

Bill No. 7-19
Concerning: Environmental Sustainability
– Commercial Property Assessed
Clean Energy Program – New
Construction
Revised: 5/7/2019 Draft No. 5
Introduced: March 5, 2019
Enacted: May 7, 2019
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Hucker
Co-Sponsors: Councilmember Friedson, Council President Navarro, Councilmember Riemer,
Council Vice-President Katz, Councilmembers Jawando, Rice, Glass and Albornoz

AN ACT to:

- (1) expand the Commercial Property Assessed Clean Energy Program to new construction; and
- (2) generally amend County laws related to the Commercial Property Assessed Clean Energy Program and environmental sustainability.

By amending
Montgomery County Code
Chapter 18A, Environmental Sustainability
Sections 18A-33 and 18A-35

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. Sections 18A-33 and 18A-35 are amended as follows:

18A-33. Definitions.

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

* * *

Qualified property means any new or existing commercial real property that meets the eligibility criteria for the Program.

* * *

18A-35. Eligibility.

In order to be eligible for this Program, the following criteria must be met:

* * *

(a) *Eligibility.*

* * *

(4) For new commercial construction, the property must be designed to exceed the [[current]] [[County energy conservation building code performance requirement]] energy performance required by the County building code that is in effect at the time a property owner applies to participate in the Program.

(5) The loan amount under this Program must meet the following criteria:

(A) For existing commercial construction:

(i) The loan amount must be at least \$5,000 and[[, for existing commercial property,]] not more than 20% of either the full cash value or the appraised value of the qualified property. [[The full cash value is determined by the Maryland State Department of Assessments and Taxation. The appraised value must

28 be determined by a Certified General Real Estate
 29 Appraiser and must have been certified no more than
 30 12 months before the date of the loan application.]]

31 ~~[[B)]~~ (ii) The loan amount, together with the outstanding
 32 balance of the mortgage or deed of trust, must be no
 33 more than 90% of either the full cash value or the
 34 appraised value of the qualified property.

35 (iii) The full cash value is determined by the Maryland
 36 State Department of Assessments and Taxation. The
 37 appraised value must be determined by a Certified
 38 General Real Estate Appraiser and must have been
 39 certified no more than 12 months before the date of
 40 the loan application.

41 ~~[[C) For new commercial construction, the maximum loan~~
 42 ~~amount must not exceed 20% of the total construction~~
 43 ~~costs.]]~~

44 (B) For new commercial construction:

45 (i) If a qualified property is designed to exceed the
 46 energy performance required by the County
 47 building code by no more than 5%, the maximum
 48 loan amount must not exceed 15% of the full cash
 49 value or appraised value of the qualified property.

50 (ii) If a qualified property is designed to exceed the
 51 energy performance required by the County
 52 building code by 5% or greater, the maximum loan
 53 amount must not exceed 20% of the full cash value
 54 or appraised value of the qualified property.

- 55 (iii) The loan amount, together with the outstanding
 56 balance of the mortgage or deed of trust, must be no
 57 more than 90% of either the full cash value or the
 58 appraised value of the qualified property.
- 59 (iv) The full cash value and appraised value of the
 60 property must be determined based on the estimated
 61 value of the property if construction is completed.
 62 The appraised value must be determined by a
 63 Certified General Real Estate Appraiser and must
 64 have been certified no more than 12 months before
 65 the date of the loan application.
- 66 * * *

Approved:



Nancy Navarro, President, County Council

5/9/19

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Megan Davey Limarzi, Esq., Clerk of the Council

Date