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Cecil and Harford Counties

Ways and Means Committee

*Subcommittees*

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**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

February 28, 2024

RE: H.B. 926: Informational Testimony – Delegate Mike Griffith

Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee:

Please find attached a copy of my testimony for H.B. 926, *Maryland Building Performance Standards – Local Requests for Guidance – Religious Considerations*, the crossfile to S.B. 1033, *Maryland Building Performance Standards – Local Requests for Guidance – Religious Considerations*.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Mike Griffith".

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Delegate Mike Griffith  
District 35A, Cecil and Harford Counties  
Vice Chair, Maryland Veterans Caucus, Maryland General Assembly-House of Delegates

Attachment 1: H.B. 926: Informational Testimony, Delegate Mike Griffith

I'm requesting a favorable report on H.B. 926, *Maryland Building Performance Standards – Local Requests for Guidance – Religious Considerations*.

Last year, it was brought to my attention by our local synagogue, Harford Chabad, that their new structure would require the installation of occupancy sensors as required by the state and local adoption of the International Energy Conservation Code (IECC). The installation of the occupancy sensors posed serious concerns with practices for observance of the Sabbath for the community since it would severely limit their ability to utilize structures during the Sabbath when the lights would be automatically activated if someone walks into a room. This would be considered utilizing electricity during a period when that is prohibited. This was not only a grave concern for the synagogue, but it was also a clear violation of their right to freely express and practice their faith.

In order to address this, H.B. 926, upon the request of a local jurisdiction, requires the Maryland Department of Labor (DOL), in consultation with the Office of the Attorney General (AG), to provide guidance regarding the implementation and enforcement of the Maryland Building Performance Standards as the implementation and enforcement relates to religious observance, practice, or belief.

But why require guidance from DOL and the AG when the codes in question could simply be changed to allow for a religious exemption? Because the code can't be changed to provide for this allowance in any capacity. Allow me to explain and provide a little background.

In 2009, the federal government provided monetary incentives to states to update energy codes through the *American Recovery and Reinvestment Act of 2009* (Recovery Act). During this update, Maryland made amendments to require mandatory adoption of the IECC codes within localities and prohibited weakening the provisions of the IECC by state or local jurisdiction. From this, it was stipulated that if localities committed to adopting the latest energy codes as outlined in the Recovery Act, and were found to be 90% compliant after adoption, they would receive the monetary federal incentive. This was done in a way to force compliance and set the codes in stone.

However, it was not until 2015 during a code update (which takes place every 3 years) that the occupancy sensors were first required in buildings (2015 they were required for commercial buildings and then in 2021 the requirement included residential). And it was from this where the requirement to run the sensors 24/7 stemmed and religious entities began experiencing problems. Since Maryland had made amendments to require the mandatory adoption of the codes back in 2009 and since there were further stipulations that the codes could not be weakened in any capacity, there was no outlet for religious entities to seek relief once the sensor codes initiated. In essence, localities were and currently are faced with the reality that on one side they must comply with the codes, which cannot be weakened, and on the other side they are violating their faith by running the sensors during Sabbath. This should never be the case, especially when the code in question is not dealing with a concern for safety.

Another piece I want to note is that while some changes of the codes have been made at the state level, those changes were halted with the passage of the *Inflation Reduction Act of 2022* (Act). In the Act, Maryland was and is eligible to receive roughly 5.8 million for implementation of

energy codes as outlined in the Act. But with this money came stipulations with the most notable being a prohibition that states a State cannot amend the code except what's in the amendments of the Act, which simply means that amendments (through legislation) cannot be made to any regulations or Maryland would forfeit the 5.8 million. Since we certainly do not wish to put the state in jeopardy of losing this crucial funding for implementation purposes, we again turned to guidance being the best path forward.

We wanted to address the issue at hand, seek guidance from the state on the intersection of where well-meaning regulations unintentionally infringe on the freedom of religious expression, and preserve the eligible funding for Maryland. And H.B. 926 does exactly that.

Thank you for your time, and I request a favorable report on H.B. 926.