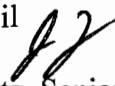


MEMORANDUM

June 23, 2017

TO: County Council 
FROM: Jeffry L. Zyontz, Senior Legislative Analyst
SUBJECT: **Public Hearing:** Bill 19-17, Buildings – Energy Efficiency - Repeal

Bill 19-17, Buildings – Energy Efficiency - Repeal, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on June 13, 2017. A Planning, Housing and Economic Development Committee worksession on the Bill and Regulation will be scheduled at a later date.

Bill 19-17 would repeal Article VII of Chapter 8 of the Montgomery County Code and amend the law relating to buildings, energy efficiency and environmental design. This code provision established the requirement for new large buildings to achieve Leadership in Environment and Energy Design (LEED) Silver certification (or an equivalent rating).

The Executive is seeking a repeal of the LEED requirement in anticipation of adopting ER 21-16AM which requires compliance to the International Green Building Code (IgCC) as amended by the regulation.¹ The Council received ER 21-15AM via a memorandum dated May 15, 2017.

The IgCC requires the developers to choose and comply with provisions of code called electives.² The number of electives varies with the size of the proposed building (under 10,000 gross floor area (GFA)- 2 electives; between 10,000 and 20,000 GFA –3 electives; over 20,000 GFA– 4 electives). The amended regulation would allow LEED Silver certification to replace the

¹ A detailed review of the Executive Regulation's content is available in a June 8 memorandum to the Planning, Housing, and Economic Development Committee.

² The following are proposed as electives under ER 21-15:

- Whole Building Life Cycle Assessment
- Preservation of Natural Resources
- Stormwater Management
- Landscape Irrigation and Outdoor Fountains
- Management of Vegetation, Soils and Erosion control
- Transportation Impact
- Material Selection Lamps
- Automated Demand-Response Infrastructure

requirement for any electives. The amended regulation also changed the effective date to December 1, 2017.

This packet contains:

	<u>Circle #</u>
Bill 19-17	1
Legislative Request Report	7
Memo from County Executive	8
Fiscal and Economic Impact statement	9
ER 21-15AM	12

F:\LAW\BILLS\1719 Buildings-Energy Efficiency-Repeal\PH Memo.Docx

Bill No. 19-17
Concerning: Buildings – Energy
Efficiency and Environmental Design -
Repeal
Revised: 5/19/17 Draft No. 1
Introduced: June 13, 2017
Expires: December 13, 2018
Enacted: _____
Executive: _____
Effective: December 1, 2017
Sunset Date: None
Ch. 8, Laws of Mont. Co. 2017

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

AN ACT to:

- (1) repeal Article VII of Chapter 8 of the Montgomery County Code; and
- (2) generally amend the law relating to buildings, energy efficiency, and environmental design.

By amending

Montgomery County Code
Chapter 8, Buildings
Section 8-26

and repealing

Montgomery County Code
Chapter 8, Buildings
Article VII
Sections 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, and 8-52

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 26 of Chapter 8 is amended as follows:

8-26. Conditions of permit.

* * *

(c) *Compliance with permit.* All work must conform to the approved application and plans for which the permit has been issued[, including any action required under Article VII,] and any approved amendments to the permit.

* * *

Sec. 2. Article VII of Chapter 8 (Sections 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, and 8-52) is repealed as follows:

ARTICLE VII. [ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN.] Reserved.

8-46. [Short title] Reserved.

[This Article may be cited as the Montgomery County Green Buildings Law.]

8-47. [Policy] Reserved.

[This Article is intended to protect the public health and welfare by requiring an integrated approach to planning, design, construction, and operation of a covered building and its surrounding landscape that helps mitigate the energy and environmental impacts of the building so that it is energy efficient, sustainable, secure, safe, cost-effective, accessible, functional, and productive.]

8-48. [Definitions] Reserved.

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

County building means any covered building for which the County government finances at least 30% of the cost of:

- (1) construction, for a newly constructed building; or
- (2) modification, for a building that is extensively modified.

28 *Covered building* means a newly constructed or extensively modified non-
29 residential or multi-family residential building that has or will have at least
30 10,000 square feet of gross floor area.

