

Chapter 412

(House Bill 870)

AN ACT concerning

~~Maryland Building Performance Standards – Energy Conservation Requirements~~
Environment – Permit Applications for New Buildings – Notice
(Large Buildings for Tomorrow Act)

FOR the purpose of requiring ~~the Maryland Department of Labor, on or before a certain date and as part of the Maryland Building Performance Standards, to adopt energy conservation requirements for the new construction of certain buildings that are subject to the Building Energy Performance Standards adopted by the Maryland Department of the Environment,~~ beginning on a certain date, a county or municipality to provide certain notice to the Department of the Environment of a certain permit application for a certain new building within a certain period of time after a county or municipality accepts the permit application; and generally relating to ~~the Maryland Building Performance Standards and energy conservation requirements~~ permit applications for new buildings.

~~BY repealing and reenacting, without amendments,
Article – Environment
Section 2-1601(a), (b), (c), (d), (e), and (g)
Annotated Code of Maryland
(2013 Replacement Volume and 2025 Supplement)~~

BY adding to
Article – Environment
Section 2-1603
Annotated Code of Maryland
(2013 Replacement Volume and 2025 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12-503
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)~~

~~BY adding to
Article – Public Safety
Section 12-503.1
Annotated Code of Maryland
(2022 Replacement Volume and 2025 Supplement)~~

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

Article – Environment

2-1603.

(A) BEGINNING JULY 1, 2026, WITHIN 10 BUSINESS DAYS AFTER A COUNTY OR MUNICIPALITY ACCEPTS A PERMIT APPLICATION FOR A NEW BUILDING THAT HAS A PROPOSED GROSS FLOOR AREA OF 35,000 SQUARE FEET OR MORE, EXCLUDING THE PARKING GARAGE AREA, THE COUNTY OR MUNICIPALITY SHALL PROVIDE NOTICE OF THE PERMIT APPLICATION TO THE DEPARTMENT.

(B) THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

- (1) THE ADDRESS OF THE PROPOSED BUILDING;**
- (2) THE BUILDING PERMIT APPLICATION NUMBER;**
- (3) THE TOTAL SQUARE FOOTAGE OF THE PROPOSED BUILDING;**
- (4) THE PROPOSED BUILDING TYPE;**
- (5) THE ENERGY SOURCES PLANNED FOR USE IN THE PROPOSED BUILDING; AND**
- (6) THE CONTACT INFORMATION FOR THE OWNER OF THE PROPOSED BUILDING.**

~~**2-1601.**~~

- ~~(a) In this subtitle the following words have the meanings indicated.~~
- ~~(b) (1) “Agricultural building” means a structure that is used primarily to cultivate, manufacture, process, or produce agricultural crops, raw materials, products, or commodities.~~
- ~~(2) “Agricultural building” includes a greenhouse.~~
- ~~(c) “Building” has the meaning stated in the International Building Code.~~
- ~~(d) “Commercial building” means a building that is subject to the commercial provisions of the International Energy Conservation Code.~~

- ~~(e) (1) “Covered building” means a building that:~~
- ~~(i) 1. Is a commercial or multifamily residential building in the State; or~~
 - ~~2. Is owned by the State; and~~
 - ~~(ii) Has a gross floor area of 35,000 square feet or more, excluding the parking garage area.~~
- ~~(2) “Covered building” does not include:~~
- ~~(i) A building designated as a historic property under federal, State, or local law;~~
 - ~~(ii) A public or nonpublic elementary or secondary school building;~~
 - ~~(iii) A manufacturing building; or~~
 - ~~(iv) An agricultural building.~~

~~(g) “District energy” means thermal energy generated at one or more central facilities that produce hot water, steam, or chilled water that then flows through a network of insulated underground pipes to provide hot water, space heating, air conditioning, or chilled water to nearby buildings.~~

~~Article — Public Safety~~

~~12-503.~~

~~(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.~~

~~(2) The Department shall adopt each subsequent version of the Standards within 18 months after it is issued.~~

- ~~(b) (1) Before adopting each version of the Standards, the Department shall:~~
- ~~(i) review the International Building Code to determine whether modifications should be incorporated in the Standards;~~
 - ~~(ii) consider changes to the International Building Code to enhance energy conservation and efficiency;~~

~~(iii) subject to the provisions of paragraph (2)(ii) of this subsection, adopt modifications to the Standards that allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the equivalent to the requirements of:~~

- ~~1. the International Energy Conservation Code;~~
 - ~~2. Chapter 13, "Energy Efficiency", of the International Building Code; or~~
 - ~~3. Chapter 11, "Energy Efficiency", of the International Residential Code;~~
- ~~(iv) accept written comments;~~
- ~~(v) consider any comments received; and~~
- ~~(vi) hold a public hearing on each proposed modification.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph and [§ 12-510] §§ 12-503.1 AND 12-510 of this subtitle, the Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.~~

~~(ii) The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than the requirements in the International Energy Conservation Code.~~

~~(c) The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.~~

~~(d) In addition to the Standards, the Department shall:~~

~~(1) on or before January 1, 2023, adopt by regulation the 2018 International Green Construction Code; and~~

~~(2) adopt each subsequent version of the Code within 18 months after it is issued.~~

