

HOUSE BILL 870

E4, M5, M3

6lr1165

By: **Delegates Korman and Boafo**

Introduced and read first time: February 4, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Building Performance Standards – Energy Conservation**
3 **Requirements**
4 **(Large Buildings for Tomorrow Act)**

5 FOR the purpose of requiring the Maryland Department of Labor, on or before a certain
6 date and as part of the Maryland Building Performance Standards, to adopt energy
7 conservation requirements for the new construction of certain buildings that are
8 subject to the Building Energy Performance Standards adopted by the Maryland
9 Department of the Environment; and generally relating to the Maryland Building
10 Performance Standards and energy conservation requirements.

11 BY repealing and reenacting, without amendments,
12 Article – Environment
13 Section 2–1601(a), (b), (c), (d), (e), and (g)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 12–503
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2025 Supplement)

21 BY adding to
22 Article – Public Safety
23 Section 12–503.1
24 Annotated Code of Maryland
25 (2022 Replacement Volume and 2025 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Environment

2 2-1601.

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

7 (2) "Agricultural building" includes a greenhouse.

8 (c) "Building" has the meaning stated in the International Building Code.

11 (e) (1) "Covered building" means a building that:

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

14 2. Is owned by the State; and

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

17 (2) "Covered building" does not include:

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

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

21 (iii) A manufacturing building; or

22 (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

28 12-503.

7 (b) (1) Before adopting each version of the Standards, the Department shall:

10 (ii) consider changes to the International Building Code to enhance
11 energy conservation and efficiency;

1. the International Energy Conservation Code;

21 (iv) accept written comments;

22 (v) consider any comments received; and

23 (vi) hold a public hearing on each proposed modification.

24 (2) (i) Except as provided in subparagraph (ii) of this paragraph

12 318.3.3 12 303.1.1 AND 12 316 of this Subtitle, the Department may not adopt, as part
26 of the Standards, a modification of a building code requirement that is more stringent than
27 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.

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

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

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

8 12-503.1.

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

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

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

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

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

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

30 (I) ADOPT PROVISIONS THAT REQUIRE:

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

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

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

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

20 (iv) MAKE BEST EFFORTS TO ALIGN REGULATIONS IMPACTING
21 THE NEW CONSTRUCTION WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF
22 THE ENVIRONMENT REGARDING EXISTING BUILDINGS.

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

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

30 (ii) IF THE LOCAL JURISDICTION WHERE A COVERED BUILDING
31 WILL BE LOCATED HAS ADOPTED ENERGY CONSERVATION REQUIREMENTS MORE
32 STRINGENT THAN THE REQUIREMENTS ESTABLISHED UNDER THIS SUBSECTION,
33 THE BUILDING SHALL BE REQUIRED TO MEET THE MORE STRINGENT
34 REQUIREMENTS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
12 apply only prospectively and may not be applied or interpreted to have any effect on or
13 application to any new construction for which a complete commercial or residential service
14 request is made to the local utility or a development application or building permit
15 application is filed with a county or municipal corporation before the effective date of this
16 Act.

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