



## Council Bill 07-0602

### 34C01 POLICY; SHORT TITLE

**34C01.1. POLICY.** THIS CHAPTER IS INTENDED TO PROTECT THE PUBLIC HEALTH AND WELFARE BY REQUIRING AN INTEGRATED APPROACH TO PLANNING, DESIGN, CONSTRUCTION, AND OPERATION OF A COVERED BUILDING AND ITS SURROUNDING LANDSCAPE, HELPING TO MITIGATE THE ENERGY AND ENVIRONMENTAL IMPACTS OF THE BUILDING SO THAT IT IS ENERGY EFFICIENT, SUSTAINABLE, SECURE, SAFE, COST-EFFECTIVE, ACCESSIBLE, FUNCTIONAL, AND PRODUCTIVE.

**34C01.2. SHORT TITLE.** THIS CHAPTER MAY BE CITED AS THE BALTIMORE CITY GREEN BUILDINGS LAW.

### SECTION 34C02 DEFINITIONS

**34C02.1 GENERAL.** IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

**34C02.1.1 CITY BUILDING.** “CITY BUILDING” MEANS ANY COVERED BUILDING THAT IS OWNED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE FOR WHICH THE CITY GOVERNMENT FINANCES AT LEAST 25% OF:

- ~~1. THE COST OF CONSTRUCTION, FOR A NEWLY CONSTRUCTED BUILDING, OR~~
- ~~2. THE COST OF MODIFICATION, FOR A BUILDING THAT IS EXTENSIVELY MODIFIED.~~

**34C02.1.2 CITY-SUBSIDIZED BUILDING.** “CITY-SUBSIDIZED BUILDING” MEANS ANY COVERED BUILDING FOR WHICH THE CITY OR ANY OF ITS AGENTS OR CONTRACTORS PROVIDES FUNDS, RESOURCES, OR FINANCIAL ASSISTANCE, INCLUDING:

1. THE SALE OR TRANSFER OF LAND SUBSTANTIALLY BELOW ITS APPRAISED VALUE;
2. PAYMENT IN LIEU OF TAXES;
3. TAX INCREMENT FINANCING;
4. GRANTS OR LOANS THAT EQUAL OR EXCEED 15% OF TOTAL PROJECTED PROJECT COSTS; OR
5. INSTALLATION OR REPAIR OF PHYSICAL INFRASTRUCTURE DIRECTLY RELATED TO THE PROJECT AND WITH VALUE EQUAL TO OR EXCEEDING 5% OF TOTAL PROJECTED PROJECT COSTS.

**34C02.1.3 ~~34C02.1.2~~ COVERED BUILDING.** “COVERED BUILDING” MEANS A NEWLY CONSTRUCTED OR EXTENSIVELY MODIFIED NON-RESIDENTIAL OR MULTI-FAMILY RESIDENTIAL BUILDING THAT HAS OR WILL HAVE AT LEAST 10,000 SQUARE FEET OF GROSS FLOOR AREA.

**34C02.1.4 ~~34C02.1.3~~ EXTENSIVELY MODIFIED.** “EXTENSIVELY MODIFIED” REFERS TO A STRUCTURAL MODIFICATION THAT ALTERS MORE THAN 50% OF A BUILDING’S GROSS FLOOR AREA, AS INDICATED ON THE APPLICATION FOR A BUILDING PERMIT.

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1           **34C02.1.4.1 ~~34C02.1.3.1~~ EXCLUSIONS.** “EXTENSIVELY MODIFIED” DOES NOT  
2 INCLUDE ANY MODIFICATION THAT IS LIMITED TO 1 OR MORE OF THE FOLLOWING  
3 BUILDING SYSTEMS:

- 4           1. MECHANICAL,
- 5           2. ELECTRICAL,
- 6           3. PLUMBING,
- 7           4. HEATING, VENTILATION, AND AIR CONDITIONING, AND
- 8           5. FIRE PROTECTION.

