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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- BUILDING DECARBONIZATION ACT OF 2024

Introduced By: Senators Kallman, Valverde, DiMario, LaMountain, Lawson, Sosnowski,
Miller, Euer, McKenney, and Britto

Date Introduced: April 05, 2024

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings and purpose.

2 The purpose of this chapter is to understand and reduce the greenhouse gas emissions of
3 buildings in Rhode Island, consistent with an Act on Climate, chapter 6.2-9 of title 42. Of the
4 building stock in 2050, approximately seventy percent (70%) has already been built, and addressing
5 these existing buildings is critical to achieving net-zero emissions by 2050. While significant
6 retrofits to existing buildings will eventually be needed, this chapter establishes a program for the
7 energy benchmarking of large buildings in Rhode Island and a standard for their energy
8 performance and requires that the construction or alteration of new buildings be electric-ready.
9 Further, the intent of the legislature is to ensure that the Executive Climate Change Coordinating
10 Council (EC4) has dedicated resources sufficient to administer its responsibilities under this chapter
11 to enable swift and steady progress towards Rhode Island's net-zero mandate.

12 SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
13 amended by adding thereto the following chapter:

CHAPTER 27.5

BUILDING DECARBONIZATION ACT OF 2024

16 **23-27.5-1. Definitions.**

17 As used in this chapter:

18 (1) "Anonymized and aggregated usage data" means, for a specified time period, an
19 aggregation of utility usage data for a covered property whereby data from tenant meters and from

1 owner meters are combined into one collective data point for each utility type, and where any
2 unique identifiers or other personal information related to tenants are removed. Data for a covered
3 property may be anonymized and aggregated where there are three (3) or more unique non-
4 residential accounts or five (5) or more unique residential accounts.

5 (2) "BPS fund" means the building performance standard fund established in § 23-27.5-
6 4(d).

7 (3) "Building improvement tool" means an online tool to help building owners and
8 operators improve building energy and water efficiency and reduce greenhouse gas emissions
9 through identifying, tracking, and verifying improvements and their performance, including the
10 capability to integrate with ENERGY STAR Portfolio Manager.

11 (4) "Building performance standard" means an objectively verifiable numeric value of a
12 defined building performance metric that covered properties are required to achieve by specified
13 dates.

14 (5) "Commercial building" means a building or multiple buildings on a property of which
15 not less than fifty percent (50%) of the gross floor area, including hallways or other common space,
16 but excluding parking, is used for commercial, retail, office, professional, educational or other
17 nonresidential purposes, or any grouping of commercial buildings designated by the EC4 as an
18 appropriate reporting unit for the purposes of this section; provided however, that "commercial
19 building" shall not include a public facility or a building owned or leased by the federal government,
20 and shall not include a facility in which the majority of energy is consumed for manufacturing, for
21 the generation of electric power or district thermal energy to be consumed off site, for
22 communications infrastructure, or for other process loads as determined by the EC4.

23 (6) "Community impacted by poverty and environmental injustice" means census tracts
24 that are highlighted as overburdened and underserved in the geospatial Climate and Economic
25 Justice Screening Tool (CEJST).

26 (7) "Condominium" means a property that combines separate ownership of individual
27 units with common ownership of other elements such as common areas.

28 (8) "Covered property" means any of the following with at least twenty-five thousand
29 square feet (25,000 sq. ft.) of gross floor area:

30 (i) A single building;

31 (ii) One or more buildings held in the condominium form of ownership, and governed by
32 a single board of managers; or

33 (iii) Two (2) or more buildings that are served by the same electric or gas meter or are
34 served by the same heating or cooling system(s), which is not a district energy system. Provided

1 that buildings, spaces, or groups of buildings and spaces, that are sub-metered or otherwise subject
2 to easy determination of the resource consumption attributable to each individual building, space,
3 or group of buildings or spaces, shall be treated as separate "covered properties" as determined by
4 the EC4.

