

Bill No. 17-06
Concerning: Buildings – Energy
Efficiency and Environmental Design
Revised: April 19, 2006 Draft No. 2
Introduced: April 25, 2006
Expires: October 25, 2007
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Leventhal and Councilmembers Praisner and Silverman

AN ACT to:

- (1) require certain non-residential buildings and multi-family residential buildings to achieve certain standards relating to energy efficiency and environmental design;
- (2) require certain applicants for preliminary subdivision plan approval, site plan approval, or a building permit to submit certain plans relating to energy efficiency and environmental design to the Department of Permitting Services for approval;
- (3) require the Department of Permitting Services to approve an energy efficiency and environmental design plan as a condition of certain building permits;
- (4) make certain building owners who comply with certain standards relating to energy efficiency and environmental design eligible to receive certain incentive payments;
- (5) define certain terms; and
- (6) generally amend the law relating to the construction of buildings, development review, building permits, energy, and environmental design.

By amending

Montgomery County Code
Chapter 8, Buildings
Section 8-26

By adding

Montgomery County Code
Chapter 8, Buildings
Article VII, Energy Efficiency and Environmental Design

By amending

Montgomery County Code
Chapter 18A, Energy Policy
Section 18A-11

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:

28 **“Green building plan”** means a:

- 29 (1) **LEED scorecard** showing the LEED points that a building will
 30 obtain; and
 31 (2) written explanation of how the building will obtain the LEED
 32 points identified in the **LEED scorecard**.

33 **“Green building concept plan”** means a:

- 34 (1) **LEED scorecard** showing the LEED points that a building will
 35 obtain as a result of site location and stormwater management;
 36 and
 37 (2) written explanation of how the building will obtain the LEED
 38 points identified in the **LEED scorecard**.

39 **“LEED accredited professional”** means an individual who has passed the
 40 LEED Professional Accreditation Exam administered by the Green Buildings
 41 Council.

42 **“LEED-NC Version 2.2”** means the Leadership in Energy and Environmental
 43 Design (LEED) Rating System for New Construction and Major Renovation,
 44 Version 2.2, developed by the **Green Buildings Council**, including the
 45 LEED-NC Version 2.2 Checklist and LEED-NC Version 2.2 Reference Guide.

46 **“LEED rating system”** means:

- 47 (1) **LEED-NC Version 2.2**; or
 48 (2) if approved by the County Executive, a successor to **LEED-NC**
 49 **Version 2.2** developed by the Green Buildings Council.

50 **“LEED scorecard”** means the checklist developed by the **Green Buildings**
 51 **Council** for the purpose of calculating a score on the **LEED rating system**.

52 **“Multi-family residential building”** means a building that includes 4 or more
 53 dwelling units.

54 **“Non-residential building”** means a building not used as a dwelling,
55 including:

- 56 (1) office buildings, including general offices, medical offices, office
57 parks, research parks, townhouse offices, government offices, and
58 other buildings with similar uses;
- 59 (2) industrial buildings, including truck terminals, warehouses, light
60 or heavy manufacturing facilities, industrial parks, and other
61 buildings with similar uses;
- 62 (3) retail buildings, including stores, shopping centers, restaurants,
63 vehicles sales or service facilities, banks, theaters, post offices,
64 and other buildings with similar uses;
- 65 (4) places of worship;
- 66 (5) private elementary, secondary, or post-secondary schools; and
- 67 (6) hotels, motels, day care centers, nursing homes, recreational
68 facilities, and other buildings with similar uses.

69 **“Planning Board”** means the Montgomery County Planning Board of the
70 Maryland-National Capital Park and Planning Commission.

71 **“Preliminary subdivision plan”** means a preliminary subdivision plan
72 approved by the **Planning Board** under Chapter 50.

73 **“Site plan”** means a site plan approved by the **Planning Board** under
74 Division 59-D-3.