9           **34C02.1.5 ~~34C02.1.4~~ GREEN BUILDING COUNCIL.** “GREEN BUILDING COUNCIL”  
10 MEANS THE U.S. GREEN BUILDING COUNCIL, AN ORGANIZATION THAT HAS DEVELOPED  
11 AND PUBLISHED THE LEED RATING SYSTEM TO MEASURE THE ENERGY AND  
12 ENVIRONMENTAL PERFORMANCE OF A BUILDING.

13           **34C02.1.6 ~~34C02.1.5~~ LEED.** “LEED” MEANS THE LEADERSHIP IN ENERGY AND  
14 ENVIRONMENTAL DESIGN RATING SYSTEM DEVELOPED BY THE GREEN BUILDING  
15 COUNCIL.

16           **34C02.1.7 ~~34C02.1.6~~ LEED RATING SYSTEM.** “LEED RATING SYSTEM” MEANS THE  
17 PARTICULAR LEED RATING SYSTEM THAT APPLIES TO A COVERED BUILDING, AS SPECIFIED  
18 IN THE REGULATIONS ADOPTED UNDER THIS CHAPTER..

19           **34C02.1.8 ~~34C02.1.7~~ MULTI-FAMILY RESIDENTIAL BUILDING.** “MULTI-FAMILY  
20 RESIDENTIAL BUILDING” MEANS:

- 21           (1) ANY MULTI-FAMILY RESIDENTIAL BUILDING THAT CONTAINS 5 OR MORE DWELLING  
22           UNITS AND IS TALLER THAN 3 STORIES; OR
- 23           (2) ANY MIXED-USE BUILDING THAT CONTAINS A RESIDENTIAL COMPONENT AND IS  
24           TALLER THAN 3 STORIES.

25           **34C02.1.9 ~~34C02.1.8~~ NEWLY CONSTRUCTED.** “NEWLY CONSTRUCTED” REFERS TO A  
26 NEW, STAND-ALONE BUILDING OR AN ADDITION TO AN EXISTING BUILDING.

27           **34C02.1.9.1 ~~34C02.1.8.1~~ EXCLUSIONS.** “NEWLY CONSTRUCTED” DOES NOT  
28 INCLUDE ANY CHANGE TO AN EXISTING PORTION OF A BUILDING.

29           **34C02.1.10 ~~34C02.1.9~~ NON-RESIDENTIAL BUILDING.** “NON-RESIDENTIAL BUILDING”  
30 MEANS A BUILDING NOT USED AS A DWELLING.

### 31 **34C03 REGULATIONS**

32           **34C03.1 IN GENERAL.** THE BUILDING OFFICIAL MUST ISSUE REGULATIONS TO ADMINISTER  
33 THIS CHAPTER.

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### 1       **34C03.2 REQUIRED ELEMENTS.** THOSE REGULATIONS MUST SPECIFY:

- 2           1. THE LEED RATING SYSTEM, AND ANY EQUIVALENT ENERGY AND ENVIRONMENTAL  
3           DESIGN STANDARD, THAT APPLIES TO EACH TYPE OF COVERED BUILDING UNDER  
4           § 34C05,
- 5           2. THE PROCESS BY WHICH TO VERIFY COMPLIANCE WITH ANY APPLICABLE STANDARD,  
6           INCLUDING THE TYPES OF PERSONS WHO ARE QUALIFIED TO VERIFY COMPLIANCE,
- 7           3. STANDARDS AND PROCEDURES UNDER WHICH THE WAIVERS MAY BE REQUESTED  
8           UNDER § 34C08, AND
- 9           4. STANDARDS AND PROCEDURES FOR ANY ENFORCEMENT MECHANISM, SUCH AS  
10          PERFORMANCE BONDS, THAT THE ~~DEPARTMENT~~ BUILDING OFFICIAL FINDS NECESSARY  
11          TO ACCOMPLISH THE PURPOSES OF THIS CHAPTER.

### 12       **34C04 {RESERVED}**

### 13       **34C05 STANDARDS AND REQUIREMENTS**

#### 14       **34C05.1 FOR CITY BUILDINGS.** EVERY CITY BUILDING MUST ACHIEVE A RATING AS 15       PROVIDED IN THIS § 34C05.1.

