

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 630

(Delegates Beidle and Vitale)

Environmental Matters

Education, Health, and Environmental Affairs

Building Standards - High-Performance Homes

This bill requires the Maryland Department of Housing and Community Development (DHCD) to encourage the construction of new “high-performance homes.” The bill defines a high-performance home as a new residential structure that meets or exceeds the current version of either the Silver rating of the International Code Council’s 700 National Green Building Standards, or the Silver rating of the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED) for Homes Rating System.

Fiscal Summary

State Effect: DHCD can implement the bill with existing staff and resources.

Local Effect: The bill is not anticipated to directly affect local operations or finances. However, to the extent that the bill places any additional burden on inspectors, local expenditures could be affected.

Small Business Effect: Minimal.

Analysis

Current Law: State law does not specifically address comprehensive green building standards with respect to residential structures.

Background: Developed by USGBC, LEED is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies aimed at improving energy and water

efficiency, carbon dioxide emission reductions, improved indoor environmental quality, and the stewardship of resources and sensitivity to their impacts. According to USGBC, 35,000 projects are currently participating in the LEED system, comprising over 4.5 billion square feet of construction space in all 50 states and 91 countries. In Maryland, there are 40 LEED certified buildings and 520 LEED registered projects. LEED for Homes was launched in November 2007 in several target markets, including Maryland. Similar to other LEED programs, there are four levels of certification: Certified, Silver, Gold, and Platinum. Currently, there are 10 homes in Maryland certified under the LEED for Homes program; 9 of these are rated at the Silver level or above.

Maryland's High Performance Buildings Act (Chapter 124 of 2008) requires that most new or renovated State buildings and new school buildings meet or exceed either USGBC's LEED criteria for a Silver rating or a comparable rating according to a nationally recognized, accepted, and appropriate standard approved by the Department of Budget and Management and the Department of General Services. Chapters 527 and 528 of 2010 further required that community college capital projects that receive State funds comply with the State's High Performance Buildings Act (*i.e.*, achieve at least a LEED Silver rating). Chapters 527 and 528 allow community colleges to receive a waiver from this requirement under the Act's existing procedures.

Chapters 115 and 116 of 2007 codified the Maryland Green Building Council, which had been established by executive order but had been dormant for several years. In December 2007, the council issued its first report with a list of recommendations that were subsequently codified in the High Performance Buildings Act. Chapters 224 and 225 of 2009 required the Maryland Green Building Council to evaluate high-performance building technologies, list the types of buildings that the technology should not be applied to, and report to the Governor on recommendations for the most cost-effective technology and how to expand green building in the State.

Maryland has also adopted several energy efficiency and conservation related building code standards deemed important to reducing greenhouse gas emissions and lowering energy costs. Chapter 294 of 2009 required DHCD to adopt the International Energy Conservation Code (IECC) and to consider changes to the International Building Code (IBC) to enhance energy conservation and efficiency. The IECC residential building code is compliant with the federal Energy Conservation and Production Act (ECPA), and has been adopted in the majority of states. DHCD may adopt energy conservation requirements that are more stringent, but not less stringent, than in the IECC.

The International Code Council was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model

construction codes. IBC has been adopted by all 50 states as well as thousands of local jurisdictions. According to the International Code Council, the 700 National Green Building Standard defines green building for single and multifamily homes, residential remodeling projects, and site development projects while still allowing for the flexibility required for regionally appropriate best green practices. For residential buildings, there are four threshold levels – Bronze, Silver, Gold, and Emerald. To comply with the standard, a builder or remodeler must incorporate a minimum number of features in the following areas: lot and site development; energy, water, and resource efficiency; indoor environmental quality; and home owner education. Nationwide there were over 3,300 housing units certified under the International Code Council’s 700 National Green Building Standard as of February 2011.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Housing and Community Development, U.S. Green Building Council, Maryland Green Building Council, International Code Council, National Association of Home Builders, Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2011
ncs/lgc Revised - House Third Reader/Updated Information - March 18, 2011

Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510