

## **TITLE 220 - DEPARTMENT OF ADMINISTRATION**

### **CHAPTER 70 - CAPITAL ASSET MANAGEMENT AND MAINTENANCE**

#### **SUBCHAPTER 00 - GENERAL PROVISIONS**

##### **Part 1 - Rules and Regulations to Implement the Green Buildings Act**

### **1.1 Purpose of Rules**

- A. These rules and regulations are promulgated in order to implement R.I. Gen. Laws Chapter 37-24 and are authorized by R.I. Gen. Laws § 37-24-5(a).
- B. This Chapter was enacted on November 9, 2010, as Chapter 212 of the Public Laws of 2009 is referred to as "The Green Buildings Act" and is otherwise referred to within as the Act. The Act was revised on June 27, 2022.
- C. These rules and regulations describe how the department of administration will determine whether a project qualifies for an exception from the LEED certified or equivalent high-performance green building standard, and the alternative green building standards that may be imposed on projects that are granted exceptions. In addition, the rules and regulations set forth standards for the green buildings advisory committee.

### **1.2 Definitions**

- A. For purposes of this chapter, definitions are in accordance with R.I. Gen. Laws § 37-24-3.
  - 1. "Construction" means the process of building, altering, repairing, improving, or demolishing forty percent (40%) or more of any public structures or public buildings, public real property or other public improvements of any kind to any public structures, public buildings, public real property;
    - a. "Forty percent (40%) or more of any public structures or buildings" shall mean the LESSER OF the following values:
      - (1) The Gross Square Footage (GSF) of the structure, OR
      - (2) The currently listed insurance value of the structure, OR
      - (3) The currently held insured value of the structure, OR
      - (4) The currently listed tax value of the structure, OR
      - (5) The currently listed market value of the structure
  - 2. "Design phase" means any phase of design work beginning with the legal entity's execution of an agreement for professional services, such as

engineering or architecture, or the legal entity's self-performance of said professional services that occurs PRIOR TO the entities' execution of a construction contract or agreement.

### **1.3 Notification Process**

- A. As required by R.I. Gen. Laws § 37-24-4, all public major facility projects of the state, public agencies, municipalities, and political subdivisions that have not entered the design phase prior to July 1, 2023, shall be designed and constructed to at least the LEED certified or an equivalent high performance green building standard.
- B. The Department shall annually notify all entities covered by the Act of their legal obligations and requirements under the Act and these rules, including all reporting requirements.
- C. All requests for proposals, requests for information, requests for bids, requests for design/build, requests for construction managers, and any requests relating to obtaining the professional services, pricing, and construction for major facility projects by a public agency for a public facility, shall include the notice of the statutory requirements of chapter 24 of title 37 ("the green buildings act").

### **1.4 Green Buildings Advisory Committee**

- A. Responsibilities:
  - 1. The green buildings advisory committee shall implement all tasks as described in R.I. Gen. Laws §37-24-5.
  - 2. The advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement the Green Buildings Act. (R.I. Gen. Laws § 37-24-5).
  - 3. In addition:
    - a. the department will seek the advice and counsel of the Green Buildings Advisory Committee and shall inform the Committee of all granted variances; and
    - b. the department shall seek the advice and counsel of the green buildings advisory committee in making determinations of alternative compliance standards.
- B. Operation:
  - 1. The chairman of the committee shall be selected by the committee as described in R.I. Gen. Laws §37-24-5.
  - 2. A Vice-chairperson may be appointed by the green building advisory

committee members.

3. The committee may establish such subcommittees as it deems necessary to meet the requirements described in R.I. Gen. Laws §37-24-5.

## **1.5 Exceptions to Green Building Standards**

- A. The department, in coordination with the green buildings advisory committee is authorized to determine whether a project qualifies for an exception from the LEED certified or equivalent high-performance green building standard and the alternative green building standards that may be imposed on projects that are granted exceptions. (see R.I. Gen. Laws § 37-24-5).
- B. As stated in R.I. Gen. Laws § 37-24-4, a major facility project does not have to meet LEED certified standard or an equivalent high-performance green building standard if:
  1. There is no appropriate LEED standard or other high-performance green building standard for that type of building or renovation project. In such case and as stated in R.I. Gen. Laws § 37-24-5, the department will set alternative green building standards that are appropriate to the project.
  2. There is no practical way to apply the LEED standard or other high performance green building standard to a particular building or renovation project. In such case and as stated in R.I. Gen. Laws § 37-24-5, the department will set alternative green building standards that are appropriate to the project.

## **1.6 Applying for an Exception**

- A. Any and all requests for an exception from the LEED certified or equivalent high performance green building standards need to be directed to the Department of Administration, and the green buildings advisory committee.
- B. In deciding whether to approve a request for an exception, the green buildings advisory committee shall consider whether one or more of the following described hardships exist:
  1. Economic Hardship related to the specific structure or project, not including ongoing economic hardship of the covered entity.
  2. Undue Hardship related to the impracticality of achieving a green building standard for the subject structure.
  3. Other Hardship not otherwise covered herein, including, but not limited to disaster reconstruction or structural damage caused by fire, vandalism, theft, or act of God that may be in excess of threshold applicability standards covered by the act.
- C. The applicant must establish why any such exception shall be made and why such exception(s) would not have an adverse effect.

D. Before a structural hardship variance is granted, the covered entity must agree to a timetable that describes when the lesser green building standards will likely be completed.

## **1.7 Severability**

If any provision of these Rules or Sections or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the Rules or Sections which can be given effect, and to this end the provisions of these Rules or Sections are declared to be severable.

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#### **MAINTENANCE SUBCHAPTER 00 - GENERAL PROVISIONS**

**PART 1 - RULES AND REGULATIONS TO IMPLEMENT THE GREEN BUILDING ACT (220-RICR-70-00-1)**

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