- 16          ~~1. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS CERTIFIED~~  
17          ~~BY THE GREEN BUILDING COUNCIL,~~
- 18          ~~2. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS VERIFIED BY~~  
19          ~~THE BUILDING OFFICIAL OR A QUALIFIED PERSON APPROVED BY THE BUILDING~~  
20          ~~OFFICIAL, OR~~
- 21          ~~3. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL~~  
22          ~~IDENTIFIES AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE LEED~~  
23          ~~RATING SYSTEM, AS VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON~~  
24          ~~APPROVED BY THE BUILDING OFFICIAL.~~

#### 25       ~~**34C05.2 FOR OTHER COVERED BUILDINGS.** EVERY OTHER COVERED BUILDING MUST~~ 26       ~~ACHIEVE:~~

- 27          ~~1. A CERTIFIED-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS~~  
28          ~~CERTIFIED BY THE GREEN BUILDING COUNCIL,~~
- 29          ~~2. A CERTIFIED LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS VERIFIED~~  
30          ~~BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON APPROVED BY THE BUILDING~~  
31          ~~OFFICIAL, OR~~
- 32          ~~3. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL~~  
33          ~~IDENTIFIES AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE LEED~~  
34          ~~RATING SYSTEM, AS VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON~~  
35          ~~APPROVED BY THE BUILDING OFFICIAL.~~

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1 **34C05.1.1. FISCAL YEAR 2009.** FOR A CITY BUILDING INCLUDED IN THE CAPITAL  
2 BUDGET FOR FISCAL YEAR 2009 OR FOR WHICH A BUILDING PERMIT APPLICATION IS FILED  
3 DURING FISCAL YEAR 2009, THE BUILDING MUST ACHIEVE:

- 4 1. A CERTIFIED-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS  
5 CERTIFIED BY THE GREEN BUILDING COUNCIL, OR
- 6 2. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL  
7 IDENTIFIES AS EQUIVALENT TO A CERTIFIED-LEVEL RATING IN THE APPROPRIATE  
8 LEED RATING SYSTEM.

9 **34C05.1.2. FISCAL YEAR 2010 AND AFTER.** FOR A CITY BUILDING INCLUDED IN THE  
10 CAPITAL BUDGET FOR FISCAL YEAR 2010 OR LATER OR FOR WHICH A BUILDING PERMIT  
11 APPLICATION IS FILED ON OR AFTER JULY 1, 2009, THE BUILDING MUST ACHIEVE:

- 12 1. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS  
13 CERTIFIED BY THE GREEN BUILDING COUNCIL, OR
- 14 2. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL  
15 IDENTIFIES AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE  
16 LEED RATING SYSTEM.

17 **34C05.2 FOR CITY-SUBSIDIZED BUILDINGS.** EVERY CITY-SUBSIDIZED BUILDING MUST  
18 ACHIEVE A RATING AS PROVIDED IN THIS § 34C05.2.

19 **34C05.2.1. FISCAL YEAR 2009.** FOR A CITY-SUBSIDIZED BUILDING FOR WHICH A  
20 BUILDING PERMIT APPLICATION IS FILED ON OR AFTER JANUARY 1, 2009, AND ON OR  
21 BEFORE JUNE 30, 2009, THE BUILDING MUST ACHIEVE:

- 22 1. A CERTIFIED-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS  
23 CERTIFIED BY THE GREEN BUILDING COUNCIL, OR
- 24 2. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL  
25 IDENTIFIES AS EQUIVALENT TO A CERTIFIED-LEVEL RATING IN THE APPROPRIATE  
26 LEED RATING SYSTEM.

27 **34C05.2.2. FISCAL YEAR 2010 AND AFTER.** FOR A CITY-SUBSIDIZED BUILDING FOR  
28 WHICH A BUILDING PERMIT APPLICATION IS FILED ON OR AFTER JULY 1, 2009, THE  
29 BUILDING MUST ACHIEVE:

- 30 1. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS  
31 CERTIFIED BY THE GREEN BUILDING COUNCIL, OR
- 32 2. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL  
33 IDENTIFIES AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE  
34 LEED RATING SYSTEM.

