



# Department of Permitting Services

## Division of Building Construction

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850

### CODE INTERPRETATION/POLICY

**Policy Name:**

Green Building Additions

Code	Section of Code	Title of Code Section/Subsection
Montgomery County Code Chapter 8	8-49(c)	Montgomery County Green Buildings Law - Additions to Existing Buildings

**Statement/Background of Issue**

In 2006, Montgomery County adopted Bill 16-06 to amend Chapter 8 of the Montgomery County Code to introduce requirements that certain buildings achieve a specified level of performance with respect to energy efficiency and environmental design. These amendments are known as the Montgomery County Green Buildings Law. Subsequently, in 2007, the Department of Permitting Services adopted executive regulation 19-07AM to implement the Montgomery County Green Buildings Law.

The regulations and the law itself specify their applicability to "covered buildings" in conditions when the "building" is new or when additions are made to an existing "building".

In the case of additions, some confusion has been raised to the interpretation of the law and the regulations.

Section 8-49(c) of the Montgomery County Code states that an addition will be subject to the law when the addition: (1) increases the building's land coverage by 100% AND (2) increases the building's gross floor area by at least 10,000 square feet. Similar language is found in the Executive Regulation in the definition of "Newly Constructed".

The confusion arises in the intent of the County Council in drafting the bill. The word "building" was not defined in the language of the bill, nor is the term defined in Chapter 8. In the course of its daily enforcement of Montgomery County's Building Code, the Department of Permitting Services, Division of Building Construction (DPS-BC) interprets that separate buildings are defined by the presence of a fire wall designed in accordance with the building code.

There are a number of existing "buildings" throughout the county which are, from a building code perspective, are split into multiple "buildings" by fire walls. However, to the lay person, it appears to be one "building" as the construction is contiguous.

There are many reasons for which a design team might decide to use fire walls to create separate "buildings". For example, the design team may wish to use a construction type that is not fire resistive or they might wish to provide separations by fire walls in lieu of providing automatic fire sprinkler protection. No matter the reasoning, DPS-BC treats each area separated by fire walls as a separate "building" for purposes of determining code conformance.

As Montgomery County Green Buildings Law has been applied by DPS-BC, it has maintained a consistent interpretation of the word "building" as no other guidance was offered.

Design teams working on addition projects, most notably on public school projects, have been surprised

by the notification by DPS-BC that the projects are subject to the Montgomery County Green Buildings Law. The design teams have stated, in conference with members of the County Council, that for additions, the intent of the word "building" for the purposes of application of the law is the lay persons view of the building, not the building codes view of the building.

**Division Interpretation/Policy**

For purposes of the implementation and application of the Montgomery County Green Buildings Law, the existing contiguous construction shall be considered as a single building, regardless of the presence of firewalls, when determining if an addition to that building will trigger the appropriate energy efficiency and environmental design standards.

Interpretation/Policy No.	Date	Division Chief
BCP11-11	March 1, 2011	Hadi Mansouri 