5 (9) "District energy system" means a system serving multiple covered properties and
6 consisting of non-combusting thermal energy generation, transfer, and distribution equipment
7 providing thermal energy in the form of heat and/or heat rejection.

8 (10) "Executive Climate Change Coordinating Council" (EC4) means the council
9 established by the Resilient Rhode Island Act of 2014, R.I.G.L. § 42-6.2-1, et seq.

10 (11) "Gross floor area" means the total area of a covered property, measured between the
11 outside surface of the exterior walls of the covered property building(s). The EC4 shall promulgate
12 rules and procedures governing the calculation of gross floor area, including areas that shall be
13 excluded from the calculation.

14 (12) "Owner" means any of the following:

15 (i) An individual or entity possessing title to a covered property;

16 (ii) The board of the owners' association, in the case of a condominium;

17 (iii) The master association, in the case of a condominium, where the powers of an owners'
18 association are exercised by or delegated to a master association;

19 (iv) The board of directors, in the case of a cooperative apartment corporation; or

20 (v) An agent authorized to act on behalf of any of the above.

21 (13) "Performance metrics" means each of the objectively verifiable numeric measures of
22 building performance as established by § 23-27.5-4(d).

23 (14) "Property type(s)" means a category of covered properties subject to the same interim
24 and final building performance standards, as defined by the EC4. Covered properties within each
25 property type shall have shared characteristics that facilitate the implementation and enforcement
26 of this law. The EC4 may define one or more property types to be identical to ENERGY STAR
27 property types.

28 (15) "Public facility" means any public institution, public facility, or any physical asset
29 owned, including its public real-property site, leased or controlled in whole or in part by this state,
30 a public agency, a municipality or a political subdivision, that is for public or government use and
31 that consumes energy.

32 (16) "Residential building" means a building or multiple buildings on a property of which
33 not less than fifty percent (50%) of the gross floor area, including hallways and other common
34 space serving residents, but excluding parking, is used for dwelling purposes, or any grouping of

1 residential buildings designated by the EC4 as an appropriate reporting unit for the purposes of this
2 chapter; provided, however, that "residential building" shall not include a public facility or a
3 building owned or leased by the federal government.

4 (17) "Tenant" means any tenant, tenant-stockholder of a cooperative apartment
5 corporation, or condominium unit owner.

6 (18) "Utility" means a company, cooperative, association, or government entity that
7 distributes and sells electricity, natural gas, or district energy for use in buildings.

8 **23-27.5-2. Authority.**

9 The EC4 shall be granted additional authority to administer this chapter, which shall
10 include the authority to issue forms and guidance, promulgate rules and regulations, apply for and
11 receive federal funds, assess and receive fees, and contract with third parties to effectuate the
12 powers granted herein.

13 **23-27.5-3. Advisory Boards.**

14 (a) For purposes of this chapter, the green building advisory committee (GBAC)
15 established by § 37-24-5(g) shall act as an advisory board to the EC4 concerning the
16 implementation of this chapter including, but not limited to, the establishment of the benchmarking
17 requirements, technical assistance, owner needs, outreach and education, opportunities for funding
18 related to the chapter, the implementation of state policies, programs, and statutes related to the
19 chapter and recommendations for building performance standards.

20 (b) No later than one hundred and twenty (120) days following the enactment of this
21 chapter the EC4 shall establish the environmental justice advisory board (EJAB) to advise the EC4
22 on climate change efforts with respect to potential impacts on, benefits to, and special
23 considerations for individuals and communities impacted by poverty and environmental injustice.

24 (1) The EJAB shall be comprised of no fewer than nine (9) and no more than fifteen (15)
25 individuals who are representatives of communities impacted by poverty and environmental
26 injustice, representatives of nonprofit and public agencies who work with such individuals or
27 communities, including providers of affordable housing, small business owners or organizations,
28 and experts in areas related to racial and social equity, as well as one representative from the Rhode
29 Island AFL-CIO. The EC4 shall select individuals in consultation with the EC4 advisory board,
30 following an opportunity for the public to apply in consultation with the EC4 advisory board.

