

## **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 the process and procedure for implementing and administering the Act, and the standards of process and procedure for the Rhode Island Department of Administration, otherwise referred to within and the "Department" and the Green Buildings Advisory Committee, otherwise referred to within as the "Committee".

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

- A. The purpose of The Green Buildings Act is stated in the Legislative Findings of § 37-24-2, where it is hereby found and declared as follows:
  - 1. Energy costs for public buildings and public projects are skyrocketing and will likely continue to increase.
  - 2. Energy use by public buildings and public projects contributes substantially to the problems of pollution and global warming.
  - 3. Public buildings, public structures, public real property and public projects can be built, renovated, and located using high-performance methods that save and generate energy; reduce and conserve water consumption; improve indoor air and environmental quality; improve water quality; reduce transportation demand and emissions; preserve the environment; make workers and students more productive; and improve the quality of our individual and shared human experience and environmental justice for all citizens of the state.
  - 4. The green buildings act is a strategic tool to achieve the greenhouse gas emission reduction targets and other objectives of chapter 6.2 of title 42 ("2021 act on climate") and the work of the executive climate change coordinating council established in § 42-6.2-1.
  - 5. This law is necessary to more efficiently spend public funds.

### 1.3 Definitions, Scope, and Applicability of the Act

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. "Forty percent (40%) or more" is further defined and applicable as follows:
  - a. The entire gross floor area of a green building project must be certified under a single rating system and is subject to all prerequisites and attempted credits in that rating system, regardless of mixed construction or space usage type.
  - b. If a rating system is appropriate for less than 40% of the gross floor area of a project building or space, then that rating system should not be used.
  - c. If a rating system is appropriate for more than 60% of the gross floor area of a project building or space, then that rating system should be used.
  - d. If an appropriate rating system falls between 40% and 60% of the gross floor area, project teams must independently assess their situation and decide which rating system is most applicable.
2. "Design phase" means any phase of design work beginning with the legal entity's execution of an agreement for professional services, such as architecture or engineering, or the legal entity's self-performance of said professional services that occurs prior to the entities' execution of a construction contract or agreement.

B. The following define the scope and applicability of the Act:

1. Green building standards.
  - a. All public major facility projects of the state, public agencies, municipalities and political subdivisions (legal entity) 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 the state, public agencies, municipalities and political subdivisions (legal entity) that entered the design phase prior to July 1, 2023 shall be designed to at least the LEED certified or an equivalent high-performance building standard. This provision applies to public major facility projects or other public improvements of any kind.

- c. 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.
- 2. “Public agency” means every state or municipal office, board, commission, committee, bureau, department, or public institution of education, or any political subdivision thereof.
- 3. “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.
- 4. “Public major facility project” means:
  - a. 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
  - b. 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 Requirements and Notification Process**

- A. 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.
- B. It is recommended that all requirements of the Act shall be considered by all the state, public agencies, municipalities, and political subdivisions in the planning and budgeting of all major facility projects governed by the Act, prior to the issuance of any request for proposals, requests for information, requests for bids of major facility projects.

## **1.5 Reporting Requirements**

- A. All public major facility projects of the state, public agencies, municipalities and political subdivisions (legal entity) shall register the public major facility project to commence the Certification process with the appropriate certification organization for the applicable high performance green building standard.

- B. All state, public agencies, municipalities and political subdivisions (legal entity) shall submit quarterly and annual reports to the Department and the Green Buildings Advisory Committee of the status of each public major facility project relative to the high performance green building standard in the Certification process.
- C. The annual reports by all legal entities for their public major facility project shall include the status of the certification process for each of their public major facility projects in addition to report and documentation of the major facility project's data and information as requested by the Department and the Green Buildings Advisory Committee.
- D. All legal entities shall provide and submit at the time of their submittal for a building permit, an affidavit attesting to their registration and certification process stage for their public major facility project to the State and/or the local authorized building official, and provide and submit that affidavit to the Department and the Green Buildings Advisory Committee.
- E. All legal entities shall provide and submit at the time of their submittal for a certificate of occupancy or use permit, an affidavit attesting to their registration and certification process stage for their public major facility project to the State and/or the local authorized building official, and provide and submit that affidavit to the Department and the Green Buildings Advisory Committee.
- F. All state, public agencies, municipalities and political subdivisions (legal entity) shall, where permitted by the Certifying organization for the high performance green building standards, provide access to the Certification files of the public major facility project registered for Certification.

