

February 19, 2026

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Opposition to HB870 - Maryland Building Performance Standards – Energy Conservation Requirements

Dear Chair Korman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, respectfully opposes HB870. There are a number of problems with the bill that would negatively impact new multi-family housing projects in Maryland.

- The bill would prospectively impose energy use intensity (EUI) requirements which have not yet been developed. Large multifamily projects can take years to develop, seek zoning changes, and finalize designs. Prospectively imposing new requirements would increase the risks for these developments.
- The new energy use intensity requirements would, under the bill, be developed by the Department of Labor and apparently overrule the energy use intensity requirements of Montgomery County which were grandfathered by last year's HB49. The Department of Labor standards may also conflict with the standards which the Department of Environment is developing.
- Last year the General Assembly passed HB49 which requires the Department of the Environment to conduct a wide-ranging study:

“The Department of the Environment shall conduct an analysis of the potential costs and benefits of building energy performance standards policy options featuring direct emissions reduction requirements, energy use intensity requirements, and a combination of both requirements...”

HB870 would preempt this study and impose the net greenhouse gas emission and not-yet-promulgated EUI standards before the study report due in December 2026 is submitted.

- The Department of Environment began collecting “benchmarking” data from covered buildings – including multi-family buildings – this year. This data will shed light on the costs of compliance and may lead to significant changes in the program before the 2030 date when existing net greenhouse gas emission requirements are scheduled to take effect. By requiring development of standards for new buildings before this data is gathered and analyzed, HB870 may impose

unrealistic standards which would slow the development of new multi-family housing in Maryland.

For these reasons, MBIA respectfully opposes HB870 and suggests that the issue be deferred until the HB49 study is complete and the issue can be reexamined.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment and Transportation Committee