

MEMORANDUM

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*
Michael Faden, Senior Legislative Attorney

SUBJECT: **Public Hearing:** Bill 3-14, Buildings – Energy Efficiency – Energy Standards

Bill 3-14, Buildings – Energy Efficiency – Energy Standards, sponsored by Councilmembers Berliner and Floreen, Council Vice President Leventhal, and Councilmembers Elrich, Andrews, and Navarro, was introduced on January 28, 2014. A Transportation, Infrastructure, Energy and Environment Committee worksession is tentatively scheduled for February 26, 2014 at 9:30 a.m.

Bill 3-14 would require certain newly constructed or extensively modified buildings to achieve a silver-level rating in the appropriate Leadership in Energy and Environmental Design (LEED) rating system.

Councilmember Berliner explained the purpose of this Bill in his January 14 memorandum describing his proposed energy/environmental package. See ©20 of Bill 2-14, Agenda Item 13.

The Fiscal and Economic Impact statement for this Bill will be transmitted after March 17 (see ©5).

This packet contains:	<u>Circle #</u>
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Bill No. 3-14
Concerning: Buildings - Energy
Efficiency- Energy Standards
Revised: 1-16-14 Draft No. 2
Introduced: January 28, 2014
Expires: July 28, 2015
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berliner, and Floreen, Council Vice President Leventhal, and
Councilmembers Elrich, Andrews, and Navarro

AN ACT to:

- (1) require certain newly constructed or extensively modified buildings to achieve a silver-level rating in the appropriate Leadership in Energy and Environmental Design rating system; and
- (2) generally amend County law relating to the construction of buildings, development review, building permits, energy, and environmental design.

By amending

Montgomery County Code
Chapter 8, Buildings
Section 8-49

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:

Sec. 1. Section 8-49 is amended as follows:

8-48. Definitions.

In this Article, in addition to any term defined elsewhere in this Chapter, the following words have the meanings indicated:

* * *

Covered building means a newly constructed or extensively modified non-residential or multi-family residential building that has or will have at least 10,000 square feet of gross floor area.

Extensively modified refers to any structural modification which alters more than 50% of the building's gross floor area, as indicated on the application for a building permit. Extensively modified does not include any modification that is limited to one or more of the following building systems: mechanical; electrical; plumbing; heating, ventilation, and air conditioning (HVAC); and fire protection.

* * *

Newly constructed refers to a new stand-alone building or an addition to an existing building. A newly constructed building includes any addition to or enlargement of an existing building, but does not include any change to an existing portion of a building.

* * *

8-49. Standards and requirements.

(a) *County buildings.* Any County building must, in addition to any action required under Section 8-14A, achieve:

- (1) a silver-level rating in the appropriate LEED rating system, as certified by the Green Building Council;
- (2) a silver-level rating in the appropriate LEED rating system, as verified by the Director or a qualified person approved by the Director; or

29 (3) energy and environmental design standards that the Director
30 identifies as equivalent to a silver-level rating in the appropriate
31 LEED rating system, as verified by the Director or a qualified
32 person approved by the Director.

33 (b) *Other covered buildings.* Any other covered building must achieve:

34 (1) a [certified] silver-level rating in the appropriate LEED rating
35 system, as certified by the Green Building Council;

36 (2) a [certified] silver-level rating in the appropriate LEED rating
37 system, as verified by the Director or a qualified person
38 approved by the Director; or

39 (3) energy and environmental design standards that the Director
40 identifies as equivalent to a [certified] silver-level rating in the
41 appropriate LEED rating system, as verified by the Director or
42 a qualified person approved by the Director.

43 * * *

44 **Sec. 2. Effective date.**

45 Section 8-49, as amended by this Act, applies to any covered building, for
46 which a building permit application is filed on or after July 1, 2014.

47 *Approved:*

48
49 _____
Craig L. Rice, President, County Council

Date

50 *Approved:*

51
52 _____
Isiah Leggett, County Executive

Date

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

54
55 _____
Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 3-14

Buildings – Energy Efficiency – Energy Standards

DESCRIPTION: Would require certain newly constructed or extensively modified buildings to achieve a silver-level rating in the appropriate Leadership in Energy and Environmental Design rating system.

PROBLEM: Current County law only requires new commercial buildings to meet the less stringent LEED certified standard.

GOALS AND OBJECTIVES: To upgrade the energy efficiency of new commercial buildings.

COORDINATION: Department of Permitting Services

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Amanda Mihill, 240-777-7815

APPLICATION WITHIN MUNICIPALITIES: Applies in municipalities where the County issues building permits.

PENALTIES: Not applicable.



ROCKVILLE, MARYLAND

MEMORANDUM

February 5, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Joseph F. Beach, Director, Department of Finance

SUBJECTS: Bill 2-14, Environmental Sustainability – Buildings – Benchmarking
Bill 3-14, Buildings – Energy Efficiency – Energy Standards
Bill 4-14, Street and Roads – County Street Lights
Bill 5-14, Environmental Sustainability – Social Cost of Carbon Assessments
Bill 6-14, Environmental Sustainability - Office of Sustainability – Established
Bill 7-14, Contracts and Procurement – Certified Green Business Program
Bill 8-14, Buildings – County Buildings – Clean Energy Renewable Technology
Bill 9-14, Environmental Sustainability – Renewable Energy – County Purchase
Bill 10-14, Buildings – Solar Permits – Expedited Review
Bill 11-14, Buildings – Electric Vehicle Charging Station Permits – Expedited Review

As required by Section 2-81A of the County Code, we are informing you that transmittal of the fiscal and economic impact statements for the above referenced legislation will be delayed because more time is needed to coordinate with the affected departments, collect information, and complete our analysis of the fiscal and economic impacts. While we are not able to conduct the required detailed analyses at this time, it is clear that a number of these bills could have significant fiscal impacts.

Due to this year's heavy workload on Executive branch staff in developing both a full capital budget and an operating budget, the fiscal and economic statements will be transmitted after March 17, 2014.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Marc P. Hansen, Office of the County Attorney
Robert Hagedoorn, Department of Finance
David Platt, Department of Finance
Alex Espinosa, Office of Management and Budget
Mary Beck, Office of Management and Budget
Naeem Mia, Office of Management and Budget
Felicia Zhang, Office of Management and Budget