31 (2) All appointments to the EJAB shall be for a term of three (3) years. Members whose
32 appointed terms have expired shall be permitted to continue to serve for up to one year until
33 reappointed or replaced by a new appointee.

34 (3) The EC4 shall fairly compensate EJAB members and provide stipends to cover the cost

1 of childcare and information technology needs as determined by the EJAB and EC4.

2 (4) The EJAB shall advise the EC4 on the implementation of this chapter with respect to
3 potential impacts on, benefits to, and special considerations for individuals and communities
4 impacted by poverty and environmental injustice, and small business owners from such
5 communities.

6 (5) The EJAB may develop a plan to allocate funds available in the BPS fund, established
7 under § 23-27.5-4(d), to improve the performance of covered buildings and ensure that those
8 investments benefit such communities.

9 (6) The EJAB may host, in partnership with the GBAC and the EC4, public meetings to
10 gather input regarding the benchmarking program as well as the design and implementation of the
11 building performance standards and complementary programs. Equitable engagement shall be a
12 priority.

13 **23-27.5-4. Building Benchmarking.**

14 (a) There is established an energy use benchmarking program to collect and analyze such
15 information in support of the statewide greenhouse gas emission reduction mandate provided in
16 chapter 6.2 of title 42 ("act on climate").

17 (b) The program shall be conducted to determine whether each building subject to the
18 program utilizes more or less energy, and emits more or less greenhouse gases, than buildings of
19 comparable size, occupancies and uses, and to inform a statewide analysis of energy use trends and
20 opportunities to increase energy efficiency and reduce greenhouse gas emissions.

21 (c) Information to be collected in the benchmarking program and generally referred to as
22 "energy use information" shall include at a minimum:

23 (1) The name, mailing address, email, and telephone number of the owner, and the operator
24 if different from the owner;

25 (2) The address of the building and the municipality in which the building is located;

26 (3) The primary use, any additional uses, and gross floor area of the building;

27 (4) The building's total energy use in kBtu and total greenhouse gas emissions in pounds
28 of carbon dioxide equivalent;

29 (5) The breakdown of the building's energy use by electricity, gas, and other sources, and
30 any electricity generated by on-site renewable sources; and

31 (6) An energy performance rating or assessment score.

32 (d) The EC4 shall issue forms, guidance, or regulations as needed, to implement this section
33 including provisions related to compliance. The EC4 shall issue provisional guidance for public
34 facilities greater than twenty-five thousand square feet (25,000 sq. ft.) by July 1, 2026. The EC4

1 shall propose forms, guidance, or regulations as needed, for all covered properties by April 1, 2027,
2 and shall make all efforts to issue final forms, guidance, or regulations as needed, for all covered
3 properties by July 1, 2026.

4 (1) The EC4 may designate one or more alternative energy use benchmarking tools.

5 (2) The EC4 shall define one or more energy performance ratings or scores to aid building
6 owners, operators, the general public, and the EC4 in understanding the energy of greenhouse gas
7 emissions performance of the building relative to similar buildings.

8 (3) The EC4 shall identify the required information which shall include at a minimum, the
9 energy use information listed in subsection (c) of this section, and at least one of the energy
10 performance ratings or scores defined by the EC4, as well as necessary administrative information
11 such as the owner and operator of the building, contact information, and similar items.

12 (4) The EC4 shall promulgate regulations and procedures governing the calculation of
13 gross floor area, including areas that shall be excluded from the calculation.

14 (5) The EC4 shall promulgate regulations and procedures for the submission of required
15 information and may provide multiple alternatives for the form of submission, such as a paper form
16 and submission electronically via an online portal, and shall endeavor to streamline the submission
17 processes as appropriate.

18 (6) The EC4 shall promulgate regulations and procedures on data verification options for
19 required information.

20 (7) The EC4 may consider modeling property types, use details and other definitions
21 provided in the ENERGY STAR Portfolio Manager glossary.

