

SENATE BILL 804

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CF HB 973

By: **Senators Brooks, Benson, and Lewis Young**
Introduced and read first time: January 28, 2025
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Building Performance Standards – Fossil Fuel Use, Energy**
3 **Conservation, and Electric– and Solar–Ready Standards**
4 **(Better Buildings Act of 2025)**

5 FOR the purpose of requiring the Maryland Department of Labor, on or before certain dates
6 and as part of the Maryland Building Performance Standards, to adopt a
7 requirement that new buildings and significant improvements meet all laundry,
8 water, and space heating demands of the building without the use of fossil fuels,
9 energy conservation requirements, and an electric– and solar–ready standard for
10 certain buildings; and generally relating to the Maryland Building Performance
11 Standards.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 12–503
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2024 Supplement)

17 BY adding to
18 Article – Public Safety
19 Section 12–503.1
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2024 Supplement)

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

24 **Article – Public Safety**

25 12–503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.

(2) The Department shall adopt each subsequent version of the Standards within 18 months after it is issued.

(b) (1) Before adopting each version of the Standards, the Department shall:

(i) review the International Building Code to determine whether modifications should be incorporated in the Standards;

(ii) consider changes to the International Building Code to enhance energy conservation and efficiency;

(iii) subject to the provisions of paragraph (2)(ii) of this subsection, adopt modifications to the Standards that allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the equivalent to the requirements of:

1. the International Energy Conservation Code;

2. Chapter 13, "Energy Efficiency", of the International Building Code; or

3. Chapter 11, "Energy Efficiency", of the International Residential Code;

(iv) accept written comments;

(v) consider any comments received; and

(vi) hold a public hearing on each proposed modification.

(2) (i) Except as provided in subparagraph (ii) of this paragraph and [§ 12-510] §§ 12-503.1 AND 12-510 of this subtitle, the Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.

(ii) The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than the requirements in the International Energy Conservation Code.

(c) The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.

(d) In addition to the Standards, the Department shall:

(1) on or before January 1, 2023, adopt by regulation the 2018 International Green Construction Code; and

(2) adopt each subsequent version of the Code within 18 months after it is issued.

12-503.1.

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

(2) "ELECTRIC-READY" MEANS THE MORE STRINGENT OF:

(I) ELECTRIC-READY REQUIREMENTS IN THE INTERNATIONAL ENERGY CONSERVATION CODE, INCLUDING RELEVANT APPENDICES; OR

(II) HAVING ADEQUATE PANEL CAPACITY, DEDICATED ELECTRIC PANEL SPACE, ELECTRICAL WIRE, ELECTRICAL RECEPTACLES, AND ADEQUATE PHYSICAL SPACE TO ACCOMMODATE FUTURE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC APPLIANCES, INCLUDING HEATING, LAUNDRY, WATER HEATING, COOKING, AND DRYING.

(3) "ENERGY EFFICIENCY" MEANS PERCENTAGE ENERGY USE REDUCTION WITH REFERENCE TO THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE, AS CALCULATED FOR MARYLAND CLIMATE ZONES AND PUBLISHED BY THE U.S. DEPARTMENT OF ENERGY BUILDING ENERGY CODES PROGRAM AS OF OCTOBER 1, 2025, EXCLUSIVE OF:

(I) RENEWABLE ENERGY PRODUCED AND ELECTRIC VEHICLE CHARGING PROVIDED AT THE BUILDING'S PREMISES;

(II) UNCONDITIONED FLOOR AREA; AND

(III) PARKING.

(4) "FUEL TYPE" MEANS THE COMBINATION OF ENERGY SOURCES PLANNED FOR A USE IN A BUILDING, INCLUDING ELECTRICITY AND MIXED FUEL.

(5) (I) "SIGNIFICANT IMPROVEMENT" MEANS ANY REPAIR, RECONSTRUCTION, REHABILITATION, ALTERATION, ADDITION, OR OTHER IMPROVEMENT OF A BUILDING OR STRUCTURE, THE COST OF WHICH EQUALS OR

EXCEEDS 50% OF THE REPLACEMENT COST OF THE STRUCTURE BEFORE THE IMPROVEMENT OR REPAIR IS STARTED.

