



## Director's Office

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April 15, 2026

The Honorable V. Susan Sosnowski  
Chairperson  
Senate Committee on Environment and Agriculture  
Rhode Island State House  
82 Smith Street  
Providence, RI 02903

**RE: Senate Bill No. 2218 – An Act Relating To Health And Safety -- Building Performance Standards Act Of 2026**

Dear Chairperson Sosnowski,

Thank you and the Committee for providing the Department of Administration (“Department”) the opportunity to submit comments of concern in response to Senate Bill No. 2218, which directs the Office of Energy Resources (OER) to develop building performance standards (BPS) for large buildings in Rhode Island.

The Department is concerned about the lack of clarity regarding enforcement and financial penalties in this legislation. The OER is given broad authority to establish penalties for violations at its discretion but does not include any guardrails regarding maximum penalties. Because the legislation identifies penalty payments as the sole revenue source for the proposed BPS fund, the Department is concerned that enforcement penalties may become the primary mechanism for funding program administration.

Further, many of the State’s buildings were built decades ago and require significant renovations and infrastructure upgrades to achieve the necessary future building performance standards, all of which will require a substantial capital investment. The Capital Improvement Plan and Rhode Island Capital Plan Fund (RICAP) lay out a five-year funding outlook for improvements and new projects. Once this plan is established, identifying additional funding to support scope changes or to account for more costly projects can be challenging. Even with the option to apply for an alternative building performance action plan, without a clear sense of what the permissible alternative may be, it will be challenging to meet the compliance deadlines without incurring penalties due to the advance capital planning required. It is also unclear whether the alternative building performance action plan will require more funding than is currently included in the RICAP out-years.

The legislation also establishes an environmental justice advisory board (EJAB) and requires that all of its members (anywhere from 9 to 15 people) be fairly compensated and provided stipends to cover the cost of childcare and information technology needs. However, the legislation does not provide guidelines or definitions of what constitutes “fair compensation” or funding to cover this compensation and associated stipends.

Alternatively, the proposed benchmarking and building performance standards budget article in Article 3 of the Governor's proposed FY 2027 Budget offers a more practical opportunity to conduct a pilot building benchmarking program for a specific subset of State-owned and controlled properties. As proposed, Article 3 would establish the practice of building energy use benchmarking that the State can implement with existing resources while also moving the State toward the objective of building performance standards on a reasonable timeline.

The Department appreciates the opportunity to share these strong concerns with the Committee. If there are any questions, please feel free to contact my office at your convenience.

Sincerely,



Marco Schiappa  
Acting Director, Division of Capital Asset Management and Maintenance

cc: The Honorable Members of the Senate Committee on Environment and Agriculture  
The Honorable Meghan E. Kallman  
Kristen Silvia, Deputy Chief of Staff and Director of Legislation