

# **SB1033 - Maryland Building Performance Standards –**

Uploaded by: Abigail Snyder

Position: FAV

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 Baltimore District

**Written Testimony**

**SB1033 - Maryland Building Performance Standards – Local Requests for  
 Guidance – Religious Considerations**

**Senate Education, Energy, and the Environment Committee  
 March 1, 2024**

**Support**

Senate Bill 1033 would help ensure religious freedom in Maryland by allowing local jurisdictions, in consultation with the Office of the Attorney General (AG), to provide guidance for the implementation and enforcement of the Maryland Building Performance Standards (MBPS) in relation to any religious observance, practice, or belief. The Maryland Department of Labor (MDL) incorporates the International Energy Conservation Code (IECC 2021 addition). In general, the standards apply to all buildings and structures within the State for which a building permit application is received by a local government. Chapter 38 of 2022 (the Climate Solutions Now Act) required MDL to adopt IECC (2018 Edition) by January 1, 2023, and to adopt each subsequent version of IECC within 18 months after it is issued.

The current specific religious freedom issue is the required use of auto motion sensor lights. These lights automatically turn on whenever a person enters the space. Requiring buildings, including synagogues, to always have motion sensor lights, including on Shabbat, violates Jewish law. The violation is that on Shabbat observant Jews do not use electricity. When one walks into a room and the light turns on due to the sensor, this is considered using electricity. While we understand and support environmental standards for buildings, when those standards interfere with religious practices, it goes against the foundations of our country and our state. HB926 is a simple fix that allows the AG, when asked by local jurisdictions, to provide guidance for questions of religious practice, as it relates to the implementation and enforcement of the MBPS.

For these reasons, we urge to committee for a favorable report on SB1033.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated: Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

# **SB 1033 Maryland Building Performance Standards -**

Uploaded by: deborah miller

Position: FAV



**Testimony in SUPPORT of Senate Bill 1033 –  
Maryland Building Performance Standards – Local Requests for Guidance – Religious  
Considerations  
The Education, Environment and Energy Committee  
March 1, 2024**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations, synagogues, and social services agencies throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work throughout the region to advocate for our agencies that serve the most vulnerable residents and to campaign for important policy interests on behalf of the Jewish community and all Marylanders.

The JCRC is committed to religious liberty and everyone's right to practice their religion as protected by the First Amendment of the U.S. Constitution. On behalf of the Jewish community, we support Senate Bill 1033 which requests religious considerations for implementation of some Maryland Building Performance Standards, specifically permanent installation of motion sensor technology to regulate light fixtures in both commercial and residential buildings.

For our Orthodox community, this requirement, without flexibility and respect for religious observance, could severely impact a Jewish person's Sabbath observance. During the approximate 25-hour period of the Sabbath (from sunset on Friday to nightfall on Saturday) Orthodox observance forbids engaging in work/creation including any action is causing electrical activity. Therefore, 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.

With this explanation, it is easy to understand why aspects of the Maryland Building Performance Standards pose a serious issue for Orthodox Jews in our community who strictly observe the laws of the Sabbath. For these reasons, we ask the committee to give a favorable report on SB 1033.



**SB1033 Testimony (1).pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
Annapolis, Maryland 21401

**Testimony of Senator Jill P. Carter**  
**In Favor of SB1033 – Maryland Building Performance Standards -**  
**Local Requests for Guidance - Religious Considerations**  
**Education, Energy, and the Environment Committee**  
**On March 1st 2024**

**Mr. Chairman, Vice Chair, and Members of the Committee:**

**Senate Bill 1033 will require that the Maryland Department of Labor (MDL), on request by a local jurisdiction and in consultation with the Office of the Attorney General (OAG), to provide guidance for the implementation and enforcement of the Maryland Building Performance Standards (MBPS) in relation to any religious observance, practice, or belief.**

**Current Maryland law states that the Maryland Department of Labor incorporates by reference the International Building Code, including the International Energy Conservation Code (IECC), with modifications, as Maryland Building Performance Standards (MBPS). Each local jurisdiction must implement and enforce the most current version of MBPS and any local amendments to MBPS. In addition, any modification to MBPS adopted by the State after December 31, 2009, must be implemented and enforced by a local jurisdiction no later than 12 months after the modifications are adopted by the State.**

**This bill would help ensure religious freedom in Maryland as it relates to environmental standards for buildings. Current standards that require buildings including synagogues to use auto motion sensor lights, which interfere with Sabbath and Jewish law. On Sabbath, Jews that observe the day do not use electricity from sunset on Friday to sunset on Saturday. If a Jewish person were to enter a synagogue for example and the light turns on due to the sensor, this is considered as using electricity. This would violate the laws of Sabbath and interfere with the religious freedoms of the Jewish community. While I understand that the standards are in place to support environmental concerns, it is important that we ensure that any standards do not interfere with religious practices and beliefs.**

**In addition the bill would modify 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 appropriately address religious concerns when and where they arise and are presented. This would resolve any potential issues that arise of religious observance relating to the standards without affecting the intent of the IECC.**

**As such, we respectfully urge you to issue a favorable report on Senate Bill 1033. Thank you for your time.**

**Respectfully,**

**Senator Jill P. Carter**



# **Agudah Testimony - SB1033 -BUILDING STANDARDS - FA**

Uploaded by: Rabbi Ariel Sadwin

Position: FAV



**Rabbi Ariel Sadwin**  
Executive Director

**Mr. Avi Lencz**  
Associate Director

**SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE**  
**MARCH 1, 2024**

**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.

# **2024-02-29 - Senate Bil 1033, Maryland Building Pe**

Uploaded by: Richard Truitt

Position: FAV

**ROBERT G. CASSILLY**  
Harford County Executive

**ROBERT S. McCORD**  
Director of Administration



**RICHARD C. TRUITT**  
Director of Inspections,  
Licenses and Permits

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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Date : February 29, 2024

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

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.

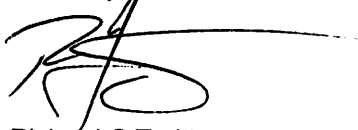
As I worked to arrive at a solution for Rabbi Schusterman for his new facility, it has become evident that the IECC has caused a religious infringement with the installation of occupancy sensors. The installation of the sensor alone has not caused the issue. It is the operation of the sensor during the 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

# **H.B. 926 - Informational Testimony - Delegate Mike**

Uploaded by: Mike Griffith

Position: INFO

**MIKE GRIFFITH**  
*Legislative District 35A*  
Cecil and Harford Counties

Ways and Means Committee

*Subcommittees*

Election Law

Local Revenues



The Maryland House of Delegates  
6 Bladen Street, Room 423  
Annapolis, Maryland 21401  
410-841-3444 · 301-858-3444  
800-492-7122 Ext. 3444  
Mike.Griffith@house.state.md.us

**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.