

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 444 Session of  
2009

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FEBRUARY 13, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JULY 6, 2009

## AN ACT

1 Requiring the design, construction and renovation of buildings  
2 that receive a State appropriation to comply with specified  
3 energy and environmental building standards.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the High-  
8 Performance, State-Funded Buildings Standards Act.

9 Section 2. Purpose.

10 The General Assembly declares the purposes of this act as  
11 follows:

12 (1) To promote effective energy and environmental  
13 standards for construction, rehabilitation and maintenance of  
14 buildings in this Commonwealth.

15 (2) To optimize the energy performance of buildings

throughout this Commonwealth.

(3) To increase the demand for environmentally preferable building materials, finishes and furnishings.

(4) To improve environmental quality in this Commonwealth by decreasing the discharge of pollutants from buildings and their manufacture.

(5) To create public awareness of new technologies that can improve the health and productivity of building occupants by meeting advanced criteria for indoor air quality.

(6) To improve working conditions and reduce building-related health problems.

(7) To reduce this Commonwealth's dependence upon imported sources of energy through buildings that conserve energy and utilize local and renewable energy sources.

(8) To protect and restore this Commonwealth's natural resources by avoiding development of inappropriate building sites.

(9) To reduce the burden on municipal water supply and treatment by reducing potable water consumption.

(10) To reduce waste generation and to manage waste through recycling and diversion from landfill disposal.

(11) To improve the Commonwealth's capacity to design, build and operate high-performance buildings and, in doing so, to create new jobs and contribute to economic growth.

### Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Building project." The design, construction, renovation, operation and maintenance of any inhabited physical structure

1 and its associated project building site.

2 "Commercial interior fit-out." Interior design and  
3 installation by owners or tenants of new or existing office  
4 space, typically exclusive of structural components and core and  
5 shell elements.

6 "Department." The Department of General Services of the  
7 Commonwealth.

8 "High-performance building." A building designed to achieve  
9 integrated systems design and construction so as to  
10 significantly reduce or eliminate the negative impact of the  
11 built environment.

12 ~~"LEED." The Leadership in Energy and Environmental Design~~ ←  
13 ~~Green Building Rating System developed by the U.S. Green~~  
14 ~~Building Council.~~

15 ~~"LEED-NC." LEED's rating system for New Construction and~~  
16 ~~Major Renovations.~~

17 "Major facility project." Any of the following:

18 (1) A State-funded new construction project in which the  
19 building to be constructed is larger than ~~10,000~~ 20,000 gross ←  
20 square feet.

21 (2) A State-funded building renovation project where the  
22 State funding exceeds ~~either 50%~~ \$1,000,000 of the ←  
23 construction cost ~~or \$500,000 in State funds.~~ ←

24 (3) A State-funded commercial interior tenant fit-out  
25 project that is larger than 10,000 square feet of leasable  
26 area.

27 (4) A NEW CONSTRUCTION PROJECT IN WHICH THE BUILDING TO ←  
28 BE CONSTRUCTED IS MORE THAN 10,000 GROSS SQUARE FEET AND A  
29 STATE DEPARTMENT HAS AGREED TO LEASE 90% OF THE GROSS SQUARE  
30 FEET.

1 The term does not include a building, regardless of size, that  
2 does not have conditioned space as defined by Standard 90.1 of  
3 the American Society of Heating, Refrigerating and Air-  
4 Conditioning Engineers, referred to as ASHRAE 90.1.

5 "Renovation project." A building project involving the  
6 modification or adaptive reuse of an existing facility.

7 "State department." A department, board, bureau, commission  
8 or authority under the jurisdiction of the Governor.

9 "State-funded." In reference to a building project, the term  
10 refers to a receipt of funds from a State appropriation.

11 Section 4. Standards.

12 (a) Minimum criteria.--The high-performance building  
13 standards applicable to this act shall meet the following  
14 minimum criteria:

15 (1) Be consensus-based, as defined by the Office of  
16 Management and Budget, Circular No. A-119, dated February 10,  
17 1998.

18 (2) At a minimum, include performance-based categories  
19 or credits that will foster achievement of the purposes set  
20 forth under section 2(2), (3), (4), (6), (7), (8), (9) and  
21 (10).

22 (3) Require documentation, verifiable calculations or  
23 the equivalent procedure to substantiate and support any  
24 claim made relating to paragraph (2).

25 (4) Employ third-party, postconstruction review and  
26 verification for achievement of certification.

27 (5) Have a track record of certified green buildings in  
28 the United States.

29 ~~(6) Comply with LEED NC guidelines for green building~~  
30 ~~certification.~~



1 (b) Level of performance.--The performance required under  
2 the adopted high-performance building standards shall be at or  
3 above the level beyond the minimum level required by the  
4 selected standards.

