

SENATE NO. 1820

AN ACT PROMOTING THE DEVELOPMENT OF GREEN BUILDINGS

*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. The chief of the office of commonwealth development is hereby authorized and directed
2 to implement a Green Building Initiative. Said initiative shall achieve the following: -

3 (a) Improve the energy efficiency of state buildings by requiring a 20 per cent reduction of grid
4 based energy usage by state buildings by the year 2020, based on 2005 usage levels.

5 (b) Development of a technical assistance program to assist cities and towns regarding methods to
6 increase energy efficiency and reduce grid based energy usage in municipal buildings.

7 The chief shall annually report to the clerk of the senate, the clerk of the house, the house and
8 senate committee's on ways and means, and the joint committee on environment, natural resources and
9 agriculture any and all progress made in improving energy efficiency in the commonwealth's
10 buildings, the current energy efficiency usage statistics in relation to the benchmarks as well as any
11 and all impediments to achieving said benchmarks in the appropriated timeframe no later than April 1
12 of each year.

13 Section 2. Within the office of commonwealth development there shall be established a green building
14 certification program. Certification, to the minimum standards prescribed in this act, shall be required
15 newly constructed buildings and for all buildings undergoing major renovations by the
16 Commonwealth.

17 (a) For buildings projects that are 20,000 sq. ft. and larger; but less than 50,000 sq. ft. certified as
18 LEED-NC 2.2, (LEED-EB 2.0 for major renovations), as defined by the U.S. Green Building
19 Council.

20 (b) For buildings 20,000 sq. ft. and less, certified as LEED-NC 2.2, (LEED-EB 2.0 for major
21 renovations) or surpass the Massachusetts energy code requirements by at least 20%.

22 (c) For buildings 50,000 sq. ft. and larger, certified as LEED-NC 2.2, (LEED-EB 2.0 for major
23 renovations) and surpass the Massachusetts energy code requirements by at least 20%.

24 Additionally, the possibility of on-site power generation should be evaluated and where
25 economically and viable shall be pursued.

26 Section 3. (a) Notwithstanding any general or special law to the contrary, any city or town who
27 receives a grant or any other form of financial assistance from the Commonwealth toward the
28 construction or major renovation of a municipal building may receive incentive points for the
29 construction of a green building certified as LEED-NC 2.2, (LEED-EB 2.0 for major renovations) or
30 better. Incentive points may be allocated up to 2% of the total project cost for qualifying projects,
31 subject to appropriation.

32 (b) The office of commonwealth development shall provide technical assistance to cities and towns for
33 the construction of energy efficient buildings. Said assistance shall include identification of energy
34 efficient technologies, assistance in the identification of any federal funds available for the design and
35 construction of energy efficient buildings.

36 Section 4. Chapter 63 of the General Laws, as appearing in the 2004 official edition, is hereby
37 amended by adding after section 38P the following new section: -

38 Section 38Q “Credit against amount excise due, energy efficient construction”

39 (a) Any corporation who newly construct or perform major renovations on buildings greater than
40 20,000 sq. ft. and that are certified as LEED-NC 2.2, (LEED-EB 2.0 for major renovations) or greater
41 shall be granted a credit of up to 100,000 dollars or 10 per cent of the total construction cost,
42 whichever amount is the lesser, against its excise due under this chapter.

43 (b) The credit allowed herein may be amortized over ten years.

44 (c) The credit allowed herein for any taxable year shall not reduce the excise to less than the amount
45 due under subsection (b) of section thirty-two, subsection (b) of section thirty-nine, or section sixty-
46 seven and under any act in addition thereto.

47 (d) The credit allowed under this section is limited to one hundred percent of a corporation's first
48 twenty-five thousand dollars of excise, as determined before the allowance of any credits, plus
49 seventy-five percent of the corporation's excise, as so determined in excess of twenty-five thousand
50 dollars. The commissioner of revenue shall promulgate regulations similar to those authorized under
51 section 38(c)(2)(B) of the Internal Revenue Code for purposes of apportioning the twenty-five
52 thousand dollars amount among members of a controlled group. Nothing in this section shall alter the
53 provisions of section thirty-two C, as it affects other credits under this chapter.

54 Section 5. Section 10 of chapter 40A of the General Laws, as appearing in the 2004 official edition, is
55 hereby amended by adding in line 12 after the words "petitioner or appellant," the following: -

56 or the petitioner has constructed a building which has been given a LEED NB-2.2 certification or
57 greater, as defined by the U.S. Green Building Council, in which case the petitioner shall be eligible
58 for a height variance of up to three floors; provided further, that a LEED NB-2.2 certification or
59 greater shall make the petitioner eligible for a density variance of up to .20 FAR,

60 Section 6. Chapter 63 of the General Laws, as appearing in the 2004 official edition, is hereby
61 amended by adding after section 38Q the following new section: -

62 Section 38R “Credit against amount of excise due, energy efficient technologies”

63 (a) Any corporation who purchases durable equipment, which meets standards set forth by the U.S.
64 Department of Energy, or energy star qualified products, shall receive a credit of 10 per cent of the
65 purchase price of such equipment, up to a maximum amount of 10,000 dollars in any given taxable
66 year, against its excise due under this chapter.

67 (b) The credit allowed herein for any taxable year shall not reduce the excise to less than the amount
68 due under subsection (b) of section thirty-two, subsection (b) of section thirty-nine, or section sixty-
69 seven and under any act in addition thereto.