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Land Use Legal Update

DECEMBER 2008

**New LEED-ND System Released for Public Comment
until January 5, 2009**

In 2004, the U.S. Green Building Council ("USGBC") formed a Core Committee for a new Leadership in Energy and Environmental Design ("LEED") rating system product to be denoted LEED for Neighborhood Development ("LEED-ND"). Included on the Core Committee are representatives from USGBC, the National Resources Defense Council, and the Congress for the New Urbanism. According to the USGBC, LEED-ND integrates the principles of smart growth, new urbanism, and green building into the first national standard for neighborhood design. As with all of the LEED rating systems, projects in the LEED-ND system will be rated on a sliding scale, from Platinum (the highest) down through Gold and Silver to LEED-ND-certified. Projects may be of any size and may seek certification at any of three stages in development: Pre-Review (before permits and approvals have been obtained), Approved Plan (after permits and approvals have been obtained but before construction), and Completed Neighborhood Development.

Early in 2007, after reaching compromise on a wide range of critical issues, the LEED-ND pilot program was launched and several hundred projects were submitted to be part of the program. Based on lessons learned during the pilot program, a fully revised version of LEED-ND was released on November 18, 2008, at the USGBC's annual Greenbuild Conference, held this year in Boston.

The Core Committee and USGBC are inviting interested parties to critique and submit comments on the full draft rating system during an initial period that will end on January 5, 2009. The rating system is now available for viewing at <http://www.usgbc.org/LEED/LEEDDrafts/RatingSystemVersions.aspx?CMSPageID=1458>.

In June 2008, Robinson & Cole became the 10th pilot law firm in the country, and the first based in New England, to formally adopt a sustainability policy based on the model policy developed by the American Bar Association. The firm has also created a Sustainability and Climate Change Practice Group, employing a cross-practice group approach for the benefit of our clients. To further assist our clients' interests, two of our lawyers, Robert Sitkowski and Gregory Sampson, are LEED-Accredited Professionals, a recognition of building industry professionals that have demonstrated an understanding of green building and the LEED rating system.

For more information, please contact Pamela K. Elkow (pelkow@rc.com), Robert J. Sitkowski (rsitkowski@rc.com), or Matthew J. Lawlor (mjlawlor@rc.com).



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