

HIGH PERFORMANCE

High Performance Green Building Program

Maryland Green Building Council

Revised and Updated
February 20, 2025

Wes Moore
Governor

Aruna Miller
Lt Governor



Atif Chaudhry
Secretary

Nelson E. Reichart
Deputy Secretary

February 20, 2025

Mr. Atif Chaudhry, J.D. MBA, Secretary
Maryland Department of General Services
301 West Preston Street, Room 1401
Baltimore, Maryland 21201

Ms. Helene T. Grady, Secretary
Maryland Department of Budget and Management
45 Calvert Street
Annapolis, Maryland 21401

Re: Approval of the Maryland High Performance Green Building Program (October 2024 Version)

Dear Secretaries Chaudhry and Grady:

The revised and updated (February 2025) *Maryland High Performance Green Building Program* (HPGBP) incorporates input from the Maryland Green Building Council members, Department of General Services staff and the Maryland Attorney General. This version incorporates requirements of the Acts of the Laws of Maryland Chapter 423 (SB 258-2024 Legislative Session), now codified in the State Finance and Procurement Article (SFP) §4-806 of the Maryland Annotated Code, “to ensure that all new buildings and major renovations subject to the Program align with the state’s goal of achieving net zero greenhouse gas emissions by 2045.” *See*, SFP §4-806(d)(1).

The Maryland Green Building Council voted to adopt this version now presented for your approval as required by SFP §3-602.1.

Thank you for your consideration.

Sincerely,

Ben Roush, Chair
Maryland Green Building Council

Approved and Dated

A handwritten signature in blue ink that reads "Atif Chaudhry".

Atif Chaudhry, J.D., MBA, Secretary
Maryland Department of General Services

4/17/25

Date
cc:

A handwritten signature in blue ink that reads "Helene T. Grady".

Helene T. Grady, Secretary
Maryland Department of Budget and Management

Date

David St. Jean, Director, Office of Energy and Sustainability, DGS
Courtney League, Assistant Secretary, DGS



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Maryland Green Building Council Contact

For submission of compliance forms and annual reporting by agencies, please contact the Maryland Green Building Council at the information listed here.

For answers to questions relating to this (Maryland) HPGBP, refer to the Maryland Green Building Council's website at <http://www.dgs.maryland.gov/Energy/GreenBuilding/index.html> and/or contact the council at

Maryland Green Building Council
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Design, Construction & Energy
Maryland Department of General Services
301 West Preston Street
Baltimore, Maryland 21201
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(443) 591-1966 (M)

Maryland Interagency Commission on School Construction Contact:

For answers to questions relating to public schools, refer to the Maryland Interagency Commission on School Construction's (IAC's) website at www.mdschoolconstruction.org and/or contact the IAC at iac.pscp@maryland.gov.



Summary

State of Maryland law require the use of green building technologies when constructing or renovating State of Maryland-owned buildings that meet specific criteria.¹ In accordance with the law, the Maryland Green Building Council (Council) established the *High-Performance Green Building Program* (HPGBP or Program) to guide Maryland state agencies and local educational agencies (LEAs) in programming, design, and construction of facilities.

Requirements of the HPGBP apply to facility design and construction for projects funded solely with State of Maryland funds, state-funded new and replacement school-construction, and community-college projects that are funded in part with state funds. Projects receiving 50% or more state funding are required to meet the requirements for bird safe construction outlined in Appendix D.

The HPGBP requires the use of one of the three council-approved versions of the following green building rating programs or codes in the design, construction, and operation of facilities:

1. Leadership in Energy and Environmental Design (LEED), a program of the U.S. Green Building Council; or
2. *International Green Construction Code* (IgCC), of the International Code Council; or
3. The Green Globes protocol of the Green Building Initiative (GBI).

Maryland law also requires compliance with the Governor’s Executive Order 01.01.2023.07, which states: “The Maryland Green Building Council shall update the High-Performance Green Building Program to ensure that all new buildings and major renovations subject to the Program align with the State’s goal to achieve net zero greenhouse gas emissions by 2045.” (Exec. Ord. 01.01.2023.07(B)); as well as ensuring that all new buildings subject to the Program align with the State’s goal of achieving net zero greenhouse gas emissions by 2045 (SFP §4-806(d)(1)).

Maryland Local Education Agencies (LEAs) must follow the HPGBP but are exempt from certification requirements. The HPGBP is intended to be used in conjunction with other State of Maryland and federal statutes, codes, standards and policies. The HPGBP is periodically updated by the Maryland Green Building Council. The current edition has been revised to address the current versions of referenced programs and codes, and to clarify the process for waivers from the HPGBP and its specific requirements.

¹ Md. Code Ann., State Fin. & Proc. (SFP) §3-602.1.



Chapter 1: Scope and Administration

Section 101 General

101.1 Title.

This program shall be known as the *Maryland High Performance Green Building Program* (HPGBP).

101.2 Scope

The provisions of this HPGBP apply to:

- A. New building and major renovation² construction projects that are funded solely with state funds and are of 7,500-gross square feet or larger or are community college projects that receive any State funds and are of 7,500-gross square feet or larger³.
- B. New construction pre-kindergarten through 12th grade (PK-12) public schools that receive state public school construction funds⁴.
- C. A facility construction implemented by another instrumentality, public or private, that may be subject to the HPGBP pursuant to other Maryland statutes or regulations.⁵
- D. Projects receiving 50% or more state funding are required to meet the requirements for bird safe construction in Appendix D. Exceptions in 101.2.1 do not apply to this provision.

To the extent practicable, the State shall employ green building technologies when constructing or renovating a State building not subject to this section.⁶

101.2.1 Exceptions

The HPGBP does not apply to the following facility and project types:

- A. Unoccupied buildings including warehouse and storage facilities; garages; maintenance facilities; transmitter buildings; pumping stations; and other similar types of buildings, as determined by the Maryland Department of General Services and Department of Budget and Management; and
- B. Facilities complying with requirements of Chapter 3 of the *International Building Code* (IBC):
 1. High-hazard Group: H
 2. Storage Group: S
 3. Utility And Miscellaneous Group: U

101.3 Other Laws and Regulations

The provisions of the HPGBP shall not be deemed to nullify provisions of federal, state, or local laws, regulations, or codes. Projects shall comply with applicable federal laws, federal regulations, and state laws and building codes.

Section 102 Applicability

² Pursuant to 2021 *International Existing Building Code (IEBC)*, SECTION 604 ALTERATION—LEVEL 3; and as defined by Md. Code Ann., SFP § 5A-303(a)(6).

³ Md. Code Ann., SFP §3-602.1(a)(3).

⁴ Md. Code Ann., Education Article § 5-312(c).

⁵ For the purposes of the Maryland Historic Revitalization Tax Credit program, a High-Performance Building shall include a project that meets or exceeds 3-Green Globes in the current version of the Green Building Initiatives' Green Globes Certification program (i.e., as "comparable to LEED Gold). See Md. Code Ann., SFP § 5A-303 .

⁶ Md. Code Ann., SFP §3-602.1(b).



102.1 General

Where there is a conflict between a general requirement of the HPGBP and a specific requirement, the specific requirement shall apply.

102.2 Supersedes previous versions of the HPGBP.

This HPGBP version supersedes prior versions of *High Performance Green Building Program* and its appendices, the Council's Guidance for New Public-School Buildings to Achieve High-Performance Buildings (October 23, 2019), and other previous HPGBP documents.

102.3 Other laws, regulations, and codes.

The provisions of the HPGBP shall not be deemed to nullify provisions of federal, state, or local laws, regulations, or codes. Projects shall comply with applicable federal laws, federal regulations, state laws, state regulations, Maryland Performance Codes, Maryland Building Performance Standards⁷ and codes and ordinances of local authorities having jurisdiction for building design, construction and operation. The HPGBP is to be used in conjunction with other federal and State of Maryland statutes, codes, standards, rules, and policies. The Council intends to periodically update this HPGBP to reflect changes to related or referenced statutes, regulations, programs, policies, and codes.

102.4 Time of applicability

The Program is applicable for pre-kindergarten through 12th grade (PK-12) public schools whose design RFPs are published after 12/31/2026. For all others the Program is in effect upon its full adoption and after 9/30/2025.

Section 103 Administration

103.1 Administration of the HPGBP.

The Council⁸ has primary responsibility for administering the HPGBP.⁹ The Council is composed of gubernatorial appointees and the secretaries of key state agencies or their designees. The Council resides within the Maryland Department of General Services (DGS), which provides staff support. DGS, the Maryland Department of Budget and Management (DBM), and the Maryland Department of Transportation (MDOT) each have a role in the HPGBP and joint authority to approve waivers for an entire project in accordance with other sections of this HPGBP.¹⁰

103.2 Relationship of the HPGBP to other State and Local Programs and Authorities.

Entities and jurisdictions other than those specifically referenced herein may rely on the HPGBP for the purpose of activities such as granting tax credits, zoning allowances, reduced fees, and expedited permitting. However, the Council's authority does not extend to taking positions or arbitrating disputes on matters outside the specific provisions of this HPGBP.