75 **8-49. LEED standard.**

76 (a) Any **covered building** constructed in the County, including any
77 **covered building** constructed by the County, must achieve 20 points on
78 the **LEED rating system.**

79 (b) The owner of any **covered building** that achieves at least 24 points on
80 the **LEED rating system** is eligible for an incentive payment under the

81 Clean Energy and Environmental Design Rewards Program established
 82 in Section 18A-11.

83 **8-50. Site plans.**

84 (a) Before the **Planning Board** approves a **site plan** for a project that
 85 includes a **covered building**, an applicant must submit the following
 86 documents to the **Department** for approval:

87 (1) a **Green Building Plan** that shows how the building will
 88 comply with Section 8-49(a); and

89 (2) architectural plans for the building that are certified by a
 90 **LEED accredited professional** as likely to yield the
 91 LEED points specified in the **Green Building Plan**.

92 (b) Before the **Department** issues a building permit for a **covered building**
 93 for which a **site plan** is not required, the owner of the building must
 94 submit the documents listed in paragraphs (a)(1) and (a)(2) to the
 95 **Department** for approval.

96 **8-51. Preliminary subdivision plans.**

97 Before the **Planning Board** approves a **preliminary subdivision plan**, an
 98 applicant must submit a **Green Building Concept Plan** to the **Department**
 99 for approval.

100 **8-52. Building permits.**

101 The **Department** must approve a **Green Building Plan** that complies with
 102 Section 8-49(a) as a condition of any **building permit** issued for a **covered**
 103 **building**.

104 **Sec. 3. Section 18A-11 is amended as follows:**

105 **18A-11. Clean Energy and Environmental Design Rewards Program.**

106 (a) The Director of the Department of Environmental Protection must
 107 establish a Clean Energy and **Environmental Design** Rewards Program.

108 The purpose of the program is to provide financial and other incentives
109 to:

110 (1) consumers who choose electricity produced by renewable and
111 environmentally preferable power sources; and

112 (2) building owners who qualify under Section 8-49(b) for
113 participation in the program.

114 (b) The Director must require each eligible [person] consumer, building
115 owner, or supplier to submit an application for any payment under this
116 program, and may take any other action necessary to administer this
117 program. The Department of Finance must take actions necessary to
118 make any payments that the Director of Environmental Protection has
119 certified are due. The County Executive must issue regulations under
120 Method (1) to implement this Section.

121 (c) The Executive must adopt program regulations that:

122 (1) identify the types of electricity that qualify for incentives under
123 the program;

124 (2) restrict or preclude the payment of incentives for purchase of
125 otherwise qualified electricity that a consumer or supplier is
126 required to buy or produce to meet certain federal or state
127 requirements;

128 (3) specify the process to apply for, certify, and receive an award;
129 and

130 (4) include any additional program criteria, standards, and
131 procedures that are consistent with the County's energy and
132 environmental policy, which among other things may restrict the
133 location or air shed where any qualified electricity is produced.

134 (d) The County Council must establish by resolution the maximum amount
 135 of any incentive offered and the time period during which the incentive
 136 will be offered. The maximum incentive may be calculated by total
 137 payments, payment per quantity of electricity bought, or any other
 138 reasonable measurement.

139 (e) Any incentive payment to individual applicants may be paid on a fiscal
 140 year or calendar year basis, or at any other convenient time.

141 (f) A person who submits a false or fraudulent application, or withholds
 142 material information to obtain a payment under this Section, has
 143 committed a Class A violation. In addition, the person must repay the
 144 County for all amounts improperly paid, and all accrued interest and
 145 penalties that would apply to those amounts, as if they were overdue
 146 taxes. A person who violates this Section is liable for all court costs and
 147 expenses of the County in any civil action brought by the County to
 148 recover any payments, interest, or penalty. The County may collect any
 149 amount due, and otherwise enforce this Section, by any appropriate
 150 legal action.

151 **Sec. 4. Applicability.**

152 This Act applies to any covered building for which a preliminary
 153 subdivision plan application, site plan application, or building permit application is
 154 filed on or after the date the Act takes effect.

155 *Approved:*

156 _____
 George L. Leventhal, President, County Council

_____ Date

157 *Approved:*

158

Douglas M. Duncan, County Executive

Date

159 *This is a correct copy of Council action.*

160

Linda M. Lauer, Clerk of the Council

Date

161