> <li>Added requirements for proximity to a bicycle network.</li> <li>Created separate short- and long-term bicycle storage requirements.</li> <li>Changed shower room calculation method.</li> </ul>
Credit	Reduced Parking Footprint	<ul style="list-style-type: none"> <li>Added a baseline reference to a third-party standard (ITE Transportation Planning Handbook, 3rd edition, Tables 18-2 through 18-4).</li> <li>Credit is no longer awarded for providing no new parking. If there is existing parking that will continue to be used by the project, it must also comply with credit requirements.</li> </ul>
<b>WATER EFFICIENCY</b>		
Prerequisite	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>Prerequisite now includes requirements for water-using appliances and processes, as well as cooling towers and evaporative condensers.</li> <li>WaterSense label requirements recommended in LEED 2009 are now mandatory in the U.S.</li> <li>New prescriptive compliance path (based on demonstrating that all fixtures are 20% below baseline).</li> </ul>
Credit	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>Appliance and process water savings can earn credit under the Retail and Hospitality rating systems.</li> <li>WaterSense label requirements recommended in LEED 2009 are now mandatory in the U.S.</li> <li>To earn points, project teams must include fixtures necessary to meet occupants' needs. When no facilities are available within project boundaries, the closest available restrooms must be included in credit calculations. These additional restrooms can be excluded from prerequisite compliance requirements.</li> </ul>
<b>ENERGY AND ATMOSPHERE</b>		
Prerequisite	Fundamental Commissioning and Verification	<ul style="list-style-type: none"> <li>LEED v4 now requires the CxA to be engaged before the design development phase is complete.</li> <li>Expanded electrical and plumbing scopes.</li> <li>One design review and one operations and maintenance plan are now required.</li> </ul>
Prerequisite	Minimum Energy Performance	<ul style="list-style-type: none"> <li>Prerequisite now includes two options: Option 1, Tenant-Level Energy Simulation, and Option 2, Prescriptive Compliance.</li> </ul> <p>Option 1. Tenant-Level Energy Simulation:</p> <ul style="list-style-type: none"> <li>Tenant-level modeling now more closely follows that for whole buildings.</li> <li>Revised LEED methodology for modeling shared HVAC systems to allocating a percentage of the shared systems to the LEED project.</li> <li>Baseline case must follow Appendix G requirements for all components and systems, including the building envelope. Existing conditions are not permitted to be modeled for the baseline case.</li> </ul>



		Option 2. Prescriptive Compliance: <ul style="list-style-type: none"> <li>Requirements of the 2009 prerequisite were adapted to become Option 2 in LEED v4.</li> </ul>
Prerequisite	Fundamental Refrigerant Management	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Enhanced Commissioning	<ul style="list-style-type: none"> <li>A monitoring-based commissioning option is now included.</li> </ul>
Credit	Optimize Energy Performance	<ul style="list-style-type: none"> <li>See EA Prerequisite Minimum Energy Performance.</li> </ul>
Credit	Advanced Energy Metering	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Renewable Energy Production	<ul style="list-style-type: none"> <li>Solar gardens and community systems are eligible under certain conditions.</li> </ul>
Credit	Enhanced Refrigerant Management	<ul style="list-style-type: none"> <li>Added sector-specific requirements for commercial refrigeration equipment.</li> </ul>
Credit	Green Power and Carbon Offsets	<ul style="list-style-type: none"> <li>In addition to including electricity, the credit now requires nonelectric use to be offset using carbon offsets.</li> <li>Credit now requires a five-year contract and specifies that resources must have come online after January 1, 2005, and be delivered at least annually.</li> <li>Increased percentage thresholds to 50% for 1 point and 100% for 2 points.</li> </ul>
<b>MATERIALS AND RESOURCES</b>		
Prerequisite	Storage and Collection of Recyclables	<ul style="list-style-type: none"> <li>Materials that require dedicated storage now include batteries, mercury-containing lamps, and e-waste; project teams may choose two of the three.</li> <li>For retail projects, the required number of waste streams with dedicated storage has increased from three to four.</li> </ul>
Prerequisite	Construction and Demolition Waste Management Planning	<ul style="list-style-type: none"> <li>Creation of a CWM plan is a new requirement.</li> </ul>
Credit	Long Term Commitment	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Interiors Life Cycle Impact Reduction	<ul style="list-style-type: none"> <li>Combined two former MR credits, Building Reuse—Maintain Interior Nonstructural Components and Materials Reuse—Furniture and Furnishings into this credit.</li> <li>Changed reuse threshold for interior nonstructural elements from a tiered approach (40% and 60%) to a single 50% threshold.</li> <li>Credit is given both for items that are reused in place and for items that serve a new purpose.</li> <li>Option 3, Design for Flexibility, is new.</li> </ul>
Credit	Building Product Disclosure and Optimization—Environmental Product Declarations	<ul style="list-style-type: none"> <li>New credit.</li> <li>Some materials excluded from MR credits in the past may now be included, such as mechanical fixtures, fittings, and rough-in materials that are considered non-motorized MEP components.</li> </ul>
Credit	Building Product Disclosure and Optimization—Sourcing of Raw Materials	Multiple criteria from the following LEED 2009 credits have been combined into this credit. Except as noted, the criteria are unchanged from LEED 2009. Other criteria are now incorporated into other MR credits, such as Interiors Life-Cycle Impact Reduction and Building Product Disclosure and Optimization—Environmental Product Declarations:

		<ul style="list-style-type: none"> <li>• MR Credit Resource Reuse. Materials that are reused on-site are no longer required to be repurposed.</li> <li>• MR Credit Recycled Content. Requirements for recycled content have not changed; however, this criterion is now combined with other criteria in a single option.</li> <li>• MR Credit Regional Materials. Decreased 500-mile (805-km) radius requirement to 100 miles (160 km). Expanded definition of regional to include the distribution and purchase location and now includes all points of manufacture.</li> <li>• MR Credit Rapidly Renewable Materials. Biobased materials are no longer defined by the harvest cycle of the raw materials; instead, products must meet the Sustainable Agriculture Standard to count toward this credit.</li> </ul>
Credit	Building Product Disclosure and Optimization—Material Ingredients	<ul style="list-style-type: none"> <li>• New credit.</li> </ul>
Credit	Construction and Demolition Waste Management	<ul style="list-style-type: none"> <li>• Added a compliance option for total project waste reduction per gross floor area of the project.</li> <li>• Multiple material streams must be diverted to earn the credit for waste diversion (Option 1).</li> <li>• ADC has been specifically excluded from diversion calculations. In LEED 2009 it could count as diverted waste.</li> <li>• Waste-to-energy may count as a diversion method if the facility meets European Union requirements for waste management and emissions into air, soil, surface water, and groundwater.</li> </ul>
<b>INDOOR ENVIRONMENTAL QUALITY</b>		
Prerequisite	Minimum Indoor Air Quality Performance	<ul style="list-style-type: none"> <li>• Updated ASHRAE Standard 62.1 to version 2010 from version 2007.</li> <li>• ASHRAE 62.1–2010 natural ventilation calculations now consider window configuration and ceiling height.</li> <li>• ASHRAE 62.1–2010 now requires supplementary mechanical ventilation systems for naturally ventilated spaces in some cases.</li> <li>• Project teams are required to confirm the appropriate application of natural ventilation through CIBSE AM10, Figure 2.8 (flow chart).</li> <li>• Projects outside the U.S. are now allowed to demonstrate achievement via CEN requirements (rather than ASHRAE 62.1–2010).</li> <li>• Prerequisite now includes the monitoring requirements previously included in Indoor Environmental Quality Credit 1, Outdoor Air Delivery Monitoring. Additionally, the monitoring requirements now distinguish between variable air volume and constant volume systems.</li> </ul>
Prerequisite	Environmental Tobacco Smoke Control	<ul style="list-style-type: none"> <li>• Designated interior smoking rooms are no longer permitted, with the exception of residential projects.</li> <li>• Expanded no-smoking policy to apply to spaces outside the property line if the space is used for business purposes and is within 25 feet (7.5 meters) of building openings or outdoor air intakes.</li> </ul>

