Bill No. 19-17

Concerning: Buildings – Energy

Efficiency and Environmental Design - Repeal

Revised: 9/18/17 Draft No. 2

Introduced: June 13, 2017

Enacted: September 19, 2017

Executive:

Effective: December 1, 2017

Sunset Date: None

Ch. , Laws of Mont. Co.

**County Council**

**For Montgomery County, Maryland**

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

Chapter 52, Taxation

Section 52-103

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 Article VII of Chapter 8 (Sections 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, and 8-52) is repealed as follows:**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

*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.

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

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

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

*Multi-family residential building* means any multi-family residential or mixed-use building that is taller than 4 stories. 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. 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.

*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.**]**

**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. Section 103 0f Chapter 52 is amended as follows:**

**Sec. 52-103. Property tax credit — energy and environmental design.**

(a) Definitions. In this Section the following words have the meanings indicated:

(1) “*Covered building*” **[[**has the meaning stated in Section 8-48**]]** meansa 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.

(2) *Extensively modified* means 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.

**[[**(2)**]]**(3) “High performance building” means:

\* \* \*

**[[**(3)**]]**(4) “LEED-CS” means the Leadership in Energy and Environmental Design - Core and Shell rating system administered by the USGBC.

**[[**(4)**]]**(5) “LEED-EB” means the Leadership in Energy and Environmental Design - Existing Building rating system administered by the USGBC.

**[[**(5)**]]**(6) “LEED-NC” means the Leadership in Energy and Environmental Design - New Construction rating system administered by the USGBC.

**[[**(6)**]]**(7) “Property tax” means the general County tax and all special service area taxes.

**[[**(7)**]]**(8) “USGBC” means the US Green Building Council.

**Sec. 4. Effective Date**

This Act takes effect on December 1, 2017.

*Approved:*

Roger Berliner, President, County Council Date

*Approved:*

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

Linda M. Lauer, Clerk of the Council Date