

HOUSE BILL 870

E4, M5, M3

6lr1165

By: **Delegates Korman and Boaf**

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

2–1601.

(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.

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

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

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

8 (i) review the International Building Code to determine whether
9 modifications should be incorporated in the Standards;

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

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

16 1. the International Energy Conservation Code;

17 2. Chapter 13, “Energy Efficiency”, of the International
18 Building Code; or

19 3. Chapter 11, “Energy Efficiency”, of the International
20 Residential 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 and [§
25 12–510] **§§ 12–503.1 AND 12–510** 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.

28 (ii) The Department may adopt energy conservation requirements
29 that are more stringent than the requirements in the International Energy Conservation
30 Code, but may not adopt energy conservation requirements that are less stringent than the
31 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 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.

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

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

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.