

Introduced 9/8/09
Public Hearing 9/22/09
Council Action 10/5/09
Executive Action 10/7/09
Effective Date 12/8/09

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 11

Bill No. 47-2009

Introduced by: The Chairperson at the request of the County Executive

AN ACT to update references to Leadership in Energy and Environmental Design (LEED) rating systems in order to reflect current versions; to make a technical correction; and generally relating to Howard County's Green Buildings Law.

Introduced and read first time September 8, 2009. Ordered posted and hearing scheduled.

By order

Stephen Le Gendre
Stephen Le Gendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 22, 2009.

By order

Stephen Le Gendre
Stephen Le Gendre, Administrator

This Bill was read the third time on October 5, 2009 and Passed ✓, Passed with amendments ✓, Failed _____.

By order

Stephen Le Gendre
Stephen Le Gendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of October, 2009 at 10:00 a.m./p.m.

By order

Stephen Le Gendre
Stephen Le Gendre, Administrator

Approved/Vetoed by the County Executive October 7, 2009

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted by the County Council of Howard County, Maryland, that**
2 **subsection (a) of Section 3.1002 "Definitions"; Section 3.1004 "Standards for**
3 **Compliance"; and subsection (c) of Section 3.1008 "Green Building Fund"; all of**
4 **Subtitle 10 "Energy Efficiency and Environmental Design" of Title 3 "Buildings" of the**
5 **Howard County Code are amended to read as follows:**

6
7 **Title 3. Buildings.**

8 **Subtitle 10. Energy Efficiency and Environmental Design.**

9
10 **Section 3.1002. Definitions.**

11 Unless specifically defined in this section, terms used in this subtitle have the meanings
12 set forth in the Howard County Building Code adopted in Subtitle 1 of this title.

13 (a) *Commissioning team* means a group that is:

14 (1) Made [[of]] up of some or all of the following:

15 (i) The owner;

16 (ii) Occupants;

17 (iii) Operations and maintenance staff;

18 (iv) Design professionals; and

19 (v) Contractors; and

20 (2) Responsible for ensuring, through documented verification, that all new
21 building systems perform and interact according to original design
22 documents and the owner's operation needs.

23
24 **Section 3.1004. Standards for compliance.**

25 (a) *Publicly Funded Buildings.* New construction of a publicly funded building that is
26 subject to this subtitle shall:

27 (1) Achieve a certification from the Green Building Council of a silver level
28 rating or higher in one of the following LEED 2009 rating systems:

29 (i) New Construction [[Version 2.2]]; or

30 (ii) Core and Shell [[Version 2.0]]; or

- 1 (2) Comply with energy and environmental design standards that the Director
2 may adopt by regulation as equivalent to a silver level rating in the
3 appropriate LEED rating system.

4 **(b) *Other Buildings.*** New construction of a nonpublicly funded building that is subject to
5 this subtitle shall:

- 6 (1) Achieve a certification from the Green Building Council of certified-level
7 rating or higher in one of the following LEED 2009 rating systems:

8 (i) New Construction [[Version 2.2]]; or

9 (ii) Core and Shell [[Version 2.0]]; or

- 10 (2) Comply with energy and environmental design standards that the Director
11 may adopt by regulation as equivalent to a certified-level rating in the
12 appropriate LEED rating system.

13
14 **Section 3.1008. Green Building Fund.**

15 **(c) *Use of the Green Building Fund.*** Monies in the Green Building Fund may be used by
16 the County for the purpose of:

- 17 (1) Finding ways to reduce energy consumption;

- 18 (2) Providing technical assistance to the following building owners seeking to
19 achieve certification from the green building council of certified-level
20 rating or higher:

21 (i) Building owners retrofitting existing commercial buildings to the
22 LEED for Existing Buildings, 2009 RATING SYSTEM [[Version 2.0
23 Standard]]; or

24 (ii) Building owners developing newly constructed commercial
25 buildings with less than 50,000 gross square feet to the following
26 LEED 2009 RATING SYSTEMS [[standards]]:

27 a. New Construction[[, Version 2.2]]; or

28 b. Core and Shell [[Standard]]; and

- 29 (3) Providing education, training, and outreach to the public and private
30 sectors in green building practices.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that subsections (c) and (d) of Section 20.129B "Property tax credit for high performance buildings" of Part III "State-Authorized Howard County Tax Credits" of Subtitle 1 "Real Property Tax; Administration, Credits, and Enforcement" of Title 20 "Taxes, charges, and fees" of the Howard County Code are amended to read as follows:

Title 20. Taxes, charges, and fees.

Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.

Part III. State-Authorized Howard County Tax Credits.

Section 20.129B. Property tax credit for high performance buildings.

(c) Amount and Duration of Credit for Certification in LEED Core and Shell or New Construction Rating Systems. For a high performance building that is certified in the LEED 2009 rating system for core and shell [[version 2.0 or new construction version 2.2]] or a comparable rating system that the Director of Inspections, Licenses and Permits may adopt by regulation:

(1) The amount of the tax credit is a percentage of the total County property tax assessed on the high performance building as follows:

(i) LEED certified silver--25 percent;

(ii) LEED certified gold--50 percent;

(ii) LEED certified platinum--75 percent; and

(2) The tax credit authorized by this subsection continues for five years.

(d) Amount and Duration of Credit for Certification in Existing Building Rating System.

For a high performance building that is certified in the LEED 2009 rating system for existing buildings [[version 2.0]] or a comparable rating system that the Director of Inspections, Licenses and Permits may adopt by regulation:

(1) The amount of the tax credit is a percentage of the total County property tax assessed on the high performance building as follows:

(i) LEED certified silver--Ten percent;

(ii) LEED certified gold--25 percent;

(iii) LEED certified platinum--50 percent; and

1 (2) The tax credit authorized by this subsection continues for three years.

2
3 ***Section 2 3. And Be It Further Enacted by the County Council of Howard County,***
4 ***Maryland, that this Act shall not apply to a project registered with the Green Building***
5 ***Council under LEED New Construction Version 2.2, LEED Core and Shell Version 2.0,***
6 ***or LEED for Existing Buildings Version 2.0.***

7
8 ***Section 3 4. And Be It Further Enacted by the County Council of Howard County,***
9 ***Maryland, that this Act shall become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 7, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill No. 47-2009

BY: Chairperson at the request
of the County Executive

Legislative Day No. 13
Date: October 5, 2009

Amendment No. 1

(This amendment amends another Code reference to reflect current LEED rating systems.)

On page 2, in line 31, insert:

"Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that subsections (c) and (d) of Section 20.129B "Property tax credit for high performance buildings" of Part III "State-Authorized Howard County Tax Credits" of Subtitle 1 "Real Property Tax; Administration, Credits, and Enforcement" of Title 20 "Taxes, charges, and fees" of the Howard County Code are amended to read as follows:

Title 20. Taxes, charges, and fees.

Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.

Part III. State-Authorized Howard County Tax Credits.

Section 20.129B. Property tax credit for high performance buildings.

(c) Amount and Duration of Credit for Certification in LEED Core and Shell or New Construction Rating Systems. For a high performance building that is certified in the LEED 2009 rating system for core and shell [[version 2.0 or new construction version 2.2]] or a comparable rating system that the Director of Inspections, Licenses and Permits may adopt by regulation:

(1) The amount of the tax credit is a percentage of the total County property tax assessed on the high performance building as follows:

(i) LEED certified silver--25 percent;

(ii) LEED certified gold--50 percent;

(ii) LEED certified platinum--75 percent; and

(2) The tax credit authorized by this subsection continues for five years.

ADOPTED

October 5, 2009

FAILED

SIGNATURE

Stephen M. Sander

24 (d) Amount and Duration of Credit for Certification in Existing Building Rating System. For a
25 high performance building that is certified in the LEED 2009 rating system for existing buildings
26 [[version 2.0]] or a comparable rating system that the Director of Inspections, Licenses and
27 Permits may adopt by regulation:

28 (1) The amount of the tax credit is a percentage of the total County property tax
29 assessed on the high performance building as follows:

30 (i) LEED certified silver--Ten percent;

31 (ii) LEED certified gold--25 percent;

32 (iii) LEED certified platinum--50 percent; and

33 (2) The tax credit authorized by this subsection continues for three years."

34

35 On page 3, in line 1, strike "2" and substitute "3".

36

37 On page 3, in line 6, strike "3" and substitute "4".