

2021 -- H 6280

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - THE GREEN BUILDINGS ACT

Introduced By: Representatives Bennett, Carson, Donovan, Caldwell, Ackerman,
Ruggiero, Cortvriend, McNamara, Fogarty, and Shanley

Date Introduced: April 29, 2021

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-21-3, 37-24-4 and 37-24-5 of the General Laws in Chapter 37-
2 24 entitled "The Green Buildings Act" are hereby amended to read as follows:

3 **37-24-3. Definitions.**

4 For purposes of this chapter, the following definitions shall apply:

5 (1) "Construction" means the process of building, altering, repairing, improving, or
6 demolishing forty percent (40%) or more of any public structures or buildings, or other public
7 improvements of any kind to any public real property.

8 (2) "Department" means the department of administration.

9 (3) "Equivalent standard" means a high-performance green building standard, other than
10 LEED, LEED for Neighborhood Development, and SITES, that provides a rating system or
11 measurement tool, that, when used, leads to outcomes, similar or equivalent to, LEED, LEED for
12 Neighborhood Development, and SITES outcomes, in terms of green building, green infrastructure,
13 and green site performance; current accepted equivalent standards include green globes, Northeast
14 collaborative high-performance schools protocol; or other equivalent high-performance green
15 building, green infrastructure, and green site standards accepted by the department.

16 (4) "LEED-" also, "LEED for Neighborhood Development-, and SITES-certified standard"
17 means the current version of the United States Green Building Council Leadership in Energy and
18 Environmental Design green building rating standard referred to as LEED, LEED for
19 Neighborhood Development, and SITES certified. SITES means the U.S. Green Building Council's

1 Sustainable Sites Initiative.

2 (5) "Major facility project" means:

3 (i) A building construction project larger than five thousand (5,000) gross square feet of
4 occupied or conditioned space, and its public real-property site; or

5 (ii) A building renovation project larger than ten thousand (10,000) gross square feet of
6 occupied or conditioned space, and its public real-property site.

7 (6) "Private major facility project" means:

8 (i) A building construction project larger than twenty-five thousand (25,000) gross square
9 feet of occupied or conditioned space; or

10 (ii) A building renovation project larger than fifty thousand (50,000) gross square feet of
11 occupied or conditioned space.

12 ~~(6)~~(7) "Public agency" means every state office, board, commission, committee, bureau,
13 department, or public institution of higher education.

14 ~~(7)~~(8) "Public facility" means any public institution, public facility, public equipment, or
15 any physical asset owned, including its public real-property site, leased or controlled in whole or
16 in part by this state or any agency or political subdivision thereof.

17 **37-24-4. Green building standards.**

18 (a) All major facility projects of public agencies shall be designed and constructed to at
19 least the LEED-, LEED for Neighborhood Development-, and SITES-, as provided herein, certified
20 or an equivalent high-performance green building standard. This provision applies to major facility
21 projects or other public improvements of any kind to any public real property that have not entered
22 the design phase prior to January 1, 2010, for LEED, ~~and~~ July 1, 2017, for LEED for Neighborhood
23 Development and ~~SITES through~~ December 31, 2020 for SITES, ~~or for up to four (4) projects,~~
24 ~~whichever comes first, unless otherwise continued or expanded by the general assembly.~~

25 (b) All major facility projects of a public school district, where the project receives any
26 funding from the state, shall be designed and constructed to at least the LEED-, LEED for
27 Neighborhood Development-, and SITES-, as provided herein, certified standard, or the Northeast
28 Collaborative for High-Performance Schools Protocol, Version 1.1 or above. This provision applies
29 to major facility projects or other public improvements of any kind to any public real property that
30 have not entered the design phase prior to January 1, 2010, for LEED for Neighborhood
31 Development, and ~~SITES through~~ December 31, 2020 for SITES ~~or for up to four (4) projects,~~
32 ~~whichever comes first, unless otherwise continued or expanded by the general assembly.~~

33 (c) A major facility project does not have to meet the LEED-, LEED for Neighborhood
34 Development-, and SITES-certified standard or an equivalent high-performance green building

1 standard if:

2 (1) There is no appropriate LEED, LEED for Neighborhood Development, and SITES
3 standard or other high-performance green building standard for that type of building or renovation
4 project or other public improvements of any kind to any public real property. In such case, the
5 department will set ~~lesser~~ green building standards that are appropriate to the project.

