

Expedited Bill No. 10-10
Concerning: Buildings – Energy
Efficiency - Repeal
Revised: 4/30/2010 Draft No. 2
Introduced: March 23, 2010
Enacted: May 18, 2010
Executive: _____
Effective: **[[April 1, 2010]]**
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) repeal the requirement that certain residential buildings meet certain ENERGY STAR standards; and
- (2) generally amend the law relating to buildings, energy, and environmental policy.

By repealing

Montgomery County Code
Chapter 8, Buildings
Article VIII. Energy Efficiency

2008 Laws of Montgomery County, ch. 7, § 5

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:

1 **Sec. 1. Article VIII of Chapter 8 is repealed as follows:**

2 **[Article VIII. Energy Efficiency]**

3 **[8-54. Definitions.]**

4 [In this Article, the following words have the meanings indicated:

5 “*Covered building*” means a newly constructed:

- 6 (1) single-family residential building; or
- 7 (2) multi-family residential building which is:
- 8 (A) not a covered building under Section 8-48; and
- 9 (B) eligible to earn the ENERGY STAR rating.

10 “*Department*” means the Department of Permitting Services.

11 “*Director*” means the Director of the Department or the Director’s designee.

12 “*ENERGY STAR rating*” means the ENERGY STAR rating developed by the

13 federal Environmental Protection Agency which measures a building’s energy

14 efficiency.

15 “*Home Energy Rating System*” or “*HERS*” means the energy efficiency rating

16 system for residential buildings developed by RESNET.

17 “*Qualified home energy performance rater*” means an individual who:

- 18 (1) is certified by RESNET as a home energy performance rater; or
- 19 (2) meets other equivalent requirements approved by the Director.

20 “*RESNET*” means the Residential Energy Services Network.

21 “*Performance path*” means the process developed by the federal

22 Environmental Protection Agency under which a building may achieve the

23 ENERGY STAR rating if it:

- 24 (1) achieves the applicable HERS index score; and
- 25 (2) is verified and field-tested by a qualified home energy
- 26 performance rater.

27 “*Prescriptive path*” means the process developed by the federal Environmental
28 Protection Agency under which a building may achieve the ENERGY STAR
29 rating if it:

- 30 (1) complies with the applicable ENERGY STAR Builder Option
31 Package; and
- 32 (2) is verified and field-tested by a qualified home energy
33 performance rater.]

34 **[8-55. ENERGY STAR standard.]**

35 [A covered building must achieve the ENERGY STAR rating under the
36 performance or prescriptive path.]

37 **[8-56. Building permits; use and occupancy certificates.]**

38 [(a) Design plans. An applicant for a building permit for a covered building
39 must submit to the Department:

- 40 (1) design plans for the building that are likely to achieve the
41 standard under Section 8-55, as certified by a qualified
42 home energy performance rater; and
- 43 (2) any other document or information the Department finds
44 necessary to decide whether the building will achieve the
45 standard under Section 8-55.

46 (b) Building permit. The Department must require compliance with
47 Section 8-55 as a condition of any building permit issued for a
48 covered building.

49 (c) Final use and occupancy certificate. The Department must not
50 issue a final use and occupancy certificate for a covered building,
51 if a use and occupancy certificate is otherwise required, unless it
52 finds that the building complies with Section 8-55.]

53 **[8-57. Regulations.]**

54 [The County Executive must adopt regulations under Method (2) to
55 administer this Article. Those regulations must specify:

- 56 (a) any process for becoming a qualified home energy performance
57 rater that the Director finds is equivalent to the RESNET
58 certification process;
- 59 (b) any standards and procedures under which the Director may
60 approve full or partial waivers of Section 8-55 when compliance
61 would be impractical or unduly burdensome and the waiver
62 would serve the public interest; and
- 63 (c) standards and procedures for any enforcement mechanism that
64 the Department finds necessary to accomplish the purposes of
65 this Article.]

66 **Sec. 2. Section 5 of Chapter 7 of the 2008 Laws of Montgomery County,**
67 **as amended by Section 1 of Chapter 32 of the 2009 Laws of Montgomery**
68 **County, is repealed as follows:**

- 69 [(a) Section 8-55, as added by Section 4 of this Act, applies to any covered
70 building for which a building permit application is filed on or after April
71 1, 2010.
- 72 (b) By October 1, 2009, the County Executive must adopt, and submit to
73 the Council under County Code Section 2A-15, regulations required by
74 Section 8-57, as added by Section 4 of this Act.]

75 **Sec. 3. Expedited Effective Date.** The Council declares that this Act is
76 necessary for the immediate protection of the public interest. This Act takes effect on
77 **[[April 1, 2010]] the date when it becomes law.**

78 *Approved:*

79 *Nancy Floreen*

5/21/10

Nancy Floreen, President, County Council

Date

80 *Approved:*

81

Isiah Leggett, County Executive

Date

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

83

Linda M. Lauer, Clerk of the Council

Date