

# HOUSE BILL 870

E4, M5, M3

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By: **Delegates Korman and Boafo**

Introduced and read first time: February 4, 2026

Assigned to: Environment and Transportation

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## 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:

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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.

4 (b) (1) "Agricultural building" means a structure that is used primarily to  
5 cultivate, manufacture, process, or produce agricultural crops, raw materials, products, or  
6 commodities.

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

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

9                   (d)    “Commercial building” means a building that is subject to the commercial  
10 provisions of the International Energy Conservation 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.

23 (g) "District energy" means thermal energy generated at one or more central  
24 facilities that produce hot water, steam, or chilled water that then flows through a network  
25 of insulated underground pipes to provide hot water, space heating, air conditioning, or  
26 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.

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.

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.