31 *Extensively modified* refers to any structural modification which alters more than
32 50% of the building's gross floor area, as indicated on the application for a
33 building permit. Extensively modified does not include any modification that
34 is limited to one or more of the following building systems: mechanical;
35 electrical; plumbing; heating, ventilation, and air conditioning (HVAC); and fire
36 protection.

37 *Green Building Council* means the U.S. Green Building Council, an
38 organization that has developed and published the LEED rating system to
39 measure the energy and environmental performance of a building.

40 *LEED* refers to the series of Leadership in Energy and Environmental Design
41 (LEED) rating systems developed by the Green Building Council.

42 *LEED rating system* means the particular LEED rating system that applies to a
43 covered building, as specified in Executive regulations.

44 *Multi-family residential building* means any multi-family residential or mixed-
45 use building that is taller than 4 stories. Multi-family residential building does
46 not include a residential care or assisted living building which can house no
47 more than 16 occupants.

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

52 *Non-residential building* means a building not used as a dwelling. Non-
53 residential building does not include any:

- 54 (1) day care center for 5 or fewer persons;

- (2) accessory building or structure;
- (3) agricultural building, stable, barn, or greenhouse;
- (4) parking garage that is not heated or cooled; or
- (5) other building characterized as a miscellaneous building in the edition of the ICC International Building Code designated under Section 8-13.]

8-49. [Standards and requirements] Reserved.

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

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

- (1) a certified-level rating in the appropriate LEED rating system, as certified by the Green Building Council;
- (2) a certified-level rating in the appropriate LEED rating system, as verified by the Director or a qualified person approved by the Director; or
- (3) energy and environmental design standards that the Director identifies as equivalent to a certified-level rating in the appropriate LEED rating system, as verified by the Director or a qualified person approved by the Director.

(c) *Additions.* However, for any building for which an application for all necessary building permits was filed before September 1, 2008, any later addition to that building must achieve the requirements of a subsection (a) or (b), whichever applies, only if the addition would increase the building's:

- (1) land coverage by at least 100%; and
- (2) gross floor area by at least 10,000 square feet.]

8-50. [Building permits] Reserved.

[(a) *Design plans.* The 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 applicable standard under Section 8-49(a) or (b), whichever applies, as certified or otherwise approved by the Green Building Council or verified by the Director or a qualified person designated by the Department; and
- (2) any other document or information the Department finds necessary to decide whether the building will achieve the applicable standard under Section 8-49.

(b) *Building permit.* The Department must require compliance with Section 8-49 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 unless it finds that the building has achieved the applicable standard under Section 8-49.]

8-51. [Regulations] Reserved.

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

- (a) the LEED rating system, and any equivalent energy and environmental design standard, that applies to each type of covered building under Section 8-49(a) and (b).
- (b) the process to verify that a covered building complies with any applicable standard under Section 8-49, including the types of persons who are qualified to verify compliance;
- (c) any standards and procedures under which the Director may approve full or partial waivers of Section 8-49 when compliance would be impractical or unduly burdensome and the public interest would be served by the waiver; and
- (d) standards and procedures for any enforcement mechanism, such as a performance bond, that the Department finds necessary to accomplish the purposes of this Article.]

8-52. [Report] Reserved.

[The Director must submit to the Executive and Council, not later than March 1 of each year, a list of each waiver of the requirements of this Article that the Director approved during the preceding calendar year and any condition attached to the at waiver.]

Sec. 3. Effective Date

This Act takes effect on December 1, 2017.

LEGISLATIVE REQUEST REPORT

Bill 19-17

Buildings – Energy Efficiency - Repeal

DESCRIPTION: Bill 19-17 will repeal Article VII of Chapter 8 of the Montgomery County Code; and generally amend the law relating to buildings, energy efficiency and environmental design.

PROBLEM: In 2007, the Montgomery County Green Building law codified in Chapter 8 (Buildings), Article VII Energy Efficiency and Environmental Design of the County Code, and the Department of Permitting Services adopted Executive Regulation 19-07 to enforces the requirements. The Department proposed Executive regulation 21-15AM for adoption of International Green Construction Code (IgCC) which makes green buildings an integral part of the county building codes and the County Green Building Law is no longer necessary.

