

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 349

Short Title: Promote Green Roofs on Buildings. (Public)

Sponsors: Representatives K. Alexander, Harrison, Cotham, and Goodman (Primary Sponsors).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Environment, if favorable, Finance.

March 15, 2011

A BILL TO BE ENTITLED

AN ACT TO PROMOTE GREEN ROOFS IN ORDER TO REDUCE STORMWATER RUNOFF, MITIGATE THE SIGNIFICANT WARMING THAT OCCURS IN METROPOLITAN AREAS RELATIVE TO THE SURROUNDING RURAL AREAS, AND REDUCE ENERGY CONSUMPTION, BY CREATING CERTAIN INCENTIVES TO INSTALL GREEN ROOFS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-277(a1) is amended by adding a new subdivision to read:

"(4) A customer may receive a credit against the customer's schedule of stormwater fees under this subsection when a building on the property has a green roof. The amount of the credit under this subdivision shall be based upon the water retention of the green roof and according to whether the green roof substantially affects the quantity and quality of the runoff from the property. The amount of the credit under this subdivision shall not exceed seventy-five percent (75%) of the customer's schedule of stormwater fees. As used in this subdivision, 'green roof' has the same meaning as in G.S. 143-138."

SECTION 2. G.S. 160A-314(a1) is amended by adding a new subdivision to read:

"(4) A customer may receive a credit against the customer's schedule of stormwater fees under this subsection when a building on the property has a green roof. The amount of the credit under this subdivision shall be based upon the water retention of the green roof and according to whether the green roof substantially affects the quantity and quality of the runoff from the property. The amount of the credit under this subdivision shall not exceed seventy-five percent (75%) of the customer's schedule of stormwater fees. As used in this subdivision, 'green roof' has the same meaning as in G.S. 143-138."

SECTION 3. G.S. 162A-9 is amended by adding a new subsection to read:

"(a2) A customer may receive a credit against the customer's schedule of stormwater utility fees under this section when a building on the property has a green roof. The amount of the credit under this subsection shall be based upon the water retention of the green roof and according to whether the green roof substantially affects the quantity and quality of the runoff from the property. The amount of the credit under this subsection shall not exceed seventy-five



1 percent (75%) of the customer's schedule of stormwater fees. As used in this subsection, 'green
2 roof' has the same meaning as in G.S. 143-138."

3 **SECTION 4.** Chapter 105 of the General Statutes is amended by adding a new
4 section to read:

5 **"§ 105-277.18. Credit for green roofs.**

6 (a) The following definitions apply in this section:

7 (1) Green roof. – Any roof which consists of vegetation and soil, or a growing
8 medium with a minimum three inch depth, planted over a waterproofing
9 membrane and its associated components, such as a protection course, a root
10 barrier, a drainage layer, or thermal insulation and an aeration layer.

11 (2) Qualifying green roof improvements. – The sum of the following amounts
12 spent for a qualified green roof installed on a building located in this State
13 owned by the taxpayer:

14 a. Design and construction services, including permit process expenses,
15 and structural analysis.

16 b. Purchase and installation of irrigation systems, waterproofing,
17 growing media, vegetation, leak detection systems, and membrane
18 protection systems.

19 c. Labor costs properly allocable to on-site preparation and installation.

20 d. Monitoring and maintenance activities until vegetation is established,
21 as well as any monitoring and maintenance plan for the green roof
22 system if the plan is established for the life of the green roof system.

23 (3) Qualified green roof. – Any green roof, including any retrofit or new
24 construction green roof, at least fifty percent (50%) of which is a vegetated
25 green roof system constructed to building code or ASTM standards, where
26 applicable.

27 (b) Qualifying green roof improvements are designated a special class of property under
28 Article V, Sec. 2(2) of the North Carolina Constitution, and shall be appraised, assessed, and
29 taxed in accordance with this section. An owner of qualifying green roof improvements is
30 entitled to the partial exclusion of ten percent (10%) of the appraised value of the
31 improvements for the first five taxable years beginning after completion of the qualifying green
32 roof improvements. After property has qualified for the exclusion provided by this section, the
33 assessor for the county in which the property is located shall annually appraise the
34 improvements made to the property during the period of time that the owner is entitled to the
35 exclusion."

36 **SECTION 5.** G.S. 143-138 is amended by adding a new subsection to read:

37 "(b13) The Code shall include rules pertaining to the construction or renovation of
38 residential or commercial buildings and structures that facilitate the installation of green roofs
39 and that coordinate energy and water conservation technologies with green roof technologies.
40 As used in this subsection, 'green roof' means any roof that consists of vegetation and soil, or a
41 growing medium with a minimum three inch depth, planted over a waterproofing membrane
42 and its associated components, such as a protection course, a root barrier, a drainage layer, or
43 thermal insulation and an aeration layer."

44 **SECTION 6.** Part 1 of Article 18 of Chapter 153A of the General Statutes is
45 amended by adding a new section to read:

46 **"§ 153A-327. Most urban counties to develop guidelines for green roofs.**

47 (a) The board or commission of any county that ranks in the top 10 of the most
48 populated counties in the State according to the most recent federal decennial census shall
49 adopt guidelines that address the installation of green roofs as a means to mitigate the
50 significant warming that occurs in a metropolitan area relative to the temperatures of the
51 surrounding rural areas. These guidelines shall meet all of the following requirements:

- 1 (1) Apply to the installation of green roofs when a building is constructed and as
2 part of a building retrofit.
3 (2) Apply to residential, commercial, and industrial buildings.
4 (3) Provide for the coordination of energy and water conservation technologies
5 with green roof technologies.

6 (b) As used in this section, 'green roof' has the same meaning as in G.S. 143-138."

7 **SECTION 7.** Section 4 of this act is effective for taxable years beginning on or
8 after July 1, 2011, and applies to qualifying green roof improvements made on or after that
9 date. The remaining sections of this act become effective July 1, 2011.