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: May 29, 2010

Effective: May 29, 2010

Sunset Date: None

Ch. 16 , Laws of Mont. Co. 2010

**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** *Heading or defined term.*

Underlining *Added to existing law by original bill.*

**[**Single boldface brackets**]** *Deleted from existing law by original bill.*

Double underlining *Added by amendment.*

**[[**Double boldface brackets**]]** *Deleted from existing law or the bill by amendment.*

\* \* \* *Existing law unaffected by bill.*

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

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 Article VIII of Chapter 8 is repealed as follows:**

**[Article VIII. Energy Efficiency]**

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

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

“*Covered building*” means a newly constructed:

(1) single-family residential building; or

(2) multi-family residential building which is:

(A) not a covered building under Section 8-48; and

(B) eligible to earn the ENERGY STAR rating.

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

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

“*ENERGY STAR rating*” means the ENERGY STAR rating developed by the federal Environmental Protection Agency which measures a building’s energy efficiency.

“*Home Energy Rating System*” or “*HERS*” means the energy efficiency rating system for residential buildings developed by RESNET.

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

(1) is certified by RESNET as a home energy performance rater; or

(2) meets other equivalent requirements approved by the Director.

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

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

(1) achieves the applicable HERS index score; and

(2) is verified and field-tested by a qualified home energy performance rater.

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

(1) complies with the applicable ENERGY STAR Builder Option Package; and

(2) is verified and field-tested by a qualified home energy performance rater.**]**

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

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

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

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

(1) design plans for the building that are likely to achieve the standard under Section 8-55, as certified by a qualified home energy performance rater; and

(2) any other document or information the Department finds necessary to decide whether the building will achieve the standard under Section 8-55.

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

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

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

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

(a) any process for becoming a qualified home energy performance rater that the Director finds is equivalent to the RESNET certification process;

(b) any standards and procedures under which the Director may approve full or partial waivers of Section 8-55 when compliance would be impractical or unduly burdensome and the waiver would serve the public interest; and

(c) standards and procedures for any enforcement mechanism that the Department finds necessary to accomplish the purposes of this Article.**]**

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

 **[**(a) Section 8-55, as added by Section 4 of this Act, applies to any covered building for which a building permit application is filed on or after April 1, 2010.

 (b) By October 1, 2009, the County Executive must adopt, and submit to the Council under County Code Section 2A-15, regulations required by Section 8-57, as added by Section 4 of this Act.**]**

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

*Approved:*

 /s/ May 21, 2010

Nancy Floreen, President, County Council Date

*Approved:*

 /s/ May 29, 2010

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

 /s/ June 7, 2010

Linda M. Lauer, Clerk of the Council Date