6 (2) There is no practical way to apply the LEED, LEED for Neighborhood Development,
7 and SITES standard or other high-performance green building standard to a particular building or
8 renovation project or other public improvements of any kind to any public real property. In such
9 case, the department will set ~~lesser~~ green building standards that are appropriate to the project.

10 (d) ~~The provisions related to LEED for Neighborhood Development and SITES shall~~
11 ~~continue through December 31, 2020, for up to four (4) projects selected by the department, subject~~
12 ~~to evaluation and continuation by the general assembly thereafter. All private major facility projects~~
13 ~~where the project receives any economic benefit from the state including, but not limited to tax~~
14 ~~credits, incentives, rebates, tax deductions, exclusions from income for the purpose of calculating~~
15 ~~taxable income, or preferential tax rates or valuations shall be designed and constructed to at least~~
16 ~~the LEED-, LEED for neighborhood development-, and SITES-, as provided herein, certified or an~~
17 ~~equivalent high-performance green building standard, and shall comply with the provisions set~~
18 ~~forth in §§ 37-13-4, 37-13-7, 37-13-14 and 37-13-16.~~

19 **37-24-5. Administration and reports.**

20 (a) The department shall promulgate such regulations as are necessary to enforce this
21 section. Those regulations shall include how the department will determine whether a project
22 qualifies for an exception from the LEED-, LEED for Neighborhood Development-, and SITES-
23 certified or equivalent high-performance green building standard, and the lesser green building
24 standards that may be imposed on projects that are granted exceptions. Regulations for LEED for
25 Neighborhood Development and SITES shall be promulgated ~~after December 2020~~ by September
26 1, 2021. ~~based on the assessment by the department of up to four (4) eligible state projects selected~~
27 ~~by the department, and upon continuation of the use of LEED for Neighborhood Development, and~~
28 ~~SITES by the general assembly.~~

29 (b) The department shall monitor and document ongoing operating savings that result from
30 major facility projects designed, constructed and certified as meeting the LEED-, LEED for
31 Neighborhood Development-, and SITES-certified standard and annually publish a public report of
32 findings and recommended changes in policy. The report shall also include a description of projects
33 that were granted exceptions from the LEED-, LEED for Neighborhood Development-, and SITES-
34 certified standard, the reasons for exception, and the lesser green building standards imposed.

1 (c) In order to understand the capacity and cost, the department shall test the application of
2 LEED for Neighborhood Development and SITES for up to four (4) state projects. The department,
3 with the assistance from the department of environmental management, shall assess the costs and
4 benefits in accordance with subsection (d) of this section and report to the general assembly on or
5 before December 31, 2020.

6 (d) The annual LEED reports for 2017 through 2020 required under subsection (b) of this
7 section shall include any assessment of costs and benefits of the LEED for Neighborhood
8 Development and SITES standards. ~~The purpose of the assessment is to determine whether the~~
9 ~~department shall require LEED for Neighborhood Development and SITES standards for major-~~
10 ~~facility projects beyond December 31, 2020, along with determining any exceptions from the~~
11 ~~standards that may be required.~~

12 (e) The department shall create a green buildings advisory committee composed of
13 representatives from the design, construction, lumber, and building materials industries involved
14 in public works contracting; personnel from affected public agencies and school boards that oversee
15 public works projects; and others at the department's discretion to provide advice on implementing
16 this section and to establish clear, measurable targets for implementing the standards defined in this
17 chapter for all major facility projects, including timeline, workforce needs, anticipated costs and
18 other measures identified by the advisory committee. The advisory committee shall, ~~make~~
19 ~~recommendations regarding an education and training process and an ongoing evaluation or~~
20 ~~feedback process to help the department implement this section.~~ in consultation with the department
21 of labor and training and the career and technical education board of trustees at the department of
22 education, identify apprentice and workforce education and training needs required to implement
23 the requirements set forth in this chapter.

24 ~~(f) The provisions related to LEED for Neighborhood Development and SITES shall~~
25 ~~continue through December 31, 2020, for up to four (4) projects selected by the department, subject~~
26 ~~to evaluation and continuation by the general assembly thereafter.~~

27 SECTION 2. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - THE GREEN BUILDINGS ACT

1 This act would, effective December 31, 2020, terminate the requirement of utilizing green
2 building standards for new public buildings construction projects. It would also mandate that new
3 green standards be established with clear measurable targets for all future major facility projects.

4 This act would take effect on January 1, 2022.

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