

# HOUSE BILL 1165

P1, F1  
HB 86/21 – APP

2lr1995  
CF SB 588

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By: **Delegate Forbes**

Introduced and read first time: February 11, 2022

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Capital Projects – High Performance and Green Buildings**

3 FOR the purpose of altering the definition of “high performance building” to include certain  
4 schools and public safety buildings; altering the definition of “major renovation” to  
5 mean a renovation of a certain size or value or resulting in a change in occupancy or  
6 replacement of certain utility installations; altering the type of capital projects to  
7 which certain high performance building standards apply; repealing a requirement  
8 that the Maryland Green Building Council develop certain guidelines for new public  
9 school buildings; requiring the Maryland Green Building Council to ensure that  
10 certain State buildings, public schools, and community colleges meet certain high  
11 performance building requirements; prohibiting the use of certain guidelines for a  
12 new public school building to meet certain high performance building requirements;  
13 and generally relating to high performance building requirements and green  
14 building guidelines.

15 BY repealing and reenacting, without amendments,  
16 Article – Education  
17 Section 5–312  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2021 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – State Finance and Procurement  
22 Section 3–602.1(a) and (c) and 4–809(f)  
23 Annotated Code of Maryland  
24 (2021 Replacement Volume)

25 BY repealing and reenacting, without amendments,  
26 Article – State Finance and Procurement  
27 Section 3–602.1(e) and 4–809(a)  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2021 Replacement Volume)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
3 That the Laws of Maryland read as follows:

4 **Article – Education**

5 5–312.

6 (a) In this section, “high performance building” has the meaning stated in §  
7 3–602.1 of the State Finance and Procurement Article.

8 (b) This section applies to the construction of new schools that have not initiated  
9 a Request For Proposal for the selection of an architectural and engineering consultant on  
10 or before July 1, 2009.

11 (c) Except as provided in subsection (d) of this section, a new school that receives  
12 State public school construction funds shall be constructed to be a high performance  
13 building.

14 (d) (1) The Interagency Commission shall establish a process to allow a school  
15 system to obtain a waiver from complying with subsection (c) of this section.

16 (2) The waiver process shall:

17 (i) Include a review by the Interagency Commission to determine if  
18 the construction of a high performance building is not practicable; and

19 (ii) Require the approval of a waiver by the Interagency Commission.

20 (e) For fiscal years 2010 through 2014 only, the State shall pay 50% of the local  
21 share of the extra costs, identified and approved by the Interagency Commission, that are  
22 incurred in constructing a new school to meet the high performance building requirements  
23 of this section.

24 (f) The Interagency Commission shall adopt regulations to implement the  
25 requirements of this section.

26 **Article – State Finance and Procurement**

27 3–602.1.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) “High performance building” means a building that:

30 (i) [meets or exceeds] **ACHIEVES AT LEAST A SILVER RATING**

1 ACCORDING TO the [current] MOST RECENT version of the U.S. Green Building Council's  
2 LEED (Leadership in Energy and Environmental Design) Green Building Rating System  
3 [Silver rating];

4 (II) IS A SCHOOL OR PUBLIC SAFETY BUILDING THAT:

5 1. ACHIEVES AT LEAST A CERTIFIED RATING  
6 ACCORDING TO THE MOST RECENT VERSION OF THE U.S. GREEN BUILDING  
7 COUNCIL'S LEED GREEN BUILDING RATING SYSTEM; AND

8 2. BASED ON THE BUILDING'S LOCATION, ACHIEVES 5  
9 POINTS OR LESS IN THE COMBINED CREDITS FOR ACCESS TO QUALITY TRANSIT AND  
10 SURROUNDING DENSITY AND DIVERSE USES;

11 [(ii)] (III) achieves at least a comparable numeric rating according  
12 to a nationally recognized, accepted, and appropriate numeric sustainable development  
13 rating system, guideline, or standard approved by the Secretaries of Budget and  
14 Management and General Services; or

15 [(iii)] (IV) complies with a nationally recognized and accepted green  
16 building code, guideline, or standard reviewed and recommended by the Maryland Green  
17 Building Council and approved by the Secretaries of Budget and Management and General  
18 Services.