35 **34C05.3. FOR OTHER COVERED BUILDINGS.** EVERY OTHER COVERED BUILDING FOR WHICH  
36 A BUILDING PERMIT APPLICATION IS FILED ON OR AFTER JULY 1, 2009, MUST ACHIEVE:

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1           1. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS CERTIFIED  
2           BY THE GREEN BUILDING COUNCIL, OR

3           2. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL  
4           IDENTIFIES AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE LEED  
5           RATING SYSTEM.

6           **~~34C05.4~~ ~~34C05.3~~ EXCEPTIONS.** FOR ANY BUILDING FOR WHICH ALL APPLICATIONS FOR ALL  
7           NECESSARY BUILDING PERMITS WERE FILED ON OR BEFORE ~~SEPTEMBER 1, 2008~~ JUNE 30, 2009,  
8           ANY LATER ADDITION TO THAT BUILDING NEED ONLY MEET THE REQUIREMENTS OF § 34C05.1,  
9           ~~OR~~ § 34C05.2, OR § 34C05.3, IF THE ADDITION WOULD:

10           1. INCREASE THE BUILDING’S LAND COVERAGE BY 100% OR MORE, ~~AND OR~~

11           2. INCREASE THE BUILDING’S GROSS FLOOR AREA BY AT LEAST 10,000 SQ. FT.

12           **34C06 BUILDING PERMITS; OCCUPANCY PERMITS; CERTIFICATES OF COMPLETION.**

13           **34C06.1 APPLICATION FOR BUILDING PERMIT.** IN ADDITION TO ALL OTHER SUBMISSIONS  
14           REQUIRED BY THIS ARTICLE, THE APPLICANT FOR A BUILDING PERMIT FOR A COVERED  
15           BUILDING MUST SUBMIT TO THE ~~DEPARTMENT~~ BUILDING OFFICIAL:

16           1. DESIGN PLANS FOR THE BUILDING THAT ARE LIKELY TO ACHIEVE THE APPLICABLE  
17           STANDARD REQUIRED BY § 34C05, ~~AS CERTIFIED OR OTHERWISE APPROVED BY THE~~  
18           ~~GREEN BUILDING COUNCIL OR VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED~~  
19           ~~PERSON APPROVED BY THE BUILDING OFFICIAL, AND~~

20           2. ANY OTHER DOCUMENT OR INFORMATION THE ~~DEPARTMENT~~ BUILDING OFFICIAL  
21           FINDS NECESSARY TO DECIDE WHETHER THE BUILDING WILL ACHIEVE THE APPLICABLE  
22           STANDARD REQUIRED BY § 34C05.

23           **34C06.2 COMPLIANCE AS CONDITION OF BUILDING PERMIT.** THE ~~DEPARTMENT~~ BUILDING  
24           OFFICIAL MUST REQUIRE COMPLIANCE WITH § 34C05 AS A CONDITION OF ANY BUILDING  
25           PERMIT ISSUED FOR A COVERED BUILDING.

26           **34C06.3 OCCUPANCY PERMITS; CERTIFICATES OF COMPLETION.** THE ~~DEPARTMENT~~  
27           BUILDING OFFICIAL MAY NOT ISSUE A FINAL OCCUPANCY PERMIT OR CERTIFICATE OF  
28           COMPLETION FOR A COVERED BUILDING UNLESS ~~IF~~ THE BUILDING OFFICIAL FINDS THAT THE  
29           BUILDING HAS ACHIEVED THE APPLICABLE STANDARD REQUIRED BY § 34C05.

