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February 23, 2026

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Delegate Marc Korman, Chair
Delegate Michele Guyton, Vice Chair
House Environment & Transportation Committee
231 Taylor House Office Building
Annapolis, Maryland 21401

Re: HB 870
Maryland Building Performance Standards –
Energy Conservation Requirements (Large Buildings for Tomorrow Act)
Position: Support with Amendments
Hearing Date: February 25, 2026 – 1:00 p.m.

Dear Chair Korman, Vice Chair Guyton, and Environment & Transportation Committee Members:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with community associations, as well as condominiums, homeowners’ associations, and cooperatives throughout the State of Maryland and throughout the United States.

The MD-LAC is writing to voice support for the proposed HB870; provided, however, that it is first amended as discussed herein. While the intent and objective of the Building Energy Performance Standards established in the 2022 Climate Solutions Now Act are noble insofar as they create benchmarks for energy usage and conservation in new and existing buildings, the law, as enacted and proposed in the instant bill to be modified further, has caused unanticipated legal problems for existing condominiums in particular.

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Section 11-108.1 of the Maryland Condominium Act states, in pertinent part, that, “each unit owner is responsible for maintenance, repair, and replacement of his unit.” In that context, “unit” includes not only include appliances, but also HVAC system(s) and hot water heater(s), as well as windows & doors. The condominium association has responsibility for the components of individual units only when damaged or destroyed by insurable losses or in cases of emergency, as dictated by Section 11-125(e)(1) of the Act, which provides that, “[T]he council of unit owners or its authorized designee shall have an irrevocable right and an easement to enter units to investigate damage or make repair when the investigation or repairs reasonable appear necessary for public safety or to prevent damage to other portions of the condominium”.

Because the express language of Section 11-125 limits the authority of the condominium association to enter individual units, no ***condominium association could comply with the mandate imposed by the Climate Solutions Act. Existing law simply does not have the legal right to enter an individual unit to upgrade components and systems to achieve energy efficiency.***

Additionally, the current law applies to multi-story condominium buildings with more than 35,000 square feet of conditioned space, but it excludes all other condominiums with less than 35,000 square feet of conditioned space and townhome condominiums. By constructing the law in that fashion, the General Assembly created two (2) classes of ownership without any rational purpose of the distinction, making the law, in that respect, discriminatory. Moreover, inconsistent application of the Climate Solutions Act impacts the property value of condominiums because those associations required to comply with the Climate Solutions Act will encounter markedly greater costs to upgrade energy usage systems. The cost of a new HVAC system and hot water heater alone can total more than \$15,000.00 per unit. Adding the cost of energy efficient windows and doors would increase overall upgrade costs to tens of thousands of dollars. Noncompliance will result in the imposition of significant penalties, contributing to crippling financial distress. There are also the expenses associated by hiring 3rd parties to perform the audits and benchmarking as well as the annual fee payable to MDE. All of these costs will cause condominiums required to comply with the Climate Solutions Act to be more expensive to own and less desirable to first-time homebuyers, families with children, and retirees.

We foresee that the creation of two classes of ownership will result in a class action lawsuit, and that the financial impact of compliance described herein is likely to lead to a significant increase in insolvencies, foreclosures and the exodus of homeowners from the Maryland Condominiums forced to comply. Community associations generally serve as more affordable housing options in the State of Maryland, but the financial consequences of compliance—or the inability to comply—will reduce further the availability and affordability of homeownership. Condominiums in Maryland are already struggling to cope with significant increases in insurance premiums, energy costs, and the legislature’s mandate to fund replacement reserves for capital items. Given those burdens, it is especially surprising that the views of community associations and their residents were not solicited or considered during the development and implementation of these laws.

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Notwithstanding the foregoing, it is important to note that many of these condominiums have already taken steps towards energy efficiency. As a reminder, Maryland adopted the 2018 Energy Code when it adopted the 2018 International Building Code, which calls for more energy efficiency for appliances, HVAC systems, hot water heaters, windows, doors, roofs etc. Additionally, since the EmPower Maryland Energy Efficiency Act of 2008 was adopted, a majority of condominiums have taken advantage of available incentives and rebates to upgrade their systems.

We respectfully request that this Committee give the instant HB870 a **favorable report; provided, however, that the bill is first amended to exclude condominium associations from the existing Climate Solutions Now Act of 2022 and future amendments to it.**

We are available to answer any questions the Committee Members may have. Please feel free to contact Lisa Harris Jones, lobbyist for the MD-LAC, at 410-366-1500, or by e-mail at lisa.jones@mdlobbyist.com, Igor Conev, Chair of the MD-LAC at 443-614-2787, or by e-mail at to igor@ocmannproperties.com, or Scott Silverman, Esq. Vice-Chair, , MD-LAC at 410-707-6363, or by e-mail at scott@naglezaller.com.

Sincerely,

Scott Silverman

Vice-Chair, CAI MD-LAC

Igor Conev

Chair, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than fifty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose, state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessments collection, insurance and construction defects.