

# VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

## CHAPTER 473

An Act to amend and reenact §§ 2.2-1182 and 2.2-1183 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1804.1, relating to building standards for certain state and local buildings.

[H 2001]

Approved March 31, 2021

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1182 and 2.2-1183 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-1804.1 as follows:**

**§ 2.2-1182. Definitions.**

A. This article shall be known and may be cited as the High Performance Buildings Act.

B. As used in this article, unless the context requires a different meaning:

*"Centralized fleet" means the same as that term is defined in § 2.2-1173.*

*"High performance building certification program" means a public building design, construction, and renovation program that meets the requirements of VEES.*

*"Sufficient electric vehicle charging infrastructure" means provision or reservation of sufficient space to provide electric vehicle charging stations and related infrastructure, including transformers, service equipment, and large conduit, to support every centralized fleet vehicle that will be located at such building.*

*"VEES" means the Virginia Energy Conservation and Environmental Standards developed by the Department considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative "Green Globes" building standard, and other appropriate requirements as determined by the Department.*

**§ 2.2-1183. Building standards; exemption; report.**

A. Any executive branch agency or institution entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building, shall conform to VEES and the building shall be designed, ensure that such building:

1. Is designed, constructed, verified, and operated to comply with the high performance building certification program and VEES;

2. Has sufficient electric vehicle charging infrastructure. However, the provisions of this subdivision shall not apply to buildings located in the right-of-way of the Interstate System as that term is defined in § 33.2-100; and

3. Has features that permit the agency or institution to track the building's energy efficiency and associated carbon emissions, including metering of all electricity, gas, water, and other utilities.

B. Any executive branch agency or institution may exceed the design and construction standards required by subsection A, provided that such agency or institution obtains prior written approval from the Director of the Department.

C. The Director of the Department may grant an exemption from the design and construction standards required by subsection A upon a finding that special circumstances make the construction or renovation to the standards impracticable. Such exemption shall be made in writing and shall explain the basis for granting such exemption. If the Director cites cost as a factor in granting an exemption, the Director shall include a comparison of the cost the agency or institution will incur over the next 20 years if the agency does not comply with the standards required by subsection A versus the costs to the agency or institution if the agency or institution were to comply with such standards.

D. Each agency or institution shall submit an annual report to the Governor by January 1 of each year detailing the energy-efficiency and associated carbon emissions metrics for each building built or renovated in accordance with the design and construction standards required by subsection A and completed during the prior fiscal year.

**§ 15.2-1804.1. Building by locality; high performance standards.**

A. As used in this section:

*"Design phase" means the design of a building construction or renovation project, inclusive of the issuance of a request for proposal and the project budget approval.*

*"EV" means an electric vehicle.*

*"High performance building certification program" means a public building design, construction, and renovation program that achieves certification using the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) green building rating standard or the Green Building Initiative's "Green Globes" building standard, or meets the requirements of VEES.*

*"Sufficient ZEV charging and fueling infrastructure" means the provision of ZEV charging or fueling infrastructure, including EV-ready charging electrical capacity and pre-wiring, (i) sufficient to support every passenger-type vehicle owned by the locality and available for use by the locality that will be located at such building upon full occupancy, meet projected demand for such infrastructure during the first 10 years following building occupancy, or (ii) that achieves the current ZEV or EV charging credit for a high performance building certification program.*

*"VEES" means the Virginia Energy Conservation and Environmental Standards developed by the Department considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative "Green Globes" building standard, and other appropriate requirements as determined by the Department.*

*"ZEV" means a zero-emissions vehicle.*

*B. Any locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building, shall ensure that such building:*

*1. Is designed, constructed, verified, and operated to comply with a high performance building certification program;*

*2. Has sufficient ZEV charging and fueling infrastructure. In making a sufficiency determination, the locality may also consider the interest of the Commonwealth in providing infrastructure for nearby locations, geographical gaps in ZEV charging infrastructure, availability of incentives, and other factors;*

*3. Has features that permit the agency or institution to measure the building's energy consumption and associated carbon emissions, including metering of all electricity, gas, water, and other utilities; and*

*4. Incorporates appropriate resilience and distributed energy features.*

*C. Notwithstanding the provisions of subsection B, for any such construction or renovation of a building that is less than 20,000 gross square feet in size, the locality may instead ensure that such building achieves the relevant ENERGY STAR certification and implement mechanical, electrical, plumbing, and envelope commissioning.*

*D. Upon a finding that special circumstances make the construction or renovation to the standards impracticable, the governing body of such locality may, by resolution, grant an exemption from any such design and construction standards. Such resolution shall be made in writing and shall explain the basis for granting the exemption. If the local governing body cites cost as a factor in granting an exemption, the local governing body shall include a comparison of the cost the locality will incur over the next 20 years or the lifecycle of the project, whichever is shorter, if the locality does not comply with the standards required by subsection B versus the costs to the locality if the locality were to comply with such standards.*

*E. Any local governing body may, by ordinance, adopt its own green design and construction program that includes standards that are more stringent than any equivalent standard in subsection B. While such program remains in effect, the locality shall be deemed compliant with the provisions of this section.*

**2. That the provisions of § 15.2-1804.1 of the Code of Virginia, as created by this act, shall become effective for any locality with a population of less than 100,000 on July 1, 2023.**