

HOUSE BILL 637

L5

3lr0394

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 1, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2013

CHAPTER _____

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – High**
3 **Performance Buildings**

4 **MC/PG 101–13**

5 FOR the purpose of requiring certain buildings owned by the Maryland–National
6 Capital Park and Planning Commission to be high performance buildings under
7 certain circumstances; exempting certain building types from certain high
8 performance building standards; authorizing the Commission to request a
9 certain waiver from certain high performance building standards from a certain
10 county; authorizing a certain county council, with approval of the county
11 executive, to issue a certain waiver under certain circumstances; requiring the
12 Commission to disclose a certain waiver in a certain capital improvements
13 program; expressing a certain intent of the General Assembly; defining certain
14 terms; and generally relating to the Maryland–National Capital Park and
15 Planning Commission and high performance buildings.

16 BY adding to
17 Article – Land Use
18 Section 17–214
19 Annotated Code of Maryland
20 (2012 Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Land Use

2 17-214.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
4 MEANINGS INDICATED.

5 (2) “HIGH PERFORMANCE BUILDING” MEANS A BUILDING THAT:

6 (I) MEETS OR EXCEEDS THE CURRENT VERSION OF THE
7 U.S. GREEN BUILDING COUNCIL’S LEADERSHIP IN ENERGY AND
8 ENVIRONMENTAL DESIGN (LEED) GREEN BUILDING RATING SYSTEM SILVER
9 RATING; OR10 (II) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING
11 ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE
12 NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR
13 STANDARD APPROVED BY THE SECRETARY OF BUDGET AND MANAGEMENT AND
14 THE SECRETARY OF GENERAL SERVICES.15 (3) “MAJOR RENOVATION” MEANS THE RENOVATION OF A
16 BUILDING WHERE:17 (I) THE BUILDING SHELL IS TO BE REUSED FOR THE NEW
18 CONSTRUCTION;19 (II) THE HEATING, VENTILATING, AND AIR-CONDITIONING
20 (HVAC), ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE REPLACED; AND21 (III) THE SCOPE OF THE RENOVATION IS 7,500 SQUARE FEET
22 OR GREATER.23 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO THE
24 EXTENT PRACTICABLE:25 (1) THE COMMISSION SHALL EMPLOY GREEN BUILDING
26 TECHNOLOGIES WHEN CONSTRUCTING OR RENOVATING A COMMISSION-OWNED
27 BUILDING NOT SUBJECT TO THIS SECTION; AND28 (2) HIGH PERFORMANCE BUILDINGS SHALL MEET THE CRITERIA
29 AND STANDARDS ESTABLISHED UNDER THE “HIGH EFFICIENCY GREEN
30 BUILDING PROGRAM” ADOPTED BY THE MARYLAND GREEN BUILDING
31 COUNCIL.

1 (C) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS
2 SECTION, IF A CAPITAL PROJECT INCLUDES THE CONSTRUCTION OR MAJOR
3 RENOVATION OF A BUILDING THAT IS 7,500 SQUARE FEET OR GREATER, THE
4 BUILDING SHALL BE CONSTRUCTED OR RENOVATED TO BE A HIGH
5 PERFORMANCE BUILDING.

6 (D) THE FOLLOWING TYPES OF ~~UNOCCUPIED~~ BUILDINGS ARE NOT
7 REQUIRED TO BE CONSTRUCTED OR RENOVATED TO BE HIGH PERFORMANCE
8 BUILDINGS:

9 (1) WAREHOUSE AND STORAGE FACILITIES;

10 (2) GARAGES;

11 (3) MAINTENANCE FACILITIES;

12 (4) TRANSMITTER BUILDINGS;

13 (5) ~~PUMPING STATIONS~~ CABINS, PAVILIONS, AND OTHER
14 STRUCTURES INTENDED FOR OPEN AIR OR RUSTIC USES;

15 (6) BUILDINGS OF HISTORIC SIGNIFICANCE; AND

16 ~~(6)~~ (7) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED
17 BY THE COMMISSION.

18 (E) (1) THE COMMISSION MAY REQUEST FROM THE COUNTY WHERE
19 THE PROPOSED CAPITAL PROJECT IS LOCATED A WAIVER FROM COMPLYING
20 WITH SUBSECTION (C) OF THIS SECTION.

21 (2) ON RECEIPT OF A WRITTEN REQUEST OF A WAIVER UNDER
22 THIS SUBSECTION, WITH APPROVAL OF THE COUNTY EXECUTIVE, THE COUNTY
23 COUNCIL OF THE COUNTY WHERE THE PROPOSED CAPITAL PROJECT IS
24 LOCATED MAY ISSUE A WAIVER UNDER THIS SUBSECTION IF THE COUNTY
25 COUNCIL DETERMINES THAT THE USE OF A HIGH PERFORMANCE BUILDING IN A
26 PROPOSED CAPITAL PROJECT IS NOT PRACTICABLE.

27 (3) THE COMMISSION SHALL DISCLOSE ANY WAIVER ISSUED
28 UNDER THIS SUBSECTION IN THE CAPITAL IMPROVEMENTS PROGRAM
29 REQUIRED UNDER § 18-113 OF THIS ARTICLE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2013.