		<ul style="list-style-type: none"> <li>• Projects must prohibit smoking by all occupants and users throughout the entire building. This expands on the previous requirement to prohibit smoking in the tenant space and common areas only.</li> <li>• Added a specific requirement for the location of exterior posted signs.</li> </ul>
Credit	Enhanced Indoor Air Quality Strategies	<ul style="list-style-type: none"> <li>• Combined portions of IEQ Credit 1 Outdoor Air Delivery Monitoring, IEQ Credit 2 Increased Ventilation, and IEQ Credit 5 Indoor Chemical and Pollutant Source Control into a single credit.</li> <li>• Meeting the requirements of interior cross-contamination prevention no longer requires a calculation of a minimum pressure differential. However, the exhaust rates from the ventilation standard in EQ Prerequisite Minimum Indoor Air Quality Performance must be used. For spaces that do not have a requirement from this standard, a minimum exhaust rate of 0.5 cubic feet per minute per square foot (2.54 liters per second per square meter) must be used.</li> <li>• Additional options regarding naturally ventilated spaces have been included.</li> <li>• Added an option for filtration media requirements, CEN Standard EN 779–2002, Particulate Air Filters for General Ventilation, Determination of the Filtration Performance.</li> </ul>
Credit	Low-Emitting Materials	<ul style="list-style-type: none"> <li>• Combined former individual credit paths into one credit, with a scaled point system for each path earned.</li> <li>• Compliance of interior finishes may be demonstrated in assemblies with multiple layers in combination, or in each system individually.</li> <li>• Included consideration of furniture emissions for all rating systems.</li> <li>• Added new referenced standards to address non-U.S. projects and new product requirements.</li> <li>• Ceilings are now included in the requirements.</li> <li>• Emissions from insulation are now included.</li> <li>• Emissions requirements for on-site wet-applied, full-spread products measured via chamber tests in air are now included. VOC content limits for on-site, wet-applied products are still required.</li> </ul>
Credit	Construction Indoor Air Quality Management Plan	<ul style="list-style-type: none"> <li>• Use of tobacco products during construction is now explicitly prohibited inside the building and within 25 feet (7.5 meters) (or greater, if required by the local jurisdiction) of the building entrance.</li> </ul>
Credit	Indoor Air Quality Assessment	<ul style="list-style-type: none"> <li>• Options can no longer be combined.</li> <li>• Upper interior temperature limit is now identified in Option 1.</li> <li>• Testing now required for an expanded list of contaminants in Option 2.</li> </ul>
Credit	Thermal Comfort	<ul style="list-style-type: none"> <li>• Credit combines the LEED 2009 credits Controllability of Systems: Thermal Comfort (IEQ Credit 6.2, IEQ Credit 6) and Thermal Comfort: Design (IEQ Credit 7.1, IEQ Credit 7) into a single credit.</li> <li>• Updated referenced standard to ASHRAE 55–2010.</li> <li>• Included international standards to provide more relevant compliance options for non-U.S. projects.</li> <li>• Requirements for natatoriums are now applicable to all</li> </ul>

		rating systems, not just Schools.
Credit	Interior Lighting	<ul style="list-style-type: none"> <li>Added an additional point and option for lighting quality to the previous lighting control requirements.</li> <li>Revised requirements for lighting control to require at least three lighting levels to meet the controllability criteria.</li> </ul>
Credit	Daylight	<ul style="list-style-type: none"> <li>Eliminated prescriptive compliance path.</li> <li>Additional simulation option that incorporates two new metrics, spatial daylight autonomy and annual sunlight exposure, based on computer simulations run over an entire year.</li> <li>For Option 2, the illuminance simulation now relies on local weather data and uses a calculated illuminance intensity.</li> <li>For Option 3, measurements are required at two times of the year.</li> <li>Changed number of points available and thresholds for achievement.</li> </ul>
Credit	Quality Views	<ul style="list-style-type: none"> <li>Exemplary performance requirements from LEED 2009 are now the basis for the credit requirements.</li> <li>Glazing must provide a clear image of the outdoors. The glazing does not have to be located between 30 and 90 inches (750 and 2300 millimeters) above the finished floor.</li> <li>Atriums now qualify for up to 30% of the total area.</li> </ul>
Credit	Acoustic Performance	<ul style="list-style-type: none"> <li>New credit.</li> </ul>

## LEED v4 for Building Operations and Maintenance

### Summary of changes from LEED 2009

LOCATION AND TRANSPORTATION		
Credit	Alternative Transportation	<ul style="list-style-type: none"> <li>Added Option 1 to allow projects to earn 1 point for simply surveying their building occupants and submitting the survey results.</li> <li>Decreased performance threshold for Option 2 to allow for a linear increase from threshold to threshold.</li> <li>Added Option 3 to reward projects for implementing a comprehensive alternative transportation program.</li> <li>Projects are now required to survey visitors if the daily average number of visitors or typical peak is greater than regular building occupants.</li> <li>New ongoing performance standards require teams to conduct a survey every five years.</li> </ul>
SUSTAINABLE SITES		
Prerequisite	Site Management Policy	<ul style="list-style-type: none"> <li>New prerequisite.</li> <li>Prerequisite derived from two LEED 2009 credits: SS Credit 2, Building Exterior and Hardscape Management Plan, and SS Credit 3, Integrated Pest Management, Erosion Control, and Landscape Management Plan.</li> <li>Integrated pest management is now covered under the</li> </ul>

