

HOUSE BILL 1134

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3lr2316

By: **Delegates Acevero, Bridges, and Ivey**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Building Performance Standards – Fossil Fuel Use and**
3 **Electric-Ready Standards**

4 FOR the purpose of requiring the Maryland Department of Labor to adopt, on or before a
5 certain date and as part of the Maryland Building Performance Standards, a
6 requirement that new buildings meet all energy demands of the building without the
7 use of fossil fuels and an electric-ready standard for certain buildings; and generally
8 relating to the Maryland Building Performance Standards.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 12–503
12 Annotated Code of Maryland
13 (2022 Replacement Volume)

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

16 **Article – Public Safety**

17 12–503.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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, **PARAGRAPH (3) OF THIS SUBSECTION**, 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.

(3) (I) ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT SHALL ADOPT, AS PART OF THE STANDARDS:

1. **SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, A REQUIREMENT THAT NEW BUILDINGS MEET ALL ENERGY DEMANDS OF THE BUILDING WITHOUT THE USE OF FOSSIL FUELS; AND**

2. **AN ELECTRIC-READY STANDARD FOR NEW BUILDINGS THAT RECEIVE A WAIVER UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

1 **(II) THE REQUIREMENT THAT NEW BUILDINGS MEET ALL**
2 **ENERGY DEMANDS WITHOUT THE USE OF FOSSIL FUELS UNDER PARAGRAPH (1) OF**
3 **THIS SUBSECTION SHALL BE MET:**

4 **1. ON OR BEFORE OCTOBER 1, 2025, FOR A BUILDING:**

5 **A. THAT WILL BE LESS THAN SEVEN STORIES TALL; AND**

6 **B. FOR WHICH A BUILDING PERMIT APPLICATION IS**
7 **RECEIVED BY A LOCAL JURISDICTION; AND**

8 **2. ON OR BEFORE OCTOBER 1, 2029, FOR A BUILDING:**

9 **A. THAT WILL BE SEVEN OR MORE STORIES TALL; AND**

10 **B. FOR WHICH A BUILDING PERMIT APPLICATION IS**
11 **RECEIVED BY A LOCAL JURISDICTION.**

12 **(III) 1. SUBJECT TO SUBSUBPARAGRAPHS 2 AND 3 OF THIS**
13 **SUBPARAGRAPH, A LOCAL JURISDICTION MAY GRANT A WAIVER FROM THE**
14 **REQUIREMENT UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH FOR:**

15 **A. EMERGENCY BACK-UP POWER SYSTEMS FOR NEW**
16 **BUILDINGS; AND**

17 **B. NEW BUILDINGS SPECIFICALLY DESIGNATED FOR**
18 **OCCUPANCY BY A COMMERCIAL FOOD ESTABLISHMENT, LABORATORY,**
19 **LAUNDROMAT, HOSPITAL, OR CREMATORIUM.**

20 **2. A. A WAIVER GRANTED UNDER**
21 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE LIMITED TO BUILDING**
22 **SYSTEMS AND AREAS THAT CANNOT FEASIBLY USE ENERGY GENERATED FROM A**
23 **SOURCE OTHER THAN FOSSIL FUELS.**

24 **B. FINANCIAL CONSIDERATIONS ARE NOT A SUFFICIENT**
25 **BASIS FOR DETERMINING FEASIBILITY UNDER SUBSUBSUBPARAGRAPH A OF THIS**
26 **SUBSUBPARAGRAPH.**

27 **3. A BUILDING THAT IS GRANTED A WAIVER UNDER**
28 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL:**

29 **A. SEEK TO MINIMIZE EMISSIONS FROM ITS FOSSIL FUEL**
30 **USE;**

B. MAXIMIZE HEALTH, SAFETY, AND FIRE PROTECTION;

AND

C. BE REQUIRED TO COMPLY WITH THE ELECTRIC-READY STANDARDS ADOPTED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH.

4. TO ENSURE A WAIVER GRANTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS STILL NECESSARY, THE WAVIER SHALL BE REVIEWED:

A. EACH TIME THE STANDARDS ARE MODIFIED BY THE DEPARTMENT; AND

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

(IV) NOTHING IN THIS PARAGRAPH MAY BE CONSTRUED TO PROHIBIT A LOCAL JURISDICTION FROM PROHIBITING THE USE OF FOSSIL FUELS IN BUILDINGS.

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2024, the Maryland Department of Labor, in conjunction with the Maryland Energy Administration, the Public Service Commission, and the Department of Housing and Community Development, shall report to the Governor and the General Assembly, in accordance with § 2-1257 of the State Government Article, on any policy changes needed to ensure the provisions under § 12-503(b)(3) of the Public Safety Article, as enacted by Section 1 of this Act, do not diminish the availability of affordable housing or the affordability of electricity for customers in all-electric buildings, including changes to:

(1) electricity rates and tariff structures;

- 1 (2) laws;
- 2 (3) policies;
- 3 (4) regulations; and
- 4 (5) subsidy programs.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.