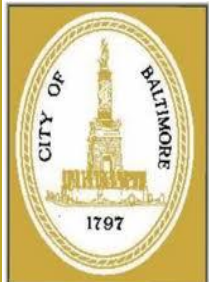


<b>FROM</b>	<b>NAME &amp; TITLE</b>	Matthew W. Garbark, Acting Director	<b>CITY of BALTIMORE</b>  <b><i>MEMO</i></b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Public Works 600 Abel Wolman Municipal Building		
	<b>SUBJECT</b>	City Council Bill 20-0630		

October 23, 2020

**TO:**

Judiciary Committee

### **INTRODUCTION**

I am herein reporting on City Council Bill 20-0630 introduced by Council President Scott on behalf of the Administration (Department of Housing and Community Development).

### **PURPOSE**

The purpose of the Bill is to amend the Building, Fire, and Related Code Article by repealing the International Green Construction Code (2012 Edition) and substituting, subject to local additions, deletions, amendments and modifications, the International Green Construction Code (2018 Edition); and provide for the effective date, construction, and application of the new Green Construction Code.

### **BRIEF HISTORY**

Periodically, the City reviews its building, property maintenance, mechanical, plumbing, and related codes and adopts revisions through an ordinance process. Revisions are necessary to keep these codes current and viable, by incorporating new standards, new materials, or new methods for compliance for the health and safety of our residents and businesses. Such changes may be the result of Baltimore's own experiences in administering the codes, or the result of changes proposed by national and international building officials and code administrators. The last comprehensive revisions to these codes were adopted through Ordinance 20-361.

Initially, the model for these codes had been the National Building Code issued by the Building Officials and Code Administrators International, Inc., or BOCA. Prior to 1993, there was no standard building code for the State of Maryland. Enactment of the Maryland Building Performance Standards Act of 1993 required the State to adopt the BOCA codes and to adopt the most recent editions of the codes within 24 months of their issue date. Jurisdictions were also required to use the BOCA as a model for its codes beginning in 1985. In 2000, the Maryland Building Performance Standards Act was amended by the General Assembly to recognize the replacement of the BOCA National Building Code with the International Building Code, and it is this code that the State of

Maryland now requires jurisdictions to adopt. The Building, Fire and Related Codes include cross references to, and support for, other City codes. This inter-correlation is important for keeping clear standards expected of property owners, tenants and landlords, developers and builders, businesses and trades.

City Council Bill 20-0630, if approved, will repeal the currently adopted 2012 Edition of the International Green Construction Code and will replace it with the most recent 2018 Edition, with some additions, deletions, amendments, and modifications specific to Baltimore. This Department finds the following to be of particular interest:

- One- or two-family dwellings and their accessory structures would continue to be regulated by the International Residential Code. Temporary structures and industrial or manufacturing equipment or systems would not be subject to the International Green Construction Code.
- Alternative compliance could be achieved through a Silver-level or greater rating (US Green Building Council's LEED), Green Communities Certification (Enterprise Community Partners), Green Globes, or other listed certifications.
- The Code will continue to be administered and enforced by the Department of Housing and Community Development (DHCD) and the Building Official and Code Official is the DHCD Commissioner. The Code Official would be able to
  - Enter any structure or premises to inspect, and if entry is refused or not obtained, the Official could pursue legal recourse;
  - Grant exemptions from any requirement if based on practical infeasibility or hardship, a determination that the public interest would not be served by complying with a requirement, or other compelling circumstances; or consider whether another standard is practical and can be required in place of the exempted standard; and
  - revoke or suspend a permit, including revocation of an occupancy permit, if a building fails to receive a timely third-party certification, or until the certification is obtained.

The Code Official's decisions are subject to administrative and judicial review.

- The Stormwater Management section of the International Green Construction Code was adopted in its entirety (Chapter 5 Site Sustainability).
- Areas excluded from roof surface calculations would include on-site renewable energy systems, heat captured for building energy technologies, and vegetated terrace and roofing systems (Chapter 5 Site Sustainability).

- The Water Use Efficiency section includes landscape design requirements for at least 50% of the improved area to be planted in biodiverse native plants and rainfall-compatible plants (to reduce the need for extra watering); plumbing fixtures that are capable of reducing aggregate calculated water consumption by 30%, or fixtures that comply with a requirements table (Chapter 6 Water Use Efficiency).
- A project's construction waste management activities must divert a minimum of 70% of its nonhazardous construction and demolition waste materials from disposal in landfills or incinerators through reuse, recycling, re-purposing, or composting; and must be based on either weight or volume throughout the construction process. Reuse is defined as including donation of materials to charitable organizations, salvaging of materials on-site, manufacturers reclaiming the materials, and returning packaging materials to the manufacturer or shipper, or for use in future shipments (Chapter 9 Materials and Resources). Under the 2012 Edition, the diversion minimum for construction and demolition debris is 50%. Construction and demolition debris is approximately 35% of the City's entire waste stream (as measured in 2017). The Department's recently released Less Waste Better Baltimore (LWBB) operational plan has as one of its major goals the maximizing of waste reduction and diversion. The LWBB plan noted that approximately 48% of construction and demolition debris generated within the City is currently recycled or repurposed. Requiring more of these materials to be diverted will mean less reliance on disposal in the landfill or incinerator, and more materials repurposed or converted to other uses.
- Chapter 11 (Electives) establishes elective requirements, some mandatory and some selective, that all projects subject to this International Green Construction Code would have to meet. A point system would be used to determine a project's compliance.

The provisions of City Council Bill 20-0630 would become effective on the date of its enactment. This would mean that any permit filed on or after the effective date of the Ordinance would be subject to the newly adopted 2018 Edition of the International Green Construction Code. Projects with issued permits and already underway prior to this effective date, would be subject to the provisions of the 2012 Edition.

The Honorable President and Members  
of the Baltimore City Council  
October 23, 2020  
Page 4

### **OPERATIONAL/FISCAL IMPACT**

The Department of Public Works is subject to the provisions of the Building, Fire, and Related Codes. Depending on the type of project, some of the provisions of the International Green Construction Code could add to the costs of construction. However, many of the provisions are anticipated to result in operational or asset life cycle savings, or in savings to the City as a whole. The provisions are also expected to contribute to the gradual improvement of the City's overall environmental quality and help achieve some of the City's identified sustainability goals.

### **AGENCY/DEPARTMENT POSITION**

The Department of Public Works supports passage of City Council Bill 20-0630.



Matthew W. Garbark  
Acting Director

MWG:MMC