

# HOUSE BILL 971

M3

3lr0437

---

By: **Delegates Ebersole, Attar, and Ruth**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment – Green Roof Grant Program**

3 FOR the purpose of establishing the Green Roof Grant Program to provide grants to certain  
4 eligible grantees to support the construction of green roofs on commercial buildings;  
5 requiring the Department of the Environment, subject to the availability of funding,  
6 to award grants and administer and implement the Program; requiring recapture of  
7 a grant award under certain circumstances; and generally relating to the Green Roof  
8 Grant Program.

9 BY adding to  
10 Article – Environment  
11 Section 1–206  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Environment**

17 **1–206.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(2) “GREEN ROOF” MEANS A TREATMENT TO A ROOF OF A**  
21 **COMMERCIAL BUILDING THAT SUPPORTS LIVING VEGETATION AND INCLUDES:**

22 **(I) A SYNTHETIC, HIGH-QUALITY WATERPROOF MEMBRANE;**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(II) A DRAINAGE LAYER;

(III) A ROOT BARRIER;

(IV) A SOIL LAYER; AND

(V) A VEGETATION LAYER.

(3) "PROGRAM" MEANS THE GREEN ROOF GRANT PROGRAM.

(B) (1) THERE IS A GREEN ROOF GRANT PROGRAM IN THE DEPARTMENT.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE FUNDS TO ELIGIBLE GRANTEEES TO SUPPORT THE CONSTRUCTION OF GREEN ROOFS.

(C) THE DEPARTMENT SHALL:

(1) IMPLEMENT AND ADMINISTER THE PROGRAM;

(2) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION; AND

(3) SUBJECT TO THE AVAILABILITY OF FUNDING AND THE LIMITATIONS OF THIS SECTION, ON A FIRST-COME, FIRST-SERVED BASIS, AWARD A GRANT TO AN ELIGIBLE GRANTEE TO OFFSET THE EXPENSES TO CONSTRUCT A GREEN ROOF.

(D) (1) AN APPLICANT SHALL SUBMIT AN APPLICATION FOR THE PROGRAM GRANT ON THE FORM THAT THE SECRETARY REQUIRES.

(2) THE APPLICATION SHALL CONTAIN:

(I) THE LOCATION OF THE PROPOSED GREEN ROOF;

(II) PROOF THAT THE APPLICANT HAS RECEIVED ALL REQUIRED PERMITS AND APPROVALS TO CONSTRUCT THE GREEN ROOF, INCLUDING CONFIRMATION THAT:

1. THE CONDITION OF THE ROOF ON WHICH THE GREEN ROOF IS BEING CONSTRUCTED IS SATISFACTORY FOR THE CONSTRUCTION;

2. THE STRUCTURAL CAPACITY OF THE ROOF WOULD SUPPORT THE GREEN ROOF;

1                               **3.     THERE IS APPROPRIATE AND SAFE ACCESS TO THE**  
2 **ROOF FOR MAINTENANCE PURPOSES;**

3                               **4.     THE WEIGHT OF THE GREEN ROOF IS APPROPRIATE**  
4 **FOR THE ROOF; AND**

5                               **5.     THE PLANS FOR THE GREEN ROOF INCLUDE**  
6 **APPROPRIATE IRRIGATION AND DRAINAGE MEASURES;**

7                               **(III) A COMMITMENT BY THE APPLICANT:**

8                               **1.     TO SUBMIT PROOF TO THE DEPARTMENT WHEN**  
9 **CONSTRUCTION OF THE GREEN ROOF IS COMPLETED; AND**

10                              **2.     THAT THE GREEN ROOF WILL:**

11                              **A.     COVER AT LEAST 60% OF THE ROOF ON WHICH IT IS**  
12 **CONSTRUCTED; AND**

13                              **B.     BE MAINTAINED FOR AT LEAST 5 YEARS AFTER**  
14 **CONSTRUCTION IS COMPLETED;**

15                              **(IV) AN ACKNOWLEDGEMENT BY THE APPLICANT THAT THE**  
16 **AMOUNT OF ANY GRANT AWARDED UNDER THIS SECTION MAY BE RECAPTURED IF**  
17 **THE APPLICANT FAILS TO MEET THE REQUIREMENTS UNDER ITEM (III) OF THIS**  
18 **PARAGRAPH; AND**

19                              **(V) ANY OTHER INFORMATION REQUIRED BY THE**  
20 **DEPARTMENT.**

21                              **(E) THE DEPARTMENT MAY ISSUE ONE GRANT TO AN ELIGIBLE GRANTEE**  
22 **FOR EACH COMMERCIAL BUILDING OWNED BY THE ELIGIBLE GRANTEE ON WHICH A**  
23 **GREEN ROOF IS CONSTRUCTED IN ACCORDANCE WITH THIS SECTION.**

24                              **(F) THE DEPARTMENT MAY NOT AWARD GRANTS FOR AMOUNTS TOTALING**  
25 **MORE THAN \$75,000 TO A SINGLE ELIGIBLE GRANTEE IN A FISCAL YEAR.**

26                              **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**  
27 **THE TOTAL AMOUNT OF ANY GRANT AWARDED UNDER THIS SECTION SHALL BE**  
28 **RECAPTURED IF AN ELIGIBLE GRANTEE FAILS TO MEET THE REQUIREMENTS OF**  
29 **SUBSECTION (D)(2)(III) OF THIS SECTION.**

1                   **(2) AN ELIGIBLE GRANTEE WHO RECEIVED A GRANT AWARD UNDER**  
2 **THIS SECTION AND FAILED TO MEET THE REQUIREMENTS OF SUBSECTION (D)(2)(III)**  
3 **OF THIS SECTION SHALL PAY THE TOTAL AMOUNT OF THE GRANT AWARD TO THE**  
4 **DEPARTMENT:**

5                   **(I) IN THE MANNER DETERMINED BY THE DEPARTMENT; OR**

6                   **(II) ON APPROVAL BY THE DEPARTMENT AND THE**  
7 **COMPTROLLER, AS TAXES PAYABLE TO THE STATE FOR THE TAXABLE YEAR IN**  
8 **WHICH THE EVENT REQUIRING RECAPTURE OF THE GRANT AWARD OCCURS.**

9                   **(3) THE DEPARTMENT MAY WAIVE RECAPTURE OF A GRANT**  
10 **AWARDED UNDER THIS SUBSECTION IF THE DEPARTMENT DETERMINES THAT**  
11 **FAILURE TO MAINTAIN THE GREEN ROOF WAS DUE TO A NATURAL DISASTER, AN ACT**  
12 **OF TERRORISM, OR A SIMILAR CIRCUMSTANCE BEYOND THE CONTROL OF THE**  
13 **ELIGIBLE GRANTEE.**

14                   **(H) ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN 2024, THE**  
15 **DEPARTMENT SHALL REPORT, IN ACCORDANCE WITH § 2-1257 OF THE STATE**  
16 **GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE PROGRAM.**

17                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
18 1, 2023. It shall remain effective for a period of 12 years and, at the end of June 30, 2035,  
19 this Act, with no further action required by the General Assembly, shall be abrogated and  
20 of no further force and effect.