⁷ Maryland Department of Labor, Maryland Building Codes - Building Codes Administration: Web <https://www.dllr.state.md.us/labor/build/buildcodes.shtml>

⁸ Md. Code Ann., SFP § 4-809(d).

⁹ See Md. Code Ann., SFP § 3-602.1.

¹⁰ Md. Code Ann., SFP § 3-602.1(e)(2)(ii).



Chapter 2: Definitions

Section 201 General

201.1 Scope.

Unless otherwise expressly provided, the following words and terms shall, for the purposes of this HPGBP, have meanings as set forth in this chapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.2 Definitions.

Designer of Record (DOR)/Architect Engineer (AE). The designer or architect or engineer of record means the architect or engineer and registered and licensed by the Maryland Department of Labor to practice in Maryland with primary responsibility for design documentation of the project and that serves as the final signatory on the plans and specifications for the design.

Elementary and secondary education. Education and programs of education from and including preschool through the end of high school and their equivalent.

High-performance building. A building that:

1. Meets or exceeds the current version of the United States Green Building Council's LEED Green Building Rating System Silver rating or;
2. 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 Secretaries of Budget and Management and General Services or;
3. Complies with a nationally recognized and accepted green building code, guideline, or standard reviewed and recommended by the Maryland Green Building Council and approved by the Secretaries of DBM and DGS;¹¹

Independent Third Party. An independent organization or entity that is not the owner or a member of the architectural/engineering design or builder team for the subject facility design or construction and is a consultant to the owner. The independent third party shall have a minimum of five (5) years of demonstrable experience in certification of high-performance facilities utilizing a scientifically based, transparent, objective and progressive system that is commonly recognized in the US design and construction industry and shall be a licensed Architect or Engineer in the state of Maryland. Specific to LEED projects, the independent third party may be a Licensed LEED Accredited Professional in the rating system of the project (BD+C, ID+C) in lieu of licensing as an Architect or Engineer. Specific to Green Globes, the independent third party may be a Green Globes Assessor in lieu of licensing as an architect or engineer. Specific to IgCC, the independent third party may be an ICC Certified Energy Plans Examiner or ICC Certified Sustainability Professional in lieu of licensing as an architect or engineer.

Local education agency (LEA). A public school system led by a county board of education established pursuant to Maryland Code Annotated, Education § 3-103.

¹¹ Md. Code Ann., SFP § 3-602.1(a)(2).



Major renovation. A project in which the building shell is to be reused for the new construction, the heating, ventilating and air conditioning (HVAC), electrical, and plumbing systems are to be replaced in their entirety, and the scope of the renovation is 7,500 square feet or greater.¹²

Public schools. The schools in the public elementary and secondary education system of the State of Maryland.¹³

State Building.

1. A building acquired by any means, by the State of Maryland for use by a state agency or department, or
2. A building constructed or renovated by or for the state, for occupancy by a state agency or department.

State funds. Any funds authorized via State of Maryland legislative action, including but not limited to: General Obligation Bonds and including Maryland Consolidated Capital Bond Loan (MCCBL); Academic Revenue Bonds (AFBA); General Funds (GF); institutional operating funds; and grants from State entities.

Chapter 3: Requirements

Section 301 General Requirements

301.1 Applicable Rating Systems and Codes.

Projects to which the HPGBP applies shall comply with the requirements of one of the following rating systems or codes in the version most recently adopted by the Maryland Green Building Council or the State of Maryland Department of Labor:

- A. **U.S. Green Building Council (USGBC) LEED** – a minimum of LEED Silver in the appropriate rating system (i.e. LEED BD+C, LEED for Schools, etc.). Projects shall strive to achieve a LEED Gold rating or higher. LEED Existing Buildings Operation and Maintenance is not applicable to meet this provision.
- B. **Green Building Initiative, Inc., Green Globes (GG)** – a minimum rating of two Green Globes in the appropriate rating system. Projects shall strive to achieve three Green Globes or better.
- C. **International Code Council, Inc., International Green Construction Code (IgCC)** – the current State of Maryland Green Building Council-adopted version of the IgCC as amended by the appendix to this document (see Section 303). However, if the locality where the building is, or is to be, located has adopted a version of IgCC that is a more stringent version than that adopted by the Maryland Green Building Council, the project shall comply with the version adopted by the locality. If the locality where the building is, or is to be, located has adopted a version of IgCC that is a less stringent version than that adopted by the Maryland Green Building Council, the project shall comply with the version adopted by the HPGBP.

301.1.1 For pre-kindergarten through twelfth grade (PK-12) school construction projects:

Only LEAs may obtain independent third-party verification of compliance with one of the above-referenced rating systems or code in lieu of obtaining certification by the certification-granting

¹² Md. Code Ann., SFP § 3–602.1(a)(3).

¹³ Md. Code Ann., Educ. § 1–101(k).



organization. All other projects must complete and obtain certification by the certificate-granting organization for LEED or Green Globes; or be certified as code compliant by the code reviewer for locations with IgCC as a required local code; or be certified as IgCC compliant by an independent third party in a location where IgCC is not adopted as a local code.

Section 302 Specific Requirements

302.1 Decarbonization.

Projects subject to the HPGBP shall be designed and built with space conditioning and water heating systems that do not combust fossil fuels on site.

302.1.1 Where emergency backup generation is needed, non-fossil fueled systems shall be evaluated but are not required.

302.1.2 All-electric food preparation and storage systems shall be evaluated but are not required.

302.1.3 Heat pumps shall be used in all space conditioning/HVAC and service water heating applications. Fossil Fuels and electric resistance shall not be used for space heating or water heating, with exceptions listed in Appendix G: Exceptions for Resistance Electric Space and Service Water Heating Systems.

302.1.3 Projects located on a campus, or a district energy system, served by a central plant that combusts fossil fuel to provide space conditioning and water heating, shall have an independent space conditioning and water heating system installed that does not combust fossil fuel on site. A project connected to a district energy system that is contractually obligated to provide carbon-free steam by a date that aligns with state goals is allowed.

302.2 Energy Use and Efficiency.

302.2.1 Energy code performance-based designs shall demonstrate through modeling that the building's energy use meets the requirements of the current Maryland Department of Labor-adopted version of the International Energy Conservation Code (IECC) or the equivalent ANSI/ASHRAE/IESNA 90.1, as modified by the current HVAC Systems specifications of the Maryland Green Purchasing Committee (See Appendix C.)

302.2.2 Energy code prescriptive-based designs shall be designed and constructed to comply with the current State of Maryland-adopted version of the International Energy Conservation Code or the equivalent ANSI/ASHRAE/IESNA 90.1, as modified by the current HVAC Systems specifications of the Maryland Green Purchasing Committee, in which case, unless necessary for certification or compliance, no energy modeling will be required.

302.3 Limitations on Illumination.

State-owned buildings shall comply with the restrictions stated in SFP §14-412 requiring nighttime shielding of interior and exterior lighting and restricting uplighting on the grounds and exterior of such buildings and providing for a separate waiver process. Please refer to Appendix H.

302.4 Bird Safe Buildings.

Buildings shall be designed and constructed to reduce bird injury and mortality from in-flight collisions with buildings, per SFP § 4-410.1, including complying with the “building façade and site structures” and “exterior lighting” requirements, with lighting reductions expressly taking safety into account. For



guidance, refer to the current version of LEED BD+C: NC v4 v4.1 Innovation catalog Bird Collision Deterrence credit. (Refer to Appendix D for project funding level limitations and further details.)

302.5 Options for Financing Energy Efficiency.

During design, the project design team shall analyze and document utility service incentives, grants, and other energy-efficiency or renewable-energy financing opportunities available for the project. A summary and analysis of options and project-associated values shall be reported to the project's owner. The designer of record (DOR) or architect/engineer of record (AE) shall implement programs appropriate to the project at the owner's direction.

302.6 Metering

Projects to which the HPGBP applies shall install, at a minimum, a meter to measure usage for every utility that enters the building. Utility company owned meters may fulfill this requirement when they are available.

302.7 Green Purchasing

Projects to which the HPGBP applies shall abide by the product specifications of the Statewide Green Purchasing Committee. (See Appendix C.)

302.8 Fleet Vehicle Electrification

Projects to which the HPGBP applies shall install electric vehicle infrastructure and service equipment to accommodate the number of state fleet vehicles expected to be permanently parked onsite by 2030¹⁴.

