

**220-RICR-70-00-1**

## **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. It was revised on June 27, 2022.
- C. These rules and regulations describe how the Department of Administration, with the consultation and recommendations of the Green Buildings Advisory Committee, will determine whether a project qualifies for an exception from the LEED, LEED for Neighborhood Development, and SITES - The Sustainable SITES Initiative certified or an equivalent high performance green building standard and the green building standards that may be imposed on projects that are granted exceptions.

### **1.2 Purpose of The Green Buildings Act**

- A. The purpose of the Act is found and declared in [§ 37-24-2](#). Legislative Findings.

### **1.3 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, public buildings, public real property or other public improvements of any kind to any public structures, public buildings or public real property.

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

**(3)** "Equivalent standard" means a high-performance green building standard, other than LEED, LEED for Neighborhood Development, and SITES, that provides an independent, third-party verification and certification of a rating system or measurement tool, that, when used, leads to outcomes equivalent to, LEED, LEED for Neighborhood Development, and SITES outcomes, in terms of green building, green infrastructure, and green site performance; current accepted equivalent standards

include green globes, Northeast collaborative high-performance schools protocol; or other equivalent high-performance green building, green infrastructure, and green site standards accepted by the department.

**(4)** “LEED” also, “LEED for Neighborhood Development, and SITES certified standard” means the current version of the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) green building rating standard referred to as LEED, LEED for Neighborhood Development, and SITES certified. SITES means the U.S. Green Building Council’s SITES — The Sustainable SITES Initiative.

**(5)** “Public agency” means every state or municipal office, board, commission, committee, bureau, department, or public institution of education, or any political subdivision thereof.

**(6)** “Public facility” means any public institution, public facility, public equipment, or any physical asset owned, including its public real-property site, leased or controlled in whole or in part by this state, a public agency, a municipality or a political subdivision, that is for public or government use.

**(7)** “Public major facility project” means:

**(i)** A public facility building construction project larger than ten thousand (10,000) gross square feet of occupied or conditioned space, and its public real-property site; or

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

## **1.4 Scope and Applicability of the Act:**

### **A. § 37-24-4. Green building standards.**

**(a)** All public major facility projects of the state, public agencies, municipalities and political subdivisions shall be designed and constructed to at least the LEED, LEED for Neighborhood Development, and SITES, as provided herein, certified or an equivalent high-performance green building standard. This provision applies to public major facility projects or other public improvements of any kind to any public facility that have not entered the design phase prior to July 1, 2023, for LEED, LEED for Neighborhood Development and for SITES.

**(b)** All public major facility projects of a public school facility, where the project receives any funding from the state, shall be designed and constructed to at least the LEED, LEED for Neighborhood Development, and SITES, as provided herein, certified standard, or the Northeast Collaborative for High-Performance Schools Protocol, Version 1.1 or above. This provision applies to public major facility projects or other public improvements by the state or a public school district to any public school facility that have not entered the design phase prior to July 1, 2023, for LEED, LEED for Neighborhood Development, and for SITES.

**(c)** Where “Construction” means the process of building, altering, repairing,

improving, or demolishing forty percent (40%) or more of any public buildings, public buildings, or public real property or other public improvements of any kind to any public buildings, public structures, or public real property the "forty percent (40%) or more" shall mean the LESSER OF the following values for a public major facility project larger than ten thousand (10,000) gross square feet of occupied or conditioned space, and its public real-property site:

- (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.

B. In addition, the following term is defined as follows:

1. "Design phase" means any phase of design work beginning with the legal entity's execution of an agreement for professional services, such as architecture, engineering, and/or landscape architecture, or the legal entity's self-performance of said professional services that occurs PRIOR TO the entities' execution of a professional services contract or agreement.

## **1.5 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, 2023, shall be designed and constructed to at least the LEED, LEED for Neighborhood Development, and SITES – The Sustainable SITES Initiative certified or an equivalent high-performance green building standard.
- B. The Department shall make resources available to all entities covered by the Act detailing their legal obligations and requirements under the Act and these rules, including all reporting requirements.
- C. For purposes of this chapter, all requests for proposals, etc. are in accordance with [R.I. Gen. Laws § 37-24-5 \(i\)](#).
- D. All State, public agencies, municipalities, and political subdivisions thereof, shall notify the Department of the public major facility projects under the jurisdiction of the Act and the specific high performance green building standards being used for those public major facility projects and the progress of those projects toward certification of the high performance green building standards.

## **1.6 Green Buildings Advisory Committee**

- A. For purposes of this chapter, Green Buildings Advisory Committee composition and responsibilities are in accordance with [R.I. Gen. Laws § 37-24-5\(g\) and \(h\)](#).

- B. For purposes of this chapter, the responsibilities of the Green Buildings Advisory Committee shall include any and all other responsibilities assigned to it by the department and/or State statutes.

## **1.7 Exceptions to Green Building Standards**

- A. For purposes of this chapter, Exceptions to Green Building Standards are in accordance with [R.I. Gen. Laws § 37-24-4 \(a\), \(b\), and \(c\) .](#)
- B. **Applying for an Exception**
1. 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.
  2. Department of Administration shall preside over the process of determining exceptions to the Act, with the consultation and recommendations of the Green Buildings Advisory Committee.
  3. When public major facilities projects that are subject to this Act consist of single building systems, such as lighting replacement and repairs, heating ventilation and air conditioning replacement and repairs, life safety replacement and repairs, water quality and plumbing replacement and repairs, those projects are not subject to The Green Buildings Act. However those single building systems should comply with the high performance green building standards that are applicable to those single building systems.
  3. In deciding whether to approve a request for an exception, the department, with the consultation and recommendations of the Green Buildings Advisory Committee ~~shall~~ consider whether one or more of the following described hardships exist:
    - a. Economic Hardship related to the specific structure or project, not including ongoing economic hardship of the covered entity.
    - b. Undo Hardship related to the impracticality of achieving a green building standard for the subject structure.
    - c. 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.
  4. The applicant must establish why any such exception shall be made and why the such exception(s) would not have an adverse effect.
  5. Before an exception is granted, the covered entity must agree to a timetable that describes when the alternative green building standards will likely be completed.

## 1.8 Equivalent Standards to LEED Certification

A. For purposes of this chapter, Equivalent Standards to LEED, LEED for Neighborhood Development, and SITES are in accordance with [R.I. Gen. Laws § 37-24-3 \(3\)](#).

## 1.9 Annual Report

- A. For purposes of this chapter, the Annual Report from the department shall be in accordance with [R.I. Gen. Laws § 37-24-5\(b\)](#).
- B. The annual report will be posted on the website maintained by the department, with the consultation and recommendations of the Green Buildings Advisory Committee.

## 1.10 Severability

If any provision of these Regulations, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulations shall not be affected thereby.

## 1.11 Effective Date

These Rules shall take effect twenty (20) days after they have been filed with the Secretary of State.

**220-EUR-70-00-11**

### **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  
(220-RICR-70-00-1)**

Type of Filing: Refile Capabilities

**Department of State**

---

Regulation Effective Date Original Signing Date

---

Department of State Initials Department of State Date