

Public Hearing

MEMORANDUM

November 19, 2009

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Public Hearing:** Expedited Bill 44-09, Buildings – Energy Efficiency – Deferral

Expedited Bill 44-09, Buildings – Energy Efficiency – Deferral, sponsored by the Council President at the request of the County Executive, was introduced on November 17, 2009. Action on Bill 44-09 is scheduled for December 1.

Expedited Bill 44-09 would defer the effective date for requiring that certain residential buildings meet certain ENERGY STAR standards from January 1, 2010 to April 1, 2010; and generally amend the law relating to buildings, energy, and environmental policy.

This packet contains

Expedited Bill 44-09
Legislative Request Report
County Executive Memo

Circle

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Expedited Bill No. 44-09
Concerning: Buildings – Energy
Efficiency – Deferral
Revised: 11/13/2009 Draft No. 1
Introduced: November 17, 2009
Expires: May 17, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN EXPEDITED ACT to:

- (1) defer the effective date for requiring that certain residential buildings meet certain ENERGY STAR standards; and
- (2) generally amend the law relating to buildings, energy, and environmental policy.

By amending
2008 Laws of Montgomery County
Chapter 7

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

LEGISLATIVE REQUEST REPORT

Expedited Bill 44-09
Buildings – Energy Efficiency – Deferral

DESCRIPTION: Amends the effective date for requiring that certain residential buildings meet certain ENERGY STAR standards

PROBLEM: Bill 30-07 requires that all single family homes and multi-family buildings that are three stories or less for which a building permit application is filed beginning on January 1, 2010 meet the ENERGY STAR standard for energy conservation. The law also provides for suspension of those requirements until April 1, 2010 if the Director of Environmental Protection identifies alternative approaches that are similarly effective and less costly than complying with the ENERGY STAR mandates. The Director of Environmental Protection has identified the 2009 International Energy Construction Code (IECC) as an alternative that is comparable to ENERGY STAR both in terms of effectiveness and compliance costs. Local jurisdictions are required to adopt the 2009 IECC by April 1, 2010. Given the comparability between the two energy conservation standards, a postponement of the effectiveness date for the ENERGY STAR mandates under Bill 30-07 until the date by which the County must adopt the 2009 IECC will provide an opportunity for the Council to consider the comparative effectiveness of the two standards before making a final decision concerning which standard is more appropriate for new residences within the County.

GOALS AND OBJECTIVES: To modify the applicability of Bill 30-07, Buildings – Energy Efficiency (which the Council passed on April 22, 2008) to make it applicable to covered buildings for which a building permit application is filed on or after April 1, 2010.

COORDINATION: Department of Permitting Services, Department of Environmental Protection

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be determined.

SOURCE OF INFORMATION: Hadi Mansouri, Department of Permitting Services, 240-777-6233; Stan Edwards, Dept. of Environmental Protection, 240-777-7748

APPLICATION WITHIN MUNICIPALITIES: To be determined.

PENALTIES: Class A

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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

November 12, 2009

TO: Phil Andrews, Council President
FROM: Isiah Leggett, County Executive 
SUBJECT: Proposed Legislation

2009 NOV 13 AM 11:36

RECEIVED
MONTGOMERY COUNTY
COUNCIL

I am forwarding for your consideration an expedited bill that would modify the applicability of Bill 30-07, Buildings – Energy Efficiency (which the Council passed on April 22, 2008) to make it applicable to covered buildings for which a building permit application is filed on or after April 1, 2010. I am also forwarding a Legislative Request Report for this bill.

Bill 30-07 requires the following “covered buildings” to meet the Energy Star standard for energy efficiency: (1) all single family homes; and (2) multi-family buildings that are eligible for the Energy Star rating and not covered by the County’s Green Buildings Law (i.e., buildings that are three stories or less). Under Bill 30-07, the Energy Star standard is applicable to covered buildings for which a building permit application is filed on or after January 1, 2010.

Bill 30-07 included language that authorized the Department of Environmental Protection (DEP) to “suspend” the applicability of the Energy Star standard until April 1, 2010 if DEP found an alternative standard that: (1) achieved the same energy efficiency goals; and (2) was less costly to builders and buyers of covered buildings.

After enactment of Bill 30-07, DEP conducted a comprehensive analysis of the following alternative standards: (1) the 2009 International Energy Conservation Code (IECC 2009); (2) the National Association of Home Builder’s National Green Building Standard; and (3) the Department of Energy’s Builder Challenge. DEP concluded that IECC 2009, with a local modification that would require a blower door test as a method of verifying compliance, would achieve the same energy goals as the Energy Star standard. DEP also concluded that the cost of complying with this alternative standard would be *comparable to* the cost of complying with Energy Star. However, based on available data, DEP could not conclude with certainty that the cost of complying with this alternative standard would be *less than* the cost of complying with Energy Star.

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Phil Andrews
November 12, 2009
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The State recently adopted IECC 2009 as the State energy code standard (effective October 1, 2009) and mandated that all local jurisdictions adopt the IECC 2009 by April 1, 2010. The Department of Permitting Services (DPS) has drafted proposed regulations that would amend the County's building code to adopt IECC 2009. The proposed regulations will be published in the December 2009 County Register and submitted to Council in early 2010.

In light of the comparability of the IECC 2009 and Energy Star standards, I recommend that the Council make a final decision regarding the appropriate energy conservation standard for covered buildings under Bill 30-07 at the same time that it considers the proposed regulations to adopt the IECC 2009 for other types of new buildings. This would allow the Council to obtain a full understanding of how the IECC 2009 relates to the Energy Star standard before making a final decision regarding the appropriate standard for single family homes and multi-family buildings that are three stories or less.

I look forward to working with the Council as it considers this bill.

Attachments (2)

cc: Kathleen Boucher, Assistant Chief Administrative Officer
Robert Hoyt, Director, Department of Environmental Protection
Carla Reid, Director, Department of Permitting Services
Leon Rodriguez, County Attorney