**GOALS AND:
OBJECTIVES** To have green building as a feature of the county building codes.

COORDINATION: The Office of the County Executive.

FISCAL IMPACT: None.

**ECONOMIC:
IMPACT** None.

EVALUATION: Not Applicable

**EXPERIENCE:
ELSEWHERE** Not Applicable

**SOURCE OF:
INFORMATION** Department of Permitting Services

**APPLICATION:
WITHIN
MUNICIPALITIES** Not Applicable

PENALTIES: Not Applicable



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

May 16, 2017

TO: Roger Berliner, Council President

FROM: Isiah Leggett, County Executive 

SUBJECT: Legislation repealing and generally amending Article VII of Chapter 8 of the Montgomery County Code relating to buildings, energy efficiency and environmental design (the "County Green Buildings Law")

The purpose of the memorandum is to submit legislation proposing repeal of the County Green Buildings Law which is to be replaced by Executive Regulation 21-15AM adopting the 2012 International Green Construction Code with amendments (IgCC). Adoption of the IgCC makes green building an integral part of the County building codes and the County Green Buildings Law is no longer necessary. There is no fiscal impact as reflected on the Fiscal Impact Statement submitted separately.

Attached is the proposed legislation, LRR and the fiscal/economic impact statements. If you have additional questions or need additional information, please contact Hadi Mansouri, Chief Operating Officer, in the Department of Permitting Services at 240-777-6233.

IL:dj

Attachments

Fiscal Impact Statement
BILL XX-17

1. Bill Summary

Bill XX-17 will repeal Article VII of Chapter 8, the Montgomery County Green Building law, of the Montgomery County Code; and generally amend the law relating to buildings, energy efficiency and environmental design.

The County Executive submitted Executive Regulation 21-15AM for Council's consideration in September 2016. County Council extended the review time for Executive Regulation 21-15AM until June 30, 2017. This regulation adopts the 2012 International Green Construction Code (IgCC), with amendments, as the energy conservation and sustainability design standard in Montgomery County, and supersedes Executive Regulation 19-07AM.

With the adoption of the IgCC, Article VII of Chapter 8 is no longer necessary as the IgCC sets a higher performance baseline and applies to a broader spectrum of construction.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No impact

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No impact

4. An actuarial analysis through the entire amortization period for each bill/regulation that would affect retiree pension or group insurance costs.

No impact

5. Later actions that may affect future revenue and expenditures if the bill/regulation authorizes future spending.

No impact

6. An estimate of the staff time needed to implement the bill/regulation.

No impact

7. An explanation of how the addition of new staff responsibilities would affect other duties.

No impact

8. An estimate of costs when an additional appropriation is needed.

No impact

9. A description of any variable that could affect revenue and cost estimates.

No impact

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

No impact

11. If a Bill is likely to have no fiscal impact, why that is the case.

No impact

12. Other fiscal impacts or comments.

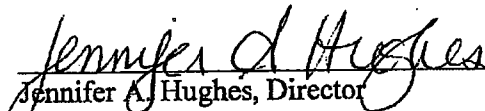
No impact

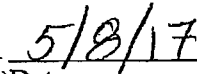
13. The following contributed to and concurred with this analysis,

Hemal Mustafa, DPS

Hadi Mansouri, DPS

Jennifer Nordin, OMB


Jennifer A. Hughes, Director
Office of Management and Budget


Date

Economic Impact Statement
Bill #-17, Draft Bill Title (no title)

Background:

This legislation would:

- Repeal Article VII of Chapter 8 of the Montgomery County Code; and
- Amend the law related to buildings, energy efficiency, and environmental design.

In 2007, Montgomery County codified Chapter 8, Article VII, Buildings – Energy Efficiency and Environmental Design, and the Montgomery County Department of Permitting Services (DPS) adopted Executive Regulation 19-07 for enforcement of the requirements in Chapter 8, Article VII.

DPS proposes Executive Regulation 21-15AM to adopt the recent International Green Construction Code (IgCC) that makes green buildings an integral part of the County building codes and, thereby, making the County Green Building Law (Chapter 8, Article VII) unnecessary. Bill #-17 repeals Chapter 8, Article VII as it is replaced by Executive Regulation 21-15AM.

