

**BILL:** House Bill 1165  
**TITLE:** Capital Projects - High Performance and Green Buildings  
**DATE:** February 22, 2022  
**POSITION:** SUPPORT WITH AMENDMENTS  
**COMMITTEE:** Appropriations  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 1165, with amendments to restore the reasonable thresholds for what constitutes a “major renovation” for purposes of triggering high performance green building standards.

Under current law, “high performance building” means a building that meets or exceeds the current version of the U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating. Exceptions to this standard include buildings that achieve at least a comparable rating on a nationally recognized rating system approved by the Secretaries of Budget and Management (DBM) and General Services (DGS), or a standard recommended by the Maryland Green Building Council and approved by the Secretaries of DBM and DGS. House Bill 1165 would replace these exceptions with a new distinction for school projects; requiring that they meet the LEED Certified rather than LEED Silver rating.

MABE recognizes the State’s interest in ensuring State standards such as high performance building standards apply to projects which are funded significantly by the State. Therefore, MABE is not seeking amendments to the proposed lowering of the State funding threshold to 25% to trigger green building standards. Similarly, MABE would not be opposed to applying high performance building standards to major renovations under the current law’s definition. Under current law, many standards are imposed on both new school construction projects and major renovations. This makes sense because the longstanding definition of major renovation requires a combination of factors, including the building shell being reused, major systemic replacements (HVAC, plumbing, electrical), *and* a scope of more than 7,500 square feet. The requirement that each of these criteria are met ensures that major renovations are, in fact, akin to new school construction projects. In these cases, MABE agrees that new construction standards, if adopted, should apply.

However, House Bill 1165 would make a dramatic and costly reversal of this approach by replacing the “and” with an “or”; a distinction that so often makes all the difference in the scope and operation of a law. In this case, the use of “or” would trigger new construction standards for projects involving only the replacement of a system, and even if this systemic project is the only project being undertaken. The worst-case scenario would be a disincentive to make meaningful improvements to a school’s entire HVAC system because such a project could trigger other cost-prohibitive projects required to achieve LEED certification. MABE firmly believes that it is in the best interests of students, staff, and the cost-effective expenditure of limited state and local funding resources, to continue to require that multiple aspects of a school renovation project, added together, determine whether it is a “major renovation.” Fortunately, this can be achieved by amending “OR” to “AND” in line 26 on page 3 of the bill.

For these reasons, MABE requests a favorable report on House Bill 1165, with the amendment described above.