		EQ credit category.
Credit	Site Development—Protect or Restore Habitat	<ul style="list-style-type: none"> <li>Changed calculation for the native vegetation threshold to 20% of the total site area (including the building footprint) and a minimum of 5,000 square feet (465 square meters).</li> <li>Replaced off-site option with an option for financial support.</li> </ul>
Credit	Rainwater Management	<ul style="list-style-type: none"> <li>Projects must use GI and LID rainwater management techniques on site.</li> <li>Metric by which to test compliance is now the total volume of runoff calculated for the 95th percentile of regional or local storm events, rather than the one-year and two-year storm events.</li> </ul>
Credit	Heat Island Reduction	<ul style="list-style-type: none"> <li>Credit combines the roof and nonroof heat island credits from LEED 2009.</li> <li>Changed minimum frequency for cleaning paving and roof surfaces to every three years.</li> <li>Tree canopy shade area is now calculated after 10 years of growth rather than five years.</li> <li>SRI thresholds have been increased and now include both initial SRI and three-year aged SRI.</li> <li>Credit compliance for nonroof hardscape is now calculated using SR values instead of SRI values.</li> </ul>
Credit	Light Pollution Reduction	<ul style="list-style-type: none"> <li>There are no longer interior lighting requirements associated with the credit.</li> <li>The previously available approach for perimeter measurements to demonstrate compliance by meeting maximum footcandle (lux) levels, prescribed by IESNA RP-33, is no longer available.</li> </ul>
Credit	Site Management	<ul style="list-style-type: none"> <li>Credit is derived from two LEED 2009 credits: SS Credit 2 Building Exterior and Hardscape Management Plan, and SS Credit 3 Integrated Pest Management, Erosion Control, and Landscape Management Plan.</li> <li>Added soil testing and irrigation system monitoring requirements.</li> <li>Added a new compliance option for reducing emissions from site maintenance equipment.</li> </ul>
Credit	Site Improvement Plan	<ul style="list-style-type: none"> <li>New credit that addresses the long term ecological health of the site.</li> </ul>
Credit	Joint Use of Facilities (Schools)	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
<b>WATER EFFICIENCY</b>		
Prerequisite	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>Changed the year for the baseline multiplier cutoff from 1994 to 1995.</li> <li>Multiplier for projects built and occupied before 1995 has changed from 160% to 150% of UPC/IPC.</li> <li>Duration-based savings from autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case.</li> <li>Applying nonpotable water is no longer allowed as an alternative compliance path in the prerequisite. An alternative water source can, however, earn points in the corresponding credit.</li> </ul>
Prerequisite	Building-Level Water Metering	<ul style="list-style-type: none"> <li>New prerequisite.</li> </ul>

Credit	Outdoor Water Use Reduction	<ul style="list-style-type: none"> <li>• New credit.</li> <li>• WaterSense Water Budget Tool is now listed as the referenced calculation tool.</li> </ul>
Credit	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>• Added second option for metered water use.</li> </ul>
Credit	Cooling Tower Water Use	<ul style="list-style-type: none"> <li>• Modified the cooling tower credit structure to highlight appropriate cycling based on the concentrations of dissolved solids on the project site.</li> </ul>
Credit	Water Metering	<ul style="list-style-type: none"> <li>• Moved Option 1, Whole Building Metering, from LEED 2009 to the prerequisite level.</li> <li>• Credit is now comparable to Option 2, Submetering, in LEED 2009.</li> </ul>
<b>ENERGY AND ATMOSPHERE</b>		
Prerequisite	Energy Efficiency Best Management Practices	<ul style="list-style-type: none"> <li>• Specific requirements for Data Center projects are now included.</li> </ul>
Prerequisite	Minimum Energy Performance	<ul style="list-style-type: none"> <li>• Increased minimum ENERGY STAR score to 75.</li> </ul>
Prerequisite	Building-Level Energy Metering	<ul style="list-style-type: none"> <li>• New prerequisite.</li> <li>• Ongoing energy tracking and reporting components were previously required under Minimum Program Requirement #6 for LEED 2009 projects.</li> </ul>
Prerequisite	Fundamental Refrigerant Management	<ul style="list-style-type: none"> <li>• No substantive changes.</li> </ul>
Credit	Existing Building Commissioning—Analysis	<ul style="list-style-type: none"> <li>• For DES, building-owned systems are treated the same as third-party systems.</li> </ul>
Credit	Existing Building Commissioning – Implementation	<ul style="list-style-type: none"> <li>• Capital plan required for major retrofits and upgrades is now specified as a five-year plan.</li> <li>• Formal tracking and verification plan is now required for the implemented energy conservation measures.</li> </ul>
Credit	Ongoing Commissioning	<ul style="list-style-type: none"> <li>• No substantive changes.</li> </ul>
Credit	Optimize Energy Performance	<ul style="list-style-type: none"> <li>• Increased minimum ENERGY STAR score to 75.</li> </ul>
Credit	Advanced Energy Metering	<ul style="list-style-type: none"> <li>• System-level metering and building automation systems were included in LEED 2009 as minimum program requirement 6 and as EA Credit Performance Measurement—Building Automation System. Both topics are combined into this credit.</li> </ul>
Credit	Demand Response	<ul style="list-style-type: none"> <li>• New credit</li> </ul>
Credit	Renewable Energy and Carbon Offsets	<ul style="list-style-type: none"> <li>• This credit was formerly titled On-Site and Off-Site Renewable Energy.</li> <li>• Aligned performance thresholds with LEED Building Design &amp; Construction rating systems.</li> </ul>
Credit	Enhanced Refrigerant Management	<ul style="list-style-type: none"> <li>• Added sector-specific requirements for commercial refrigeration equipment.</li> <li>• Default leakage rate, rather than a measured rate, must be used in the calculations.</li> </ul>
<b>MATERIALS AND RESOURCES</b>		
Prerequisite	Ongoing Purchasing and Waste Policy	<ul style="list-style-type: none"> <li>• Combined MR Prerequisite Sustainable Purchasing Policy and MR Prerequisite Solid Waste Management Policy into one prerequisite.</li> </ul>

		<ul style="list-style-type: none"> <li>• Added requirements of MR Credit Waste Stream Audit to the prerequisite.</li> <li>• Added minimum recyclable storage requirements to align with the prerequisite requirement in the Building Design and Construction rating systems.</li> </ul>
Prerequisite	Facility Maintenance and Renovation Policy	<ul style="list-style-type: none"> <li>• New prerequisite.</li> </ul>
Credit	Purchasing—Ongoing	<ul style="list-style-type: none"> <li>• Combined MR Credit Sustainable Purchasing—Ongoing Consumables and the MR Credit Sustainable Purchasing—Durable Goods requirements for electric-powered equipment into one credit.</li> <li>• Revised purchasing criteria to align with the Building Design and Construction MR credits.</li> <li>• Added requirements for food and beverages for Schools and Hospitality projects.</li> </ul>
Credit	Purchasing—Lamps	<ul style="list-style-type: none"> <li>• Reduced mercury limit from 90 picograms per lumen hour to 70.</li> <li>• Removed NEMA exemption for compact fluorescent lamps.</li> </ul>
Credit	Purchasing—Facility Maintenance and Renovation	<ul style="list-style-type: none"> <li>• Aligned single attributes with the Building Design and Construction rating systems.</li> <li>• Furniture was moved from the former MR Credit Purchasing—Durable Goods to this credit.</li> <li>• Added a third option to give credit to projects that perform no facility maintenance and renovations.</li> <li>• Previously, even if only a portion of a material met the credit requirements, the entire material would receive credit; now, only the percentage of the material meeting the requirements can contribute toward credit achievement, unless otherwise noted.</li> </ul>
Credit	Solid Waste Management—Ongoing	<ul style="list-style-type: none"> <li>• Credit combines two LEED 2009 credits: MR Credit Solid Waste Management—Ongoing Consumables and MR Credit Solid Waste Management—Durable Goods.</li> <li>• Excluded furniture and furnishings from this credit; they are now covered under MR Credit Solid Waste Management—Facility Maintenance and Renovations.</li> <li>• Raised threshold for battery recycling from 80% to 100%.</li> <li>• Added a requirement for 100% recycling of mercury-containing lamps.</li> </ul>
Credit	Solid Waste Management—Facility Maintenance and Renovation	<ul style="list-style-type: none"> <li>• Removed minimum number of trades defining the scope of credit.</li> <li>• Furniture is now included in the credit.</li> </ul>
<b>INDOOR ENVIRONMENTAL QUALITY</b>		
Prerequisite	Minimum Indoor Air Quality Performance	<ul style="list-style-type: none"> <li>• Updated ASHRAE Standard 62.1 to version 2010 from version 2007.</li> <li>• Prerequisite now requires compliance with the minimum requirements of ASHRAE Standard 62.1–2010, Sections 4–7 (for mechanically ventilated spaces, Option 1); the requirements of CEN Standard EN 13779–2007, Ventilation for nonresidential buildings, Performance requirements for ventilation and room conditioning systems, excluding Sections 7.3 (Thermal environment), 7.6 (Acoustic environment), A.16, and A.17 (for mechanically ventilated spaces, Option 2); or the minimum requirements of ASHRAE Standard 62.1–2010, Section 4 (for naturally</li> </ul>