## **1.6 Green Buildings Advisory Committee**

### **A. Responsibilities:**

1. The Committee shall implement all tasks as described in R.I. Gen. Laws §37-24-5.

(a) 1. Make recommendations regarding an ongoing evaluation process of the green buildings act to help the department and the executive climate change coordinating council implement this chapter;

(b) 2. Identify the needs, actions, and funding required to implement the requirements set forth in this chapter, in achieving high-performance green building projects for our public buildings, public structures, and our public real properties;

(c) 3. Establish clear, measurable targets for implementing the standards, defined in this chapter, for all public major facility projects including timeline, workforce

needs, anticipated costs and other measures identified by the green buildings advisory committee and required by chapter 6.2 of title 42 ("2021 act on climate"); and

(d) 4. Identify ways to monitor and document ongoing operating savings and greenhouse gas emission reductions that result from public major facility projects designed, constructed and certified as meeting the LEED, LEED for Neighborhood Development, SITES certified standard, Green Globes, Northeast Collaborative for High-Performance Schools Protocol, Version 1.1 or above and annually publish a report to the general assembly and the executive climate change coordinating council of findings and recommended changes in policy.

2. The 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.
3. The Committee shall prepare and issue an annual report to the Rhode Island General Assembly and others, to include the requisite information as required in the Act.
4. The Committee shall inform and coordinate its work with the Executive Climate Change Coordinating Council
5. The Committee's work shall support, and be a strategic tool for, the implementation of the Legislative Findings of the Act § 37-24-2, including the implementation of the Act on Climate, Rhode Island General Laws § 42-6.2.
6. The Committee shall provide advice and counsel for requested clarifications and or interpretations of the Act to the Department, and the Department shall inform the Committee of all promulgated clarifications and interpretations of the Act.
7. The Committee shall provide advice and counsel for requested variances from the Act to the Department, and the Department shall inform the Committee of all promulgated variations of the Act.
8. The Committee shall provide advice and counsel in making determinations of equivalent high-performance green building standards with public review and comment under the Administrative Procedures Act, Rhode Island General Laws § 42-35, for final acceptance in accordance with the Act.
9. The Committee shall undertake and implement any and all other responsibilities assigned to the Committee by the Department, and by Rhode Island state statutes.

#### 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 elected 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.

## **1.7 Interpretation of, and Exceptions to High Performance Green Building Standards**

- A. The Department, in coordination with the Committee is authorized to determine whether a project qualifies for an exception from the LEED certified or equivalent high-performance green building standard stated in the Act, and the alternative green building standards that may be imposed on projects that are granted exceptions.

## **1.8 Applying for an Interpretation**

- A. Any and all requests for interpretations of the LEED certified or equivalent high-performance green building standards stated in the Act, shall be directed to the Department and the Committee.
  1. All requests for interpretations of the LEED certified or equivalent high-performance green building standards stated in the Act, shall be sent to the Department no later than fourteen (14) calendar days prior to the meeting date of the Committee for that request to be placed on the Committee's agenda for consideration.
  2. All requests for an interpretation for an exception from the LEED certified or equivalent high performance green building standards stated in the Act, shall include the submission of a detailed and comprehensive narrative and other relevant materials that are the basis for the exception request.

## **1.9 Applying for an Exception**

- A. Any and all requests for an exception from the LEED certified or equivalent high-performance green building standards stated in the Act, shall be directed to the Department and the Committee.
  1. All requests for an exception from the LEED certified or equivalent high performance green building standards stated in the Act shall be sent to the Department no later than fourteen (14) calendar days prior to the meeting date of the Committee for that request to be placed on the Committee's agenda for consideration.
  2. All requests for an exception from the LEED certified or equivalent high performance green building standards stated in the Act shall contain, at a minimum:
    - a. The name of the public applicant, the name of the project; size of the project; the category of the project;

- b. The LEED certified or equivalent high-performance green building standard for which the request for an exception is being made;
  - c. The submission of a detailed and comprehensive narrative and other relevant materials that are the basis for the exception request;
  - d. The submission of suggested alternate high-performance green building standards the applicant proposes for the project exception request. The alternative high-performance green building standards shall first be established using the applicable sections and elements of the standards stated in the Act.
- B. The applicant must state and establish why any such exception shall be made.
- C. Before an exception is granted, the applicant shall agree to a timetable that describes when an alternative green building standard will likely be completed.
- D. Before an exception is granted the applicant shall agree to the alternate high performance green building standard and quantify the measures to be achieved by those alternate high performance green building standards.

### **1.10 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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**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 BUILDING ACT (220-RICR-70-00-1)

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