22 (e) The EC4 shall provide technical support and guidance to owners and operators of
23 buildings subject to this section.

24 (1) The EC4 shall identify one or more building improvement tools as voluntary
25 complementary software or platforms that in the EC4's judgment can assist building owners and
26 operators in improving building performance and which may be public or private sector tools.

27 (2) The EC4 shall provide technical support and assistance on the use of the energy use
28 benchmarking tool and the building improvement tool, as well as building energy assessment,
29 improvement, and financial tools.

30 (3) Technical support and assistance may be provided directly and through contract and the
31 EC4 may consider a technical assistance hub.

32 (4) The EC4 may coordinate with the department of environmental management (DEM)
33 for enforcement of the building performance standards, and the standards and requirements set forth
34 herein.

1 (5) The EC4 may apply for relevant federal funding opportunities in support of this chapter
2 and may partner with nonprofit organizations and associations to make such an application if
3 beneficial.

4 (f) In administering this section, the EC4 may:

5 (1) Designate subcategories of buildings based on common characteristics such as building
6 use, and may establish different reporting requirements for subcategories; and

7 (2) Consider whether tenant-occupied units or spaces are separately metered and may
8 address such conditions in any forms, instructions, or responses to questions.

9 (g) The EC4 shall provide to owners instructions regarding tenant energy consumption
10 data, including best practices for lease provisions and for estimates where obtaining metered data
11 is not practicable.

12 (h) Not later than the deadlines provided in subsections (k)(1) through (k)(3), beginning in
13 the year indicated, the owner of each covered property shall submit to the EC4 energy use
14 information for each covered property. Such submission shall include additional required
15 information, if any, identified by the EC4 and shall be in the form and manner, if any, prescribed
16 by the EC4. The failure of the EC4 to issue guidance shall not excuse owners of this obligation.

17 (i) When an owner submits required information accompanied by evidence of data
18 verification by a third party per regulations issued pursuant to this section, the owner shall have an
19 additional three (3) months beyond the dates indicated in subsection (k)(2) of this section to report.

20 (j) Within one hundred eighty (180) days of enactment of this chapter, the EC4 shall host
21 a workshop to explain the benchmarking requirements contained within this chapter. The EC4 shall
22 invite representatives from the Rhode Island League of Cities and Towns, the Rhode Island AFL-
23 CIO, municipal building code officials, municipal planning officials, and other interested parties
24 identified by the commissioner of the EC4.

25 (k)(1) For public facilities with gross floor area greater than twenty-five thousand square
26 feet (25,000 sq ft), the first compliance date is April 1, 2027, for calendar year 2025 energy use
27 information, and thereafter the annual compliance date is April 1 for the prior calendar year.

28 (2) For covered properties with gross floor area greater than fifty thousand square feet
29 (50,000 sq ft), the first compliance date is March 31, 2027, for calendar year 2026 energy use
30 information, and thereafter the annual compliance date is March 31 for the prior calendar year.

31 (3) For covered properties with gross floor area greater than twenty-five thousand square
32 feet (25,000 sq ft), the first compliance date is March 31, 2028, for calendar year 2027 energy use
33 information, and thereafter the annual compliance date is March 31 for the prior calendar year.

34 (l) To the extent permitted by law, an electric distribution company as defined in § 39-1-

1 2(a)(12) or gas distribution company included as a public utility in § 39-1-2(a)(20) that has greater
2 than one hundred thousand (100,000) customers shall make available to owners of covered
3 properties anonymized and aggregated usage data for owner's covered property for the purpose of
4 compliance with this chapter. By nature of being aggregated, the intent is to anonymize individual
5 tenant energy use information, and not disclose this or any other personal information related to
6 tenant customers or their accounts.

7 (m) To the extent that gas and electric companies incur new or additional expenses to
8 collect, aggregate, organize, or provide energy use information under this chapter, prior to filing
9 for cost recovery, must first demonstrate good faith efforts to secure federal, state, or other relevant
10 funding options. Thereafter, such additional expenses shall be eligible for cost recovery through
11 rates charged to customers under the appropriate cost recovery mechanisms as determined by the
12 public utilities commission.

