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SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

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SENATE BILL 1033

**MARYLAND BUILDING PERFORMANCE STANDARDS – LOCAL REQUESTS FOR
GUIDANCE – RELIGIOUS CONSIDERATIONS**

SUPPORT

Agudath Israel of Maryland, the Mid-Atlantic regional office for Agudath Israel of America – a renowned national Jewish advocacy organization with chapters across the country, speaks on behalf of the Orthodox Jewish communities across Maryland.

We submit this testimony today in support of Senate Bill 1033. In order to properly explain our interest in this issue, a bit of background is necessary.

The Maryland Building Performance Standards are, by a previous act of this General Assembly, dependent on the guidelines issued by the International Code Council (ICC) in their International Energy Conservation Code (IECC); see Md. Code, Pub. Safety § 12-503. One of the recommendations in the recent editions of the IECC is permanent installation of motion sensor technology to regulate light fixtures in both commercial and residential buildings.

Such a requirement, if no leeway is given to religious observance, could create a serious conflict in a Jewish person's Sabbath observance, one of Judaism's most sacred practices. More often identified with Orthodox Judaism, the strict and careful observance of the weekly Sabbath and Jewish festival days (scattered throughout the annual Jewish calendar, such as Rosh Hashana, Yom Kippur, Passover, etc.) presents challenges that those who are less familiar may not detect.

During the approximate twenty-five (25) hour period of Sabbath (from sunset on Friday to nightfall on Saturday) traditional Sabbath observance forbids engaging in a variety of actions, including many routine tasks that are part of our daily lives. These tasks are viewed by Jewish law as "creative acts" that violate the rules of observing the Sabbath/festivals.

Included in these forbidden actions is causing electrical activity. Thus, during the Sabbath, one must refrain from operating cars or electronics, using a telephone, or, as relevant here, turning lights on or off. More importantly, however, it is not the physical act of flipping a light switch on or off that is forbidden; rather, it is the resulting electrical activity. As such, ANY physical action that results in the altering of electricity is forbidden. For example, and as is relevant here, if a room has a light triggered by a motion sensor, it would be a violation of the Sabbath to enter the room if entering the room leads to triggering the motion sensor that turns on the light. If one is already in the room, getting up to leave would similarly be problematic as one's action in leaving the room indirectly causes the light to turn off, another prohibited act. In homes or buildings where the Sabbath is strictly being observed, the lights or

appliances needed to remain on or off for the entirety of the Sabbath period will be set to operate on an automated schedule, thus averting the need for any action to turn them on or off.

As such, it is easily understandable why aspects of the Maryland Building Performance Standards pose a serious concern to the communities in Maryland who strictly observe the laws of Sabbath.

Senate Bill 1033 modifies the Public Safety Article in which the Building Performance Standards are addressed by incorporating a provision allowing a local jurisdiction to request input from the Attorney General's Office on how to properly address religious concerns when and where they arise and are presented. This provision would create a pathway to resolving potential issues of religious observance relating to the standards without compromising the intent of the IECC. As such, we respectfully urge you to issue a favorable report on Senate Bill 1033.

Thank you.