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February 29, 2024

Senator Brian J. Feldman  
Senator Cheryl C Kagen  
2 West  
Miller Senate Office Building  
Annapolis, MD 21401

RE: Senate Bil 1033, Maryland Building  
Performance Standards – Local  
Request for Guidance Religious  
Considerations

Dear Chair Feldman, Vice Chari Kagan and Members of the Education, Energy and the Environmental  
Committee,

I write to you to provide written comments regarding Senate Bill 1033, *Maryland Building Performance Standards – Local Requests for Guidance Religious Considerations*. For the record I serve as the Building Official for Harford County, Maryland with 30 years of service in multiple capacities in the code enforcement profession. I am a past member of the International Code Council (ICC) Board of Directors and a current member of the 2024 International Energy Conservation Code (IECC) Residential Consensus Committee.

It is important to understand that traditionally Courts have consistently ruled that religious entities must comply with local building and life safety codes that are reasonably related to the legitimate governmental purpose of promoting the public health, safety, morals, or general welfare. In my tenure I have yet to be faced with a situation where a religious opposition has been presented until now that does not fit into the above legal guidance.

The Public Safety Article of the Annotated Code of Maryland, Subtitle 12, Title 5 not only mandates adoption of the latest edition of the (IECC) but has also placed limitations on both the State and local jurisdictions by preventing weakening the provisions of the IECC when adopting.

The ICC maintains the development process for the IECC as an ASNI accredited process. This now means that 2-42 member committees, made up of balanced interests make decisions for the State for future additions to the IECC. The only ability of the State or a local jurisdiction to modify the Committees product is to strengthen the provisions unless an innovative approach to achieve equivalent compliance is developed.

As the IECC Consensus Committees works to develop future additions to the code, the committees strive to increase energy efficiency for buildings. The code has exhausted meaningful opportunities to achieve additional efficiencies by simply modifying the thermal envelope requirements. This forces the committees to achieve additional efficiency increases in future editions in alternative fashions. The introduction of occupancy sensors was first seen in the commercial provisions of the 2012

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edition. The intent was to ensure that lights in certain areas of buildings would not be left on once the room has been vacated for a period of time. Upon reentry to the room the sensor would then automatically reactivate the lights. Subsequent editions of the IECC have expanded the use of the sensors. In the 2021 edition, which is the most recent adoption by the State, the IECC now contains occupancy sensor provisions for residential construction.

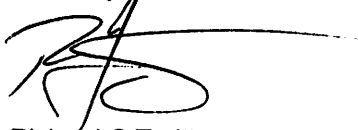
As I worked to arrive at a solution for Rabbi Schusterman for his new facility, it has become evident that the IECC has caused a religious infringement with the installation of occupancy sensors. The installation of the sensor alone has not caused the issue. It is the operation of the sensor during the sabbath that once the lights have deactivated, a solution to reactivate the lights that would be acceptable to his religious beliefs cannot be achieved that would be within his beliefs. Moving forward, it is also within the distinct realm of possibilities that IECC Consensus committees will implement additional energy efficiency provisions in future editions that are well intended but may also cause additional similar concerns.

It should be also noted that the US Department of Energy currently has many grant opportunities being provided to States for adoption and implementation of the IECC. The latest, *The Inflation Reduction Act*, earmarks \$5.8 million dollars for the State of Maryland to adopt the 2021 IECC with no amendments other than those listed in an appendix which are intended to strengthen the code.

We are asking this body to help ensure that the Office of the Attorney General and the Maryland Code Administration stand ready to provide guidance in these situations since the overlaying prohibition for weakening the code resides in the Public Safety Article of the Annotated Code. Additionally, that guidance will also necessitate a review of any current or awarded grant applications to ensure Maryland still remains eligible for the funding. The Office of the Attorney General and the Maryland Codes Administration are in the best position to provide such guidance and additionally help maintain consistency in enforcement across the state.

At this time, I respectfully request the Committees favorable consideration of Bill 1033.

Sincerely,



Richard C Truitt  
Director, (Building Official)

Cc Del. Mike Griffith