



February 22, 2023

The Honorable Melony Griffith, Chair  
Senate Finance Committee  
Miller Senate Office Building, 3 East  
Annapolis, MD 21401

**Unfavorable – SB 355 – Occupational Safety and Health – Public Buildings – Indoor Air Quality**

Dear, Chair Griffith and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate recommend your unfavorable report on SB 355.

NAIOP generally does not provide testimony on bills intended to affect standards for state buildings. NAIOP opposes SB 355 because it contains language that confuses the scope making it appear that it would apply to private buildings.

The definition of “*Public Building*” on page 3, line 27 through page 4 line 2 apply the provisions of this bill to “*an improved area*” or “*building*” that is leased to a public body. This means that tenant improvements and construction in private buildings that are not owned by the state, or another public body fall within the scope of the bill.

The documents referenced in SB 355 are not mandated by the code writing bodies. The operational requirements of this proposal are significant and could lead to extensive shell and mechanical system upgrades and replacement costs. While these items may be the subject of a freely negotiated lease agreement, the implications of SB 355 are well beyond what can be reasonably mandated for private buildings through legislative enactment.

Should the committee decide to move SB 355, NAIOP requests that the definition of “*Public Building*” be amended to require full ownership by a public body. Beginning on page 3 line 27 we recommend the following amendment:

(E) “PUBLIC BUILDING” MEANS A BUILDING, A STRUCTURE, OR AN IMPROVED AREA THAT IS:  
~~(1) OWNED BY A PUBLIC BODY; OR~~  
~~(2) CONSTRUCTED FOR THE PURPOSE OF BEING LEASED TO A PUBLIC BODY.~~

**NAIOP respectfully requests your consideration of our point of view on SB 355.**

Sincerely,

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

cc: Finance Committee Members  
Nick Manis – Manis, Canning Assoc.