1. The sources of information, assumptions, and methodologies used.

Source of information includes the Department of Permitting Services (DPS). According to DPS, the IgCC is pending adoption as an overlay building code which will render the existing Green Buildings Law obsolete.

2. A description of any variable that could affect the economic impact estimates.

There are no variables that could affect the economic impact estimates.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Since the new green building construction code as reflected in ER 21-15AM effectively replaces the current law, this legislation would have no economic impact on employment, spending, savings, investment, incomes, and property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

Please paragraph #3.

5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoorn, Finance.



Alexandre A. Espinosa, Director
Department of Finance



Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

Montgomery County Regulation on:

COMCOR 08.00.03 ADOPTION OF THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 21-15AM

Authority: Code Sections 8-13 and 8-14
Supersedes: Executive Regulation 19-07AM
Council Review: Method 2
Register Vol. 32 Issue 12
Comment deadline: January 31, 2015
Effective date:
Sunset date: None

SUMMARY: This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and supersedes Executive Regulation 19-07AM.

ADDRESSES: Department of Permitting Services
255 Rockville Pike, Second Floor
Rockville, Maryland 20850

STAFF CONTACT: Hemal Mustafa, Manager
Division of Commercial Building Construction
240-777-6226
Hadi Mansouri, Chief Operating Officer
Department of Permitting Services
240-777-6233



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

BACKGROUND INFORMATION: The Department of Permitting Services enforces Chapter 8 (Buildings) of the Montgomery County Code. This regulation is adopted under Sections 8-13 and 8-14 of the Montgomery County Code. It is a coordinated effort whereby Article VII of Chapter 8 of the Montgomery County Code is to be repealed under separate Council action and the 2012 International Green Construction Code is adopted, with amendments, as the energy conservation and sustainable building design standard in Montgomery County, Maryland. This regulation supersedes Executive Regulation No. 19-07AM.

COMCOR 08.00.03 Buildings – Energy Conservation and Sustainable Building Design.

08.00.03.01 PURPOSE

This regulation adopts the 2012 International Green Construction Code (IGCC), with amendments, and establishes:

- (a) a process to verify that certain new construction and additions comply with the applicable standard;
- (b) standards and procedures under which the Director may approve waivers or modifications of the IGCC, when compliance would be impracticable or unduly burdensome and the public interest would be served by the waiver or modification; and
- (c) standards and procedures for any enforcement mechanism that the Department finds necessary to accomplish the purposes of the energy conservation and sustainable building design standard adopted in this regulation.

08.00.03.02 APPLICABILITY

This regulation applies to any newly constructed, and to any addition to an existing non-residential or multi-family residential building, including R-2 and R-4 residential buildings (Group R-4 includes uses such as Assisted Living, Congregate Care, Group Homes and Social Rehabilitation Facilities), that will have at least 5,000 square feet of gross floor area. This regulation does not apply to any building or structure exempt under Section 101.3 of the IGCC and Section 08.00.03.06.01 of this regulation.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

08.00.03.03 DEFINITIONS

For the purposes of this regulation, the following words and phrases have the meanings indicated. Words and phrases defined and used in Chapter 8 of the County Code have the meanings indicated in that Chapter.

Addition means an extension or increase in the gross floor area or height of an existing building or structure. Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure.

Commissioning Plan means the Commissioning Plan approved by the code official.

Department means the Department of Permitting Services.

Director means the Director of the Department of Permitting Services.

Multi-family residential building means any multi-family residential or mixed-use residential building that has at least 5,000 square feet of gross floor area. **Multi-family residential building** does not include a residential care or assisted living building which can house no more than 16 occupants.

Newly constructed refers to a new stand-alone building or an addition to an existing building.

Non-residential building means a building not used as a dwelling.

Non-residential building does not include any:

- (1) day care center for 5 or fewer persons;
- (2) accessory building or structure;
- (3) agricultural building, stable, barn, or greenhouse;
- (4) parking garage that is not heated or cooled; or
- (5) other building characterized as a miscellaneous building in the edition of the ICC International Building Code designated under Section 8-13 of the Montgomery County Code.

