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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 183 Session of  
2019

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INTRODUCED BY QUINN, FREEMAN, A. DAVIS, HILL-EVANS AND CONKLIN,  
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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 2019

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AN ACT

1 Requiring the design, construction and renovation of certain  
2 State-owned or State-leased buildings to comply with  
3 specified energy and environmental building standards; and  
4 providing for powers and duties of the Department of General  
5 Services.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the High-  
10 Performance State Building Standards Act.

11 Section 2. Purpose.

12 The General Assembly declares the purposes of this act as  
13 follows:

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

17 (2) To optimize the energy performance of Commonwealth  
18 buildings.

19 (3) To increase the demand for environmentally

1 preferable building materials, finishes and furnishings.

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

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

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

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

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

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

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

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

23 Section 3. Definitions.

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

27 "Building project." The design, construction or renovation  
28 of any physical structure and its associated project building  
29 site.

30 "Commonwealth agency." An executive agency, an independent

1 agency, a State-affiliated entity or a State-related institution  
2 as defined by 62 Pa.C.S. § 103 (relating to definitions). The  
3 term also includes the General Assembly, its officers and  
4 agencies and the unified judicial system and its officers and  
5 agencies.

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 "High-performance building standards." The high-performance  
13 building standards adopted under section 6.

14 "Major facility project." As follows:

15 (1) Any of the following:

16 (i) A State-owned building project in which the  
17 building to be constructed is larger than 20,000 gross  
18 square feet.

19 (ii) A new building project in which the building to  
20 be constructed is more than 20,000 gross square feet and  
21 in which building a Commonwealth agency has agreed to  
22 lease no fewer than 90% of the gross square feet.

23 (iii) A renovation project that is larger than  
24 20,000 gross square feet and at least 90% of the total  
25 square footage of the building.

26 (2) The term does not include a building, regardless of  
27 size or ownership interest, that does not have conditioned  
28 space as defined by Standard 90.1 of the American Society of  
29 Heating, Refrigerating and Air-Conditioning Engineers,  
30 referred to as ASHRAE 90.1.

1 "Renovation project." A building project involving the  
2 modification or adaptive reuse of an existing facility that is  
3 owned or leased by a Commonwealth agency.

4 Section 4. Standards.

5 (a) Minimum criteria.--The high-performance building  
6 standards shall meet the following minimum criteria:

7 (1) Include performance-based categories or credits that  
8 foster achievement of the purposes set forth under section  
9 2(2), (3), (4), (6), (7), (8), (9) and (10).

10 (2) Require documentation, verifiable calculations or an  
11 equivalent procedure to substantiate and support any claim  
12 made relating to paragraph (1).

13 (3) Employ third-party, postconstruction review and  
14 verification for achievement of certification by an  
15 organization that has a track record of certified green  
16 buildings in the United States and uses a consensus-based  
17 rating system.

18 (b) Level of performance.--The performance required under  
19 the high-performance building standards shall be at or above the  
20 minimum level required by the selected standards.

21 (c) Achieve Energy Star ratings.--

22 (1) In addition to meeting the performance requirements  
23 of the high-performance building standards, all major  
24 facility projects shall be designed to earn Energy Star  
25 certification to achieve an Environmental Protection Agency  
26 Energy Star rating of 75 or above.

27 (2) Paragraph (1) shall apply only to major facility  
28 projects that commence after the effective date of this act  
29 and involve building types for which the Environmental  
30 Protection Agency provides Energy Star ratings.

1 (d) Cost recovery.--The difference between any additional  
2 cost incurred in a major facility project and the lowest cost  
3 alternative shall have an estimated recovery period of not more  
4 than 10 years.

5 Section 5. Scope.

6 All major facility projects shall meet or exceed the  
7 prescribed level of achievement under the high-performance  
8 building standards.

9 Section 6. Regulations.

10 The department shall promulgate regulations:

11 (1) Adopting high-performance building standards  
12 selected by the department from among accepted industry  
13 standards meeting the criteria prescribed in section 4(a).

14 (2) Defining procedures and methods for verifying  
15 compliance with the standards, as set forth under sections 4  
16 and 5, in the design and construction of major facility  
17 projects.

18 (3) Specifying the level of achievement to be met under  
19 section 5.

20 Section 7. Report.

21 The department shall prepare and submit annually a report to  
22 the chairperson and the minority chairperson of the  
23 Environmental Resources and Energy Committee of the Senate, the  
24 chairperson and the minority chairperson of the Environmental  
25 Resources and Energy Committee of the House of Representatives,  
26 the chairperson and minority chairperson of the State Government  
27 Committee of the Senate and the chairperson and minority  
28 chairperson of the State Government Committee of the House of  
29 Representatives. The report shall at a minimum include:

30 (1) The number and type of buildings designed and

1 constructed utilizing each of the rating systems recognized  
2 under this act.

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

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

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

10 Section 8. Monitoring and evaluation.

11 (a) Monitoring and evaluation process.--The department shall  
12 develop and implement a process to monitor and evaluate the  
13 energy and environmental benefits associated with each major  
14 facility project designed, constructed or renovated under this  
15 act.

16 (b) Monitoring and evaluation requirements.--The  
17 Commonwealth agency occupying the building shall commence  
18 monitoring and evaluation in accordance with the department-  
19 established process one year after the completion and occupancy  
20 of the major facility project and continue for five years  
21 thereafter.

22 Section 9. Applicability.

23 This act shall apply as follows:

24 (1) The provisions of this act shall apply to all major  
25 facility projects where design commences at least 60 days  
26 after the final regulations are promulgated by the department  
27 under section 6.

28 (2) The provisions of this act shall apply to all  
29 project construction contracts initiated after one year after  
30 the effective date of this section.

1 Section 10. Enforcement.

2 The department may not implement or enforce the provisions of  
3 this act as they apply to major facility projects owned or  
4 leased by a Commonwealth agency until the Secretary of General  
5 Services and the Secretary of the Budget determine there is  
6 adequate funding available to cover additional costs resulting  
7 from compliance with the requirements of this act.

8 Section 11. Effective date.

9 This act shall take effect in 60 days.