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HOUSE BILL NO. 2001

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 21, 2021)

(Patron Prior to Substitute—Delegate Helmer)

A BILL 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 in Article 8 of Chapter 11 of Title 2.2 a section numbered 2.2-1184 and by adding a section numbered 15.2-1804.1, relating to building standards for certain state and local buildings.

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 in Article 8 of Chapter 11 of Title 2.2 a section numbered 2.2-1184 and by adding a section numbered 15.2-1804.1 as follows:

§ 2.2-1182. Short title; 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.

"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 centralized fleet vehicle that will be located at such building upon full occupancy and 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 and updated from time to time by the Department considering the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) green building rating standard, the Green Building Initiative's "Green Globes" building standard, and other appropriate requirements as determined by the Department. Such standards shall be no less stringent than the Uniform Statewide Building Code.

"ZEV" means a zero-emissions vehicle.

§ 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 a high performance building certification program;

2. Has sufficient ZEV charging and fueling infrastructure. In making a sufficiency determination, the executive branch agency or institution shall 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.

B. Any executive branch agency or institution may adhere to more stringent design and construction standards than are required by subsection A, including achieving a higher level of certification or by achieving net zero energy alongside green building certification, provided that such agency or institution notifies 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

60 basis for granting such exemption. If the Director cites cost as a factor in granting an exemption, the
61 Director shall include a comparison of the cost the agency or institution will incur over the next 20
62 years or the life of the project, whichever is shorter, if the agency does not comply with the standards
63 required by subsection A versus the costs to the agency or institution if the agency or institution were to
64 comply with such standards.

65 D. Each agency or institution shall submit an annual report to the Governor by January 1 of each
66 year detailing (i) the energy-efficiency and associated carbon emissions design metrics for each building
67 built or renovated in that year in accordance with the design and construction standards required by
68 subsection A and (ii) energy benchmarking data and associated carbon metrics from the most recent
69 year available for any building built or renovated prior to that year.

70 **§ 2.2-1184. High Performance Building Program; report.**

71 By January 1, 2022, and every two years thereafter, the Director shall prepare and submit a report
72 to the House Committee on General Laws regarding the implementation of this article. Such report shall
73 be published on the Department's website and shall contain information about:

74 1. The ongoing implementation of the provisions of this article by the Department, including
75 information on applicability and nonapplicability to projects of the Commonwealth, including projects at
76 institutions of higher education, compliance, policies, and practices implemented to achieve compliance
77 with high performance building certification programs, the performance of project buildings, and other
78 relevant information.

79 2. Local policies and practices implemented to achieve compliance with high performance building
80 certification programs, distinguishing policies and practices for K-12 schools from other local buildings.

81 **§ 15.2-1804.1. Building by locality; high performance standards.**

82 A. As used in this section:

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

85 "EV" means an electric vehicle.

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

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

96 "VEES" means the Virginia Energy Conservation and Environmental Standards developed and
97 updated from time to time by the Department considering the U.S. Green Building Council's Leadership
98 in Energy and Environmental Design (LEED) green building rating standard, the Green Building
99 Initiative's "Green Globes" building standard, and other appropriate requirements as determined by the
100 Department of General Services. Such Standards shall be no less stringent than the Uniform Statewide
101 Building Code.

102 "ZEV" means a zero-emissions vehicle.

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

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

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

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

115 4. Incorporates appropriate resilience and distributed energy features.

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

120 D. Upon a finding that special circumstances make the construction or renovation to the standards
121 impracticable, the governing body of such locality may, by resolution, grant an exemption from any such

122 *design and construction standards. Such resolution shall be made in writing and shall explain the basis*
123 *for granting the exemption. If the local governing body cites cost as a factor in granting an exemption,*
124 *the local governing body shall include a comparison of the cost the locality will incur over the next 20*
125 *years or the lifecycle of the project, whichever is shorter, if the locality does not comply with the*
126 *standards required by subsection B versus the costs to the locality if the locality were to comply with*
127 *such standards.*
128 *E. Any local governing body may, by ordinance, adopt its own green design and construction*
129 *program that includes standards that are more stringent than any equivalent standard in subsection B.*
130 *While such program remains in effect, the locality shall be deemed compliant with the provisions of this*
131 *section.*