

[Va. Code Ann. § 15.2-1804.1](#)

Current through Chapter 2 of the 2022 Special Session I

Code of Virginia 1950 > Title 15.2. Counties, Cities and Towns. (Subts. I — IV) > Subtitle II. Powers of Local Government. (Chs. 9 — 28.2) > Chapter 18. Buildings, Monuments and Lands Generally. (Arts. 1 — 3) > Article 1. Purchase, Sale, etc., of Real Property. (§§ 15.2-1800 — 15.2-1805)

§ 15.2-1804.1. (For applicability, see Acts 2021, Sp. Sess. I, c. 473, cl. 2) Building by locality; high performance standards.

A. As used in this section:

“*Design phase*” means the design of a building construction or renovation project, inclusive of the issuance of a request for proposal and the project budget approval.

“*EV*” means an electric vehicle.

“*High performance building certification program*” means a public building design, construction, and renovation program that achieves certification using the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) green building rating standard or the Green Building Initiative’s “Green Globes” building standard, or meets the requirements of VEES.

“*Sufficient ZEV charging and fueling infrastructure*” means the provision of ZEV charging or fueling infrastructure, including EV-ready charging electrical capacity and pre-wiring, (i) sufficient to support every passenger-type vehicle owned by the locality and available for use by the locality that will be located at such building upon full occupancy, meet projected demand for such infrastructure during the first 10 years following building occupancy, or (ii) that achieves the current ZEV or EV charging credit for a high performance building certification program.

“*VEES*” means the Virginia Energy Conservation and Environmental Standards developed by the Department considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative “Green Globes” building standard, and other appropriate requirements as determined by the Department.

“*ZEV*” means a zero-emissions vehicle.

B. Any locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building, shall ensure that such building:

- 1.** Is designed, constructed, verified, and operated to comply with a high performance building certification program;
- 2.** Has sufficient ZEV charging and fueling infrastructure. In making a sufficiency determination, the locality may also consider the interest of the Commonwealth in providing infrastructure for nearby locations, geographical gaps in ZEV charging infrastructure, availability of incentives, and other factors;
- 3.** Has features that permit the agency or institution to measure the building’s energy consumption and associated carbon emissions, including metering of all electricity, gas, water, and other utilities; and
- 4.** Incorporates appropriate resilience and distributed energy features.

C. Notwithstanding the provisions of subsection B, for any such construction or renovation of a building that is less than 20,000 gross square feet in size, the locality may instead ensure that such building achieves the relevant ENERGY STAR certification and implement mechanical, electrical, plumbing, and envelope commissioning.

D. Upon a finding that special circumstances make the construction or renovation to the standards impracticable, the governing body of such locality may, by resolution, grant an exemption from any such design and construction standards. Such resolution shall be made in writing and shall explain the basis for granting the exemption. If the local governing body cites cost as a factor in granting an exemption, the local governing body shall include a comparison of the cost the locality will incur over the next 20 years or the lifecycle of the project, whichever is shorter, if the locality does not comply with the standards required by subsection B versus the costs to the locality if the locality were to comply with such standards.

E. Any local governing body may, by ordinance, adopt its own green design and construction program that includes standards that are more stringent than any equivalent standard in subsection B. While such program remains in effect, the locality shall be deemed compliant with the provisions of this section.

History

[2021, Sp. Sess. I, c. 473.](#)

Annotations

Notes

Editor's note.

Acts [2021, Sp. Sess. I, c. 473](#), cl. 2 provides: "That the provisions of [§ 15.2-1804.1 of the Code of Virginia](#), as created by this act, shall become effective for any locality with a population of less than 100,000 on July 1, 2023."

Effective date.

This section is effective July 1, 2021, pursuant to [Va. Const., Art. IV, § 13](#).

Code of Virginia 1950
Copyright © 2022 All rights reserved.