



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

March 24, 2022

TO: The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee

FROM: Marc Elrich
County Executive

RE: Senate Bill 528, *Climate Solutions Now Act of 2022*
Support with Amendments

I am writing to express my strong support for Senate Bill 528, *Climate Solutions Now Act of 2022*, which updates Maryland's climate goals to match the science-based targets required by the Paris Climate Accord and establishes foundational programs to achieve those goals.

We are in a climate emergency. The United Nations Emissions Gap Report of 2021 includes the following proclamation: "Climate Change is no longer a future problem. It is a now problem." If we are going to meet the Paris Climate Agreement's goal of staying below a 1.5 degree Celsius rise this century, the world must reduce emissions by 50% before 2030.

The Climate Solutions Now Act reflects Maryland's commitment to being part of that solution. It updates the State's emissions reduction goals to 60% by 2030 and net-zero by 2045. The Act only begins to lay out that path. While it will not be easy, it offers tremendous opportunity for the State to become a healthier, more equitable, and more prosperous place to live.

Meeting the goals of the Climate Solutions Now Act will require continued collaboration between the State and counties. Montgomery County has some of the nation's most ambitious climate goals – an 80% reduction in emissions by 2027 and 100% by 2035. To reach these goals, we need the State and the Climate Solutions Now Act to continue to support the efforts of our counties.

Senate Bill 528 appropriately highlights how crucial the use of Building Energy Performance Standards (BEPS) is to achieving climate goals. Many local jurisdictions across the country have successfully enacted these standards in response to their climate commitments, including, New York City, St. Louis, Denver, and Boston. Standards we have drafted for Montgomery

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County are before the County Council now. We anticipate the number of jurisdictions that have established BEPS will grow significantly in the coming years, with assistance from the White House Council on Environmental Quality's National Building Performance Standards (BPS) Coalition launched on January 21, 2022. Montgomery County, Prince George's County, and the City of Annapolis have signed on as BPS Coalition participants along with many other jurisdictions nationwide. Because I believe it is important to protect the local authority that currently exists to establish these standards, the County is requesting that the Climate Solutions Now Act be amended to ensure this authority remains intact, including clarifying how local BEPS laws and the BEPS provisions in Senate Bill 528 will co-exist.

The amendment text for these clarifying amendments and descriptions are attached. The County respectfully requests that they be included to ensure that counties actively engaged in creating BEPS programs are not in "limbo" while the Maryland Department of the Environment develops the BEPS program outlined in the Senate Bill 528, including drafting of regulations.

In closing, this is an important point in time. And time is not on our side. The State and its subdivisions must aggressively use all the tools we collectively have to address the rapid pace of climate change and the impact that we are experiencing with greater frequency every day. I urge you to act expeditiously and favorably on this legislation.

Attachment

cc: Members of the Environment and Transportation Committee

Senate Bill 528 (3rd Reader Version) – Proposed Amendments
(Revised 3/24/22)

SB 528 was amended in the Senate to add a new subsection 2-1602(e) to the bill in two places (pages 64 and 67 of the bill). The two options shown below make changes to the new subsection 2-1602(e).

OPTION 1 – MDE APPROVAL NOT REQUIRED

(E) (1) A COUNTY MAY DEVELOP AND ADOPT LOCAL BUILDING ENERGY PERFORMANCE STANDARDS AND REQUIREMENTS, INCLUDING BENCHMARKING REQUIREMENTS, THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS AND REQUIREMENTS DEVELOPED BY THE DEPARTMENT, SUBJECT TO APPROVAL BY THE DEPARTMENT.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, COVERED BUILDINGS LOCATED IN A COUNTY THAT ADOPTS LOCAL BUILDING ENERGY PERFORMANCE STANDARDS AND REQUIREMENTS, INCLUDING BENCHMARKING REQUIREMENTS, IN ACCORDANCE WITH THIS SUBSECTION SHALL BE EXEMPT FROM THE STATEWIDE STANDARDS AND REQUIREMENTS DEVELOPED BY THE DEPARTMENT.

(3) IN ADDITION TO ANY OTHER ENFORCEMENT MECHANISM OTHERWISE AUTHORIZED UNDER STATE LAW, A COUNTY MAY IMPLEMENT AN ENFORCEMENT MECHANISM ESTABLISHED BY THE DEPARTMENT UNDER SUBSECTION (C) OF THIS SECTION, INCLUDING AN ALTERNATIVE COMPLIANCE PATHWAY AND FEE.

OPTION 2 – MDE APPROVAL REQUIRED

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A COUNTY MAY DEVELOP AND ADOPT LOCAL BUILDING ENERGY PERFORMANCE STANDARDS AND REQUIREMENTS, INCLUDING BENCHMARKING REQUIREMENTS, THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS AND REQUIREMENTS DEVELOPED BY THE DEPARTMENT, SUBJECT TO APPROVAL BY THE DEPARTMENT.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, COVERED BUILDINGS LOCATED IN A COUNTY THAT ADOPTS LOCAL BUILDING ENERGY PERFORMANCE STANDARDS AND REQUIREMENTS, INCLUDING BENCHMARKING REQUIREMENTS, IN ACCORDANCE WITH THIS SUBSECTION SHALL BE EXEMPT FROM THE STATEWIDE STANDARDS AND REQUIREMENTS DEVELOPED BY THE DEPARTMENT.

(3) IN ADDITION TO ANY OTHER ENFORCEMENT MECHANISM OTHERWISE AUTHORIZED UNDER STATE LAW, A COUNTY MAY IMPLEMENT AN ENFORCEMENT MECHANISM ESTABLISHED BY THE DEPARTMENT UNDER SUBSECTION (C) OF THIS SECTION, INCLUDING AN ALTERNATIVE COMPLIANCE PATHWAY AND FEE.

(4) ANY BUILDING ENERGY PERFORMANCE STANDARDS AND REQUIREMENTS, INCLUDING BENCHMARKING REQUIREMENTS, DEVELOPED BY A COUNTY BEFORE THE EFFECTIVE DATE OF FINAL STANDARDS AND REQUIREMENTS ADOPTED BY THE DEPARTMENT SHALL REMAIN EFFECTIVE UNLESS THE DEPARTMENT EVALUATES THE COUNTY'S STANDARDS AND REQUIREMENTS AND DETERMINES THAT THEY ARE NOT AT LEAST AS STRINGENT AS THE STANDARDS AND REQUIREMENTS ADOPTED BY THE DEPARTMENT.

(3/24/22)