19 (3) "Major renovation" means the renovation of a building where:

20 (i) [the building shell is to be reused for the new construction] THE  
21 RENOVATION EXCEEDS 50% OF THE BUILDING AREA;

22 (ii) [the heating, ventilating, and air conditioning (HVAC),  
23 electrical, and plumbing systems are to be replaced] THE VALUE OF THE RENOVATION  
24 EXCEEDS 50% OF THE ASSESSED VALUE OF THE BUILDING; [and]

25 (iii) [the scope of the renovation is 7,500 square feet or greater]  
26 THERE IS A CHANGE IN OCCUPANCY LOAD OR OCCUPANCY CLASSIFICATION; OR

27 (IV) THE HEATING, VENTILATING, AND AIR CONDITIONING  
28 (HVAC), PLUMBING, OR ELECTRICAL SYSTEM IS BEING REPLACED.

29 (c) (1) This subsection applies to:

30 (i) capital projects [that are funded solely with] FOR WHICH MORE  
31 THAN 25% OF THE FUNDING FOR THE ACQUISITION, CONSTRUCTION, OR  
32 RENOVATION OF THE PROJECT IS FROM State funds; and

1 (ii) community college capital projects that receive State funds.

2 (2) Except as provided in subsections (d) and (e) of this section, if a capital  
3 project includes the construction or major renovation of a building that is 7,500 square feet  
4 or greater, the building shall be constructed or renovated to be a high performance building.

5 (e) (1) The Department of Budget and Management and the Department of  
6 General Services shall jointly establish a process to allow a unit of State government or a  
7 community college to obtain a waiver from complying with subsection (c) of this section.

8 (2) The waiver process shall:

9 (i) include a review by the Maryland Green Building Council  
10 established under § 4–809 of this article, to determine if the use of a high performance  
11 building in a proposed capital project is not practicable; and

12 (ii) require the approval of a waiver by the Secretaries of Budget and  
13 Management, General Services, and Transportation.

14 4–809.

15 (a) There is a Maryland Green Building Council.

16 (f) The Maryland Green Building Council shall:

17 (1) evaluate current high performance building technologies;

18 (2) provide recommendations concerning the most cost-effective green  
19 building technologies that the State might consider requiring in the construction of State  
20 facilities, including consideration of the additional cost associated with the various  
21 technologies;

22 (3) provide recommendations concerning how to expand green building in  
23 the State;

24 (4) develop a list of building types for which green building technologies  
25 should not be applied, taking into consideration the operational aspects of facilities  
26 evaluated, and the utility of a waiver process where appropriate;

27 (5) establish a process for receiving public input; and

28 (6) **(I)** [develop guidelines for new public school buildings to achieve the  
29 equivalent of the current version of the U.S. Green Building Council’s LEED (Leadership  
30 in Energy and Environmental Design) Green Building Rating System Silver rating or a  
31 comparable rating system or building code as authorized in § 3–602.1 of this article without  
32 requiring an independent certification that the buildings have achieved the required  
33 standards] **ENSURE THAT STATE BUILDINGS, PUBLIC SCHOOLS, AND COMMUNITY**

1 COLLEGES THAT ARE REQUIRED TO MEET THE HIGH PERFORMANCE BUILDING  
2 REQUIREMENTS UNDER § 3-602.1 OF THIS ARTICLE OR § 5-312 OF THE EDUCATION  
3 ARTICLE MEET THOSE REQUIREMENTS; AND

4 (II) ON OR BEFORE JUNE 30, 2023, AND EACH YEAR  
5 THEREAFTER, REPORT ON THE STATUS OF MEETING THE REQUIREMENTS UNDER  
6 ITEM (I) OF THIS ITEM TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL  
7 AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION  
8 COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT  
9 ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That any guidelines developed  
11 before July 1, 2022, by the Maryland Green Building Council to implement § 4-809(f)(6) of  
12 the State Finance and Procurement Article, as enacted by Section 1 of this Act, may not be  
13 used for a new public school building to meet the high performance building requirements  
14 under § 5-312 of the Education Article or § 3-602.1 of the State Finance and Procurement  
15 Article, as enacted by Section 1 of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
17 1, 2022.