08.00.03.04 POLICY

In May 2011, the State of Maryland authorized local jurisdictions to adopt the International Green Construction Code as one of the Model Performance Codes. The Department of Permitting Services



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive. 101 Monroe Street. Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012	Number: 21-15AM
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

supports and recommends adoption of the IGCC as establishing a high performance baseline for energy conservation and sustainable building practices.

08.00.03.05 PROCEDURES

The IGCC is part of the International Code Council (ICC) building codes family and as such is subject to the same regulations governing the approval and issuance of building permits, and the inspection procedures and policies codified in the Chapter 8 of the Montgomery County Code.

08.00.03.06 AMENDMENTS TO THE 2012 INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC)

08.00.03.06.01 Section 101 – General

Subsection 101.1. Replace the brackets and the phrase inside the brackets with
“Montgomery County Maryland”.

Subsection 101.3. Replace Subsection 101.3 with the following: The provisions of this code shall apply to new construction as it relates to design and construction of buildings and additions, building sites, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures and to the site on which the building is located. Occupancy classifications shall be determined in accordance with the International Building Code (IBC).

Subsection 101.3. Add the following exception: 5. The code shall not apply to items 5.1, 5.2 and 5.3

5.1. Those low energy buildings that are exempt from the energy requirements of the current International Energy Conservation Code, including open parking garages, greenhouses, warehouses, storage buildings.

5.2 Any new building with less than 5000 sq.ft. gross floor area.

5.3 Any addition to an existing building which will create less than 5000 sq.ft. of additional gross floor area.

Subsection 101.4. Add a second sentence to read: “Appendix A shall apply as amended by subsection A102.1.”



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

08.00.03.06.02 Section 102 – Applicability

Subsection 102.4. Delete the phrases “the *International Code Council Performance Code (ICCPC)*”, “the *International Plumbing Code (IPC)*”, and “the *International Property Maintenance Code (IPMC)*.” Replace the phrase “*International Fire Code (IFC)*” with “Montgomery County Fire Code.”

Subsection 102.6. Delete the phrase “the *International Property Maintenance Code*,” and replace the phrase “*International Fire Code*” with “Montgomery County Fire Code.”

08.00.03.06.03 Section 108 – Board of Appeals. Delete.

08.00.03.06.04 Section 202 – Definitions

Approved Agency. Add the phrase “by the code official or authority having jurisdiction” after the phrase “such agency has been approved.”

Addition. Add a second sentence to read: “Addition also includes the addition of building components such as electrical and mechanical systems or elements to an existing building or structure.”

08.00.03.06.05 Section 301 – General

Subsection 301.2. Add the phrase, “including Appendix A” after word “applicable” in the second sentence, and add a new last sentence in the paragraph to read “The Department of Permitting Services will accept LEED Silver certification in lieu of the Elective requirements listed in Appendix A.”

08.00.03.06.06 Section 302 – Jurisdictional Requirements

Subsection 302.1. Delete items 1 and 2, and renumber the second Item 2 as Item 1.

Subsection 302.1.1. Delete.

Table 302.1. Replace Table 302.1 with the following:



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

**TABLE 302.1
REQUIREMENTS DETERMINED BY THE JURISDICTION**

Section	Section Title or Description and Directives	Jurisdictional Requirements	
Chapter 1. SCOPE			
101.3 Exception 1.1	Detached one- and two-family dwellings and multiple single-family dwellings (town-houses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	☐ Yes	☒ No
101.3 Exception 1.2	Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700	☐ Yes	☒ No
101.3 Exception 1.3	Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	☒ Yes	☐ No
Chapter 4. SITE DEVELOPMENT AND LAND USE			
402.2.1	Flood hazard area preservation, general	☐ Yes	☒ No
402.2.2	Flood hazard area preservation, specific	☐ Yes	☒ No
402.3	Surface water protection	☐ Yes	☒ No
402.5	Conservation area	☐ Yes	☒ No
402.7	Agricultural land	☐ Yes	☒ No
402.8	Greenfield sites	☐ Yes	☒ No
407.4.1	High-occupancy vehicle parking	☐ Yes	☒ No
407.4.2	Low-emission, hybrid and electric vehicle parking	☐ Yes	☒ No
409.1	Light pollution control	☐ Yes	☒ No
Chapter 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY			
503.1	Minimum percentage of waste material diverted from landfills	☒ 50%	
Chapter 6. ENERGY CONSERVATION, EFFICIENCY AND CO₂e EMISSION REDUCTION			
302.1, 602.1	zEPI of Jurisdictional Choice- The jurisdiction shall indicate a zEPI of 50 or less in each occupancy for which it intends to require enhanced energy performance.	Occupancy: ALL zEPI: 50	
604.1	Automated demand response infrastructure	☐ Yes	☒ No
Chapter 7. WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY			
702.7	Municipal reclaimed water	☐ Yes	☒ No



