

**2017 -- S 0952 SUBSTITUTE A**

LC002777/SUB A

**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. [SITES means the U.S. Green Building](#)  
13 [Council's Sustainable Sites Initiative](#).

14 (5) "Major facility project" means:

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

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

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

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

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

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

32 (b) All major facility projects of a public school district, where the project receives any  
33 funding from the state shall be designed, and constructed to at least the LEED, [LEED for](#)  
34 [Neighborhood Development, and SITES, as provided herein](#), certified standard, or the Northeast

1 Collaborative for High-Performance Schools Protocol, Version 1.1 or above. This provision  
2 applies to major facility projects or other public improvements of any kind to any public real  
3 property that have not entered the design phase prior to January 1, 2010, LEED for Neighborhood  
4 Development, and SITES through December 31, 2020 or for up to four (4) projects, whichever  
5 comes first, unless otherwise continued or expanded by the general assembly.

6 (c) A major facility project does not have to meet LEED, LEED for Neighborhood  
7 Development, and SITES certified standard or an equivalent high-performance green building  
8 standard if:

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

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

17 (d) The provisions related to LEED for Neighborhood Development and SITES shall  
18 continue through December 31, 2020, for up to four (4) projects selected by the department,  
19 subject to evaluation and continuation by the general assembly thereafter.

20 **37-24-5. Administration and reports.**

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

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

1 and SITES certified standard, the reasons for exception, and the lesser green building standards  
2 imposed.

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

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

14 ~~(e)~~(e) The department shall create a green buildings advisory committee composed of  
15 representatives from the design, construction, lumber and building materials industries involved  
16 in public works contracting, personnel from affected public agencies and school boards that  
17 oversee public works projects, and others at the department's discretion to provide advice on  
18 implementing this section. The advisory committee shall make recommendations regarding an  
19 education and training process and an ongoing evaluation or feedback process to help the  
20 department implement this section.

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

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

25 No person, corporation or entity shall be held liable for the failure of a major facility  
26 project to meet the LEED, LEED for Neighborhood Development, and SITES certified standard  
27 or other standards established for the project as long as a good faith attempt was made to achieve  
28 the standard set for the project.

29 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

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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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