13 (n) Electric and gas distribution utilities shall collaborate with the EC4 to identify best
14 practices for collecting and managing aggregated whole building data.

15 (o) The EC4 shall endeavor to ensure that electric and gas distribution companies or other
16 energy efficiency program administrator provide owners of buildings subject to this section with
17 up-to-date information about energy efficiency opportunities or actions available to increase energy
18 efficiency, including incentives in utility-administered or other energy efficiency programs and
19 changes in energy assessment technology.

20 **23-27.5-5. Municipal implementation of building energy benchmarking**
21 **requirements.**

22 (a) The EC4 shall establish procedures, including a process and conditions, for a
23 municipality to apply to the EC4 for the right to implement, in place of the EC4, the building energy
24 benchmarking requirements. Such conditions shall include, at a minimum, acceptance of
25 responsibility to collect the information specified by the EC4 from the covered property owners on
26 the schedule specified by the EC4, and the provision of benchmarking data to the EC4 annually.

27 (b) The EC4 shall review any application from a municipality to implement the building
28 energy benchmarking requirements and the EC4 may deny a request if it is not satisfied that the
29 conditions in subsection (a) of this section are met. A denial must include a finding of facts and
30 final determination that the municipal plan does not meet the requirements of this section.

31 (c) A municipality that is approved to implement the building energy benchmarking
32 requirements shall be authorized to assess any fines related to the program as provided in the
33 approval by the EC4. Funds collected by a municipality shall be retained by the municipality.

34 (d) The EC4 shall evaluate any municipal programs established under this subsection at

1 least once every five (5) years and may withdraw its approval if municipal programs fail to comply
2 with those conditions.

3 (e) In the case of a municipality that has initiated a building energy benchmarking
4 requirement prior to the enactment of this law, the municipality may continue such program in lieu
5 of the benchmarking requirements to be established by the EC4. In such case, the municipality must
6 notify the EC4 of such intent within one hundred eighty (180) days of the enactment of this chapter
7 and must provide benchmarking data to the EC4 annually thereafter.

8 **23-27.5-6. Building performance improvement.**

9 (a) On a regular basis, the EC4 shall evaluate data relevant to understanding the energy use
10 and greenhouse gas emissions of buildings in Rhode Island, including, but not limited, to the
11 benchmarking data collected under this chapter. The EC4 shall publish reports summarizing the
12 data and the status of building emissions in Rhode Island biennially. Beginning no later than August
13 31, 2028, and annually thereafter, the EC4 shall post benchmarking data for the prior calendar year.
14 Such posted benchmarking data shall include, at a minimum, for each covered property required to
15 submit energy use information for the given calendar year, the address of the covered property and
16 its energy performance rating or assessment score.

17 (b) No later than August 31, 2028, the EC4 shall publish a report including a summary of
18 its activities and progress under this chapter and detailing recommended measures, policies and
19 programs to achieve building emission reductions aligned with Rhode Island's net zero goal. The
20 EC4 shall issue supplemental reports biennially for a period of twenty (20) years.

21 (c) Performance metrics shall include site energy use intensity and may also include
22 greenhouse gas emissions or other metrics relevant to the purpose of this chapter.

23 (d) No later than June 30, 2029, the EC4 shall select performance metrics and set a building
24 performance standard for each property type or subcategory.

25 (e) The EC4 shall set final building performance standards that shall collectively cause the
26 aggregate greenhouse gas emissions attributable to all covered properties to be reduced in line with
27 reaching net zero by 2050.

28 (f) The EC4 shall set interim building performance standards for covered properties that
29 are applicable at the end of each five (5) year period between adoption and 2050. In doing so the
30 EC4 may use a straight-line trajectory, from the covered property's baseline performance for each
31 performance metric to the final building performance standard for that performance metric such
32 that each calculated performance metric shall improve in equal increments during each five (5) year
33 period. The EC4 may use other means to calculate interim building performance standards if it
34 deems the straight-line trajectory approach ill-suited for a covered property type.

