



Submitted via email

April 15, 2026

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

RE: S- 2218 - Building Performance Standards Act of 2026

Dear Chair Sosnowski and Members of the Committee:

The Rhode Island Office of Energy Resources (OER) appreciates the opportunity to provide comment on S-2218. OER supports the goal of reducing greenhouse gas emissions from buildings and improving building energy performance in alignment with Rhode Island's long-term climate requirements. However, OER respectfully opposes this legislation. The legislation would impose sweeping new statutory obligations on OER — including the establishment of a statewide building performance standards framework, multi-stakeholder advisory processes, rulemaking, enforcement, and penalty administration.

As drafted, S-2218 would establish a new statewide building performance standards framework for covered properties and would require substantial near-term administrative work by OER, including stakeholder and advisory board support, public reporting obligations, program design and rulemaking, and development of compliance, exemption, and penalty systems. Implementing these requirements would impose material administrative and operational costs on OER, including staffing capacity, outreach and technical assistance functions, and information technology and data management systems needed to support statewide compliance.

Among the obligations S-2218 would impose immediately upon enactment are: establishing and staffing a new Environmental Justice Advisory Board (EJAB) within 120 days; convening and supporting the Green Building Advisory Committee (GBAC) as a standing advisory body; publishing a comprehensive building emissions report by December 31, 2027; selecting performance metrics and setting building performance standards for all covered property types by December 31, 2028; and promulgating regulations to implement compliance, exemption, penalty, and appeals processes — all without any dedicated funding appropriation or staffing authorization provided in the bill. OER also has significant concerns that the proposed timeline does not provide sufficient time for building owners to prepare for these requirements, increasing the likelihood of confusion and unintentional non-compliance.

Importantly, OER notes that the FY 2027 State Budget proposal (H-7127) includes a budget article establishing an Energy Benchmarking and Performance Standards Program and related reporting requirements to develop the initial foundation for monitoring energy performance and



STATE OF RHODE ISLAND

**OFFICE OF
ENERGY RESOURCES**

*One Capitol Hill, 4th Floor
Providence, RI 02908
www.energy.ri.gov*

establishing performance standards within the state portfolio, as well as supporting a voluntary municipal public buildings benchmarking program. OER has concerns with S-2218 establishing penalties, mandates and the lack of waiver flexibility for buildings that may have unique features, which may be problematic to apply energy benchmarking requirements to such properties. We believe it would be prudent for OER to complete the energy benchmarking of state buildings and begin a voluntary energy benchmarking program with municipalities before considering any of the above requirements of this legislation.

Building performance standards of the kind envisioned in S-2218 logically depend on a mature, functioning benchmarking program as their foundation: reliable energy use data must first be gathered, validated, and analyzed before meaningful performance thresholds can be set, let alone enforced. Additionally, the bill also creates a penalty regime but provides very little statutory guidance or guardrails around how those penalties would actually be structured - it does not establish any statutory caps, maximum penalty thresholds, or clear limits on how those penalties may be calculated or applied. For property owners, this creates significant uncertainty regarding potential liability and compliance costs, and for the State it introduces enforcement discretion without clear legislative parameters.

Thank you for your consideration. For all of the foregoing reasons, OER respectfully urges the Committee not to advance S-2218.

Sincerely,

Chris Kearns
Acting Commissioner
Rhode Island Office of Energy Resources

CC:

Senator Kallman
Members of the Senate Committee on Environment and Agriculture
Kristen Silvia, Director of Legislation and Deputy Chief of Staff