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

Chapter 8. INDOOR ENVIRONMENTAL QUALITY AND COMFORT			
804.2	Post- Construction Pre-Occupancy Baseline IAQ Testing	☒ Yes	☐ No
807.1	Sounds transmission and sound levels	☒ Yes	☐ No
Chapter 10. EXISTING BUILDINGS: DELETE IN ITS ENTIRETY			
1007.2	Evaluation of existing buildings	☐ Yes	☒ No
1007.3	Post Certificate of Occupancy zEPI, energy demand, and CO ₂ e emissions reporting	☐ Yes	☒ No
Appendix A ^a			
A101	Minimum 2 project electives shall be selected for a building with gross floor area less than 10,000 sq.ft.	☒ Yes	☐ No
A101	Minimum 3 projects electives shall be selected for building with gross floor area between 10,000 and 20,000 sq.ft.	☒ Yes	☐ No
A101	Minimum 4 projects electives shall be selected for building with gross floor area greater than 20,000 sq.ft.	☒ Yes	☐ No

^a If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or Washington Suburban Sanitary Commission, then the applicant must exceed the minimum requirements of code, standards, and regulations as written and enforced by the governmental entity or agencies, and any such Chapter or Section will not count as a minimum project elective.

08.00.03.06.07 Section 303 – Whole Building Life Cycle Assessment

Section 303. Move Section 303 to Appendix A.

08.00.03.06.08 Section 401 – General

Subsection 401.2. Move Subsection 401.2 to Appendix A.

08.00.03.06.09 Section 402 – Preservation of Natural Resources

Section 402. Move Section 402 to Appendix A.

08.00.03.06.10 Section 403 – Storm Water Management

Section 403. Move Section 403 to Appendix A.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

Subject: International Green Construction Code (IGCC) 2012

Number: 21-15AM

Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

08.00.03.06.11 Section 404 – Landscape Irrigation and Outdoor Fountains

Section 404. Move Section 404 to Appendix A.

Appendix A, subsection 404.1.1. Delete the phrase “municipal reclaimed water or with.”

08.00.03.06.12 Section 405 – Management of Vegetation, Soils and Erosion Control

Section 405. Move Section 405 to Appendix A.

08.00.03.06.13 Section 407 – Transportation Impact

Section 407. Move Section 407 to Appendix A.

08.00.03.06.14 Section 408 – Heat Island Mitigation

Subsection 408.2. Replace the phrase “50 percent” with “40 percent.”

Subsection 408.3. Delete.

08.00.03.06.15 Section 409 – Site Lighting

Subsections 409.1, 409.2 and 409.3. Delete. Add a new Subsection 409.1 to read: Site Lighting shall comply with the 2015 International Energy Conservation Code and Chapter 59, Montgomery County Code.

08.00.03.06.16 Section 503 – Construction Waste Management

Subsection 503.1(4). Add the following phrase at the end of Item 4: “before a use and occupancy certificate is issued”

08.00.03.06.17 Section 504 – Waste Management and Recycling

Section 504. Delete.

08.00.03.06.18 Section 505 – Material Selection

Section 505. Move Section 505 to Appendix A.



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08.00.03.06.19 Section 506 – Lamps

Section 506. Move Section 506 to Appendix A.

08.00.03.06.20 Section 601 – General

Subsection 601.4. Delete the last sentence.

Subsection 601.5. Delete.

08.00.03.06.21 Section 602 – Modeled Performance Pathway Requirements

Subsection 602.1. Replace the phrase "Section 602.3" with "Section 602.2."

08.00.03.06.22 Section 604 – Automated Demand-Response (Auto-DR) Infrastructure

Section 604. Move Section 604 to Appendix A.