		<ul style="list-style-type: none"> <li>ventilated spaces).</li> <li>ASHRAE 62.1–2010 natural ventilation calculations now consider window configuration and ceiling height.</li> <li>ASHRAE 62.1–2010 now requires supplementary mechanical ventilation systems for naturally ventilated spaces in some cases.</li> <li>Project teams are required to confirm the appropriate application of natural ventilation through CIBSE AM10, Figure 2.8 (flow chart).</li> <li>Projects outside the U.S. are now allowed to demonstrate achievement via CEN requirements (rather than ASHRAE 62.1–2010).</li> <li>The maintenance program must comply with the requirements of ASHRAE 62.1–2010, Section 8.</li> </ul>
Prerequisite	Environmental Tobacco Smoke Control	<ul style="list-style-type: none"> <li>Designated interior smoking rooms are no longer permitted, with the exception of residential spaces.</li> <li>Expanded no-smoking policy to apply to spaces outside the property line if the space is used for business purposes and is within 25 feet (7.5 meters) of building openings or outdoor air intakes.</li> <li>Added specific requirement for the location of exterior posted signs.</li> <li>Expanded acceptable procedure for demonstrating compliance with air leakage requirements in residential projects. This change allows teams to use testing procedures other than blower door testing.</li> <li>Residential EBOM projects not able to meet the leakage requirements may demonstrate compliance through the 30% improvement option.</li> </ul>
Prerequisite	Green Cleaning Policy	<ul style="list-style-type: none"> <li>Incorporated former Green Cleaning Policy prerequisite and High Performance Green Cleaning Program credit into this prerequisite.</li> <li>Second option now available for projects using a certified green cleaning vendor.</li> </ul>
Credit	Indoor Air Quality Management Program	<ul style="list-style-type: none"> <li>All preventive maintenance and periodic inspection procedures are included in one document, the O&amp;M plan.</li> <li>Only an audit was previously required; the credit now requires developing an IAQ management program as well.</li> </ul>
Credit	Enhanced Indoor Air Quality Strategies	<ul style="list-style-type: none"> <li>Combined portions of IEQ Credit 1.2 Indoor Air Quality Best Management Practices—Outdoor Air Delivery Monitoring, IEQ Credit 1.4 Indoor Air Quality Best Management Practices—Reduce Particulates in Air Distribution, and IEQ Credit 3.5 Green Cleaning—Indoor Chemical and Pollutant Source into a single credit.</li> <li>Additional options for naturally ventilated spaces.</li> <li>Additional guidance for warehouses, distribution centers, data centers, and residential projects.</li> <li>Added an option for filtration media requirements, CEN Standard EN 779–2002, Particulate Air Filters for General Ventilation, Determination of the Filtration Performance.</li> </ul>
Credit	Thermal Comfort	<ul style="list-style-type: none"> <li>Updated ASHRAE referenced standard to 2010.</li> <li>Added international standards to provide more relevant compliance options for non-U.S. projects.</li> <li>Humidity monitoring is required at the humidity zone level (e.g., for each air-handling system) rather than in each</li> </ul>



		<p>occupied space.</p> <ul style="list-style-type: none"> <li>Established a new compliance path for data centers, which are required to meet the credit requirements in regularly occupied spaces only.</li> </ul>
Credit	Interior Lighting	<ul style="list-style-type: none"> <li>Added an additional point and option for lighting quality.</li> <li>Revised requirements for lighting control to require at least three lighting levels: on, off, and a midlevel.</li> </ul>
Credit	Daylight and Quality Views	<ul style="list-style-type: none"> <li>Eliminated simulation and prescriptive options for daylighting compliance.</li> <li>Option 1 now requires daylight measurements at two times of the year.</li> <li>Glazing must provide a clear view to the outdoors. The glazing does not have to be located between 30 and 90 inches (750 mm and 2 300 mm).</li> <li>Atriums now qualify for up to 30% of the total area for views.</li> <li>View quality is now a component of the credit requirements.</li> </ul>
Credit	Green Cleaning—Custodial Effectiveness Assessment	<ul style="list-style-type: none"> <li>Credit directly links implementation of the Green Cleaning Policy to the audit process.</li> <li>Tightened credit achievement threshold of the audit score from 3 to 2.5.</li> </ul>
Credit	Green Cleaning—Products and Materials	<ul style="list-style-type: none"> <li>Raised performance threshold for purchases from 30% to 75%.</li> <li>Added a provision for nonchemical and ionized water cleaning.</li> <li>Added Design for the Environment as an acceptable standard.</li> </ul>
Credit	Green Cleaning—Equipment	<ul style="list-style-type: none"> <li>Raised performance threshold for credit achievement from 20% to 40%.</li> <li>A phase-out plan can now be used in lieu of discarding equipment that has useful life remaining.</li> </ul>
Credit	Integrated Pest Management	<ul style="list-style-type: none"> <li>Combined exterior pest management requirements from SS Credit 3 and the interior pest management requirements from IEQ Credit 3.7 into one credit.</li> <li>Shortened 72-hour window for alerting building occupants that a non-least-risk pesticide application was going to occur to 24 hours.</li> <li>Expanded required log to include pest population tracking. Teams must now conduct a pest inventory and establish pest population thresholds.</li> </ul>
Credit	Occupant Comfort Survey	<ul style="list-style-type: none"> <li>Corrective action for any area with a dissatisfaction rate higher than 20% is now required.</li> </ul>

