



## Testimony for HB0806

### **Building Standards and Emissions Reductions – High Performance, State, and Local Government Buildings, State Operations, and Eligible Projects**

**Bill Sponsor:** Delegate Stein

**Committee:** Appropriations

**Position:** FAVORABLE WITH AMENDMENTS

The undersigned organizations express their strong support for **HB0806 Building Standards and Emissions Reductions – High Performance, State, and Local Government Buildings, State Operations, and Eligible Projects**, and thank the sponsor, Delegate Stein, for introducing such an important and necessary piece of legislation. We support this bill and offer several amendments that strengthen the legislation (listed below).

This bill takes aim at the greenhouse gas emissions from government buildings (both state and local), and redefines what we should consider a high-performance building. In our efforts to turn our economy away from one that is built on dirty fossil fuels into a clean energy economy, decarbonizing buildings is a very important strategy, and large public buildings are a great place to start. We know that this is not an easy problem to solve. It will take a great deal of effort and resolve and will involve making real changes to the requirements for building new buildings and the process of electrifying existing buildings.

We support the all-electric building code specified in the bill. Starting in 2023, it would require new public buildings (state buildings and local government buildings that were constructed with more than 50% of state funds) to have water and space heating provided without the use of fossil fuels. We understand that in order to solve the problem of building carbonization, you have to contain the problem first, and requiring new buildings to be all-electric is the perfect way to do this.

We also agree with the need to develop Building Emissions Standards to understand and measure the emissions that each building is producing. Not only do we need standards developed, but there should be requirements for the state to report the emissions, as well as requirements to decrease the emissions in a decisive manner. This legislation creates a pathway for compliance with the new Standards, and a step-down in emissions. Compliance with the Building Emissions Standards is required for all government buildings greater than 25,000 sq. ft. by 2025. Additionally, buildings covered by this legislation should achieve reductions in direct emissions (those produced in heating and cooling the building) of 50% by 2030 and net zero by 2035. Finally, reporting by the Maryland Department of General Services would start in 2023.

Finally, we support the inclusion of requirements to set the maximum acceptable global warming potential for materials used in building construction, and then require state procurements to only specify materials that meet or are *lower than* the maximum acceptable global warming potential.

We also agree with the importance of creating an Interagency Climate Action Plan. As specified in the bill, this plan will be developed by January 1, 2025 and will describe how to achieve net zero direct emissions (from gas infrastructure used for heating and cooling) and indirect emissions (energy, which includes fossil fuel energy, from the grid) for all state operations.

Because we have spent decades building fossil fuel infrastructure into every building that we have developed, it will take a great deal of effort to undo all of that. In this great undertaking, we need leadership and guidance, and we believe that this bill provides a very positive roadmap.

As stated previously, we have attached amendments that we believe will strengthen the bill and we look forward to working with the sponsor and leaders throughout the legislature on these proposed amendments.

Thank you for your consideration of HB0806 Building Standards and Emissions Reductions – High Performance, State, and Local Government Buildings, State Operations, and Eligible Projects. We support this bill and we urge a **FAVORABLE** vote from the Committee with the inclusion of these amendments.

## Endorsing Organizations

350 Baltimore	HoCo Climate Action	Potomac Conservancy
350 Montgomery County	Howard County Indivisible	Sustainability Advisory
Adat Shalom Climate Action	Howard County Sierra Club	Committee
AIA Maryland	Interfaith Power and Light, DC,	Sierra Club, Maryland
Assateague Coastal Trust	MD, NoVa	Chapter
Audubon Naturalist Society	Labor Network for	Strong Future Maryland
Casa de Maryland	Sustainability	Sunrise Baltimore
Cedar Lane Unitarian	Laurel Resist	Takoma Park Mobilization
Universalist Church	Locust Point Community	Environment Committee
CHEER	Garden	Talbot Rising
Chesapeake Bay Foundation	Maryland Environmental	The Climate Mobilization
Chesapeake Climate	Health Network	Montgomery County
Action Network Action Fund	Maryland League of	The Nature Conservancy
Chesapeake Physicians for	Conservation Voters	Unitarian Universalist
Social Responsibility	Maryland Legislative	Legislative Ministry
Chispa MD	Coalition	Wicomico NAACP
Clean Air Prince Georges	Maryland NAACP	WISE
Clean Air Prince Georges	State Conference,	
Clean Water Action	Environmental Justice	
Climate Law & Policy Project	Committee	
Climate Parents of Prince	Maryland Poor People's	
Georges	Campaign	
Climate Reality Montgomery	MCPS Clean Energy	
County	Campaign	
Climate Solutions	MD Campaign for	
Climate Stewards of	Environmental Human	
Greater Annapolis	Rights	
Climate XChange - Maryland	Mid-Atlantic	
Coalition For Smarter Growth	Ministry of Maryland	
Columbia Association Climate	MoCo DCC	
Change	Montgomery Countryside	
Concerned Citizens Against	Alliance	
Industrial CAFOs	Montgomery County Faith	
Do The Most Good	Alliance	
Montgomery County	Mountain Maryland	
Echotopia	Movement	
Elders Climate Action	National Parks Conservation	
Environmental Justice Ministry	Association	
Frack Free Frostburg	Nuclear Information &	
Glen Echo Heights Mobilization	Resource Service	
Greenbelt Climate		
Action Network		