30           **34C07 {RESERVED}**

31           **34C08 WAIVERS.**

32           **34C08.1 WHEN AUTHORIZED.** THE BUILDING OFFICIAL MAY APPROVE FULL OR PARTIAL  
33           WAIVERS OF THE REQUIREMENTS OF THIS CHAPTER ~~IF~~ TO THE EXTENT THAT:

34           1. COMPLIANCE WOULD BE IMPRACTICAL OR UNDULY BURDENSOME, AND

35           2. THE PUBLIC INTEREST WOULD BE SERVED BY THE WAIVER.

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1 **34C08.2 CONDITIONS, ETC.** THE BUILDING OFFICIAL MAY IMPOSE ANY CONDITIONS,  
2 RESTRICTIONS, OR LIMITATIONS ON A WAIVER THAT THE BUILDING OFFICIAL CONSIDERS  
3 NECESSARY OR APPROPRIATE IN THE CIRCUMSTANCES.

4 **34C08.3 REPORT OF WAIVERS.** THE BUILDING OFFICIAL MUST SUBMIT TO THE MAYOR AND  
5 THE CITY COUNCIL, NOT LATER THAN MARCH 1 OF EACH YEAR, A LIST OF EACH WAIVER OF  
6 THIS CHAPTER THAT THE BUILDING OFFICIAL APPROVED DURING THE PRECEDING CALENDAR  
7 YEAR AND ANY CONDITIONS, RESTRICTIONS, OR LIMITATIONS THAT WERE ATTACHED TO THAT  
8 WAIVER.

9 **SECTION 2. ~~AND BE IT FURTHER ORDAINED, That:~~**

10 ~~(a) This Ordinance applies to any covered building, other than a City building, for which~~  
11 ~~a building permit application is filed on or after 1 year after the regulations submitted~~  
12 ~~under subsection (c) of this section take effect.~~

13 ~~(b) (1) This Ordinance applies to any City building:~~

14 ~~(i) for which design funding is first included in the appropriate capital budget for~~  
15 ~~fiscal year 2009 or any later fiscal year; or~~

16 ~~(ii) if design funding is not directly included in the capital budget, for which a~~  
17 ~~building permit application is filed on or after 1 year after the regulations~~  
18 ~~submitted under subsection (c) of this section take effect.~~

19 ~~(2) Notwithstanding Building Code § 34C05, as enacted by this Ordinance, the~~  
20 ~~Building Official may issue a building permit for a City building for which design~~  
21 ~~funding is first included in the appropriate capital budget for fiscal year 2009 if~~  
22 ~~that building, while not achieving a silver-level rating, does achieve a certified-~~  
23 ~~level rating or equivalent.~~

24 ~~(c) Regulations that specify, for each type of covered building, the applicable LEED~~  
25 ~~rating system or any equivalent energy and environmental design standard, must be~~  
26 ~~issued to take effect no later than 6 months after the effective date of this Ordinance.~~

27 **SECTION 2. ~~AND BE IT FURTHER ORDAINED, That:~~**

28  
29 ~~(a) By July 1, 2008, the City of Baltimore must develop a Green Building Systems~~  
30 ~~Policy for integrating LEED standards into building systems modifications that affect~~  
31 ~~more than 50% of the gross floor area of any City building. The Green Building~~  
32 ~~Systems Policy applies to the building systems identified in § 34C02.1.4.1.~~

33 ~~(b) The Green Building Systems Policy applies to any covered building systems~~  
34 ~~modification beginning on or after July 1, 2009.~~

35 **SECTION 3. ~~AND BE IT FURTHER ORDAINED,~~** That the catchlines contained in this  
36 Ordinance are not law and may not be considered to have been enacted as a part of this or any  
37 prior Ordinance.

38 **SECTION 4. ~~AND BE IT FURTHER ORDAINED,~~** That on enactment of Council Bill 07-632  
39 ~~{“Building, Fire, and Related Codes – 2007 Edition”}, the provisions of this Ordinance shall be~~

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1 codified in the new Building, Fire, and Related Codes as IBC Chapter 37 and, before  
2 publication, the Director of Legislative Reference shall conform all section and subsection  
3 numbers accordingly.

4 **SECTION 4-5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on ~~the 30<sup>th</sup>~~  
5 ~~day~~ after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City