(II) "SIGNIFICANT IMPROVEMENT" DOES NOT INCLUDE THE IMPROVEMENT OF A BUILDING:

1. REQUIRED TO CORRECT EXISTING HEALTH, SANITARY, OR SAFETY CODE VIOLATIONS IDENTIFIED BY A BUILDING OFFICIAL OR THAT ARE THE MINIMUM NECESSARY TO ENSURE SAFE LIVING CONDITIONS; OR

2. BY ALTERATION OF A HISTORIC STRUCTURE PROVIDED THAT THE ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A HISTORIC STRUCTURE.

(6) "SOLAR-READY" MEANS THE MORE STRINGENT OF:

(I) SOLAR-READY REQUIREMENTS IN THE INTERNATIONAL BUILDING CODE OR INTERNATIONAL ENERGY CONSERVATION CODE, INCLUDING RELEVANT APPENDICES; AND

(II) DESIGN, ENGINEERING, AND CONSTRUCTION SO THAT AT LEAST 40% OF THE ROOF AREA IS:

1. FREE FROM OBSTRUCTIONS; AND

2. CAPABLE OF ACCEPTING THE INSTALLATION OF SOLAR PANELS.

(B) (1) ON OR BEFORE OCTOBER 1, 2025, AS PART OF THE STANDARDS, THE DEPARTMENT SHALL ADOPT:

(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A REQUIREMENT THAT NEW BUILDINGS AND SIGNIFICANT IMPROVEMENTS MEET ALL LAUNDRY, WATER, AND SPACE HEATING DEMANDS OF THE BUILDING WITHOUT THE USE OF FOSSIL FUELS;

(II) AN ELECTRIC-READY STANDARD FOR NEW BUILDINGS AND SIGNIFICANT IMPROVEMENTS THAT RECEIVE A WAIVER UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

(III) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A REQUIREMENT THAT NEW BUILDINGS OR SIGNIFICANT IMPROVEMENTS BE SOLAR-READY IF THE BUILDING:

1 1. WILL HAVE 20,000 SQUARE FEET OR MORE OF
2 CONTINUOUS ROOF SPACE, EXCLUDING THE PARKING AREA; AND

3 2. WILL BE 20 STORIES OR LESS IN HEIGHT ABOVE
4 GRADE PLANE.

5 (2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS
6 PARAGRAPH, A LOCAL JURISDICTION MAY GRANT A WAIVER FROM THE
7 REQUIREMENT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION FOR:

8 1. EMERGENCY BACK-UP POWER SYSTEMS FOR NEW
9 BUILDINGS AND SIGNIFICANT IMPROVEMENTS; AND

10 2. NEW BUILDINGS, SIGNIFICANT IMPROVEMENTS, AND
11 ADDITIONS SPECIFICALLY DESIGNATED FOR OCCUPANCY BY A COMMERCIAL FOOD
12 ESTABLISHMENT, LABORATORY, LAUNDROMAT, HOSPITAL, OR CREMATORIUM.

13 (II) 1. A WAIVER GRANTED UNDER SUBPARAGRAPH (I) OF
14 THIS PARAGRAPH SHALL BE LIMITED TO BUILDING SYSTEMS AND AREAS THAT
15 CANNOT FEASIBLY USE ENERGY GENERATED FROM A SOURCE OTHER THAN FOSSIL
16 FUELS.

17 2. FINANCIAL CONSIDERATIONS ARE NOT A SUFFICIENT
18 BASIS FOR DETERMINING FEASIBILITY UNDER SUBSUBPARAGRAPH 1 OF THIS
19 SUBPARAGRAPH.