## LEED v4 for Neighborhood Development

### Summary of changes from LEED 2009

SMART LOCATION AND LINKAGE		
Prerequisite	Smart Location	<ul style="list-style-type: none"> <li>Option 2, Adjacent Sites with Connectivity, no longer counts intersections inside the project; it evaluates intersections only on adjacent land.</li> <li>The restrictions for counting neighborhood uses eligible</li> </ul>

		for Option 4, Sites with Nearby Neighborhood Assets, have been revised.
Prerequisite	Imperiled Species and Ecological Communities	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Prerequisite	Wetland and Water Body Conservation	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Prerequisite	Agricultural Land Conservation	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Prerequisite	Floodplain Avoidance	<ul style="list-style-type: none"> <li>Revised floodplain terminology to align with industry standards.</li> <li>American Society of Civil Engineers Standard 24-05 added as a referenced standard.</li> </ul>
Credit	Preferred Locations	<ul style="list-style-type: none"> <li>Circulation network used in place of street network in connectivity calculation.</li> </ul>
Credit	Brownfield Remediation	<ul style="list-style-type: none"> <li>Projects are no longer limited to officially designated brownfields. Any on-site soil or groundwater contamination requiring remediation, as deemed by the authority having jurisdiction, can qualify a project for this credit.</li> <li>A Phase II environmental site assessment is no longer required.</li> <li>Asbestos no longer qualifies as contamination for the purposes of this credit. Building materials left on site from past construction demolition also do not qualify as contamination.</li> </ul>
Credit	Access to Quality Transit	<ul style="list-style-type: none"> <li>Credit title changed.</li> <li>The option for reduced vehicle distance traveled has been eliminated.</li> <li>Approach is now the same for all projects, regardless of size.</li> </ul>
Credit	Bicycle Facilities	<ul style="list-style-type: none"> <li>Bicycle network requirements have been organized into two options. Option 1 rewards connection to an existing bicycle network close to the project boundary. Option 2 rewards connection to a planned or existing bicycle network that can be inside the project.</li> <li>The maximum bicycling distance to eligible destinations along a bicycle network has been reduced to 3 miles (4800 meters).</li> <li>Bicycle storage requirements have been revised to include both short- and long-term storage.</li> </ul>
Credit	Housing and Jobs Proximity	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Steep Slope Protection	<ul style="list-style-type: none"> <li>A single set of requirements replaces three options.</li> <li>The exempted slope requirements are removed.</li> <li>Projects that locate on a site without existing slopes greater than 15% may not earn the credit.</li> </ul>
Credit	Site Design for Habitat or Wetland and Water Body Conservation	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Restoration of Habitat or Wetlands and Water Bodies	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>

Credit	Long-Term Conservation Management of Habitat or Wetlands and Water Bodies	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
NEIGHBORHOOD PATTERN AND DESIGN		
Prerequisite	Walkable Streets	<ul style="list-style-type: none"> <li><i>Street</i> has been changed to <i>circulation network</i>.</li> <li>Ratio is now building-height-to-centerline instead of building-height-to-street-width.</li> <li>Removed separate building-height-to-centerline ratio for nonmotorized streets.</li> <li>Building-height-to-centerline width, sidewalk length, and garage opening length are all now calculated as a percentage of block length instead of street frontage.</li> </ul>
Prerequisite	Compact Development	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Prerequisite	Connected and Open Community	<ul style="list-style-type: none"> <li>Specifies a maximum area that can be gated.</li> <li>Refers to the circulation network, not just streets.</li> </ul>
Credit	Walkable Streets	<ul style="list-style-type: none"> <li><i>Street</i> has been changed to <i>circulation network</i>.</li> <li>Building-height-to-street-width ratio is now building-height-to-centerline ratio.</li> </ul>
Credit	Compact Development	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Mixed-Use Neighborhoods	<ul style="list-style-type: none"> <li>Credit name revised from “Mixed-Use Neighborhood Centers”</li> <li>Removed separate requirements for projects larger than 40 acres (16 hectares).</li> <li>Removed restrictions on uses that share the same building entrance.</li> <li>Food retail is no longer required as one of the two minimum categories of diverse uses.</li> <li>Removed minimum project occupancy thresholds for planned uses from Table 1. All planned uses must be in place by the time of 50% occupancy, regardless of the point threshold attempted.</li> </ul>
Credit	Housing Types and Affordability	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Reduced Parking Footprint	<ul style="list-style-type: none"> <li>Moved bicycle storage requirements to SLL Credit Bicycle Facilities.</li> </ul>
Credit	Connected and Open Community	<ul style="list-style-type: none"> <li><i>Street</i> has been changed to <i>circulation network</i>.</li> </ul>
Credit	Transit Facilities	<ul style="list-style-type: none"> <li>Requirement to identify shelters that will be installed no later than 50% construction replaced with a requirement to identify shelters where transit service will be warranted within two years of project completion.</li> <li>Removed bicycle storage requirements.</li> </ul>
Credit	Transportation Demand Management	<ul style="list-style-type: none"> <li>For transit passes, the required subsidy has increased, from 50% to 100% of transit costs.</li> <li>For unbundling of parking and parking fees, minimum fee thresholds for off-street parking rates, based on local transit costs, have been added.</li> <li>The option for a transportation demand management program has been eliminated.</li> <li>Options for a guaranteed ride home program and flexible work arrangements have been added.</li> </ul>

Credit	Access to Civic and Public Space	<ul style="list-style-type: none"> <li>Increased size threshold for a large project (triggering a calculation of the median size of public spaces within walking distance) from 7 to 10 acres (2.8 to 4 hectares).</li> <li>Increased minimum median public space required for large projects from ½ to 1 acre (0.2 to 0.4 hectare).</li> <li>The median public space calculation now excludes any space smaller than ½ acre (0.2 hectare).</li> </ul>
Credit	Access to Recreation Facilities	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Visitability and Universal Design	<ul style="list-style-type: none"> <li>Reorganized credit requirements for clarity.</li> </ul>
Credit	Community Outreach and Involvement	<ul style="list-style-type: none"> <li>In Option 1, the credit now explicitly states that the development team must lead the community outreach and that the meetings must be directly related to the LEED ND project.</li> <li>In Option 1, the credit requirements have been reorganized to specify predesign, preliminary design, and ongoing communication requirements.</li> </ul>
Credit	Local Food Production	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Tree-Lined and Shaded Streets	<ul style="list-style-type: none"> <li>In Option 1, the tree spacing requirement has been changed from an average 40-foot (12-meter) interval to a maximum 50-foot (15-meter) interval.</li> </ul>
Credit	Neighborhood Schools	<ul style="list-style-type: none"> <li>The maximum size for school campuses is now limited to new schools inside the project boundary and no longer applies to schools outside the project boundary.</li> </ul>
<b>GREEN INFRASTRUCTURE AND BUILDINGS</b>		
Prerequisite	Certified Green Building	<ul style="list-style-type: none"> <li>Certifying bodies must be accredited.</li> <li>ISO/IEC 17021 is no longer included as an acceptable accreditation standard.</li> </ul>
Prerequisite	Minimum Building Energy Performance	<ul style="list-style-type: none"> <li>Credit name revised</li> <li>Updated reference standard to ASHRAE 90.1-2010</li> <li>Each of the buildings counted for prerequisite compliance can comply with any one of the applicable efficiency options.</li> <li>Aggregated proposed building cost and the aggregated baseline building cost determined by the energy model are used to calculate the performance improvement for subgroups or for all the buildings in Option 1.</li> <li>Option 1 thresholds revised, process energy no longer required to make up 25% of overall building energy for the baseline and proposed models, and compliance must now be achieved without accounting for the cost offset by site-generated renewable energy.</li> <li>Option 2 standard for compliance has been changed from the 30% savings version of the AEDG to the 50% savings version.</li> </ul>
Prerequisite	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>WaterSense label now mandatory for fixtures in U.S. projects.</li> <li>New prescriptive compliance path.</li> <li>Duration-based savings for autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case.</li> </ul>

