The Green Home Movement: How Should We Define and Regulate "Green Homes," Encourage Their Production, and Protect Purchasers and Residents?

By James C. Smith University of Georgia School of Law

Abstract: Green homes are one major type of green buildings. To date, they have received relatively little attention from analysts and policy makers compared to commercial, public, and institutional buildings. Emphasis on the latter categories probably stems from two sources. First, they often constitute large-scale real estate development projects, involving developers, architectural firms, and other participants with access to funds and other resources to enable the integration of significant green building components. Second, regulators who seek to promote green building construction through the promulgation of standards and the provision of incentives have concentrated on commercial, public, and institutional buildings. That concentration appears motivated by the splash effect: a major development that is green can have a significant effect by itself, and attracts media attention. In addition, the tendency of regulators not to intervene in the residential sector may be based in part on political considerations: residential builders and homeowners have a track record of opposition to new regulations that make homes more costly.

This paper will provide an overview of major issues of importance for green homes, including the following:

1. How should we define "green homes"? Should the standards be national, regional, or local? Should governments or trade groups establish the standards? 2. To what extent should green home standards vary according to the type of housing: detached single-family homes, condominiums, and multi-family rental properties?

3. Do municipal regulations facilitate or inhibit efforts to construct green homes, and to rehabilitate existing homes to make them more green? The main focus here will be on zoning, building codes, and municipal water system regulations.

4. What construction materials are especially appropriate for green homes.

5. What is the relationship between the green home movement and affordable housing?

6. A subsidiary question is: To what extent are manufactured homes compatible with the green home movement?

7. What landscaping features and yard characteristics make a home "green"?8. To what extent are home builders and other housing providers attempting to market "green homes"? Are there adequate protections for purchasers of properties touted as "green homes" and for tenants who may choose to live in green residences?