20 (III) A BUILDING OR SIGNIFICANT IMPROVEMENT THAT IS
21 GRANTED A WAIVER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

22 1. SEEK TO MINIMIZE EMISSIONS FROM ITS FOSSIL FUEL
23 USE;

24 2. MAXIMIZE HEALTH, SAFETY, AND FIRE PROTECTION;
25 AND

26 3. BE REQUIRED TO COMPLY WITH THE
27 ELECTRIC-READY STANDARDS ADOPTED UNDER PARAGRAPH (1)(II) OF THIS
28 SUBSECTION.

29 (IV) TO ENSURE A WAIVER GRANTED UNDER SUBPARAGRAPH (I)
30 OF THIS PARAGRAPH IS STILL NECESSARY, THE WAIVER SHALL BE REVIEWED:

1 1. EACH TIME THE STANDARDS ARE MODIFIED BY THE
2 DEPARTMENT; AND

3 2. BY THE LOCAL JURISDICTION THAT GRANTED THE
4 WAIVER EACH TIME THE LOCAL JURISDICTION MODIFIES ITS LOCAL AMENDMENTS
5 UNDER § 12-504 OF THIS SUBTITLE.

6 (3) REGULATIONS ADOPTED UNDER THIS SUBSECTION MAY
7 AUTHORIZE A LOCAL JURISDICTION TO WAIVE THE SOLAR-READY REQUIREMENTS
8 FOR A BUILDING ON A SPECIFIC FINDING THAT:

9 (I) INCIDENT SOLAR RADIATION AT THE BUILDING SITE IS LESS
10 THAN 75% OF INCIDENT SOLAR RADIATION AT AN OPEN SITE; OR

11 (II) SHADOW STUDIES INDICATE THAT 25% OF A BUILDING'S
12 ROOF AREA WILL BE IN SHADOW.

13 (4) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT
14 A LOCAL JURISDICTION FROM PROHIBITING THE USE OF FOSSIL FUELS IN
15 BUILDINGS OR SIGNIFICANT IMPROVEMENTS OR ADOPTING ENERGY
16 CONSERVATION AND SOLAR ENERGY REQUIREMENTS FOR BUILDINGS OR
17 SIGNIFICANT IMPROVEMENTS THAT ARE MORE STRINGENT THAN THE
18 REQUIREMENTS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.

19 (C) (1) IN THIS SUBSECTION, "COVERED BUILDING" MEANS A
20 COMMERCIAL OR RESIDENTIAL BUILDING WITH A GROSS FLOOR AREA OF LESS THAN
21 35,000 SQUARE FEET, EXCLUDING THE PARKING GARAGE AREA.

22 (2) THIS SUBSECTION APPLIES ONLY TO NEW CONSTRUCTION.

23 (3) (I) THE DEPARTMENT SHALL ADOPT, AS PART OF THE
24 STANDARDS, REGULATIONS ESTABLISHING ENERGY CONSERVATION
25 REQUIREMENTS FOR COVERED BUILDINGS IN ACCORDANCE WITH THIS
26 SUBSECTION.

27 (II) IN DEVELOPING THE REGULATIONS, THE DEPARTMENT:

28 1. A. SUBJECT TO ITEM B OF THIS ITEM, SHALL
29 ESTIMATE ENERGY EFFICIENCY OUTCOMES OF THE STANDARDS ACCORDING TO
30 PUBLICATIONS AND METHODS FROM THE U.S. DEPARTMENT OF ENERGY OR ITS
31 CONTRACTORS; AND

32 B. MAY SEEK ADVICE FROM THE U.S. DEPARTMENT OF

1 ENERGY, ITS CONTRACTORS, OR SIMILARLY QUALIFIED PARTIES TO MAKE THESE
2 ESTIMATES; AND

3 2. SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION,
4 FOR THE PURPOSES OF THE STANDARDS AUTHORIZING COMPLIANCE VIA THE
5 ATTAINMENT OF ENERGY EFFICIENCY CREDITS OR ACHIEVEMENT OF
6 PERFORMANCE THRESHOLDS, SHALL CALCULATE AND ADOPT CREDITS AND
7 PERFORMANCE THRESHOLDS IN A MANNER THAT COMPARES SITE ENERGY USE
8 INTENSITY CHANGES FROM ENERGY EFFICIENCY MEASURES TO A
9 MARYLAND-SPECIFIC BASELINE MODEL THAT DOES NOT VARY ACCORDING TO FUEL
10 TYPE OF THE PROPOSED BUILDING FOR RELEVANT BUILDING TYPES.