1 (g) As of June 30, 2034, and at the end of every five (5) year period thereafter, the owner
2 of a covered property shall demonstrate progress toward each applicable final building performance
3 standard by achieving the interim building performance standard(s) set by the EC4 for the covered
4 property.

5 (h) If the owner of a covered property believes it cannot reasonably meet one or more of
6 the applicable interim or final building performance standards, then the owner may propose a
7 building performance action plan to the EC4. If the EC4 approves a building performance action
8 plan for a covered property, it shall comply with this law so long as the approved plan's terms are
9 fulfilled prior to the next compliance date.

10 (i) The EC4 shall issue forms, guidance and promulgate regulations necessary to implement
11 this section including requirements for building performance action plans.

12 (j) In consultation with the EJAB, the EC4 shall provide technical assistance for owners
13 lacking the financial, operational, or technical capacity to meet interim or final building
14 performance standards. To the extent possible, such assistance shall include information on
15 potential loan, grant, and other financing options for owners.

16 (k) The EC4 shall coordinate with utility companies, energy efficiency program
17 administrators, the public utilities commission, state agencies, and local governments, as
18 appropriate, to support the implementation of its recommendations pursuant to this section.

19 (l) In the case of a municipality that has initiated a building energy performance
20 requirement prior to the enactment of this law, the municipality may continue such program in lieu
21 of the requirements to be established by the EC4 under this section. In such case, the municipality
22 must notify the EC4 of such intent within one hundred eighty (180) days of the enactment of this
23 chapter and must provide program and performance information to the EC4 annually thereafter.

24 **23-27.5-7. Compliance assurance.**

25 (a) The EC4 shall establish a program to maximize owner compliance with this chapter.
26 The EC4 shall issue forms, guidance and promulgate regulations as necessary to implement the
27 compliance program, and shall revise such forms, guidance and regulations from time to time as
28 needed.

29 (b) The EC4 may grant an extension, adjustment or exemption to an interim or final
30 building performance standards for a covered property whose owner submits a request, together
31 with documentation, in a form and date prescribed by the EC4, if the covered property meets any
32 of the following criteria:

33 (1) A demolition permit was issued, or demolition is planned, that will prevent achievement
34 of the next interim building performance standard;

1 (2) The covered building did not have a certificate of occupancy or temporary certificate
2 of occupancy for all twelve (12) months of the baseline year prior to the interim building
3 performance standard compliance schedule;

4 (3) The covered property is in financial hardship, as defined guidance or regulations issued
5 by the EC4; or

6 (4) The EC4 determines that strict compliance with the provisions of this law would cause
7 financial hardship or would not be in the public interest.

8 Any extension, adjustment or exemption shall apply only to the specific interim or final
9 building performance standard and shall expire no later than the end of the relevant five (5) year
10 period.

11 (c) The EC4 shall establish penalties for violations of this chapter through promulgation of
12 regulations issued pursuant to this chapter. In doing so, the EC4 shall endeavor to minimize
13 disproportionate impacts on communities impacted by poverty and environmental injustice. The
14 EC4 may coordinate with the department of environmental management (DEM) for enforcement
15 of the building performance standards, and the standards and requirements herein.

16 (d) Pursuant to each of the benchmarking requirements and the building performance
17 standards established under this chapter, the EC4 shall establish in regulations the process and
18 criteria for a building owner to apply for, and for the EC4 to grant or deny:

19 (1) A deadline extension; and/or

20 (2) A hardship waiver.

21 (e) The EC4 shall establish penalties for covered properties for violation of benchmarking
22 requirements and for violation of building performance standards. Such payment amounts or
23 formula shall reflect:

24 (1) The total number of annual benchmarking submissions which a covered property has
25 failed to achieve;

26 (2) The total number of interim and final building performance standards which a covered
27 property has failed to achieve;

28 (3) The assessed value of the covered property; and

29 (4) The magnitude of non-compliance under each performance metric.