		<ul style="list-style-type: none"> <li>Applying nonpotable water is no longer allowed as an alternative compliance path in the prerequisite.</li> </ul>
Prerequisite	Construction Activity Pollution Prevention	<ul style="list-style-type: none"> <li>Western Washington Stormwater Manual replaced with a reference to the US EPA's Site Runoff Menu of BMPs.</li> </ul>
Credit	Certified Green Buildings	<ul style="list-style-type: none"> <li>See GIB Prerequisite Certified Green Building.</li> </ul>
Credit	Optimize Building Energy Performance	<ul style="list-style-type: none"> <li>See GIB Prerequisite Minimum Building Energy Performance.</li> </ul>
Credit	Indoor Water Use Reduction	<ul style="list-style-type: none"> <li>Credit name revised.</li> <li>WaterSense label now mandatory for fixtures in U.S. projects.</li> <li>Duration-based savings for autocontrol faucets with automatic fixture sensors or metering controls are no longer allowed in the design case.</li> </ul>
Credit	Outdoor Water Use Reduction	<ul style="list-style-type: none"> <li>Credit name revised</li> <li>The WaterSense Water Budget Tool is now the referenced calculation tool.</li> </ul>
Credit	Building Reuse	<ul style="list-style-type: none"> <li>Credit's scope now covers only buildings undergoing major renovation, rather than all existing habitable building stock.</li> </ul>
Credit	Historic Resource Preservation and Adaptive Use	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Minimized Site Disturbance	<ul style="list-style-type: none"> <li>Threshold values for project area in Table 1 changed to align with NPD Credit Compact Development.</li> </ul>
Credit	Rainwater Management	<ul style="list-style-type: none"> <li>Projects must use GI and LID rainwater management techniques on site.</li> <li>U.S. EPA technical guidance replaced Washington State's Stormwater Management Manual for Western Washington.</li> </ul>
Credit	Heat Island	<ul style="list-style-type: none"> <li>Vegetated roofs and high-reflectance roofs now have equal weight for calculating compliance.</li> <li>Increased initial SRI thresholds for roofing material.</li> <li>Credit compliance for nonroof hardscape is now calculated using SR values instead of SRI values.</li> <li>Credit takes into account the three-year aged SRI values for roofing material.</li> </ul>
Credit	Solar Orientation	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Renewable Energy Production	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	District Heating and Cooling	<ul style="list-style-type: none"> <li>Referenced standard updated from ASHRAE 90.1-2007 to 90.1-2010</li> </ul>
Credit	Infrastructure Energy Efficiency	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Wastewater management	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Recycled and Reused Infrastructure	<ul style="list-style-type: none"> <li>No substantive changes.</li> </ul>
Credit	Solid Waste Management	<ul style="list-style-type: none"> <li>Credit name revised.</li> <li>Alternative daily cover (ADC) now excluded from the diversion calculations.</li> </ul>
Credit	Light Pollution Reduction	<ul style="list-style-type: none"> <li>Automatic controls are no longer required.</li> <li>BUG rating method is now a compliance option.</li> <li>Separated requirements for unique lighting.</li> <li>Concept of lighting boundaries has been added to account for</li> </ul>

		varied conditions.
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## LEED v4 for Building Design and Construction: Homes and Midrise

### Summary of changes from LEED 2008

Integrative Process		<ul style="list-style-type: none"> <li>Option 1 Integrative Project Team and Option 2 Design Charette are taken from the Integrated Project Planning credit</li> <li>Option 3 Trades Training is new.</li> </ul>
LOCATION AND TRANSPORTATION		
Prerequisite	Floodplain Avoidance	<ul style="list-style-type: none"> <li>A portion of the former LL 2 Site Selection was used as the basis for this new prerequisite.</li> </ul>
Credit	LEED for Neighborhood Development	<ul style="list-style-type: none"> <li>Credit now specifically identifies the types of certification eligible to earn points in this credit.</li> </ul>
Credit	Site Selection	<ul style="list-style-type: none"> <li>Street Network and Bicycle Network are new options. All other options are taken from credits in Location and Linkages and Sustainable Sites.</li> <li>Infill development has a new definition for projects outside small towns.</li> </ul>
Credit	Compact Development	<ul style="list-style-type: none"> <li>Credit is based on SS 6 Compact Development.</li> <li>Increased housing density threshold from 10 dwelling units per acre (25 DU/hectare) to 12 DU/acre (30 DU/hectare) for single-family and low-rise multifamily development.</li> </ul>
Credit	Community Resources	<ul style="list-style-type: none"> <li>All credits formerly in the Location and Linkages category are now in the Location and Transportation category.</li> <li>Credit based on LL 5 Community Resources/Transit, which provided points for meeting thresholds for community resources or transit and points for the number of amenities within ¼ mile and ½ mile (400 and 800 meters).</li> <li>This new credit includes only community resources, since access to transit is now in a separate credit (LT credit Access to Transit).</li> <li>All walking distances are now ½ mile (800 meters).</li> </ul>
Credit	Access to Transit	<ul style="list-style-type: none"> <li>All credits formerly in the Location and Linkages category are now in the Location and Transportation category.</li> <li>Added weekend trip requirements and changed the required number of trips and walk distances. In LEED for Homes 2008, LL5.1 rewarded 1 point for locating the project within ½ mile (800 meters) of transit services that offered 30 or more transit rides per weekday, 2 points for 60 or more transit rides per weekday, and 3 points for 125 or more transit rides per weekday.</li> </ul>