302.9 Additional Requirements.

To the extent practicable as deemed by the owner, projects shall:

- A. Be designed and constructed to provide operations data in sufficient measure to properly maintain and operate the building at peak efficiency. For guidance, refer to LEED BD+C EA Credit Enhanced Commissioning, Path 2 Enhanced and Monitoring-Based Commissioning.
- B. Perform building envelope commissioning during design and construction. For guidance, refer to LEED BD+C EA Credit Enhance Commissioning Option 2: Building Envelope Commissioning.
- C. Be designed and constructed to reduce the building's embodied carbon. For guidance, refer to LEED BD+C MR Credit Building Life-Cycle Impact Reduction.
- D. Be designed and constructed to provide for healthy indoor air quality for all occupants. For guidance, refer to relevant features of the Well Building Standard such as Feature 03 Ventilation Effectiveness, Feature 04 VOC Reduction, Feature 05 Air Filtration, Feature 07 Construction Pollution Management, and Feature 25 Toxic Material Reduction.
- E. Be designed and constructed to be electric-vehicle ready for public and workplace charging for ten (10) percent of all non-pre-kindergarten through twelfth grade off-street parking spaces or at least 4 spaces, whichever is greater. For guidance, refer to the current version of LEED BD+C: NC v4.1 Electric Vehicle credit.
- F. Be designed and constructed to include or accommodate a rooftop solar voltaic system or constructed to optimize the installation of a rooftop solar voltaic system after the building has been constructed. For guidance, refer to Appendix CA Solar-ready Zone - Commercial of the 2018 IECC.
- G. Be designed and constructed with no goods produced from forced labor in supply chains. The project seeks to address human rights, protecting against social justice abuses (the "S" in ESG) at

¹⁴ Md. Code Ann., SFP §14-418



every stage, from extraction of raw materials to building erection. For guidance, refer to the current version of LEED BD+C: IPPC 144 Social Equity within the Supply Chain credit.

302.10 Compliance for Certified Wood Credits.

Pursuant to Md. Code Ann., Tax-Property Art. § 9-242(a)(2), credit may be awarded for the use of wood-based materials derived from all credible sources, including the Sustainable Forestry Initiative Program, the Canadian Standards Association, the American Tree Farm System, and other credible certified sources programs.

Section 303 International Green Construction Code (IgCC)

303.1 Adopted Version.

The *International Green Construction Code (2021)*, second version, April 2022, as modified by the additions, deletions, amendments, and other changes listed in Appendix A of this document, is adopted by the Maryland Green Building Council.

Chapter 4: Compliance

Section 401 Project-Level Reporting

401.1 Requirements for All Projects.

The prime designer of record or architect/engineer (DOR/AE) shall submit documentation of compliance with the HPGBP to the owner at project milestones. Minimum milestones are concept or schematic design; 50-percent-complete construction documents; 100-percent-complete construction documents; and project closeout. The owner bears responsibility for reviewing submittals and confirmation of compliance with the HPGBP. The Owner shall submit documentation of compliance with the HPGBP to the Council at project closeout. In addition, the following submission requirements apply:

- A. LEED and Green Globes Projects
 - 1. State Buildings and Community Colleges
 - a. The DOR/AE shall provide the latest scoresheet to the owner at completion of defined milestones;
 - b. The owner shall provide the final scoresheet to the Council at project completion; and
 - c. The owner shall provide a copy of the final certificate to the Council upon award by the certification-granting organization.
 - 2. Public Schools
 - a. The DOR/AE shall report as required by the Maryland Interagency Commission on School Construction (IAC) regulations and Administrative Procedures Guide; and
 - b. The owner shall provide the final scoresheet to the Council upon project construction closeout.
- B. Independent Third-Party Verification for Pre-kindergarten Through Twelfth Grade Schools Only
 - 1. Documentation shall be prepared and submitted to the LEA by an independent third-party Letter of Opinion stating that the facility meets or exceeds the requirements of the HPGBP with the exception of third-party certification.
 - 2. Required content of Letter of Opinion:
 - a. Date of opinion



- b. LEA for which the facility is designed or constructed and responsible party contact information
 - c. Narrative description of subject facility including use, size, cost, features
 - d. Design and construction team names and contact information
 - e. Professional credentials of the Independent Third Party responsible for preparation of the Letter of Opinion
 - f. The selected high-performance rating system or code used for design and construction with which the project is compliant
 - g. Signed statement attesting that the project meets the requirements of the HPGBP
3. The letter shall be submitted to the LEA responsible for the project's construction and a copy forwarded to the Maryland Interagency Commission on School Construction. The letter shall be submitted within two months of the project construction closeout.

C. IgCC Projects

1. State Buildings and Community Colleges are required to have Independent Third-Party Verification
 - a. The DOR/AE shall provide the latest IgCC Compliance form, prepared by an Independent Third Party, to the owner at completion of defined milestones; and
 - b. The owner shall provide the final signed IgCC Compliance form to the Council at project construction closeout.
2. Public Schools
 - a. The DOR/AE shall report as required by IAC regulations and the IAC's Administrative Procedures Guide and provide the final signed IgCC Compliance form to the IAC at project completion; and
 - b. The Owner shall provide the final IgCC Compliance form to the IAC at project completion.

Section 402 Annual Reporting

402.1 Annual Reporting by Using Agencies and LEAs

- A. State agencies and community colleges shall provide an annual project status report to the Council no later than September first (1st) each year for projects from the previous fiscal year. The report shall include the status of projects initiated, completed, and in progress for that year and the rating system or code applied to each project. All reporting documentation shall be submitted to the Council in electronic (PDF) format.
- B. LEAs shall provide to the IAC all reports as required by IAC regulations and the IAC's Administrative Procedures Guide in electronic (PDF) format to iac.pscp@maryland.gov.



Chapter 5: Waivers

Section 501 Waiver of All HPGBP Requirements

501.1 State Buildings and Community Colleges

- A. A unit of government or a community college may in the case of a specific project otherwise required to comply with the HPGBP, seek a waiver from complying with all requirements of the HPGBP when compliance would not be practicable.¹⁵ The waiver request and approval process shall be administered by the Council. A waiver application shall be made by the owner in writing and directed and delivered to the Council. The application shall include:
 1. A physical and financial description of the project, fund source(s) and schedule of design and construction.
 2. An explanation of why compliance with the requirements of the available HPGBP paths is not practicable to achieve.
 3. An analysis of whether relief can be granted in such fashion that the spirit of the requirements will be observed and the natural environment protected.
 4. A description of the proposed alternative compliance paths or mitigation measure(s) or other construction method, strategy or material that the owner offers in lieu of strict compliance with the HPGBP requirements; and
 5. Any other information of relevance to the waiver request.
- B. A waiver request shall be submitted to the Council prior to the owner's approval of the schematic design and a minimum of thirty (30) days in advance of the meeting of the Council at which the owner requests consideration of the request. The determination by the Council will be made at a public meeting of the Council. If the determination by the Council shall be that the use of a high-performance building in a proposed project is not practicable, a recommendation and request for approval of the waiver shall be made to the Secretaries of DBM, DGS, and MDOT. The waiver shall not be granted without approval by each of the three secretaries, or their designees. The decision to grant or deny the waiver shall be communicated from the secretaries, or their designees, to the Council. The Council shall provide written notification of the secretaries' decisions to the owner. Any approval or rejection of a waiver request shall be final and non-reviewable.

501.2 Public Schools.

- A. A LEA may, in the case of a specific project, seek a waiver from complying with all requirements of the HPGBP when compliance would not be practicable.¹⁶ The waiver process shall be administered by the IAC. A waiver application shall be made by the owner in writing and directed and delivered to the IAC. The application shall include the following:
 1. A physical and financial description of the project, fund source and schedule of design and construction.
 2. An explanation of why compliance with the requirements of the HPGBP is not practicable to achieve.
 3. An analysis of whether relief can be granted in such fashion that the spirit of the requirements will be observed and the natural environment protected;

¹⁵ See Md. Code Ann., SFP § 3-602.1(e) and § 4-809(f)(4).

¹⁶ See Md. Code Ann., Educ. § 5-312.



4. A description of the proposed alternative compliance path or mitigation measure(s) or other construction method, strategy or material that the owner offers in lieu of strict compliance with the HPGBP requirements; and
 5. Any other information of relevance to the waiver request.
- B. A waiver request shall be submitted to the IAC prior to the owner's approval of the schematic design and a minimum of thirty (30) days in advance of the meeting of the IAC at which the owner requests consideration of the request. The determination by the IAC will be made at a public meeting of the IAC and the owner notified. Any approval or rejection of a waiver request shall be final and non-reviewable.

Section 502 Waiver of Specific Requirements of the HPGBP

502.1 State Buildings and Community Colleges

- A. A unit of government or a community college may in the case of a specific project seek a waiver from complying with a specific requirement or requirements of the HPGBP when compliance would not be practicable.¹⁷ The waiver process shall be administered by the Council. A waiver application shall be made by the owner in writing and directed and delivered to the Council. The application shall include the following:
1. A physical and financial description of the project, fund source and schedule of design and construction;
 2. An explanation of why compliance with the specified requirement(s) of the HPGBP is not practicable to achieve;
 3. An analysis of whether relief can be granted in such fashion that the spirit of the requirement(s) will be observed and the natural environment protected;
 4. A description of the proposed alternative compliance path or mitigation measure(s) or other construction method, strategy or material that the owner offers in lieu of strict compliance with the HPGBP requirement(s); and
 5. Any other information of relevance to the waiver request.
- B. A waiver request shall be submitted to the Council prior to the owner's approval of the schematic design and a minimum of thirty (30) days in advance of the meeting of the Council at which the Owner requests consideration of the request. The determination by the Council will be made at a public meeting of the Council. If the determination by the Council shall be that the use of a specific high-performance building requirement in a proposed project is not practicable, a recommendation and request for approval of the waiver shall be made to the Secretaries of DBM, DGS, and MDOT. The waiver shall not be granted without approval by each of the three Secretaries, or their designees. The decision to grant or deny the waiver shall be communicated from the Secretaries, or their designees to the Council. The Council shall provide written notification of the Secretaries' decisions to the owner. Any approval or rejection of a waiver request shall be final and non-reviewable.

