

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - THE GREEN BUILDINGS ACT

Introduced By: Senators DiPalma, Sosnowski, Miller, Coyne, and Seveney

Date Introduced: June 08, 2017

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-24-2, 37-24-3, 37-24-4, 37-24-5 and 37-24-6 of the General
2 Laws in Chapter 37-24 entitled "The Green Buildings Act" are hereby amended to read as
3 follows:

4 **37-24-2. Legislative findings.**

5 It is hereby found and declared as follows:

6 (1) Energy costs for public buildings [and public projects](#) are skyrocketing and will likely
7 continue to increase.

8 (2) Energy use by public buildings [and public projects](#) contributes substantially to the
9 problems of pollution and global warming.

10 (3) Public buildings [and public projects](#) can be built and renovated using high-
11 performance methods that save energy, reduce water consumption, improve indoor air quality,
12 [and water](#), preserve the environment, and make workers and students more productive.

13 (4) This law is necessary to more efficiently spend public funds.

14 **37-24-3. Definitions.**

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

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

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

1 (3) "Equivalent standard" means a high-performance green building standard other than
2 LEED, [LEED for Neighborhood Development, and SITES](#) which provides a rating system or
3 measurement tool, that, when used, leads to outcomes, similar or equivalent to, LEED, [LEED for](#)
4 [Neighborhood Development, and SITES](#) outcomes, in terms of green building, [green](#)
5 [infrastructure and green site](#) performance; current accepted equivalent standards include green
6 globes, Northeast collaborative high-performance schools protocol; or other equivalent high-
7 performance green building, [green infrastructure and green site](#) ~~standard~~ [standards](#) accepted by
8 the department;

9 (4) "LEED" also, ["LEED for Neighborhood Development, and SITES](#) certified standard"
10 means the current version of the United States Green Building Council Leadership in Energy and
11 Environmental Design green building rating standard referred to as LEED, [LEED for](#)
12 [Neighborhood Development, and SITES](#) certified.

13 (5) "Major facility project" means:

14 (i) A building construction project larger than five thousand (5,000) gross square feet of
15 occupied or conditioned space, [and its public real property site](#); or

16 (ii) A building renovation project is larger than ten thousand (10,000) gross square feet of
17 occupied or conditioned space, [and its public real property site](#).

18 (6) "Public agency" means every state office, board, commission, committee, bureau,
19 department or public institution of higher education.

20 (7) "Public facility" means any public institution, public facility, public equipment, or
21 any physical asset owned, [including its public real property site](#) leased or controlled in whole or
22 in part by this state or any agency or political subdivision thereof.

23 **37-24-4. Green building standards.**

24 (a) All major facility projects of public agencies shall be designed and constructed to at
25 least the LEED, [LEED for Neighborhood Development, and SITES](#) certified or an equivalent
26 high performance green building standard. This provision applies to major facility projects [or](#)
27 [other public improvements of any kind to any public real property](#) that have not entered the
28 design phase prior to January 1, 2010.

29 (b) All major facility projects of a public school district, where the project receives any
30 funding from the state shall be designed, and constructed to at least the LEED, [LEED for](#)
31 [Neighborhood Development, and SITES](#) certified standard, or the Northeast Collaborative for
32 High-Performance Schools Protocol, Version 1.1 or above. This provision applies to major
33 facility projects [or other public improvements of any kind to any public real property](#) that have
34 not entered the design phase prior to January 1, 2010.

1 (c) A major facility project does not have to meet LEED, [LEED for Neighborhood](#)
2 [Development, and SITES](#) certified standard or an equivalent high-performance green building
3 standard if:

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

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

12 **37-24-5. Administration and reports.**

13 (a) The department shall promulgate such regulations as are necessary to enforce this
14 section. Those regulations shall include how the department will determine whether a project
15 qualifies for an exception from the LEED, [LEED for Neighborhood Development, and SITES](#)
16 certified or equivalent high-performance green building standard, and the lesser green building
17 standards that may be imposed on projects that are granted exceptions.

18 (b) The department shall monitor and document ongoing operating savings that result
19 from major facility projects designed, constructed and certified as meeting the LEED, [LEED for](#)
20 [Neighborhood Development, and SITES](#) certified standard and annually publish a public report of
21 findings and recommended changes in policy. The report shall also include a description of
22 projects that were granted exceptions from the LEED, [LEED for Neighborhood Development,](#)
23 [and SITES](#) certified standard, the reasons for exception, and the lesser green building standards
24 imposed.

25 (c) The department shall create a green buildings advisory committee composed of
26 representatives from the design, construction, lumber and building materials industries involved
27 in public works contracting, personnel from affected public agencies and school boards that
28 oversee public works projects, and others at the department's discretion to provide advice on
29 implementing this section. The advisory committee shall make recommendations regarding an
30 education and training process and an ongoing evaluation or feedback process to help the
31 department implement this section.

32 **37-24-6. Protection from liability.**

33 No person, corporation or entity shall be held liable for the failure of a major facility
34 project to meet the LEED, [LEED for Neighborhood Development, and SITES](#) certified standard

1 or other standards established for the project as long as a good faith attempt was made to achieve
2 the standard set for the project.

3 SECTION 2. This act shall take effect upon passage.

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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 expand the "Green Buildings Act" to include public projects and updates
2 the standards to include LEED for Neighborhood Development, and SITES.

3 This act would take effect upon passage.

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