SUSTAINABLE SITES		
Prerequisite	Construction Activity Pollution Prevention	<ul style="list-style-type: none"> <li>Prerequisite is based on SS1.1 in LEED for Homes 2008. Two requirements have been added:</li> <li>Prevent air pollution from dust and particulate matter.</li> <li>Construction sites larger than 1 acre (0.4 hectare) must conform to the erosion and sedimentation requirements of the 2012 Construction General Permit or a local equivalent, whichever is more stringent.</li> </ul>
Prerequisite	No Invasive Plants	<ul style="list-style-type: none"> <li>No substantive technical changes</li> </ul>
Credit	Heat Island Reduction	<ul style="list-style-type: none"> <li>Expanded credit scope to include roof strategies.</li> <li>SR is now used instead of SRI for hardscapes, and an option to use a three-year aged SR value has been added.</li> <li>For multifamily buildings, credit is no longer awarded to a project that places at least 50% of paving (i.e., parking garage) underneath the building.</li> </ul>
Credit	Rainwater Management	<ul style="list-style-type: none"> <li>Combined all SS 4 options into a single calculation.</li> <li>Added Case 2 from LEED for New Construction.</li> <li>Added Option 2 to reward projects that have minimal hardscapes but are also on extremely small lots.</li> </ul>
Credit	Non-Toxic Pest Control	<p>Removed the following items:</p> <ul style="list-style-type: none"> <li>Keep all wood at least 12 inches (300 mm) above soil.</li> <li>Include no wood-to-concrete connections or separate any exterior wood-to-concrete connection with metal or plastic fasters or dividers; this measure is mostly covered in the ENERGY STAR Version 3 water management checklist.</li> <li>Differentiation of termite zones.</li> </ul> <p>Modified the following items:</p> <ul style="list-style-type: none"> <li>Landscape distance from the house has been changed from 24 inches (600 mm) to 18 inches (450 mm).</li> <li>For the treated cellulosic material option, all wood must now be treated (not just the first 3 feet [900 mm] above the foundation), and the borate product must be a registered pesticide.</li> <li>Installation of a sand or diatomaceous earth barrier has been changed to installation of a physical termite barrier system approved by code (e.g., basaltic rock).</li> <li>Use of noncellulosic material for the wall structure has been changed to include all structural elements.</li> </ul> <p>Added the following items:</p> <ul style="list-style-type: none"> <li>Install post-tension slab.</li> <li>Install inspection ports or openings for all plumbing elements that penetrate the slab which allow access for treatment of pest infestations.</li> <li>Design discharge points for rain gutters, air-conditioning condensation lines, steam vent lines, or any other moisture source so that the discharge is at least 24 inches (600 mm) from the foundation.</li> <li>Design a minimum 6-inch (150-mm) inspection space between surface of planned landscape grade and nonmasonry siding.</li> </ul>

WATER EFFICIENCY		
Prerequisite	Water Metering	<ul style="list-style-type: none"> <li>New prerequisite.</li> </ul>
Credit	Total Water Use	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Indoor Water Use	<p>Added requirements for the following:</p> <ul style="list-style-type: none"> <li>a pressure testing requirement for Case 1 single-family projects</li> <li>testing requirement to inspect for water leaks</li> </ul> <p>Increased the stringency of the following requirements:</p> <ul style="list-style-type: none"> <li>Faucets: increased stringency from 1.5 and 2.0 gpm (5.6 and 7.6 lpm) to 1.0 and 1.5 gpm (3.8 and 5.6 lpm) for very high efficiency and high efficiency, respectively. Both levels must be WaterSense-qualified faucets or aerators, rather than just very high efficiency products.</li> <li>Showers: increased stringency from 1.75 and 2.0 gpm (6.6 and 7.6 lpm) to 1.5 and 1.75 gpm (3.8 and 6.6 lpm) for very high efficiency and high efficiency, respectively. Both levels must be WaterSense-qualified showerheads.</li> <li>Removed the 1.3 gpf option for toilets. All toilets are now required to be WaterSense qualified.</li> <li>Added requirements for clothes washers to this credit.</li> </ul>
Credit	Outdoor Water Use	<ul style="list-style-type: none"> <li>Credit combines the former SS2 Landscaping: 2.3 Limit Conventional Turf and 2.4 Drought-Tolerant Plants.</li> </ul>
ENERGY AND ATMOSPHERE		
Prerequisite	Minimum Energy Performance	<p>Homes:</p> <ul style="list-style-type: none"> <li>Updated referenced ENERGY STAR standard from version 2 to version 3, which substantially increased energy efficiency, comfort and durability performance</li> </ul>



		<ul style="list-style-type: none"> <li>of the home.</li> <li>Included additional prescriptive requirements, such as requiring that at least one ENERGY STAR–qualified refrigerator, dishwasher or clothes washer be installed in each dwelling unit, and that all duct runs must be fully ducted.</li> </ul> <p>Multifamily Midrise:</p> <ul style="list-style-type: none"> <li>Changed standard from 15% above ASHRAE 90.1–2007 to 5% above ASHRAE 90.1–2010, a roughly 10% increase in stringency.</li> </ul>
Prerequisite	Energy Metering	<ul style="list-style-type: none"> <li>New prerequisite.</li> </ul>
Prerequisite	Education of Homeowner, Tenant, or Building Manager	<ul style="list-style-type: none"> <li>Moved content for this prerequisite from the Awareness and Education section, combining the education of the owner or tenant (AE Credit 1) with education of building manager (AE Credit 2).</li> <li>Added requirements for including information on irrigation, rain water harvesting, and or graywater systems; integrative pest management; and sharing data with USGBC.</li> </ul>
Prerequisite	Home Size	<ul style="list-style-type: none"> <li>Updated reference home to align with ENERGY STAR, version 3.</li> <li>Points are now awarded and subtracted (previously, award thresholds were adjusted). This credit is applicable only for projects using the EA prescriptive pathway.</li> </ul>
Credit	Annual Energy Use	<ul style="list-style-type: none"> <li>Option 1. This is a new compliance pathway.</li> <li>Option 2. The HERS index threshold for earning points starts at 70, rather than 84 or 79.</li> </ul>
Credit	Efficient Hot Water Distribution System	<ul style="list-style-type: none"> <li>Added option for performance testing using EPA WaterSense testing procedures.</li> </ul>
Credit	Advanced Utility Tracking	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Active Solar-Ready Design	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	HVAC Start-up Credentialing	<ul style="list-style-type: none"> <li>New credit.</li> </ul>
Credit	Building Orientation for Passive Solar	<ul style="list-style-type: none"> <li>Credit modifies ID 1.5 Building Orientation for Solar Design, removing part (c), “the roof has a minimum of 450 square feet (42 square meters) of south-facing area that is orientated properly for solar applications.”</li> </ul>
Credit	Air Infiltration	<ul style="list-style-type: none"> <li>Air leakage requirements are more stringent than LEED for Homes 2008.</li> </ul>
Credit	Envelope Insulation	<ul style="list-style-type: none"> <li>Raised required percentage for exceeding IECC insulation thresholds from 5% to 10% or 20%.</li> <li>Installation quality must now be Grade 1. Grade 2 no longer meets the credit requirements.</li> </ul>
Credit	Windows	<ul style="list-style-type: none"> <li>Updated performance requirements to reflect the requirements of ENERGY STAR for Homes, version 3, prescriptive pathway.</li> </ul>

