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## SENATE BILL NO. 79

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations  
on February 6, 2024)

(Patron Prior to Substitute—Senator Favola)

A *BILL to amend and reenact §§ 2.2-1183 and 15.2-1804.1 of the Code of Virginia, relating to infrastructure for renewable energy systems for certain government buildings; net-zero energy consumption building design for schools; report.*

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

**1. That §§ 2.2-1183 and 15.2-1804.1 of the Code of Virginia are amended and reenacted as follows:**  
**§ 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 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; *and*

4. *Includes infrastructure for renewable energy systems.*

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. (For applicability, see Acts 2021, Sp. Sess. I, c. 473, cl. 2) 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

60 percent of the value of the building, shall ensure that such building:  
61 1. Is designed, constructed, verified, and operated to comply with a high performance building  
62 certification program;  
63 2. Has sufficient ZEV charging and fueling infrastructure. In making a sufficiency determination, the  
64 locality may also consider the interest of the Commonwealth in providing infrastructure for nearby  
65 locations, geographical gaps in ZEV charging infrastructure, availability of incentives, and other factors;  
66 3. Has features that permit the agency or institution to measure the building's energy consumption  
67 and associated carbon emissions, including metering of all electricity, gas, water, and other utilities; and  
68 4. Incorporates appropriate resilience and distributed energy features, *including infrastructure for*  
69 *renewable energy systems.*  
70 C. Notwithstanding the provisions of subsection B, for any such construction or renovation of a  
71 building that is less than 20,000 gross square feet in size, the locality may instead ensure that such  
72 building achieves the relevant ENERGY STAR certification and implement mechanical, electrical,  
73 plumbing, and envelope commissioning.  
74 D. Upon a finding that special circumstances make the construction or renovation to the standards  
75 impracticable, the governing body of such locality may, by resolution, grant an exemption from any  
76 such design and construction standards. Such resolution shall be made in writing and shall explain the  
77 basis for granting the exemption. If the local governing body cites cost as a factor in granting an  
78 exemption, the local governing body shall include a comparison of the cost the locality will incur over  
79 the next 20 years or the lifecycle of the project, whichever is shorter, if the locality does not comply  
80 with the standards required by subsection B versus the costs to the locality if the locality were to  
81 comply with such standards.  
82 E. Any local governing body may, by ordinance, adopt its own green design and construction  
83 program that includes standards that are more stringent than any equivalent standard in subsection B.  
84 While such program remains in effect, the locality shall be deemed compliant with the provisions of this  
85 section.  
86 **2. That the provisions of the first enactment of this act shall apply only (i) to projects entering the**  
87 **design phase on or after January 1, 2026, and (ii) where the legislative scope of such projects**  
88 **incorporates design elements and costs related to the infrastructure necessary for renewable energy**  
89 **systems.**  
90 **3. That the Virginia Department of Energy (the Department) shall convene a work group**  
91 **consisting of stakeholders with representation from K-12 schools, local governments, architects,**  
92 **engineers, and other relevant stakeholders to make recommendations on how to implement**  
93 **renovations to existing public school buildings and facilities. These recommendations shall include**  
94 **strategies for building the infrastructure necessary for renewable energy systems capable of**  
95 **providing most or all of the building's energy needs. The Department shall report the work**  
96 **group's findings and recommendations to the Chairmen of the Senate Committee on General Laws**  
97 **and Technology and the House Committee on General Laws by November 1, 2024.**