502.2 Public Schools.

- A. In the case of a specific project, an LEA may seek a waiver from complying with a specific requirement or requirements of the HPGBP when compliance would not be practicable.¹⁸ A request may be made for a waiver of a particular LEED prerequisite or credit, an IgCC provision (for the IgCC, this waiver process is in addition to and an alternative to the IgCC modification

¹⁷ See Md. Code Ann., SFP § 3-602.1(e).

¹⁸ See Md. Code Ann., Educ. § 5-312.



provision), or to allow use of another alternate green building rating system or code in lieu of those listed in the HPGBP. The waiver process shall be administered by the IAC. A waiver application shall be made by the owner in writing and directed and delivered to the IAC. The application shall include the following:

1. A physical and financial description of the project, fund source and schedule of design and construction;
 2. An explanation of why compliance with the specified requirement(s) of the HPGBP is not practicable to achieve;
 3. An analysis of whether relief can be granted in such fashion that the spirit of the requirement(s) will be observed and the natural environment protected;
 4. A description of the proposed alternative compliance path or mitigation measure(s) or other construction method, strategy or material that the owner offers in lieu of strict compliance with the HPGBP requirement(s); and
 5. Any other information of relevance to the waiver request.
- B. A waiver request shall be submitted to the IAC prior to the owner's approval of the schematic design and a minimum of thirty (30) days in advance of the meeting of the IAC at which the owner requests consideration of the request. The determination by the IAC will be made at a public meeting of the IAC and the Owner notified. Any approval or denial of a waiver shall be final and non-reviewable.



Appendix A: International Green Construction Code (IgCC) Supplement

The HPGBP incorporates the 2021 IgCC (second version, published April 2022) as amended by this supplement as an alternative compliance path for buildings developed under the State High Performance Buildings Act.¹⁹ This document amends and alters certain sections of the 2018 edition of the IgCC. This document should be reviewed and utilized concurrently with that document in design of high-performance buildings.

IgCC Chapters Amended by This Supplement:

Chapter 1	Scope and Administration
Chapter 3	Definitions, Abbreviations and Acronyms
Chapter 5	Site Sustainability
Chapter 6	Water Use Efficiency
Chapter 7	Energy Efficiency
Chapter 8	Indoor Environmental Quality (IEQ)
Chapter 9	Materials and Resources
Chapter 10	Construction and Plans for Operation
Forms	IgCC Compliance Form 103.2

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

PART 1- SCOPE AND APPLICATION

Strike SECTIONS 101.3 and 101.3.1.

Strike SECTION 101.5.1 Jurisdictional options.

Strike SECTION 102.6 Existing structures.

PART 2- ADMINISTRATION AND ENFORCEMENT

SECTION 103

Change the title of this Section to: “INTERPRETATION, COMPLIANCE, ENFORCEMENT AND REPORTING.”

SECTION 103.1 General - is fully deleted and replaced with:

“103.1 General – The Maryland Green Building Council (the Council) is hereby authorized to enforce the provisions of this code. The Council shall have the authority to render interpretations of this code and to

¹⁹ SFP §3-602.1.



adopt policies and procedures in order to clarify the application of its provisions and how this code relates to other applicable codes and ordinances. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and other applicable codes and ordinances. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.”

Strike SECTIONS 103.2 and 103.3

SECTION 104 - DUTIES AND POWERS OF THE AUTHORITY HAVING JURISDICTION

SECTION 104.2 Applications and permits - Is fully deleted and replaced with:

“Section 104.2 – Compliance and Reporting. The Sustainability Consultant shall administer completion of and submit form 103.2 Compliance Report to the Council within 90 days of Substantial Completion that is Appendix B, established hereto.”

Strike SECTIONS 104.3 Notices and orders and 104.4 Inspections.

SECTION 105 APPROVAL - Change the term “authority having jurisdiction” to “Maryland Green Building Council” throughout.

SECTION 105.3 Modifications - Is fully deleted and replaced with:

“Section 105.3 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the Council shall have the authority to grant modifications for individual cases, upon application of the owners or owner’s authorized agent, provided that the Council shall first find that the special individual reason makes the strict letter of this code impractical, and that the modification is in compliance with the intent and purpose of this code. The details of granting modifications shall be recorded and entered in the files of the Department of General Services.”

Strike SECTION 105.5 Compliance materials.

Strike SECTION 105.6 Approved programs.

Strike SECTION 106 Permits.

Strike SECTION 107 Construction Documents ~~Inspections~~.

Strike SECTION 108 Fees.

Strike SECTION 109 Inspections.

Strike SECTION 110 Certificate of Occupancy

Strike SECTION 111 Means of Appeals



CHAPTER 3 DEFINITIONS

SECTION 301.1 GENERAL

Add the following definition: “SUSTAINABILITY CONSULTANT”. A designated agent of the Owner charged with managing the implementation of the International Green Construction Code. The Sustainability Consultant may be the Architect/Engineer (A/E) or a subconsultant to the A/E. Responsibilities shall be as described in this IgCC Supplement and as required by the Owner. Responsibilities include but are not limited to assignment of documentation and verification, compilation of project documents, organization and submission of documents to the Maryland Green Building Council.”

CHAPTER 5 SITE SUSTAINABILITY

Strike SECTION 501.3.1 Site Selection.

Strike SECTION 501.3.4 Stormwater Management.

Section 501.3.5.1 Site Hardscape - Delete the first sentence and replace with: “At least 25% of the site hardscape that is not covered by solar energy systems shall be provided with one or any combination of the following:”

Strike SECTION 501.3.5.2 Walls.

SECTION 501.3.7.1.1 Pedestrian Walkways - Amend first sentence to read:

“If the building project is adjacent to either a public way or a transit stop, each primary building entrance shall be provided with a pedestrian walkway that extends to the public way or transit stop. Walkways shall not be less than 5 ft (1.5 m) in width and shall be clearly delineated.”

SECTION 501.3.7.1.2 Bicycle Paths - is fully deleted and replaced with:

“If existing and planned off-site bicycle paths are adjacent to the building project, on-site bicycle paths shall be designed to connect bicycle parking areas to said paths.”

SECTION 501.3.7.2 Bicycle Parking - Add the following as a second sentence:

“If the building project is adjacent to existing or planned off-site bicycle paths, projects shall follow Sections 501.3.7.2.1 through Section 501.3.7.2.6.”

SECTION 501.3.8.1 Building Site Waste Management Plan. - Amend the first sentence of the second paragraph to read: “Not less than 50% of the land-clearing debris, excluding invasive plant materials, shall be diverted from disposal in landfills and incinerators other than waste-to-energy systems with an energy-recovery efficiency rate higher than 60%.”



CHAPTER 6 WATER USE EFFICIENCY

Strike SECTION 601.3.3 Hot water distribution.

Strike SECTION 601.3.5.1 Consumption Management.

CHAPTER 7 ENERGY EFFICIENCY

Strike SECTION 701.3.2 On-site Renewable Energy Systems.

SECTION 701.3.3.2 Energy Consumption Data Collection and Display - Change title of Section 701.3.3.2 to “Energy Consumption Data Collection” and delete the last sentence in the section.

Strike SECTION 701.3.4 Automated Demand Response.

Strike SECTION 701.4.1.1.1 Standard Renewables Approach: Baseline On-Site Renewable Energy Systems.

Strike SECTION 701.4.1.1.2 Alternate Renewables Approach: Reduced On-Site Renewable Energy Systems and Higher-Efficiency Equipment.

Strike SECTION 701.4.2.3 Single Rafter Roof Insulation.

Strike SECTION 701.4.3.1 Minimum Equipment Efficiencies for the Alternate Renewables Approach.

Strike SECTION 701.4.3.5. Zone Controls.

Strike SECTION 701.4.3.7. Exhaust Air Energy Recovery

Strike SECTION 701.4.7.3.2 ENERGY STAR Requirements for Equipment Covered by Federal Appliance Efficiency Regulations (Alternate Renewables Approach).

Strike SECTION 701.5.4 Energy Simulated Aided Design.

CHAPTER 8 INDOOR ENVIRONMENTAL QUALITY (IEQ)

Strike Section 801.3.1.3 Filtration and Air Cleaner Requirements - subsection b. Ozone.

SECTION 801.3.3.1 Documentation - Change “authority having jurisdiction” to “Sustainability Consultant.”

Strike SECTION 801.3.3.2.4 Acoustical Control

Strike SECTION 801.3.6 Moisture Control

Strike SECTION 801.3.9 Exterior views.



Strike SECTION 801.3.3.3 Interior Sound Transmission – Testing.

Strike SECTION 801.4.1 Daylighting.

Strike SECTION 801.5.1 Daylight Simulation.

Strike SECTION 1001.5. Acoustical field measurement.