Credit	Space Heating and Cooling Equipment	<ul style="list-style-type: none"> <li>Increased equipment efficiency requirements.</li> <li>Added pipe insulation requirements.</li> </ul>
Credit	Heating and Cooling Distribution Systems	<ul style="list-style-type: none"> <li>Requirements of this credit were formerly in two credits:</li> <li>EA 5.2 Heating and Cooling Distribution System (greatly reduced distribution losses). The duct leakage testing standard has been relaxed from 3 cfm25 to 4 cfm25 for small homes.</li> <li>EA 5.3 Heating and Cooling Distribution System (minimal distribution losses). Credit for duct leakage of less than 1 cfm25 has been removed.</li> </ul>
Credit	Efficient Domestic Hot Water Equipment	<ul style="list-style-type: none"> <li>Added an ENERGY-STAR qualified water heater requirement.</li> </ul>
Credit	Lighting	<ul style="list-style-type: none"> <li>Credit now addresses efficient design instead of only efficient fixtures.</li> </ul>
Credit	High-Efficiency Appliances	<ul style="list-style-type: none"> <li>Installation of ENERGY STAR-qualified clothes washers was in EA credit 9: Appliances, but has moved to the WE section.</li> </ul>
Credit	Renewable Energy	<ul style="list-style-type: none"> <li>Each 3% of the annual reference electrical load met by the renewable energy system earned 1 point; now the credit is based on kWh.</li> </ul>

MATERIALS AND RESOURCES		
Prerequisite	Certified Tropical Wood	<ul style="list-style-type: none"> <li>Formerly titled FSC-Certified Tropical Wood, this credit no longer requires that projects provide wood product suppliers with a notice.</li> </ul>
Prerequisite	Durability Management	<ul style="list-style-type: none"> <li>Moved durability requirements from ID 2. Durability Management Process to this MR prerequisite.</li> <li>The ENERGY STAR, version 3, water management system builder checklist replaces the project-specific ID 2.1 Durability Planning and ID 2.2 Durability Management checklist requirement found in LEED for Homes 2008.</li> <li>Made changes to moisture control measures.</li> </ul>
Credit	Durability Management Verification	<ul style="list-style-type: none"> <li>Moved durability requirements from ID 2. Durability Management Process to this MR credit.</li> <li>The ENERGY STAR, version 3, water management system builder checklist replaces the project-specific ID 2.1 Durability Planning and ID 2.2 Durability Management checklist requirement.</li> </ul>
Credit	Environmentally Preferable Products	<ul style="list-style-type: none"> <li>Added compliance path for bio-based products and added a requirement for local production.</li> <li>Reduced list of eligible products to major components.</li> </ul>
Credit	Construction Waste Management	<ul style="list-style-type: none"> <li>Calculation used to determine the percent of waste reduction has changed substantially from the analogous 2008 credit, MR 3.2.</li> </ul>
Credit	Material-Efficient Framing	<ul style="list-style-type: none"> <li>Credit requirements are a limited subset of the former MR 1.4.</li> </ul>

INDOOR ENVIRONMENTAL QUALITY		
Prerequisite	Ventilation	<ul style="list-style-type: none"> <li>Combined EQ 4 Outdoor Air Ventilation and EQ 5 Local Exhaust into a single prerequisite.</li> <li>Updated reference to ASHRAE 62.2–2007 to ASHRAE 62.2–2010, but there are no significant differences for new construction between the two versions.</li> <li>Added a new requirement for kitchen exhaust hood systems larger than 400 cfm (188 lps) to include make-up air.</li> <li>For each unit in multifamily projects, outside air must be provided directly from the outdoors, and exhaust-only ventilation must include a direct make-up air source (not uncontrolled infiltration) from outside.</li> </ul>
Prerequisite	Combustion Venting	<ul style="list-style-type: none"> <li>New prerequisite based on EQ credit 2 Combustion Venting.</li> </ul>
Prerequisite	Garage Pollutant Protection	<ul style="list-style-type: none"> <li>Combines former EQ prerequisite 10.1 No HVAC in Garage with EQ Credit 10.2 Minimize Pollutants from Garage.</li> </ul>
Prerequisite	Radon Resistant Construction	<ul style="list-style-type: none"> <li>Prerequisite is based on EQ 9: Radon Protection.</li> <li>Prerequisite now specifies that non-residential spaces on/below grade are exempt from the prerequisite, and that building over a garage is an appropriate way to elevate the building to meet requirements.</li> <li>Added a pathway for existing buildings.</li> </ul>
Prerequisite	Air Filtering	<ul style="list-style-type: none"> <li>Added requirement for the installation of air filters (rated MERV 6 or higher) for mechanically supplied outdoor air for systems with 10 feet (3 meters) of ductwork or more, per ASHRAE 62.2–2010, Section 6.7.</li> <li>Added requirement that the filter housing be airtight to prevent airflow bypass.</li> </ul>
Prerequisite	Environmental Tobacco Smoke	<ul style="list-style-type: none"> <li>New prerequisite.</li> </ul>
Prerequisite	Compartmentalization	<ul style="list-style-type: none"> <li>New prerequisite, which requires multifamily and attached single family project to air seal to neighboring units, not just outdoors.</li> </ul>
Credit	Enhanced Ventilation	<ul style="list-style-type: none"> <li>Credit combines elements of EQ 4.2 Enhanced Outdoor Air Ventilation and EQ 5.2 Enhanced Local Exhaust.</li> <li>EQ 4.2 required using an ERV or HRV (except in mild climates) for balanced systems. EQ 5.2 Enhanced Local Exhaust did not require a 20-minute minimum run time on the timer.</li> </ul>
Credit	Contaminant Control	<ul style="list-style-type: none"> <li>Added a requirement for a 10-foot (3 meter) long walk off mat at common exterior entries in multifamily buildings.</li> <li>Combined duct sealing and pre-occupancy flush into a single requirement.</li> <li>Added an option for post construction air quality testing.</li> </ul>
Credit	Balancing of Heating and Cooling Distribution	Credit is based on EQ Credit 6 Distribution of Space Heating and Cooling. For radiative systems, the credit is the same. For forced-air systems, the following changes

	Systems	<p>have been made:</p> <ul style="list-style-type: none"> <li>• The allowed pressure difference between the bedrooms and the main body of the home has been relaxed from 2.5 Pa to 3 Pa. In addition, the return air opening sizing option for return air flow was removed, but is still a recommendation.</li> <li>• The stringency of supply air flow testing has been relaxed from <math>\pm 15\%</math> (or 10 CFM [5 LPS]) to <math>\pm 20\%</math> (or <math>\pm 25</math> CFM [11 LPS]).</li> <li>• A new compliance path for multiple zones of forced-air systems has been added.</li> </ul>
Credit	Enhanced Compartmentalization	<ul style="list-style-type: none"> <li>• New credit.</li> </ul>
Credit	Enhanced Combustion Venting	<ul style="list-style-type: none"> <li>• Updated language from EQ 2.2.</li> <li>• Incorporated best practices for conducting backdraft potential tests.</li> </ul>
Credit	Enhanced Garage Pollutant Prevention	<ul style="list-style-type: none"> <li>• Added requirements for multifamily buildings.</li> </ul>
Credit	Low-Emitting Products	<ul style="list-style-type: none"> <li>• Added requirements that were formerly in MR 2.2. Composite wood products, and updated the testing standard for all other components to California's standard, 01350.</li> </ul>
Credit	No Environmental Tobacco Smoke (Mid-Rise only)	<ul style="list-style-type: none"> <li>• New credit.</li> </ul>

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