COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Hucker
Co-Sponsors: Councilmember Friedson, Council President Navarro, Councilmember Riemer,
Council Vice-President Katz, Councilmembers Jawando, Rice, Glass and Albornoz

AN ACT to:

(1) expand the Commercial Property Assessed Clean Energy Program to new construction; and

(2) generally amend County laws related to the Commercial Property Assessed Clean Energy Program and environmental sustainability.

By amending
Montgomery County Code
Chapter 18A, Environmental Sustainability
Sections 18A-33 and 18A-35

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 18A-33 and 18A-35 are amended as follows:


(a) Definitions. In this Section, the following words have the meanings indicated:

Qualified property means any new or existing commercial real property that meets the eligibility criteria for the Program.

18A-35. Eligibility.

In order to be eligible for this Program, the following criteria must be met:

(4) For new commercial construction, the property must be designed to exceed the [[current]] [[County energy conservation building code performance requirement]] energy performance required by the County building code that is in effect at the time a property owner applies to participate in the Program.

(5) The loan amount under this Program must meet the following criteria:

(A) For existing commercial construction:

(i) The loan amount must be at least $5,000 and [[for existing commercial property[,]]] not more than 20% of either the full cash value or the appraised value of the qualified property. [[The full cash value is determined by the Maryland State Department of Assessments and Taxation. The appraised value must]]
be determined by a Certified General Real Estate Appraiser and must have been certified no more than 12 months before the date of the loan application.]

[(B)] (ii) The loan amount, together with the outstanding balance of the mortgage or deed of trust, must be no more than 90% of either the full cash value or the appraised value of the qualified property.

(iii) The full cash value is determined by the Maryland State Department of Assessments and Taxation. The appraised value must be determined by a Certified General Real Estate Appraiser and must have been certified no more than 12 months before the date of the loan application.

[(C) For new commercial construction, the maximum loan amount must not exceed 20% of the total construction costs.]

(B) For new commercial construction:

(i) If a qualified property is designed to exceed the energy performance required by the County building code by no more than 5%, the maximum loan amount must not exceed 15% of the full cash value or appraised value of the qualified property.

(ii) If a qualified property is designed to exceed the energy performance required by the County building code by 5% or greater, the maximum loan amount must not exceed 20% of the full cash value or appraised value of the qualified property.
(iii) The loan amount, together with the outstanding balance of the mortgage or deed of trust, must be no more than 90% of either the full cash value or the appraised value of the qualified property.

(iv) The full cash value and appraised value of the property must be determined based on the estimated value of the property if construction is completed. The appraised value must be determined by a Certified General Real Estate Appraiser and must have been certified no more than 12 months before the date of the loan application.

*   *   *
Approved:

Nancy Navarro, President, County Council

Date

Marc Ehrlich, County Executive

Date

This is a correct copy of Council action.

Megan Davey Limarzi, Esq., Clerk of the Council

Date