30 (f) An owner whose covered property fails to comply with benchmarking requirements or
31 meet an interim or final building performance standard by the applicable compliance date shall be
32 required to make a penalty payment. Any owner who does not reside or conduct their business in
33 the covered property, but leases the covered property to a tenant or multiple tenants, shall remain
34 the party responsible for ensuring compliance with this section. Any penalty payments rendered as

1 a result of non-compliance shall not be passed on to any tenant who may lease the covered property
2 in order to offset the cost to the owner.

3 (g) The BPS fund shall be established as a permanent designated fund managed by the
4 EC4. The BPS fund shall be used to support the building benchmarking and performance
5 improvement program established in this law.

6 (1) All funds collected from payment of penalties assessed shall be deposited into the BPS
7 fund.

8 (2) All funds deposited into the BPS fund, and any interest earned on the funds, shall not
9 revert to the unrestricted fund balance of the general fund at the end of a fiscal year, or at any other
10 time, but shall be continually available for the uses and purposes set forth in this chapter without
11 regard to fiscal year limitation.

12 (3) Additional funds from other sources may also be deposited into the BPS fund.

13 **23-27.5-8. Appeals.**

14 An owner aggrieved by this section or compliance orders resulting therefrom may appeal
15 pursuant to the administrative procedures act, § 42-35-15.1.

16 SECTION 3. Chapter 23-27.3 of the General Laws entitled "State Building Code" is hereby
17 amended by adding thereto the following sections:

18 **23-27.3-130. Electric-ready new buildings.**

19 The purpose of this section is to require that all new buildings be electric-ready.

20 **23-27.3-130.1. Definitions.**

21 As used in this chapter:

22 (1) "Addition" means a significant extension or increase in the conditioned space floor area,
23 number of stories or height of a building or structure.

24 (2) "Alteration" means any construction, retrofit or renovation to an existing structure other
25 than repair or addition. Also, a change in a building, or a building's electrical, gas, mechanical or
26 plumbing system that involves a significant extension, addition or change to the arrangement, type
27 or purpose of the original installation that requires a permit.

28 (3) "Building energy needs" means all space conditioning including heating and cooling,
29 water heating including pools and spas, cooking appliances and clothes drying appliances.

30 (4) "Electric ready" means a building, project, or portion thereof that contains electrical
31 systems and designs that provide sufficient capacity for a future retrofit of a mixed-fuel building to
32 an all-electric building, including sufficient space, drainage, electrical conductors or raceways, bus
33 bar capacity, and overcurrent protective devices for such retrofit.

34 (5) "Initial application" means the first site or building permit application for the building

1 or project.

2 (6) "Local approval" means a provision has been incorporated by reference into the
3 municipal code of ordinances by the legislative body of the municipality. Provision may be
4 included as a general or zoning ordinance or bylaws.

5 (7) "Mixed-fuel building" means a building that uses a combination of electricity and fossil
6 fuels to meet building energy needs. For the purposes of this section, "mixed-fuel building" shall
7 not include buildings that use geothermal or solar energy to meet heating and/or cooling building
8 energy needs; provided, however, that they are otherwise all-electric buildings.

9 (8) "Mixed-use building" means a building used for both residential and commercial
10 purposes.

11 (9) "NACC and AGMT" means the North American Contractor Certification and
12 Architectural Glass and Metal Technicians Contractor Certification.

13 (10) "Repair" means the reconstruction or renewal of any part of an existing building for
14 the purpose of its maintenance, or to upgrade or correct damage.

15 (11) "Renovation" means any major construction or retrofit to existing structure other than
16 a repair. Renovation also means a change in a building, or a building's electrical, gas, mechanical
17 or plumbing system that involves a significant extension, addition, or change to the arrangement,
18 type or purpose of the original installation that requires a permit.

