

LISA M. FERRETTO, AIA, LEED AP BD+C, WELL AP, Eco-Districts AP, GGP

January 18, 2021

The Honorable Paul Pinsky
Chair of the Education Health and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Letter of Support for SB 0228 Capital Projects – High Performance and Green Buildings – Alterations (Green Building Restoration Act)

Dear Chairman Pinsky and members of the EHEA Committee;

Thank you for the opportunity to provide testimony in support of Senate Bill 0228, the Green Building Restoration Act which amends and clarifies the requirements and intent of the Maryland High Performance Building Act. Last session, this bill was known as SB 655 and passed the Senate, but was thwarted by Coronavirus.

I am a sustainability architect and advocate, and am a member of both the AIA, American Institute of Architects, as well as USGBC, the U.S. Green Building Council. I served as a member of the MD Green Building Council (MDGBC) for three years and am now currently a Sustainability Commissioner for Baltimore City. As parts of both groups, I have worked in task forces to review codes and rating systems in detail, to facilitate paths to find equivalency with LEED Silver legislation.

Senate Bill 0228 restores the intent of the Maryland High Performance Building Act by 3 main alterations /amendments. The first removes section 4-809 (6), the language added as part of HB 1783 in 2019. This unnecessary section required the MDGBC to *“develop guidelines for new public-school buildings to achieve the equivalent of ... LEED... without requiring an independent certification.”* This language is not needed as the existing law did not require independent certification. In 2014, while I was on the MDGBC, we updated the Green Building Program to include a path without certification, the IgCC, the International Green Construction Code. As stated in the [MDGBC IgCC Supplement](#): *“The State of Maryland has enabled use of the ... (IgCC) for all state and local jurisdictions ... The Maryland Green Building Council has adopted the IgCC as amended ... as an alternate compliance path to the minimum LEED Silver Certification for buildings developed under the State High Performance Buildings Act.”* This new path, the IgCC, does not require independent certification – but has a code framework in place to ensure equivalency with LEED Silver. The addition of this confusing 4-809 (6) language and the subsequent “guidelines” developed, allows Public Schools to have the architect or engineer of record to simply state that the project complies with one of the rating systems without documentation or validation. Removing this language in this bill restores the original intent of State accountability by simply reverting to the following previous compliance paths:

1. Without an independent third-party certification
 - a. IgCC as amended by the MDGBC
2. With an independent third-party certification
 - a. LEED Silver
 - b. 2 Green Globes

SB 0228 also amends the percentage of state funding required. The existing bill stated that only capital projects *“funded solely”* with State funds are required to meet the High Performance Building Act. This

created a loophole, where if projects received a small amount of outside funding from other sources, they did not have to comply. This amendment changes the requirement to *“25% of the funding”* from the State, which aligns the funding requirement with other bills and restores the intent of State responsibility.

SB 0228 also amends the LEED certification level required for Schools (and Public Safety Buildings) located in rural areas that choose to follow the LEED compliance path. Within the LEED rating system, approximately 10 points are awarded to projects that are located in urban areas with density and quality transit –the difference between a “Certified” and “Silver” rating. As a Sustainability advocate, I understand the reason for rewarding development located in urban areas – the benefits of reduced infrastructure and reduced carbon emissions due to transportation. However, as an advocate for Equity, this presents an injustice to rural schools. Just as people cannot determine their race or zip code into which they are born, School districts cannot choose the location of their school. Schools on the Eastern Shore, should not have to find an additional 10 points to compensate for points other urban schools are achieving just by their location – and which both schools cannot control. This bill amends the requirement for rural schools (and public safety buildings), following the LEED path, from a “Silver” to “Certified” rating and restores equity across State buildings.

The amendments of SB 0288, the Green Building Restoration Act, restores the intent of the original High-Performance Bill. It ensures that Maryland continues to be an accountable and responsible Sustainability leader, protecting our state finances (including taxpayers’ investments), the natural environment of our beautiful State, and most importantly the people – equity across the counties for improved student health, wellbeing, and academic performance.

Sincerely;

A handwritten signature in black ink, reading "Lisa M. Ferretto". The signature is written in a cursive style with a large initial "L" and "F".

Lisa M. Ferretto, AIA, LEED AP BD+C, WELL AP, Eco-Districts AP, GGP