Strike SECTION 1001.10 Service Life Plan.

Strike SECTION 1001.11.2. Transportation Management Plan Building.

Strike SECTION 1001.11.3. Transportation Management Plan Tenant.

CHAPTER 9 MATERIALS AND RESOURCES

SECTION 901.4.1.4 Multiple-Attribute Product Declaration or Certification - Change “authority having jurisdiction (AHJ)” to “Sustainability Consultant” in the first paragraph.

CHAPTER 10 CONSTRUCTION AND PLANS FOR OPERATION

Strike SECTION 1001.3.1.1.2 Acoustical Control.

Strike SECTION 1001.3.2.1.4 IAQ.

SECTION 1001.3.2.1.5 Indoor Environmental Quality Survey - Delete the last sentence in paragraph a.

Strike SECTION 1001.11.2 Transportation Management Plan Building.

Strike SECTION 1001.11.3 Transportation Management Plan Tennant.



INFORMATIVE APPENDIX H
OPTION FOR ENERGY EFFICIENCY USING THE IECC PRESCRIPTIVE COMPLIANCE PATH

SECTION H201 (H2)
COMPLIANCE

H201.1 (H2.1) Compliance.

The energy systems shall comply with Sections 701.3.2 through 701.3.5 (7.3.2 through 7.3.5) and with the International Energy Conservation Code (IECC), Sections C402 through C405. In addition, commercial buildings shall comply with the IECC, Section C406, except as modified by this appendix.

Where requirements are provided (in the Appendix H of the IgCC), they shall supersede the requirements of the IECC.

Projects to which the HPGBP applies shall abide by the product specifications of the Statewide Green Purchasing Committee. (See Appendix C.)

[End of HPGBP Appendix A: IgCC Amendments]

Appendix B: International Green Construction Code (IgCC) Compliance Form

**MARYLAND GREEN BUILDING COUNCIL
INTERNATIONAL GREEN CONSTRUCTION CODE
COMPLIANCE FORM**

Required Project and Team Information

Date of Submittal to MGBC	
Date of Substantial Completion	
Owner (Agency)	
Project Name	
Location (Address)	
Projected Energy Use	
Project Narrative (Use, GSF, Construction Cost, Brief Summary, Features)	
Designer or Architect/Engineer of Record (Entity)	
Sustainability Consultant (Entity)	
General Contractor (Entity)	
Commissioning Agent (Entity)	

Maryland Green Building Council
High Performance Green Building Program

Declaration

(Sign and Date)

To the best of my knowledge and ability, this project was designed and constructed pursuant to the IgCC as implemented by the State of Maryland Green Building Council and in accordance with the High-Performance Building Act:

Owner (Agency)	Date
Owner (Authorized Representative and Title)	
Designer or Architect/Engineer of Record (Entity)	
Designer or Architect/Engineer of Record (Representative and Title)	
Sustainability Consultant (Entity)	
Sustainability Consultant (Representative and Title)	
General Contractor (Entity)	
General Contractor (Representative and Title)	
Commissioning Agent (Entity)	
Commissioning Agent (Representative and Title)	

Maryland Green Building Council
 High Performance Green Building Program

IgCC Compliance Form Checklist

<i>Project Name</i>		<i>Date</i>		
<i>Location</i>				
<i>IgCC Section</i>	<i>IgCC Item</i>	<i>Applicable</i>	<i>Performed By</i>	<i>Reviewed By</i>
501.3.2	Predesign Site inventory and Assessment	<input type="checkbox"/> Yes <input type="checkbox"/> No		
501.3.3	Plants	<input type="checkbox"/> Yes <input type="checkbox"/> No		
501.3.4	Stormwater Management	<input type="checkbox"/> Yes <input type="checkbox"/> No		
501.3.5	Heat Island Mitigation Calculations	<input type="checkbox"/> Yes <input type="checkbox"/> No		
501.3.6	Reduction of Light Pollution	<input type="checkbox"/> Yes <input type="checkbox"/> No		
501.3.7.3	Site Vehicle Provisions	<input type="checkbox"/> Yes <input type="checkbox"/> No		
501.3.8.1	Building Site Waste Management Plan	<input type="checkbox"/> Yes <input type="checkbox"/> No		
601.3.1	Site Water Use Calculations	<input type="checkbox"/> Yes <input type="checkbox"/> No		
601.3.2	Building Water Use Reduction Documentation	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.3.3.1	Energy Consumption Management	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.3.3.2	Energy Consumption Data Collection	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.4.1	General Comprehensive Prescriptive Requirements	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.4.2	Building Envelope	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.4.3	Heating, Ventilating, and Air Conditioning	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.4.4	Service Water Heating	<input type="checkbox"/> Yes <input type="checkbox"/> No		

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<i>Project Name</i>		<i>Date</i>		
<i>Location</i>				
<i>IgCC Section</i>	<i>IgCC Item</i>	<i>Applicable</i>	<i>Performed By</i>	<i>Reviewed By</i>
701.4.5	Power	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.4.6	Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.4.7	Other Equipment	<input type="checkbox"/> Yes <input type="checkbox"/> No		
701.5	Performance Option	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.3.1	Indoor Air Quality	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.3.2	Thermal Environmental Conditions for Human Occupancy	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.3.3	Acoustical Control	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.3.5	Lighting Quality	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.3.6	Moisture Control	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.3.7	Glare Control	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.3.8	Occupant Override	<input type="checkbox"/> Yes <input type="checkbox"/> No		
801.4.2	Materials	<input type="checkbox"/> Yes <input type="checkbox"/> No		
901.3.1	Construction Waste Management	<input type="checkbox"/> Yes <input type="checkbox"/> No		
901.3.2	Extracting, Harvesting, and/or Manufacturing	<input type="checkbox"/> Yes <input type="checkbox"/> No		
901.3.3	Refrigerants	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Maryland Green Building Council
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<i>Project Name</i>		<i>Date</i>		
<i>Location</i>				
<i>IgCC Section</i>	<i>IgCC Item</i>	<i>Applicable</i>	<i>Performed By</i>	<i>Reviewed By</i>
901.3.4	Areas for Storage and Collection of Recyclables and Discarded Goods	<input type="checkbox"/> Yes <input type="checkbox"/> No		
901.3.5	Mercury content Levels of Lamps	<input type="checkbox"/> Yes <input type="checkbox"/> No		
901.4.1	Reduced Impact Materials	<input type="checkbox"/> Yes <input type="checkbox"/> No		
901.5.1	Life-Cycle Assessment	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.1	Building Systems FPT	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.2	Building Project Commissioning Process	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.3	Project Cx Documents	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.5	IAQ Construction Management	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.6	Moisture Control	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.7	Idling of Construction Vehicles	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.8	Protection of Occupied Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No		
1001.3.1.10	Construction Waste Management	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Maryland Green Building Council
High Performance Green Building Program

ENTER LIST OF WAIVERS RECEIVED (IF APPLICABLE)

Appendix C: Maryland High Performance Green Building Program – Green Purchasing

Sustainability Standard

TO ASSURE SUSTAINABLE PURCHASING FOR CONSTRUCTION PROJECTS

PART 1 - GENERAL

1.1 SUMMARY

- A. Maryland has enacted several laws and regulations related to environmentally preferable purchasing. The Maryland Green Purchasing Committee, established under the Maryland Annotated Code, State Finance and Procurement Article § 14-410, is responsible for developing environmental standards for purchases throughout state government, including construction purchasing.

1.2 REQUIREMENTS

- A. All projects subject to the High Performance Green Building Program must follow the published specifications of the Green Purchasing Committee found here:
<https://dgs.maryland.gov/Pages/GreenPurchasing/Resources/Specifications.aspx>

Appendix D: Maryland High Performance Green Building Program – Bird Safe Buildings

Sustainability Standard

TO CONSERVE ENERGY AND MINIMIZE ADVERSE IMPACTS ON BIRDS

PART 1 - GENERAL

1.1 SUMMARY

- A. This standard requires certain State buildings to conserve energy and minimize adverse collision impacts with birds in compliance with Maryland Annotated Code, State Finance and Procurement Article §4-410.1.
- B. This Chapter responds to the requirement that the Department of General Services establish and periodically update standards for certain State buildings; requires the Maryland Green Building Council to include the standards in any certain requirements that the Council establishes for participation in the Maryland High Performance Green Building Program; and, generally relating to the construction, alteration, or acquisition of State buildings.

1.2 DEFINITIONS

Maryland Green Building Council
High Performance Green Building Program

In this Chapter the following words have the meanings indicated:

- A. “Acquired” does not include a building leased by the State.
- B. “Secretary” means Secretary of the Maryland Department of General Services.
- C. “State building” means:
 - 1. a building acquired through any means by the State for use by a State agency or department;
 - 2. a building constructed or renovated by or for the State for use by a State agency or department; or
 - 3. a building acquired, constructed or renovated for which more than 50% of the money for the acquisition, construction or renovation came from State funds.
- D. This Chapter only applies to such a State Building as defined in C above in accordance with SFP §4-410.1.
- E. This Chapter does not apply to:
 - 1. A public work contract of less than \$500,000;
 - 2. A public work contract for which 50% or less of the funds used for the project are State funds;
 - 3. A project for which funding is provided in the Capital Budget as a grant to a nonprofit organization; or
 - 4. A public-school construction project.

