

2021 -- S 0760

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LC002578  
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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 -- GREEN BUILDINGS ACT

Introduced By: Senator Louis P. DiPalma

Date Introduced: April 01, 2021

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

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

3           **37-24-4. Green building standards.**

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

11           (b) All major facility projects of a public school district, where the project receives any  
12 funding from the state, shall be designed and constructed to at least the LEED-, LEED for  
13 Neighborhood Development-, and SITES-, as provided herein, certified standard, or the Northeast  
14 Collaborative for High-Performance Schools Protocol, Version 1.1 or above. This provision applies  
15 to major facility projects or other public improvements of any kind to any public real property that  
16 have not entered the design phase prior to January 1, 2010, LEED for Neighborhood Development,  
17 and SITES through ~~December 31, 2020 or for up to four (4) projects, whichever comes first, unless~~  
18 ~~otherwise continued or expanded by the general assembly~~ July 1, 2017.

19           (c) A major facility project does not have to meet the LEED-, LEED for Neighborhood

1 Development-, and SITES-certified standard or an equivalent high-performance green building  
2 standard if:

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

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

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

14 **37-24-5. Administration and reports.**

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

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

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

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

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

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

17           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 -- GREEN BUILDINGS ACT

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1           This act would repeal the expiration provisions that major facility projects or other public  
2 improvements comply with green building standards, thereby requiring major facility projects of  
3 state agencies to be constructed to LEED standards.

4           This act would take effect upon passage.

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