

CHAPTER 37
“GREEN BUILDING” REQUIREMENTS

{Editor’s Note: Ordinance 07-490 enacted this as “Chapter 34C” of the Building Code; it is recodified here pursuant to the directive in Section 4 of that Ordinance.}

SECTION 3701 POLICY; SHORT TITLE

3701.1. 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.

3701.2. Short title. This Chapter may be cited as the Baltimore City Green Buildings Law.

SECTION 3702 DEFINITIONS

3702.1 General. In this Chapter, the following terms have the meanings indicated.

3702.1.1 City building. “City building” means any covered building that is owned by the Mayor and City Council of Baltimore.

3702.1.2 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.

3702.1.3 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.

3702.1.4 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.

3702.1.4.1 Exclusions. “Extensively modified” does not include any modification that is limited to 1 or more of the following building systems:

1. mechanical,
2. electrical,
3. plumbing,
4. heating, ventilation, and air conditioning, and
5. fire protection.

3702.1.5 Green Building Council. “Green Building Council” means the U.S. Green Building Council, an organization that has developed and published the LEED rating system to measure the energy and environmental performance of a building.

3702.1.6 LEED. “LEED” means the Leadership in Energy and Environmental Design rating system developed by the Green Building Council.

3702.1.7 LEED rating system. “LEED rating system” means the particular LEED rating system that applies to a covered building, as specified in the regulations adopted under this Chapter.

3702.1.8 Multi-family residential building. “Multi-family residential building” means:

1. any multi-family residential building that contains 5 or more dwelling units and is taller than 3 stories; or

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2. any mixed-use building that contains a residential component and is taller than 3 stories.

3702.1.9 Newly constructed. "Newly constructed" refers to a new, stand-alone building or an addition to an existing building.

3702.1.9.1 Exclusions. "Newly constructed" does not include any change to an existing portion of a building.

3702.1.10 Non-residential building. "Non-residential building" means a building not used as a dwelling.

SECTION 3703 REGULATIONS

3703.1 In general. The Building Official must issue regulations to administer this Chapter.

3703.2 Required elements. Those regulations must specify:

1. the LEED rating system, and any equivalent energy and environmental design standard, that applies to each type of covered building under § 3705,
2. the process by which to verify compliance with any applicable standard, including the types of persons who are qualified to verify compliance,
3. standards and procedures under which the waivers may be requested under § 3708, and
4. standards and procedures for any enforcement mechanism, such as performance bonds, that the Building Official finds necessary to accomplish the purposes of this Chapter.

SECTION 3704 {Reserved}

SECTION 3705 STANDARDS AND REQUIREMENTS

3705.1 For City buildings. Every City building must achieve a rating as provided in this § 3705.1.

3705.1.1. Fiscal Year 2009. For a City building included in the capital budget for Fiscal Year 2009 or for which a building permit application is filed during Fiscal Year 2009, the building must achieve:

1. a certified-level rating in the appropriate LEED rating system, as certified by the Green Building Council, or
2. energy and environmental design standards that the Building Official identifies as equivalent to a certified-level rating in the appropriate LEED rating system.

3705.1.2. Fiscal Year 2010 and after. For a City building included in the capital budget for Fiscal Year 2010 or later or for which a building permit application is filed on or after July 1, 2009, the building must achieve:

1. a silver-level rating in the appropriate LEED rating system, as certified by the Green Building Council, or
2. energy and environmental design standards that the Building Official identifies as equivalent to a silver-level rating in the appropriate LEED rating system.

3705.2 For City-subsidized buildings. Every City-subsidized building must achieve a rating as provided in this § 3705.2.

3705.2.1. Fiscal Year 2009. For a City-subsidized building for which a building permit application is filed on or after January 1, 2009, and on or before June 30, 2009, the building must achieve:

1. a certified-level rating in the appropriate LEED rating system, as certified by the Green Building Council, or
2. energy and environmental design standards that the Building Official identifies as equivalent to a certified-level rating in the appropriate LEED rating system.

3705.2.2. Fiscal Year 2010 and after. For a City-subsidized building for which a building permit application is filed on or after July 1, 2009, the building must achieve:

1. a silver-level rating in the appropriate LEED rating system, as certified by the Green Building Council, or

2. energy and environmental design standards that the Building Official identifies as equivalent to a silver-level rating in the appropriate LEED rating system.

3705.3. For other covered buildings. Every other covered building for which a building permit application is filed on or after July 1, 2009, must achieve:

1. a silver-level rating in the appropriate LEED rating system, as certified by the Green Building Council, or
2. energy and environmental design standards that the Building Official identifies as equivalent to a silver-level rating in the appropriate LEED rating system.

3705.4 Exceptions. For any building for which all applications for all necessary building permits were filed on or before June 30, 2009, any later addition to that building need only meet the requirements of § 3705.1, § 3705.2, or § 3705.3, if the addition would:

1. increase the building’s land coverage by 100% or more, or
2. increase the building’s gross floor area by at least 10,000 sq. ft.

SECTION 3706 BUILDING PERMITS; OCCUPANCY PERMITS; CERTIFICATES OF COMPLETION

3706.1 Application for building permit. In addition to all other submissions required by this article, the applicant for a building permit for a covered building must submit to the Building Official:

1. design plans for the building that are likely to achieve the applicable standard required by § 3705, and
2. any other document or information the Building Official finds necessary to decide whether the building will achieve the applicable standard required by § 3705.

3706.2 Compliance as condition of building permit. The Building Official must require compliance with § 3705 as a condition of any building permit issued for a covered building.

3706.3 Occupancy permits; Certificates of completion. The Building Official may not issue a final occupancy permit or certificate of completion for a covered building unless the Building Official finds that the building has achieved the applicable standard required by § 3705.

SECTION 3707 {Reserved}

SECTION 3708 WAIVERS

3708.1 When authorized. The Building Official may approve full or partial waivers of the requirements of this Chapter to the extent that:

1. compliance would be impractical or unduly burdensome, and
2. the public interest would be served by the waiver.

3708.2 Conditions, etc. The Building Official may impose any conditions, restrictions, or limitations on a waiver that the Building Official considers necessary or appropriate in the circumstances.

3708.3 Report of Waivers. The Building Official must submit to the Mayor and the City Council, not later than March 1 of each year, a list of each waiver of this Chapter that the Building Official approved during the preceding calendar year and any conditions, restrictions, or limitations that were attached to that waiver.

{**Editor’s Note:** Section 2 of Ordinance 07-490 added the following mandate:

“(a) By July 1, 2008, the City of Baltimore must develop a Green Building Systems Policy for integrating LEED standards into building systems modifications that affect more than 50% of the gross floor area of any City building. The Green Building Systems Policy applies to the building systems identified in [§ 3702.1.4.1].

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