1.3 INTENT

To reduce bird injury and mortality from inflight collisions with buildings.

1.4 REQUIREMENTS – CONSTRUCTION, ALTERATION OR ACQUISITION OF STATE BUILDINGS

- A. Achieve the U.S. Green Building Council LEED BD+C New Construction v4.1 Innovation Credit: Bird Collision Deterrence, as amended from time to time; or
- B. The U.S. Green Building Council LEED BD+C New Construction v4.1 Innovation Credit: Bird Collision Deterrence, as amended from time to time, is achievable on a project,
 - 1. Except does not include bird collision monitoring;
 - 2. While considering the physical health and mental health of building occupants; and
 - 3. that the project otherwise meets or exceeds the requirements of the credit (i.e., the credit is achievable) as reported by the Designer of Record or Architect or Engineer for a project or Independent Third Party to the Owner.
- C. Prepare and implement a site-specific bird mitigation program that meets or exceeds the Intent and Requirements of this Chapter which program shall reduce bird injury and mortality from inflight collisions with buildings which may, by way of example but not limitation include trash removal practices, structural designs, landscaping, water sources, and audio deterrents including

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ultrasonic sound emitters, audible digital recordings of distressed and alarmed birds, wind chimes, etc.

1. Except does not include bird collision monitoring;
 2. While considering the physical health and mental health of building occupants; and
 3. As reported by the Designer of Record or Architect or Engineer for a project or Independent Third Party to the Owner.
- D. It is not the intent of this Chapter that liquid bird repellent, bird gel nor similar means be employed to repel birds in furtherance of this Chapter.
- E. In the event that a waiver is requested of a specific requirement under this Chapter, such waiver should be requested as early as practicable and submitted to the Maryland Green Building Council as described in Section 502 above.

1.5 REQUIREMENTS – EXISTING STATE BUILDINGS

- A. The lighting of existing state-owned buildings shall be reduced to the extent practicable and within budgetary constraints as determined by the Department of General Services:
- B. Except where full operation of building lighting is documented as necessary, including for public safety or other purposes, interior and exterior lighting shall be appropriately shielded and minimized from midnight to dawn each day:
1. From March 1 through May 31, both inclusive; and
 2. From August 1 through October 31, both inclusive; and
- C. By using automatic control technologies, which may include timers, photosensors, infrared detectors, and motion detectors which may be augmented by any of the means described in section 1.4.C above.
- D. It is not the intent of this Chapter that liquid bird repellent, bird gel nor similar means be employed to repel birds in furtherance of this Chapter.

1.6 UPDATES

- A. This Chapter is intended to be effective on the date approved and issued by the Secretary for all new construction, alteration, or acquisition after that date.
- B. The U.S. Green Building Council LEED BD+C New Construction v4.1 Innovation Credit: Bird Collision Deterrence, may be amended from time to time.
- C. This Chapter shall be updated by the Maryland Department of General Services not less than every 5 years.

1.7 REFERENCES

Maryland Green Building Council
High Performance Green Building Program

- A. U.S. Green Building Council LEED BD+C New Construction v4.1 Innovation Credit: Bird Collision Deterrence, as amended from time to time, as of dated of drafting is available at:
<https://www.usgbc.org/credits/new-construction-core-and-shell-schools-new-construction-retail-new-construction-data-42>

- B. This standard addresses requirements of the Maryland Sustainable Buildings Act of 2023:
Requiring the Department of General Services to establish and update standards for State buildings to conserve energy and minimize adverse impacts on birds; requiring the Maryland Green Building Council to include the standards in any requirements established for participation in a higher-performance building program in the State; and defining “State building” as one acquired, constructed, or renovated by the State or one for which 50% of the money for acquisition, construction, or renovation came from State funds.
<https://mgaleg.maryland.gov/mgawebbsite/Legislation/Details/SB0092>

Appendix E: The Maryland Green Building Council Modern Anti-Slavery Policy

OVERVIEW

The purpose of this writing is to respond to a Frequently Asked Question about ‘how to implement’ the existing provision of the Maryland Green Building Council’s Maryland High Performance Green Building Program, which has since 2022 provided, in the construction of public buildings with state funds, including schools, that *“To the extent practicable as deemed by the Owner, projects shall .. Be designed and constructed with no goods produced from forced labor in supply chains.” See, Maryland High Performance Green Building Program, page 11, as authorized by State Finance and Procurement, Maryland Code Ann. Sec. 3-602.1, effective March 17, 2022, current version effective January 31, 2024.*

Acknowledging the prevalence of modern slavery in the construction sector in Maryland and every country including across the United States, this response to a frequently asked question offers recommended best practices in implementing that provision.

EXISTING MARYLAND GUIDANCE

The Maryland Green Building Council’s Maryland High Performance Green Building Program provides in the construction of public buildings with state funds, including schools:

302.4 Additional Requirements.

To the extent practicable as deemed by the Owner, projects shall:

H. Be designed and constructed with no goods produced from forced labor in supply chains. The project seeks to address human rights, protecting against social justice abuses (the “S” in ESG) at every stage, from the extraction of raw materials to building erection. For guidance, refer to the current version of LEED BD+C: IPpc 144 Social Equity within the Supply Chain credit.

Maryland High Performance Green Building Program, page 11, as authorized by State Finance and Procurement, Maryland Code Ann. Sec. 3-602.1, effective March 17, 2022, current version effective January 31, 2024

Together that guidance in the Program and this response to a frequently asked question are known as “The Maryland Green Building Council Anti Modern Slavery Policy.”

SLAVERY EXISTS

There are enslaved people in 2024. There is simply no morally defensible reason for not doing everything to end modern slavery.

The British government recently reported there are more enslaved people across the world today than there have been at any time in history. U.S. Customs and Border Protection describes in a May 17, 2022 update, that at any given time, “an estimated 40.3 million people are in modern slavery.” That “means

there are 5.4 victims of modern slavery for every 1,000 people in the world. 1 in 4 victims of modern slavery are children.”

Maryland has no law on the subject (absent having abolished slavery in 1864 some 6 months before the 13th Amendment abolished it in all the states).

The Maryland Green Building Council has since 2022 “recommended” erectors of green buildings in the State examine their business practices in the fight against this atrocity and to increase awareness in the broader government and private sectors. The Maryland Green Building Council is now going further publishing this response to a frequently asked question (FAQ), drawing attention to this matter writing to create a slave free world.

Social equity is a key component of green building. The Maryland Green Building Council believes strongly that all organizations, whether utilizing State capital budget dollars causing them to be subject to the Council’s Maryland High Performance Green Building Program, or not, should examine their business practices that may involve modern slavery.

GREEN BUILDING COUNCIL DEFINITION OF MODERN SLAVERY

This is no single widely accepted definition of modern slavery although it is closely aligned with human trafficking and of course, there are different laws in different jurisdictions. Although a legal definition of the umbrella term covering all forms of coercion into forced labor may be complex, the simple meaning is not. Modern slavery occurs when a person is induced by force, fraud, or coercion to work under the total or near total control of another person or organization (slavery or involuntary servitude) including when forced to pay off a loan by working instead of paying money, for an agreed-upon or unclear period of time (debt bondage) or even without an agreement as to the timeframe (peonage).

The U.S. Customs website offers a U.S. based [widely recognized definition](#).

IMPLEMENTING THE 2022 GUIDANCE ON SLAVERY IN NEW CONSTRUCTION

To comport with the existing guidance in High Performance Green Building Program *Section 302.4. H.*, and otherwise:

The Maryland Green Building Council believes governments and businesses are inadvertently promoting and sanctioning modern slavery through the purchase of building construction materials and services that have been tainted in the supply chain, and that, it is desirable to make public disclosures to distinguish companies on the merits of their efforts to supply products free from the taint of slavery and human trafficking.

Contractors and subcontractors including materialmen on High Performance Green Building Program projects may be requested by the appropriate unit of government to disclose the extent of their company efforts in five areas: verification, audits, certification, internal accountability, and training. Specifically, in its supply chains disclosure, a company may be asked to disclose to what extent, if any, it:

1. Engages in the verification of product supply chains to evaluate and address risks of slavery and human trafficking.
2. Conducts audits of suppliers to evaluate supplier compliance with company standards for slavery and human trafficking in supply chains.

3. Requires direct suppliers to certify that materials incorporated into the product comply with the laws regarding slavery and human trafficking of the country or countries in which they are doing business.
4. Maintains internal accountability standards and procedures for contractors failing to meet Maryland Green Building Council guidance regarding slavery and human trafficking.
5. Provides business employees and managers with training on slavery and human trafficking, particularly concerning mitigating risks within the supply chains of construction products.

With respect to verification of implementation, contractors and subcontractors including materialmen in projects subject to the High Performance Green Building Program, may be requested to provide in writing that they comply with the five enumerated items above.

