



February 1, 2023

The Honorable Brian J. Feldman, Chair  
Education, Energy, and the Environment Committee  
Miller Senate Office Building, 2 West  
Annapolis, MD 21401

**Informational – SB 92 – Department of General Services – Energy – Conserving Standards**

Dear, Chair Feldman Committee Members:

The NAIOP Maryland Chapters represent more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. NAIOP generally does not provide testimony on bills that affect construction standards for state buildings. But our membership has concerns about the confusing scope and several questionable provisions in SB 92 and would like the committee to consider the following points:

- The definition of state building and the required inclusion of the SB 92 standards in the Maryland High Performance Green Building Program cause confusion about whether the requirements will apply to private buildings leased to the state and whether private buildings that adhere to the Maryland Green Building Council’s design guidelines will be required to meet the standards referenced in SB 92.
- The bill requires DGS use design features “consistent” with U.S Green Building Council LEED 55 Pilot Credit. LEED Pilots are experimental provisions that are being evaluated to determine if they should be awarded credits in future versions of the certification system. LEED 55 has been in pilot status for years and despite numerous opportunities has not been elevated to a full LEED credit. Many LEED certified professionals consider it to be contrary to other LEED priorities and outdated because it does not include audible deterrents and other more recent, effective, and less costly approaches to avoiding bird strikes.
- The LEED 55 Pilot runs contrary to LEED priorities because it calls for limiting the amount of glass on building facades and increasing the wall area. This approach reduces the amount of natural daylight that can reach work areas inside the building. Daylighting is important for the comfort of occupants and a priority element of LEED design.
- Replacing transparent glass with frosted or etched glass can add substantially to the cost of a building. Alternative glass treatments such as adhesive film must be replaced every 5-7 years increasing maintenance requirements. Both approaches have negative implications for ground floor retail uses and are generally viewed as creating less desirable work environments.
- Despite what has been implied, the use of glass on the exterior of buildings does not necessarily threaten energy conservation efforts. Double-paned windows available in this market are more efficient than the latest energy code requirements for Maryland’s climate zone. Because building components are interrelated, design teams improve the efficiency of other parts of the building in order to achieve overall energy performance requirements while still using exterior glass. The recently adopted 2021 International Energy Conservation Code requires lighting of outdoor parking areas to automatically dim to 50% of its wattage when activity is not detected. This applies during all dark hours of the year, not the six months listed in the bill.

**NAIOP respectfully requests your consideration of our point of view on SB 92.**

Sincerely,

Tom Ballentine, Vice President for Policy  
NAIOP Maryland Chapters - *The Association for Commercial Real Estate*

cc: Education, Energy and Environment Committee Members  
Nick Manis – Manis, Canning Assoc.