08.00.03.06.23 Section 606 – Building Mechanical Systems

Subsection 606.4. Delete.

Subsection 606.5. Delete the phrase "Except as noted herein."

Subsection 606.5.1. Delete.

Subsection 606.6 Variable air volume (VAV) fan control.

Add a Subsection numbering 606.6.1 before the paragraph that begins with the phrase "Static Pressure sensors."

Add a Subsection numbering 606.6.2 before the paragraph that begins with the phrase "For systems with direct digital control."

08.00.03.06.24 Section 607 – Building Service Water Heating Systems

Subsection 607.1. Delete the phrase "and the provisions of this section."



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Subsections 607.2, 607.3, 607.4, 607.5, and 607.7. Delete.

08.00.03.06.25 Section 608 – Building Electrical Power and Lighting Systems

Subsection 608.3(3) Parking garages. Replace the phrase "*International Fire Code*" in exception (2) with "Montgomery County Fire Code."

Subsection 608.5. Move Subsection 608.5 to Appendix A.

Subsection 608.6. Delete.

Subsection 608.12. Move Subsection 608.12 to Appendix A.

08.00.03.06.26 Section 609 – Specific Appliances and Equipment

Section 609. Delete.

08.00.03.06.27 Section 610 – Building Renewable Energy Systems

Section 610. Move Section 610 to Appendix A.

08.00.03.06.28 Chapter 7 – Water Resource Conservation, Quality and Efficiency

Chapter 7. Delete.

08.00.03.06.29 Section 803 – HVAC Systems

Subsection 803.3. Delete.

Subsection 803.4.1(1). Add the phrase "a smoke partition in a fully sprinklered building or a" before the phrase "1-hour fire-resistance rated construction assemblies" in Item 1.

08.00.03.06.30 Section 804 – Specific Indoor Air Quality and Pollutant Control Measures

Section 804. Delete.

08.00.03.06.31 Section 806 – Material Emissions and Pollutant Control

Section 806. Delete.



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08.00.03.06.32 Section 807 – Acoustics

Section 807. Move Section 807 to Appendix A.

08.00.03.06.33 Section 808 – Daylighting

Section 808. Move Section 808 to Appendix A.

08.00.03.06.34 Table 903.1 – Commissioning Plan

Amend IGCC, Table 903.1, Chapter 4, reference subsections 401.2, 404.1, 405.1.1, 405.1.1, 405.1.3, 405.1.4, 403.1, 405.1.1, 408.2, 408.3.2 and 409 delete, “unless selected as an elective in Appendix A.”

Amend IGCC, Table 903.1, Chapter 6, reference subsection 608.6 delete.

Amend IGCC, Table 903.1, Chapter 7, reference subsections 702.6, 702.8, 703.7.7, 705.1.1, 707.15.1, 708.13.8, and 708.14.2 delete, “unless selected as an elective in Appendix A.”

08.00.03.06.35 Chapter 10 – Existing Buildings

Delete Chapter 10 except Section 1006 – Demolition.

08.00.03.06.36 Chapter 11 – Existing Building Site Development

Chapter 11. Delete.

08.00.03.06.37 Appendix A – Project Electives

First Sentence. Replace the phrase “the adopting Ordinance” from the first sentence with “this code and this regulation.”

Appendix A, Subsection A102.1. Add a second and third sentence to read: “The code official shall require the number of project electives specified in Table 302.1 of this regulation as a minimum. If a Chapter or Section moved to Appendix A is administered under authority granted to another governmental entity or agency, such as the Maryland Department of Environment, Maryland-National Capital Park & Planning Commission, or



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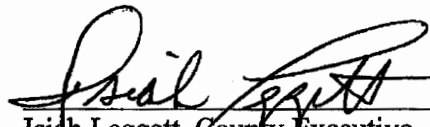
Originating Department: DEPARTMENT OF PERMITTING SERVICES

Effective Date:

08.00.03.07 SEVERABILITY

The provisions of this regulation are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

EFFECTIVE DATE: This regulation is effective on the date Bill No. _____ takes effect.


Isiah Leggett, County Executive

9/5/17
Date

Approved as to form and legality:


Office of the County Attorney

9 May 2017
Date