

# SENATE BILL 479

M3, M5

5lr2778  
CF 5lr1171

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By: **Senators Gallion, Bailey, Jennings, Carozza, Folden, Hershey, and Ready**  
Introduced and read first time: January 22, 2025  
Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Building Energy Performance Standards – Public Safety, Emergency, and**  
3 **Public Utility Buildings – Exclusion**

4 FOR the purpose of altering the definition of “covered building” for purposes of certain  
5 building energy performance standards to exclude certain public safety, emergency,  
6 and public utility buildings; and generally relating to building energy performance  
7 standards and covered buildings.

8 BY repealing and reenacting, without amendments,  
9 Article – Environment  
10 Section 2–1601(a) and (f) and 2–1602  
11 Annotated Code of Maryland  
12 (2013 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 2–1601(e)  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2024 Supplement)

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

### Article – Environment

20 2–1601.

22 (a) In this subtitle the following words have the meanings indicated.

23 (e) (1) “Covered building” means a building that:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (i) 1. Is a commercial or multifamily residential building in the  
2 State; or

3 2. Is owned by the State; and

4 (ii) Has a gross floor area of 35,000 square feet or more, excluding  
5 the parking garage area.

6 (2) “Covered building” does not include:

7 (i) A building designated as a historic property under federal, State,  
8 or local law;

9 (ii) A public or nonpublic elementary or secondary school building;

10 (iii) A manufacturing building; [or]

11 (iv) An agricultural building;

12 (v) **A PUBLIC BUILDING DESIGNATED BY ANY UNIT OF**  
13 **FEDERAL, STATE, OR LOCAL GOVERNMENT FOR:**

14 **1. PUBLIC SAFETY PURPOSES; OR**

15 **2. USE AS AN EMERGENCY STORM SHELTER; OR**

16 **(VI) A PUBLIC UTILITY BUILDING.**

17 (f) “Direct greenhouse gas emissions” means greenhouse gas emissions produced  
18 on-site by covered buildings.

19 2–1602.

20 (a) The Department shall develop building energy performance standards for  
21 covered buildings that achieve:

22 (1) A 20% reduction in net direct greenhouse gas emissions on or before  
23 January 1, 2030, as compared with 2025 levels for average buildings of similar construction;  
24 and

25 (2) Net-zero direct greenhouse gas emissions on or before January 1, 2040.

26 (b) To facilitate the development of building energy performance standards under  
27 this section, the Department shall require the owners of covered buildings to measure and  
28 report direct emissions data to the Department annually beginning in 2025.

1 (c) (1) On or before June 1, 2023, the Department shall adopt regulations to  
2 implement this section.

3 (2) Regulations adopted under this section shall:

4 (i) Subject to items (ii) and (iii) of this paragraph, include energy  
5 use intensity targets by building type;

6 (ii) As necessary, include special provisions or exceptions to account  
7 for:

8 1. Building age;

9 2. Regional differences;

10 3. The unique needs of particular building or occupancy  
11 types, including health care facilities, laboratories, assisted living and nursing facilities,  
12 military buildings, critical infrastructure, and buildings used in life sciences as defined in  
13 § 3–201 of the Economic Development Article; and

14 4. The use of district energy systems and biofuels by covered  
15 buildings;

16 (iii) Consider the needs of the owners of covered buildings who:

17 1. Are not responsible for the design, modification, fixtures,  
18 or equipment of commercial tenants;

19 2. Do not have access to or control over building energy  
20 systems that are used or controlled by commercial tenants; or

21 3. Own buildings occupied by commercial tenants who are  
22 responsible for all maintenance of and repairs to the buildings;

23 (iv) Provide maximum flexibility to the owners of covered buildings  
24 to comply with building energy performance standards;

25 (v) Subject to paragraph (3) of this subsection, include an alternative  
26 compliance pathway allowing the owner of a covered building to pay a fee for greenhouse  
27 gas emissions attributable to the building's failure to meet direct greenhouse gas emissions  
28 reduction targets; and

29 (vi) To the extent authorized by law, include financial incentives  
30 recommended by the Building Energy Transition Implementation Task Force.

1           (3)     The Department may not set an alternative compliance fee that is less  
2 than the social cost of greenhouse gases adopted by the Department or the U.S.  
3 Environmental Protection Agency.

4           (d)     Electric companies and gas companies shall provide energy data, including  
5 whole-building and aggregate data, to the owners of covered buildings for benchmarking  
6 purposes.

7           (e)     In calculating the statewide standards developed by the Department under  
8 this section, an owner of a covered building may not consider greenhouse gas emissions or  
9 energy use by a commercial tenant of the covered building that:

10           (1)     Is a food service facility as defined in COMAR 10.15.03.02; and

11           (2)     Engages in commercial cooking and water heating.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2025.