11 (4) CREDITS OR PERFORMANCE THRESHOLDS MAY NOT BE
12 CALCULATED IN A MANNER THAT AUTHORIZES BUILDINGS OF A CERTAIN FUEL TYPE
13 TO COMPLY WITH THE STANDARDS WHILE ACHIEVING A LOWER ENERGY
14 EFFICIENCY ON AVERAGE THAN BUILDINGS OF A DIFFERENT FUEL TYPE.

15 (5) SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, THE
16 REGULATIONS SHALL REQUIRE NEW RESIDENTIAL BUILDINGS LESS THAN FOUR
17 STORIES ABOVE GRADE PLANE TO ACHIEVE, ON AVERAGE, ENERGY EFFICIENCY
18 EQUAL TO OR GREATER THAN:

19 (I) 35% FOR BUILDING PERMIT APPLICATIONS RECEIVED
20 FROM MARCH 1, 2027, THROUGH FEBRUARY 28, 2030, BOTH INCLUSIVE;

21 (II) 50% FOR BUILDING PERMIT APPLICATIONS RECEIVED
22 FROM MARCH 1, 2030, THROUGH FEBRUARY 28, 2033, BOTH INCLUSIVE; AND

23 (III) 65% FOR BUILDING PERMIT APPLICATIONS RECEIVED ON
24 OR AFTER MARCH 1, 2033.

25 (6) SUBJECT TO PARAGRAPH (7) AND EXCEPT AS PROVIDED IN
26 PARAGRAPH (5) OF THIS SUBSECTION, THE REGULATIONS SHALL REQUIRE ALL
27 BUILDINGS, REGARDLESS OF FUEL TYPE, TO ACHIEVE ON AVERAGE ENERGY
28 EFFICIENCY EQUAL TO OR GREATER THAN:

29 (I) 45% FOR BUILDING PERMIT APPLICATIONS RECEIVED
30 FROM MARCH 1, 2027, THROUGH FEBRUARY 28, 2030, BOTH INCLUSIVE;

31 (II) 55% FOR BUILDING PERMIT APPLICATIONS RECEIVED
32 FROM MARCH 1, 2030, THROUGH FEBRUARY 28, 2033, BOTH INCLUSIVE; AND

33 (III) 65% FOR BUILDING PERMIT APPLICATIONS RECEIVED ON

1 OR AFTER MARCH 1, 2033.

2 (7) (I) A LOCAL JURISDICTION MAY ADOPT ENERGY
3 CONSERVATION REQUIREMENTS FOR BUILDINGS THAT ARE MORE STRINGENT THAN
4 THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.

5 (II) IF THE LOCAL JURISDICTION WHERE A COVERED BUILDING
6 WILL BE LOCATED HAS ADOPTED ENERGY CONSERVATION REQUIREMENTS MORE
7 STRINGENT THAN THE REQUIREMENTS ESTABLISHED UNDER THIS SUBSECTION,
8 THE BUILDING SHALL BE REQUIRED TO MEET THE MORE STRINGENT
9 REQUIREMENTS.

10 (8) IF THE VERSION OF THE STANDARDS IN EFFECT AT THE TIME A
11 BUILDING PERMIT APPLICATION IS RECEIVED REQUIRES THE BUILDING TO MEET
12 ENERGY CONSERVATION REQUIREMENTS THAT ARE MORE STRINGENT THAN THE
13 REQUIREMENTS ESTABLISHED UNDER THIS SUBSECTION, THE BUILDING SHALL BE
14 REQUIRED TO MEET THE MORE STRINGENT REQUIREMENTS.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2025.