[For example]

The undersigned represents and affirms that our business is committed to the highest standards of ethical behavior and integrity in contributing to the well being of people and communities around the world and has a zero tolerance approach to human rights abuses. We are committed to opposing modern slavery in all its forms, and we do not tolerate it either within our business itself or our supply chain.

We strive to comply with the Maryland Green Building Council's Maryland High Performance Green Building Program, guidance that projects "Be designed and constructed with no goods produced from forced labor in supply chains."

An increasing number of businesses are adopting express modern slavery policies, including providing public statements (on their websites and otherwise) disclosing those policies and such a company policy may be an acceptable alternative compliance path for this guidance.

Additionally, the FAQ borrows heavily from, and a project satisfying the current version of LEED BD+C: IPpc 144 Social Equity within the Supply Chain credit is also an acceptable alternative compliance path.

And a business may otherwise demonstrate it is addressing these matters.

Government units are requested for each project subject to the High Performance Green Building Program, to the extent practicable as deemed by the owner, incorporate the Maryland Green Building Council Anti Modern Slavery Policy into that project.

Appendix F: State Finance and Procurement

Article § 14-412 - Nighttime Illumination

SFP §14-412.

(a) (1) In this section the following words have the meanings indicated.

(2) “Lamp” means the component of a luminaire that produces the light.

(3) “Lumen” means a unit of measurement of luminous flux.

(4) “Luminaire” means the complete lighting unit, including the lamp or other component that produces light and the assembly that holds the lamp, including an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

(5) “Restricted upright luminaire” means a luminaire that:

(i) except for a 0.5% maximum incidental upright from reflection off mounting hardware, allows no direct light emission above a horizontal plane through the luminaire’s lowest light-emitting part; and

(ii) emits no more than 10% of the total direct light emission at or above a vertical angle of 80 degrees.

(6) “State building” means a building owned or leased by the State or a unit of the State.

(b) This section does not apply to a luminaire:

(1) located on the grounds of a correctional facility;

(2) required by federal regulation;

(3) required for storm operation activities performed by the Department of Transportation;

(4) required to illuminate the State flag or the flag of the United States;

(5) used for sign illumination; or

(6) in a lighting plan where less than 25% of the luminaires are to be replaced.

(c) State funds may not be used to install or replace a permanent outdoor luminaire for lighting on the grounds of any State building or facility unless:

(1) the luminaire is designed to maximize energy conservation and to minimize light pollution, glare, and light trespass;

(2) the illumination produced by the luminaire is the minimum illumination necessary for the intended purpose of the lighting; and

(3) for a luminaire with an output of more than 1,800 lumens, the luminaire is a restricted upright luminaire.

(d) (1) The Board of Public Works or the Board’s designee may waive the requirement of subsection (c)(3) of this section if, after a request for a waiver has been made, the Board of Public Works or the Board’s designee determines that the waiver is necessary for the lighting application.

(2) The Board of Public Works shall establish the requirements for a waiver request under paragraph (1) of this subsection, including:

- (i) a description of the lighting plan;
- (ii) a description of the efforts made to comply with the requirements of this section; and
- (iii) the reason a waiver is necessary.

(3) In reviewing a waiver request, the Board of Public Works or the Board's designee shall consider design safety, costs, and any other factors the Board or the Board's designee determines are appropriate.

Appendix G: Exceptions for Resistance Electric Space and Service Water Heating Systems

1. **Low heating capacity.** Buildings or areas of buildings, other than *dwelling units* or sleeping units, that meet the interior temperature requirements of Chapter 12 of the *International Building Code* with a total installed HVAC heating capacity no greater than 8.5 Btu/h (2.5 watts) per square foot of *conditioned space* are permitted to be heated using electric resistance appliances.

2. **Dwelling and sleeping units.** Dwelling or sleeping units are permitted to be heated using electric resistance appliances as long as the installed HVAC heating capacity in any separate space is not greater than specified in 2.1 through 2.3. Where a single dwelling unit includes multiple habitable spaces that are all heated with electric resistance heat, individual spaces are permitted have more electric resistance heating capacity than specified in 2.1 through 2.3, where the total electric resistance heating capacity for the dwelling unit is less than or equal to the total allowed.

Informative Note for exception 2: As an example, a one-bedroom apartment could, instead of placing 750 watts of heating in the living room and another 750 watts in the bedroom (1500 watt total), could place 1000 watts in the living room and 500 watts in the bedroom, for the same 1500 watt total.

2.1. Seven hundred fifty watts in Climate Zone 4, and 1000 watts in Climate Zone 5 in each habitable space with exterior fenestration.

2.2. One thousand watts in Climate Zone 4, and 1300 watts in Climate Zone 5 for each habitable space that has two primary walls facing different cardinal directions, each with exterior fenestration. Bay windows and other minor offsets are not considered primary walls.

2.3. Two hundred fifty watts in spaces adjoining the *building thermal envelope* but without exterior fenestration.

For the purposes of this section, habitable space is as defined in the International Building Code.

3. **Defrost.** Heat pumps are permitted to utilize electric resistance heating when a heat pump defrost cycle is required and is in operation.

4. **Air-to-air heat pumps.** Buildings are permitted to utilize internal electric resistance heaters to supplement heat pump heating for air-to-air heat pumps that meet all of the following conditions:

4.1. Internal electric resistance heaters have controls that prevent supplemental heater operation when the heating load can be met by the heat pump alone during both steady-state operation and setback recovery.

4.2. The heat pump controls are configured to use the compressor as the first stage of heating down to an outdoor air temperature of 17°F (-8°C) or lower except when in defrost.

4.3. The heat pump complies with one of the following:

4.3.1. Controlled by a digital or electronic thermostat designed for heat pump use that energizes the supplemental heat only when the heat pump has insufficient capacity to maintain set point or to warm up the space at a sufficient rate.

4.3.2. Controlled by a multistage space thermostat and an outdoor air thermostat wired to energize supplemental heat only on the last stage of the space thermostat and when outdoor air temperature is less than 32°F (0°C) except when in defrost.

4.3.3. The minimum efficiency of the heat pump is regulated by NAECA, its rating meets the requirements shown in Table C403.3.2(2), and its rating includes all usage of internal electric resistance heating.

4.4. The heat pump rated heating capacity is sized to meet the heating load at an outdoor air temperature of 32°F (0°C) or lower and has a rated heating capacity at 47°F (8°C) no less than 2 times greater than supplemental internal electric resistance heating capacity in Climate Zone 4 and no less than the supplemental internal electric resistance heating capacity in Climate Zone 5, or utilizes the smallest available factory-available internal electric resistance heater.

5. Air-to-water heat pumps. Buildings are permitted to utilize electric resistance auxiliary heating to supplement heat pump heating for hydronic heating systems that meet all of the following conditions:

5.1. Controls for the auxiliary electric resistance or fossil fuel-fired heating are configured to lock out the supplemental heat when the outside air temperature is above 36°F (2°C), unless the hot water supply temperature setpoint to the building heat coils cannot be maintained for 20 minutes.

5.2. The heat pump controls are configured to use the compressor as the first stage of heating down to the lowest exterior design temperature for which the equipment is rated except during startup or defrost operation.

5.3. The heat pump rated heating capacity at 47°F (8°C) is no less than 75 percent of the design heating load at 29°F (-2°C).

6. Ground source heat pumps. Buildings are permitted to utilize electric resistance auxiliary heating to supplement heat pump heating for hydronic heating systems with ground source heat pump equipment that meets all of the following conditions:

6.1. Controls for the auxiliary resistance heating are configured to lock out the supplemental heat when the equipment source-side entering water temperature is above 42°F (6°C), unless the hot water supply temperature setpoint to the building heat coils cannot be maintained for 20 minutes.

6.2. The heat pump controls are configured to use the compressor as the first stage of heating.

6.3. The ground source heat exchanger shall be sized so that the heat pump annual heating output is no less than 70 percent of the total annual heating output in the final year of a 30-year simulation using IGSHPA listed simulation software.

7. Small systems. Buildings in which electric resistance, including decorative appliances, either provide less than 5 percent of the total building HVAC system heating capacity or serve less than 5 percent of the *conditioned floor area*.

8. Specific conditions. Portions of buildings that require fossil fuel or electric resistance space heating for specific conditions *approved* by the *code official* for research, health care, process or other specific needs that cannot practicably be served by heat pump or other space heating systems. This does not constitute a blanket exception for any occupancy type.

9. **Kitchen make-up air.** Make-up air for commercial kitchen exhaust systems required to be tempered by Section 508.1.1 of the *International Mechanical Code* is permitted to be heated by electric resistance.

10. **District energy.** Steam or hot water district energy systems that utilize fossil fuels as their primary source of heat energy, that serve multiple buildings, and that were already in existence prior to the effective date of this Program, including more energy-efficient upgrades to such existing systems, are permitted to serve as the primary heating energy source. Any new hydronic system or new or replacement hydronic heating coil in an existing system, that is served by fossil fuel-fired district energy shall be sized to provide all required space heating at design winter outdoor temperature with maximum entering water temperature of 118°F at design conditions, to permit future conversion to heat pump heating.