19 **23-27.3-130.2. Requirement for electric-ready construction of new buildings.**

20 No city or town shall issue a permit for the new construction or alteration of any residential,
21 commercial, or mixed-use building that is not electric-ready if the initial application for such permit
22 was submitted after January 30, 2025, unless the circumstances set forth in § 23-27.5-130.5 apply.

23 **23-27.3-130.3. Requirement for all-electric ready construction of public buildings.**

24 (a) No permit shall be issued for new public building construction or alteration projects
25 that are not electric-ready if the initial application for such permit was submitted after December
26 31, 2024, unless the circumstance set forth in § 23-27.5-130.5 apply.

27 (b) This subsection is applicable to the new construction or alteration of all buildings
28 owned by the State of Rhode Island, its political subdivisions including municipalities, any quasi-
29 public agencies, including buildings owned by the state and managed by other entities.

30 (1) The awarding authority of any project under this chapter shall take all necessary actions
31 to ensure that each contractor and subcontractor involved in new public building construction
32 projects or alteration projects over five million dollars (\$5,000,000) requires all contractors and
33 subcontractor on the project to have or be affiliated with a non-provisionally approved registered
34 apprenticeship program as defined in 29 CFR et seq. and also require that not less than fifteen (15)

1 percent of the total hours worked by the contractors' and subcontractors' employees to be completed
2 by apprentices registered in registered apprenticeship programs as defined herein. The awarding
3 agency may lower the fifteen (15) percent requirement only if it determines in writing that
4 compliance is not feasible or that it would be unduly cost prohibitive to the project.

5 (2) The awarding authority of any project under this chapter shall conduct an independent,
6 objective, reasoned study, using reviewable criteria, to determine whether adoption of a project
7 labor agreement on the proposed project or projects will help achieve the goals of the state
8 purchases act, for all new public building construction projects or alteration projects over twenty-
9 five million dollars (\$25,000,000)

10 **23-27.3-130.4. Exemptions.**

11 (a) Notwithstanding the provisions of this chapter, a permit for construction of a new
12 mixed-fuel building may be issued upon a finding by the permitting body that constructing an all-
13 electric building or project is physically or technically infeasible and that a modification is
14 warranted. Financial considerations shall not be a sufficient basis to determine physical or technical
15 infeasibility. Modifications shall only be issued under this exception where the permitting body
16 finds that:

17 (1) Sufficient evidence was submitted to substantiate the infeasibility of an all-electric
18 building or project design. Such evidence shall show that the building either:

19 (i) Cannot satisfy necessary building code requirements without the usage of gas or oil
20 piping systems, fixtures and/or infrastructure; or

21 (ii) If the building is specifically designated for occupancy by commercial or industrial
22 uses which cannot feasibly operate using commercially available all-electric appliances; or

23 (iii) If mixed fuel is used to meet building energy needs and said building or group of
24 buildings are for the sole use as a hospital, medical facility, or laboratory for biological research.

25 (2) The installation of natural gas or oil piping systems, fixtures and/or infrastructure is
26 strictly limited to the system and area of the building for which an all-electric building or project
27 design is infeasible.

28 (3) The area or service within the project where gas or oil piping systems, fixtures and/or
29 infrastructure are installed is all-electric ready.

30 (4) The project's modified design provides equivalent health, safety, and fire protection to
31 an all-electric building or project design.

32 **23-27.3-130.5. Rules and regulations.**

33 The state building code commission shall propose guidelines for electric-ready buildings
34 by September 1, 2024, and shall make all efforts to promulgate final rules by December 1, 2024.

1 SECTION 4. This act shall take effect upon passage.

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LC004319/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- BUILDING DECARBONIZATION ACT OF 2024

1 This act would establish a program for the energy and water benchmarking of large
2 buildings in Rhode Island and a standard for their energy performance. Further, the intent of the
3 legislature is to ensure that the office of energy resources has dedicated resources sufficient to
4 administer its responsibilities under this chapter to enable swift and steady progress towards Rhode
5 Island's net-zero mandate.

6 This act would take effect upon passage.

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LC004319/SUB A/2
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