

HOUSE BILL 1165

P1, F1
HB 86/21 – APP

2lr1995
CF SB 588

By: **Delegate Forbes**

Introduced and read first time: February 11, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Capital Projects – High Performance and Green Buildings**

3 FOR the purpose of altering the definition of “high performance building” to include certain
4 schools and public safety buildings; altering the definition of “major renovation” to
5 mean a renovation of a certain size or value or resulting in a change in occupancy or
6 replacement of certain utility installations; altering the type of capital projects to
7 which certain high performance building standards apply; repealing a requirement
8 that the Maryland Green Building Council develop certain guidelines for new public
9 school buildings; requiring the Maryland Green Building Council to ensure that
10 certain State buildings, public schools, and community colleges meet certain high
11 performance building requirements; prohibiting the use of certain guidelines for a
12 new public school building to meet certain high performance building requirements;
13 and generally relating to high performance building requirements and green
14 building guidelines.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 5–312
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2021 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – State Finance and Procurement
22 Section 3–602.1(a) and (c) and 4–809(f)
23 Annotated Code of Maryland
24 (2021 Replacement Volume)

25 BY repealing and reenacting, without amendments,
26 Article – State Finance and Procurement
27 Section 3–602.1(e) and 4–809(a)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2021 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

5–312.

(a) In this section, “high performance building” has the meaning stated in § 3–602.1 of the State Finance and Procurement Article.

(b) This section applies to the construction of new schools that have not initiated a Request For Proposal for the selection of an architectural and engineering consultant on or before July 1, 2009.

(c) Except as provided in subsection (d) of this section, a new school that receives State public school construction funds shall be constructed to be a high performance building.

(d) (1) The Interagency Commission shall establish a process to allow a school system to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) Include a review by the Interagency Commission to determine if the construction of a high performance building is not practicable; and

(ii) Require the approval of a waiver by the Interagency Commission.

(e) For fiscal years 2010 through 2014 only, the State shall pay 50% of the local share of the extra costs, identified and approved by the Interagency Commission, that are incurred in constructing a new school to meet the high performance building requirements of this section.

(f) The Interagency Commission shall adopt regulations to implement the requirements of this section.

Article – State Finance and Procurement

3–602.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “High performance building” means a building that:

(i) [meets or exceeds] **ACHIEVES AT LEAST A SILVER RATING**

1 **ACCORDING TO** the [current] **MOST RECENT** version of the U.S. Green Building Council's
2 **LEED (Leadership in Energy and Environmental Design) Green Building Rating System**
3 **[Silver rating];**

4 **(II) IS A SCHOOL OR PUBLIC SAFETY BUILDING THAT:**

5 **1. ACHIEVES AT LEAST A CERTIFIED RATING**
6 **ACCORDING TO THE MOST RECENT VERSION OF THE U.S. GREEN BUILDING**
7 **COUNCIL'S LEED GREEN BUILDING RATING SYSTEM; AND**

8 **2. BASED ON THE BUILDING'S LOCATION, ACHIEVES 5**
9 **POINTS OR LESS IN THE COMBINED CREDITS FOR ACCESS TO QUALITY TRANSIT AND**
10 **SURROUNDING DENSITY AND DIVERSE USES;**

11 **[(ii)] (III)** achieves at least a comparable numeric rating according
12 to a nationally recognized, accepted, and appropriate numeric sustainable development
13 rating system, guideline, or standard approved by the Secretaries of Budget and
14 Management and General Services; or

15 **[(iii)] (IV)** complies with a nationally recognized and accepted green
16 building code, guideline, or standard reviewed and recommended by the Maryland Green
17 Building Council and approved by the Secretaries of Budget and Management and General
18 Services.

19 **(3) "Major renovation" means the renovation of a building where:**

20 **(i) [the building shell is to be reused for the new construction] THE**
21 **RENOVATION EXCEEDS 50% OF THE BUILDING AREA;**

22 **(ii) [the heating, ventilating, and air conditioning (HVAC),**
23 **electrical, and plumbing systems are to be replaced] THE VALUE OF THE RENOVATION**
24 **EXCEEDS 50% OF THE ASSESSED VALUE OF THE BUILDING; [and]**

25 **(iii) [the scope of the renovation is 7,500 square feet or greater]**
26 **THERE IS A CHANGE IN OCCUPANCY LOAD OR OCCUPANCY CLASSIFICATION; OR**

27 **(IV) THE HEATING, VENTILATING, AND AIR CONDITIONING**
28 **(HVAC), PLUMBING, OR ELECTRICAL SYSTEM IS BEING REPLACED.**

29 **(c) (1) This subsection applies to:**

30 **(i) capital projects [that are funded solely with] FOR WHICH MORE**
31 **THAN 25% OF THE FUNDING FOR THE ACQUISITION, CONSTRUCTION, OR**
32 **RENOVATION OF THE PROJECT IS FROM State funds; and**

(ii) community college capital projects that receive State funds.

(2) Except as provided in subsections (d) and (e) of this section, if a capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building shall be constructed or renovated to be a high performance building.

(e) (1) The Department of Budget and Management and the Department of General Services shall jointly establish a process to allow a unit of State government or a community college to obtain a waiver from complying with subsection (c) of this section.

(2) The waiver process shall:

(i) include a review by the Maryland Green Building Council established under § 4–809 of this article, to determine if the use of a high performance building in a proposed capital project is not practicable; and

(ii) require the approval of a waiver by the Secretaries of Budget and Management, General Services, and Transportation.

4–809.

(a) There is a Maryland Green Building Council.

(f) The Maryland Green Building Council shall:

(1) evaluate current high performance building technologies;

(2) provide recommendations concerning the most cost-effective green building technologies that the State might consider requiring in the construction of State facilities, including consideration of the additional cost associated with the various technologies;

(3) provide recommendations concerning how to expand green building in the State;

(4) develop a list of building types for which green building technologies should not be applied, taking into consideration the operational aspects of facilities evaluated, and the utility of a waiver process where appropriate;

(5) establish a process for receiving public input; and

(6) **(I)** [develop guidelines for new public school buildings to achieve the equivalent of the current version of the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating or a comparable rating system or building code as authorized in § 3–602.1 of this article without requiring an independent certification that the buildings have achieved the required standards] **ENSURE THAT STATE BUILDINGS, PUBLIC SCHOOLS, AND COMMUNITY**

1 COLLEGES THAT ARE REQUIRED TO MEET THE HIGH PERFORMANCE BUILDING
2 REQUIREMENTS UNDER § 3–602.1 OF THIS ARTICLE OR § 5–312 OF THE EDUCATION
3 ARTICLE MEET THOSE REQUIREMENTS; AND

4 (II) ON OR BEFORE JUNE 30, 2023, AND EACH YEAR
5 THEREAFTER, REPORT ON THE STATUS OF MEETING THE REQUIREMENTS UNDER
6 ITEM (I) OF THIS ITEM TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
7 AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION
8 COMMITTEE, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT
9 ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That any guidelines developed
11 before July 1, 2022, by the Maryland Green Building Council to implement § 4–809(f)(6) of
12 the State Finance and Procurement Article, as enacted by Section 1 of this Act, may not be
13 used for a new public school building to meet the high performance building requirements
14 under § 5–312 of the Education Article or § 3–602.1 of the State Finance and Procurement
15 Article, as enacted by Section 1 of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2022.