

Clerk's Note: The effective date was corrected on line 158 to December 27, 2017, which is 91 days after the bill was signed into law as required by the County Charter.

Corrected Bill

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: September 27, 2017
Effective: December 27, 2017
Sunset Date: None
Ch. 24, 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
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	<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 Article VII of Chapter 8 (Sections 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, and 8-52) is repealed as follows: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;

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

60 **8-49. [Standards and requirements] Reserved.**

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

- 63 (1) a silver-level rating in the appropriate LEED rating system, as
- 64 certified by the Green Building Council;
- 65 (2) a silver-level rating in the appropriate LEED rating system, as
- 66 verified by the Director or a qualified person approved by the
- 67 Director; or
- 68 (3) energy and environmental design standards that the Director
- 69 identifies as equivalent to a silver-level rating in the appropriate
- 70 LEED rating system, as verified by the Director or a qualified
- 71 person approved by the Director.

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

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

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

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

89 **8-50. [Building permits] Reserved.**

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

- 92 (1) design plans for the building that are likely to achieve the
 93 applicable standard under Section 8-49(a) or (b), whichever
 94 applies, as certified or otherwise approved by the Green Building
 95 Council or verified by the Director or a qualified person designated
 96 by the Department; and
- 97 (2) any other document or information the Department finds necessary
 98 to decide whether the building will achieve the applicable standard
 99 under Section 8-49.

100 (b) *Building permit.* The Department must require compliance with Section
 101 8-49 as a condition of any building permit issued for a covered building.

102 (c) *Final use and occupancy certificate.* The Department must not issue a
 103 final use and occupancy certificate for a covered building unless it finds
 104 that the building has achieved the applicable standard under Section 8-
 105 49.]

106 **8-51. [Regulations] Reserved.**

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

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

122 **8-52. [Report] Reserved.**

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

127 * * *

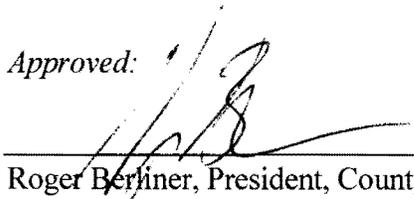
128 **Sec. 3. Section 103 of Chapter 52 is amended as follows:**

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

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

- 132 (1) *“Covered building”* [[has the meaning stated in Section 8-48]]
- 133 means a newly constructed or extensively modified non-residential
- 134 or multi-family residential building that has or will have at least
- 135 10,000 square feet of gross floor area.

Approved:

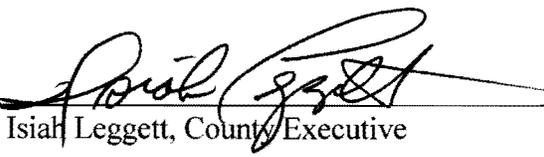


Roger Berliner, President, County Council

9/20/17

Date

Approved:

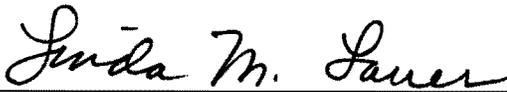


Isiah Leggett, County Executive

9/27/17

Date

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

10/2/17

Date