



Director's Office

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April 16, 2026

The Honorable Jacob Bissaillon
Chairperson
Senate Committee on Housing and Municipal Government
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: Senate Bill No. 2260 – An Act Relating To Health And Safety -- Building Benchmarking And Reporting Act Of 2026

Dear Chairperson Bissaillon,

Thank you for providing the Division of Capital Asset Management & Maintenance (“Division”) within the Department of Administration (“Department”) the opportunity to submit comments of respectful opposition in response to Senate Bill No. 2260, which establishes a program for the energy and water benchmarking of large buildings in Rhode Island and a standard for their energy performance. While we have appreciated ongoing dialogue regarding this topic, the Department is unable to support this legislation for a multitude of reasons.

Lack of Clarity Regarding Enforcement

The Department is concerned about the lack of clarity around compliance and enforcement in this legislation. Beginning on page 5, line 20, the legislation gives the State -- via the Office of Energy Resources (“OER”) -- broad authority to create a warning and fine structure at its discretion but does not include any guardrails regarding maximum penalties. In addition, the section regarding exemptions and waivers is unclear, as one provision appears to give OER broad discretion with respect to waivers but it also lists a series of very specific exemptions. The language makes it difficult to understand the intent for a compliance process. Further, the legislation does not state where any fine or penalty funds will be deposited.

Reporting Date Inconsistencies

Starting on page 3, line 23, the legislation sets the deadlines that buildings that contain 50,000 or more gross square feet must input their annual energy use of the previous calendar year into the tool by May 15, 2028, and by May 15, 2030, for buildings that contain 25,000 to 49,999 gross square feet. However, later in the bill on page 4 line 25, it states that OER will deliver a summary report on the program and include benchmarking building data starting on December 31, 2027. Because benchmarking data would not be required to be reported until 2028 at the earliest, delivering a report with benchmarking data in 2027 will be impossible.

Data Reporting Concerns for Unique State Properties

Many of the State’s buildings were built decades ago and may not be individually metered, presenting a challenge for automatic data collection and, thus, compliance with the requirements. This applies to the

Pastore and Zambarano campuses and may also apply to facilities at higher education institutions. The legislation's definition of campuses also implies that even buildings less than 25,000 gross square feet (including outbuildings and recreational facilities) will be required to report their energy usage as part of an aggregated campus report. As such, this could pose a challenge for the Department of Environmental Management and the University of Rhode Island, among other entities with responsibility for widespread "campuses."

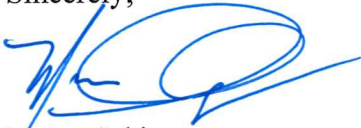
The proposed benchmarking budget article in Article 3 of the Governor's proposed FY 2027 Budget offers a more practical opportunity to conduct a pilot building benchmarking program. As proposed, Article 3 would establish the practice of building energy use benchmarking while also moving the State toward the objective of building performance standards on a reasonable timeline. This proposal represents an effort that the State can implement with existing resources for a specific subset of State-owned and controlled properties while still moving forward on its climate goals. Critically, the budget article offers clear guidance on eligible properties, taking into account the complications presented by aging infrastructure, such as the absence of readily available individual meters on many buildings clustered on campuses, in a cost/ benefit analysis.

Implications of an Expedited Timeline

By starting with the aforementioned pilot program of State-owned, State-occupied buildings and voluntary public buildings energy benchmarking program of municipal public buildings, OER and the State are able to fully test the system and identify any points of failure prior to rolling it out to the public. We need to ensure that there is complete utility integration, reliable data flow, and a comprehensive inventory of properties – for both State and private buildings – before requiring any private building owners to participate in the program. If we launch the program too early and building owners run into issues, we may face mass non-compliance, inaccurate data, and an inflated number of penalties that further disincentivize participation and compliance.

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 Housing and Municipal Government
The Honorable Meghan E. Kallman
Kristen Silvia, Deputy Chief of Staff and Director of Legislation
Alex Rocha, Committee Clerk