11. **Heat tape.** Heat tape is permitted where it protects water-filled equipment and piping located outside of the *building thermal envelope*, provided that it is configured and controlled to be automatically turned off when the outside air temperature is above 40°F (4°C).

12. **Temporary systems.** Temporary electric resistance heating systems are permitted where serving future tenant spaces that are unfinished and unoccupied, provided that the heating equipment is sized and controlled to achieve interior space temperatures no higher than 40°F (4°C).

13. **Pasteurization.** Electric resistance heat controls are permitted to reset the supply water temperature of hydronic heating systems that serve service water heating heat exchangers during pasteurization cycles of the service hot water storage volume. The hydronic heating system supply water temperature shall be configured to be 145°F (63°C) or lower during the pasteurization cycle.

14. **Freeze protection.** Heating systems sized for spaces with indoor design conditions of 45°F (7°C) and intended for freeze protection are permitted to use electric resistance. The building envelope of any such space shall be insulated in compliance with the most recent version of the International Energy Code.

15. **DOAS ERV auxiliary heat.** Dedicated outdoor air systems with energy recovery ventilation are permitted to utilize electric resistance for auxiliary heating to preheat outdoor air for defrost or as auxiliary supplemental heat to temper supply air to 55°F (13°C) or lower for buildings or portions of buildings that do not have hydronic heating systems.

16. Low-carbon district energy systems. Low-carbon district energy systems that meet the State definitions of *low-carbon district energy exchange system* or *low-carbon district heating and cooling or heating only systems*.

17. Essential facilities. Groups I-2 and I-3 occupancies that by regulation are required to have in place redundant emergency backup systems, and research laboratories, are permitted to use fossil fuels for emergency generators and for redundant emergency space heating and water heating appliances, provided that such systems are sized and controlled to operate only upon loss of electrical power.

18. Standby HVAC heating equipment. Standby HVAC heating equipment provided in addition to the primary heating system, and controlled such that it will only be used when the primary heating equipment is not available, is permitted to be electric resistance.

19. Emergency generators. Generators serving emergency power, legally required standby power, or optional standby power are permitted to use fossil fuels.

20. Wastewater heat recovery heat pumps. Buildings are permitted to utilize electric resistance auxiliary heating to supplement heat pump heating for hydronic heating systems with wastewater heat recovery or other approved waste heat recovery systems provided the heat pump equipment that meets all of the following conditions:

20.1. Controls for the auxiliary resistance heating are configured to lock out the supplemental heat when the equipment source-side entering water temperature is above 42°F, unless the hot water supply temperature setpoint to the building heat coils cannot be maintained for 20 minutes.

20.2. The heat pump controls are configured to use the compressor as the first stage of heating.

20.3. The wastewater heat exchanger and heat pumps or other heat pump supplemental systems shall be sized so that the heat pump rated heating capacity at heat pump design entering water temperature conditions or other heat pump heating systems are no less than 75 percent of the design heating load at 29°F. Wastewater heat exchanger source side shall be sized for a design wastewater entering temperature of 55°F or lower.

SERVICE WATER HEATING EXCEPTIONS:

- EXCEPTIONS:
1. 24 kW plus 0.1 watts per square foot of building area of electric resistance service water heating capacity is allowed per building.
 2. Solar thermal, wastewater heat recovery, other *approved* waste heat recovery, ground source heat pumps, water-source heat pump systems utilizing waste heat, and

combinations thereof, are permitted to offset all or any portion of the required HPWH capacity where such systems comply with this code and the International Plumbing Code.

3. Systems that comply with the Northwest Energy Efficiency Alliance (NEEA) Commercial Electric Advanced Water Heating Specification.

4. Service hot water systems served by a district energy system that serves multiple buildings and that was in service before the effective date of this code, including more energy-efficient upgrades to such existing systems, are permitted to serve as the primary heating energy source.

5. Commercial dishwashers, commercial food service equipment, and other *approved* process equipment are permitted to utilize electric booster heaters for supply water temperatures 120°F (49°C) or higher.

6. Systems connected to a *low-carbon district energy exchange system* or a *low-carbon district heating and cooling or heating only system*.

7. Essential facilities. Groups I-2 and I-3 occupancies that by regulation are required to have in place redundant emergency backup systems and research laboratories are permitted to use electric resistance or fossil fuel for those emergency backup systems.

8. Point of use instantaneous electric water heaters serving fixtures no more than 8 feet of developed pipe length from the water heater, are permitted and do not contribute to the building combined water heating capacity calculation.

9. Unitary heat pump water heaters located in conditioned space are permitted, where they are sized to meet all calculated service water heating demand using the heat pump compressor, and not supplementary heat. Equipment shall be set to “heat pump” mode to limit electric resistance heater use

10. Standby heating equipment provided in addition to the primary heating system, and controlled such that it will only be used when the primary heating equipment is not available, is permitted to be electric resistance.

Appendix H: Limitations on Illumination

SFP §14-412.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Lamp” means the component of a luminaire that produces the light.
- (3) “Lumen” means a unit of measurement of luminous flux.

(4) “Luminaire” means the complete lighting unit, including the lamp or other component that produces light and the assembly that holds the lamp, including an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

(5) “Restricted upright luminaire” means a luminaire that:

(i) except for a 0.5% maximum incidental uplight from reflection off mounting hardware, allows no direct light emission above a horizontal plane through the luminaire’s lowest light-emitting part; and

(ii) emits no more than 10% of the total direct light emission at or above a vertical angle of 80 degrees.

(6) “State building” means a building owned or leased by the State or a unit of the State.

(b) This section does not apply to a luminaire:

(1) located on the grounds of a correctional facility;

(2) required by federal regulation;

(3) required for storm operation activities performed by the Department of Transportation;

(4) required to illuminate the State flag or the flag of the United States;

(5) used for sign illumination; or

(6) in a lighting plan where less than 25% of the luminaires are to be replaced.

(c) State funds may not be used to install or replace a permanent outdoor luminaire for lighting on the grounds of any State building or facility unless:

(1) the luminaire is designed to maximize energy conservation and to minimize light pollution, glare, and light trespass;

(2) the illumination produced by the luminaire is the minimum illumination necessary for the intended purpose of the lighting; and

(3) for a luminaire with an output of more than 1,800 lumens, the luminaire is a restricted upright luminaire.

(d) (1) The Board of Public Works or the Board’s designee may waive the requirement of subsection (c)(3) of this section if, after a request for a waiver has been made, the Board of Public Works or the Board’s designee determines that the waiver is necessary for the lighting application.

(2) The Board of Public Works shall establish the requirements for a waiver request under paragraph (1) of this subsection, including:

(i) a description of the lighting plan;

(ii) a description of the efforts made to comply with the requirements of this section; and

(iii) the reason a waiver is necessary.

(3) In reviewing a waiver request, the Board of Public Works or the Board's designee shall consider design safety, costs, and any other factors the Board or the Board's designee determines are appropriate.

SFP §4-410.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Acquired" does not include a building leased by the State.

(3) "State building" means:

(i) a building acquired through any means by the State for use by a State agency or department;

(ii) a building constructed or renovated by or for the State for occupancy by a State agency or department; or

(iii) a building acquired, constructed, or renovated for which more than 50% of the money for the acquisition, construction, or renovation came from State funds.

(b) This section does not apply to:

(1) a public work contract of less than \$500,000;

(2) a public work contract for which 50% or less of the funds used for the project are State funds;

(3) a project for which funding is provided in the capital budget as a grant to a nonprofit organization; or

(4) a public school construction project.

(c) (1) Except as provided in paragraph (4) of this subsection, the Department shall establish standards for State buildings to conserve energy and minimize adverse impacts on birds that are consistent with the U.S. Green Building Council's Innovation Credit for reducing bird collisions and the American Bird Conservancy bird-friendly design recommendations.

(2) The Department shall update the standards developed under paragraph (1) of this subsection every 5 years.

(3) The standards developed under this subsection shall specify that, except where full operation of building lighting is documented as necessary, including for public safety or other purposes, interior and exterior lighting shall be appropriately shielded and minimized from midnight to dawn each day:

(i) from March 1 through May 31, both inclusive; and

(ii) from August 1 through October 31, both inclusive.

(4) The standards established under paragraph (1) of this subsection may not include a requirement for bird collision monitoring.

(5) The Department shall consider the physical health and mental health of building occupants when developing or updating standards under paragraph (1) of this subsection.

(d) Each State building constructed, substantially altered, or acquired by the State shall meet, to the extent practicable and within budgetary constraints as determined by the Department, the standards established under subsection (c) of this section.

(e) The Department shall reduce the lighting of existing State buildings, to the extent practicable and within budgetary constraints as determined by the Department:

(1) in accordance with subsection (c)(3) of this section; and

(2) by using automatic control technologies, which may include timers, photosensors, infrared detectors, and motion detectors.

(f) (1) Subject to paragraph (2) of this subsection, the Maryland Green Building Council shall include the standards established under this section in requirements that the Council establishes for the Maryland High Performance Green Building Program.

(2) Standards included in the Maryland High Performance Green Building Program under this subsection shall apply only to State buildings as defined in this section.

(g) The Secretary shall adopt regulations to carry out the provisions of this section.