

SENATE NO. 1901

AN ACT RELATIVE TO SUSTAINABLE BUILDING IN STATE CONSTRUCTION PROJECTS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 21A of the General Laws as appearing in the 2004 Official Edition is
2 hereby amended by adding the following section 21:

3 Section 21. SUSTAINABLE BUILDING IN STATE FUNDED CONSTRUCTION
4 PROJECTS.

5 (a) Definitions. For purposes of this section, the following words shall have the following
6 meanings:-

7 “LEED” the Leadership in Energy and Environmental Design green building rating system,
8 created and updated by the U.S. Green Building Council.

9 “Base LEED certification” a building project that has at least 26 out of a possible 69 LEED
10 points in the areas of site selection and development, water and energy efficiency, sustainable
11 materials and resources, indoor environmental quality, and innovation in sustainable design and
12 construction, according to the U.S. Green Business Council.

13 “Major renovation” any capital project or extraordinary maintenance project that includes
14 complete overhaul of a significant portion of the original structure and the construction work
15 affects at least 50 percent of the building’s floor area.

16 ”Massachusetts LEED Plus” base LEED certification and the attainment of the following LEED
17 credits:

18 1. Energy performance exceeding the Massachusetts Energy Code requirements by at least
19 20 percent.

20 2. Verification by a third party building commissioner that the building’s energy related
21 systems are installed, calibrated and perform according to the owner’s project requirement,
22 basis of design and construction documents. Third party building commissioners shall be
23 approved by energy and environmental affairs.

24 3. At least one of the following smart growth criteria (unless that criteria conflicts with
25 another critical public policy objective, as determined by energy and environmental affairs)

26 A. Construct or renovate on a previously developed site:

27 (i) In a community with a minimum density of 60,000 square feet per acre, or

28 (ii) Within one-half mile of ten basic services, including but not limited to bank, place of
29 worship, convenience grocery, day care, cleaners, fire station, beauty, hardware, laundry,
30 library, medical/dental, senior care facility, park, pharmacy, post office, restaurant, school,
31 supermarket, theater, community center, fitness center or museum, and a residential zone or
32 neighborhood with an average of ten units per acre, and with pedestrian access between
33 buildings and services.

34 B. Construct or renovate on a contaminated or brownfield site as determined by a local,
35 state or federal government agency.

36 C. Construct or renovate on a site with public transportation within one-half mile.

37 D. Maintain 75 percent of existing building structure or envelope.

38 4. Reduce potable water consumption for irrigation by 50 percent from a mid-summer
39 baseline. Reductions shall be attributed to any combination of the following: Plant species
40 factor, irrigation efficiency, use of captured rainwater, use of recycled rainwater, use of water
41 treated and conveyed by a public agency for a non-potable use or a reduction approved by
42 energy and environmental affairs.

43 5. Incorporate strategies that will conserve 20 percent of building water use calculated for
44 the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture
45 performance requirements.

46 "Massachusetts Energy Code" 780 CMR chapter 13, as amended.

47 "New Buildings Institute's Advanced Buildings Benchmark Tool" a flexible system of specific
48 criteria for technologies and practices that provide unique paths to achieving energy-efficient
49 buildings, published by New Building Institute.

50 "Massachusetts Collaborative for High Performance Schools or Mass CHPS" a Planning guide
51 and Criteria document published by the Massachusetts Technology Collaborative in 2005, as
52 amended.

53 "State entity" any state agency, state authority, state university, any trial court department,
54 appeals court and the supreme judicial court or the general court.

55 (b) Green Building Standards.

56 1. Large Projects. All state entity projects, private projects on state land and projects that
57 receive state funding, except schools covered under section 3 shall adhere to the "Massachusetts

58 LEED Plus” standard for new buildings and major renovation projects that are 20,000 square
59 feet or larger and designed for use by a public entity.

60 2. Small Projects. For projects smaller than 20,000 square feet, all state entity projects,
61 private projects on state land and projects that receive state funding, except schools covered
62 under section 3 shall design and construct new buildings and major renovation projects to meet
63 at least one of the following:

64 A. Adhere to the “Massachusetts LEED Plus” standard; or

65 B. Surpass the Massachusetts Energy Code requirements by at least 20 percent

66 (c) School Buildings. The Massachusetts School Building Authority (MSBA) shall adopt at
67 least the minimum building standards contained in the Massachusetts Collaborative for High
68 Performance Schools (Mass CHPS) for new K-12 schools that receive state funding and major
69 renovations of K-12 schools that receive state funding and encourage school districts to attain
70 higher levels of compliance beyond the minimum standards.

71 SECTION 2. Funding. Chapter 139 of the acts of 2006 is hereby amended by inserting at the
72 end of section 2000-0100 the following:-

73 “provided that no less than \$250,000 shall be expended for promoting sustainable building in
74 state funded construction projects consistent with section 21 of chapter 21A of the General
75 Laws;”