5 ~~(c) Energy Star ratings. In addition to meeting the~~ ←  
6 ~~performance requirements of the adopted high performance~~  
7 ~~building standards, all State funded major facility projects are~~  
8 ~~required to achieve an Environmental Protection Agency Energy~~  
9 ~~Star rating of 85 or above.~~

10 (C) ENERGY STAR RATINGS.-- ←

11 (1) IN ADDITION TO MEETING THE PERFORMANCE REQUIREMENTS  
12 OF THE ADOPTED HIGH PERFORMANCE BUILDING STANDARDS, ALL  
13 BUILDING PROJECTS INVOLVING BUILDINGS OWNED OR LEASED BY A  
14 COMMONWEALTH AGENCY, INCLUDING STATE-FUNDED MAJOR FACILITY  
15 PROJECTS, ARE REQUIRED TO ACHIEVE AN ENVIRONMENTAL PROTECTION  
16 AGENCY ENERGY STAR RATING OF 85 OR ABOVE.

17 (2) PARAGRAPH (1) SHALL APPLY ONLY TO CONSTRUCTION  
18 PROJECTS WHICH COMMENCE AFTER THE EFFECTIVE DATE OF THIS ACT  
19 AND INVOLVE BUILDING TYPES IN WHICH THE ENVIRONMENTAL  
20 PROTECTION AGENCY PROVIDES ENERGY STAR RATINGS.

21 Section 5. Scope.

22 (a) Facilities owned or leased by Commonwealth or State-  
23 affiliated entities.--

24 (1) All major facility projects shall meet or exceed the  
25 standards as set forth under section 4, and the levels of  
26 achievement to be defined by the department.

27 (2) All other building projects shall meet or exceed the  
28 prescribed level of achievement under the adopted high-  
29 performance building standard as set forth under section 4.

30 (3) The level of achievement to be met under paragraph

(2) shall be set forth in the regulations adopted by the department.

(b) State-funded major facility projects.--When the department issues funding, it shall require the use of standards adopted under section 6 during the design and construction phase of the project. Each State-funded major facility project shall meet or exceed the level of achievement as set forth under section 4.

#### Section 6. Regulations.

(a) General rule.--The department, in consultation with the Department of Environmental Protection, shall develop and issue regulations for complying with this act. The purposes of the regulations shall be to:

(1) Adopt high-performance building standards selected by the department, in consultation with the Department of Environmental Protection, from among accepted industry standards meeting the criteria prescribed in section 4(a).

(2) Define reporting requirements for State-funded building projects under this act.

(3) Define procedures and methods for verifying compliance with the standards, as set forth under sections 4 and 5, in the design and construction of State-funded building projects under this act.

(b) Amendment.--The department, in consultation with the Department of Environmental Protection, may amend the regulations as necessitated by the emergence of new or modified high-performance building standards as defined under section 4.

#### Section 7. Report.

The department shall prepare and submit annually a report to the chairman and the minority chairman of the Environmental

Resources and Energy Committee of the Senate and the chairman and the minority chairman of the Environmental Resources and Energy Committee of the House of Representatives. The report shall at a minimum include:

(1) The number and type of buildings designed and constructed utilizing each of the rating systems recognized under this act.

(2) The levels of certification of each building designed, constructed or renovated.

(3) Actual savings in energy costs.

(4) A description of all potential environmental benefits, including, but not limited to, water resources savings and the reduction of waste generation.

(5) Any conflicts or barriers identified which hinder the effective implementation of this act.

#### Section 8. Monitoring and evaluation.

The department, in consultation with the Department of Environmental Protection, shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each building project designed, constructed or renovated under this act. The monitoring and evaluation of each building project shall commence one year after the completion and occupancy of the building project and continue for five years thereafter.

#### Section 9. Applicability.

This act shall apply as follows:

(1) The provisions of this act shall apply to all project design contracts initiated on or after the effective date of this section.

(2) The provisions of this act shall apply to all

1 project construction contracts initiated after one year  
2 following the effective date of this section.

3 SECTION 10. ENFORCEMENT. ←

4 THE DEPARTMENT SHALL NOT ENFORCE THE PROVISIONS OF THIS ACT  
5 AS THEY APPLY TO BUILDING PROJECTS OWNED OR LEASED BY A  
6 COMMONWEALTH AGENCY UNTIL THE SECRETARY OF GENERAL SERVICES AND  
7 THE SECRETARY OF THE BUDGET DETERMINE THERE IS ADEQUATE FUNDING  
8 AVAILABLE TO COVER ADDITIONAL COSTS RESULTING FROM COMPLIANCE  
9 WITH THE REQUIREMENTS OF THIS ACT.

10 Section ~~10~~ 11. Effective date. ←

11 This act shall take effect ~~as follows:~~ ←

12 ~~(1) Section 5 of this act shall take effect in 12-~~  
13 ~~months.~~

14 ~~(2) The remainder of this act shall take effect in 60-~~  
15 ~~days~~ IN 60 DAYS. ←