~~12-503.1.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "COVERED BUILDING" HAS THE MEANING STATED IN § 2-1601 OF THE ENVIRONMENT ARTICLE.~~

~~(3) "DISTRICT ENERGY" HAS THE MEANING STATED IN § 2-1601 OF THE ENVIRONMENT ARTICLE.~~

~~(4) "ENERGY CONSERVATION MEASURE" MEANS A PHYSICAL INSTALLATION IN A BUILDING OR A CONNECTION TO A DISTRICT ENERGY SYSTEM THAT ENHANCES THE BUILDING'S ENERGY EFFICIENCY OR MINIMIZES THE BUILDING'S ENERGY USE OR GREENHOUSE GAS EMISSIONS AT THE LOWEST PRACTICABLE COST.~~

~~(5) "FUEL TYPE" MEANS THE COMBINATION OF ENERGY SOURCES PLANNED FOR A USE IN A BUILDING, INCLUDING ELECTRICITY AND MIXED FUEL.~~

~~(b) THIS SECTION APPLIES ONLY TO THE NEW CONSTRUCTION OF A COVERED BUILDING THAT IS SUBJECT TO PERFORMANCE STANDARDS ESTABLISHED BY THE DEPARTMENT OF THE ENVIRONMENT UNDER COMAR 26.28.~~

~~(c) (1) ON OR BEFORE OCTOBER 1, 2028, AS PART OF THE STANDARDS, THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING ENERGY CONSERVATION REQUIREMENTS FOR COVERED BUILDINGS IN ACCORDANCE WITH THIS SUBSECTION.~~

~~(2) IN DEVELOPING THE REGULATIONS, THE DEPARTMENT SHALL:~~

~~(i) ADOPT PROVISIONS THAT REQUIRE:~~

~~1. PREDICTED ANNUAL NET DIRECT GREENHOUSE GAS EMISSIONS OF ZERO; AND~~

~~2. PREDICTED ANNUAL SITE ENERGY USE INTENSITY PERFORMANCE TARGETS, AS DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT;~~

~~(ii) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR THE PURPOSES OF THE STANDARDS AUTHORIZING COMPLIANCE VIA THE ATTAINMENT OF ENERGY EFFICIENCY CREDITS OR ACHIEVEMENT OF PERFORMANCE THRESHOLDS, CALCULATE AND ADOPT CREDITS AND PERFORMANCE THRESHOLDS IN A MANNER THAT COMPARES SITE ENERGY USE INTENSITY CHANGES FROM ENERGY EFFICIENCY MEASURES TO A MARYLAND SPECIFIC BASELINE MODEL THAT DOES NOT VARY ACCORDING TO FUEL TYPE OF THE PROPOSED BUILDING FOR RELEVANT BUILDING TYPES;~~

~~(III) IN CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT, ADOPT PROVISIONS THAT ALLOW AN OWNER OF A COVERED BUILDING TO REQUEST A WAIVER FROM IMPLEMENTING AN ENERGY CONSERVATION MEASURE THAT IS NECESSARY TO COMPLY WITH THIS SUBTITLE IF THE MEASURE CANNOT BE REASONABLY IMPLEMENTED, INCLUDING DUE TO LACK OF EXISTING TECHNOLOGY; AND~~

~~(IV) MAKE BEST EFFORTS TO ALIGN REGULATIONS IMPACTING THE NEW CONSTRUCTION WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT REGARDING EXISTING BUILDINGS.~~

~~(3) CREDITS OR PERFORMANCE THRESHOLDS MAY NOT BE CALCULATED IN A MANNER THAT AUTHORIZES BUILDINGS OF A CERTAIN FUEL TYPE TO COMPLY WITH THE STANDARDS WHILE ACHIEVING A LOWER ENERGY EFFICIENCY ON AVERAGE THAN BUILDINGS OF A DIFFERENT FUEL TYPE.~~

~~(4) (I) A LOCAL JURISDICTION MAY ADOPT ENERGY CONSERVATION REQUIREMENTS FOR BUILDINGS THAT ARE MORE STRINGENT THAN THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.~~

~~(H) IF THE LOCAL JURISDICTION WHERE A COVERED BUILDING WILL BE LOCATED HAS ADOPTED ENERGY CONSERVATION REQUIREMENTS MORE STRINGENT THAN THE REQUIREMENTS ESTABLISHED UNDER THIS SUBSECTION, THE BUILDING SHALL BE REQUIRED TO MEET THE MORE STRINGENT REQUIREMENTS.~~

~~(5) IF THE VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE IN EFFECT AT THE TIME A BUILDING PERMIT APPLICATION IS RECEIVED REQUIRES THE BUILDING TO MEET ENERGY CONSERVATION REQUIREMENTS THAT ARE MORE STRINGENT THAN THE REQUIREMENTS UNDER COMAR 26.28 FOR CALENDAR YEAR 2040, THE BUILDING SHALL BE REQUIRED TO MEET THE MORE STRINGENT REQUIREMENTS.~~

~~(6) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO REQUIRE A BUILDING TO MEET ANY REQUIREMENTS THAT ARE MORE STRINGENT THAN THE REQUIREMENTS UNDER COMAR 26.28.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any new construction for which a complete commercial or residential service request is made to the local utility or a development application or building permit

application is filed with a county or municipal corporation before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 12, 2026.