

Chapter 626

(House Bill 637)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – High Performance Buildings

MC/PG 101–13

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

BY adding to

Article – Land Use
Section 17–214
Annotated Code of Maryland
(2012 Volume)

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

Article – Land Use

17–214.

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

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

(I) MEETS OR EXCEEDS THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL’S LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GREEN BUILDING RATING SYSTEM SILVER RATING; OR

(II) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD APPROVED BY THE SECRETARY OF BUDGET AND MANAGEMENT AND THE SECRETARY OF GENERAL SERVICES.

(3) “MAJOR RENOVATION” MEANS THE RENOVATION OF A BUILDING WHERE:

(I) THE BUILDING SHELL IS TO BE REUSED FOR THE NEW CONSTRUCTION;

(II) THE HEATING, VENTILATING, AND AIR-CONDITIONING (HVAC), ELECTRICAL, AND PLUMBING SYSTEMS ARE TO BE REPLACED; AND

(III) THE SCOPE OF THE RENOVATION IS 7,500 SQUARE FEET OR GREATER.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, TO THE EXTENT PRACTICABLE:

(1) THE COMMISSION SHALL EMPLOY GREEN BUILDING TECHNOLOGIES WHEN CONSTRUCTING OR RENOVATING A COMMISSION-OWNED BUILDING NOT SUBJECT TO THIS SECTION; AND

(2) HIGH PERFORMANCE BUILDINGS SHALL MEET THE CRITERIA AND STANDARDS ESTABLISHED UNDER THE “HIGH EFFICIENCY GREEN BUILDING PROGRAM” ADOPTED BY THE MARYLAND GREEN BUILDING COUNCIL.

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

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

(1) WAREHOUSE AND STORAGE FACILITIES;

- (2) GARAGES;**
- (3) MAINTENANCE FACILITIES;**
- (4) TRANSMITTER BUILDINGS;**
- (5) PUMPING STATIONS CABINS, PAVILIONS, AND OTHER STRUCTURES INTENDED FOR OPEN AIR OR RUSTIC USES;**
- (6) BUILDINGS OF HISTORIC SIGNIFICANCE; AND**
- ~~(6)~~ (7) OTHER SIMILAR TYPES OF BUILDINGS, AS DETERMINED BY THE COMMISSION.**

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

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

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

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

Approved by the Governor, May 16, 2013.