## HB0806 Amendments coordinated by the Maryland Climate Partners

Goal: Our value is that government buildings, including schools, should be models for the rest of society and lead the way towards more sustainable, carbon-friendly practices. While HB806 makes some steps in this direction, they are not enough. The provisions relating to public buildings should be strengthened to A) raise the standard and B) apply that standard to more buildings.

### 1. Adjust the Definition of High-Performance Buildings and when they are required

*The “high performance buildings” define a more environmentally friendly building standard and the conditions where a public building is required to meet that standard. The standard should be strengthened and apply to more publicly funded buildings.*

- Public buildings, as defined in HB0806, are those public buildings that are constructed with at least 50% of state or local government funds. We believe this will be confusing and will arbitrarily exempt some schools. We should always set an example with our schools, and we should not have schools be at a lower standard than other buildings
  - Redefine when the high-performance building standards are required to apply to buildings constructed with at least 25% of state or local government funds.
  - Define high-performance as requiring a of LEED Silver certification (not just equivalency)

### 2. Add language from SB0528 that requires high-performance buildings to acquire energy from renewable resources (wind, solar, geothermal, ocean, small hydro)

- We believe that solving the problem of carbonization in buildings will require changes to the energy consumption that buildings get from the grid. If a building meets the standard of a high-performance building, it should not only be constructed and certified to a LEED Silver standard, but it should also ensure that it is not pulling dirty energy from the grid.
  - Include schools in the requirement to be LEED Silver
  - Include requirement for high-performance buildings to acquire energy from renewable sources

### 1. Apply All-Electric Construction Code to All Buildings

HB0831 set an all-electric construction code, which is referenced in HB0806, however, schools were exempted from the all-electric requirement.

- Schools should not be exempted from the all-electric construction requirement
  1. Our public buildings, including our schools, should be models for the rest of society, and should be stronger, or at a minimum comparable, to other building standards.
  2. It is our understanding that HB806 addresses construction standards for new public buildings, potentially based on levels for state funding. We support stronger goals for state buildings, but the new construction codes laid out in HB 806 should apply to all buildings, regardless of level of state funding.
  3. If we don't apply the all-electric standard to all buildings, every time we build a building that is not all-electric, it is one more building we will have to

retrofit. Retrofitting is far more expensive than building the all-electric in the first place.

4. With a state surplus and plans to spend significant money on schools through the Built to Learn funding, this is the ideal time to pay-it-forward. Building schools with fossil fuel infrastructure will require far more funds in the future to operate and eventually retrofit.

## **2. Building Emission Performance Standards**

While the bill currently includes requirements for direct emissions (*defined as “onsite fuel combustion, e.g., gas used onsite for water and/or space heating, cooking, and refrigerant leaks”*), the bill should be amended to include performance measures for improved energy efficiency (e.g., site electricity use), such as: maintaining and retro-commissioning building energy systems; implementing HVAC scheduling and other smart control systems; and making building shell and other energy efficiency improvements, as recommended by the MD Commission on Climate Change’s [Building Energy Transition Plan](#) (see p. 23). Improved building energy efficiency will reduce overall electricity demand (helping grid transition) and can result in smaller sized heating and cooling systems.

- Include all emissions (not just direct emissions) in the Building Emissions Performance Standards
- Set the baseline for achieving reductions from 2025 to 2023 levels
- Add a requirement to ‘Measure and report direct building emissions and site electricity use to the Department (MDE) annually beginning in 2025’
- Set a baseline and Building Emission Standard by building type to make it easier to manage from a building owner standpoint

### **1. Reduce the reasons to waive the requirement to acquire eligible materials**

- Having only one source to acquire an eligible material should not be a reason to get a waiver

### **2. Additions to Ensure that HB806 is Equivalent to SB528**

- Add a pilot for a net zero schools’ program that will utilize a Net Zero Pilot grant fund
- Add a requirement for the MCEC Climate Catalytic Capital Fund (C3).
- For Building Emission standards, include a requirement for the same reduction for ‘site energy use intensity’ as requested in SB528