

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

February 17, 2022

Delegate Maggie McIntosh
Chair of the Appropriations Committee

Re: HB 1165 Capital Projects – High Performance and Green Buildings
Position: Favorable

Dear Delegate McIntosh and members of the Committee,

Thank you for the opportunity to provide testimony in support of House Bill 1165, High Performance and Green Buildings, which amends and clarifies the requirements and intent of the Maryland High Performance Building Act. 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 am also a representative on the AIA Large Firm roundtable collaborating with other Sustainability Directors in other large architecture firms across the country. I have served as a member of the MD Green Building Council (MDGBC) for three years and am currently serving as a Commissioner for Baltimore City's Commission on Sustainability. 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.

House Bill 1165 restores the intent of the Maryland High Performance Building Act by four main alterations.

1. 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.”* The IgCC path, 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:
 - a. Without an independent third-party certification
 - i. IgCC as amended by the MDGBC
 - b. With an independent third-party certification
 - i. LEED Silver
 - ii. 2 Green Globes
2. House Bill 1165 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 bill amends 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.

3. House Bill 1165 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, rural schools that cannot choose the location of their school. This bill amends the requirement for rural schools (and public safety buildings), following the LEED path, from a “Silver” to “Certified” rating and restores the intent of green schools for all.
4. And lastly, House Bill 1165, amends the definition of “Major Renovation” to be in line with the Building Codes.

The alterations in House Bill 1165, High Performance and Green Buildings, restores the intent of the original High-Performance Bill. It also requires that the Maryland Green Building Council report on the status of the Program ensuring 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 –for improved health and wellbeing.

Sincerely,

A handwritten signature in black ink that reads "Lisa M. Ferretto". The signature is written in a cursive, flowing style.

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