



House Bill 870

Date: February 25, 2026

Committee: House Environment & Transportation

Position: Unfavorable

Founded in 1968, the Maryland Chamber of Commerce (the Chamber) is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees, and families.

House Bill 870 (HB 870) requires the Maryland Department of Labor to adopt new energy conservation requirements for newly constructed buildings that are subject to the State's Building Energy Performance Standards (BEPS). The bill directs that new buildings meet net-zero direct greenhouse gas emissions and comply with Energy Use Intensity (EUI) performance targets to be established through future regulation, and authorizes local jurisdictions to adopt more stringent requirements than those set at the state level.

HB 870 effectively applies Maryland's 2040 net-zero standard to new construction as of 2028. In practice, this requires buildings to be designed and financed now to meet future performance requirements that were intentionally phased for later implementation. Architects, engineers, and lenders cannot ignore net-zero standards that are already on the books, even if the effective date is decades away, which accelerates compliance well beyond what existing law contemplated.

The bill also requires new buildings to meet Energy Use Intensity (EUI) performance targets that have not yet been established through regulation. During the 2025 session, HB 49 was passed which directs MDE to study and report on the costs, benefits, feasibility, and implementation impacts of various building energy performance policy options, including direct emissions limits, EUI requirements, and hybrid approaches, before making recommendations to the Governor and General Assembly. The study (due Dec. 2026) paired with early benchmarking data, should provide the foundation needed to determine what approaches are most achievable, affordable, and appropriate for large buildings. Before the study is provided, we believe it is premature to mandate EUI performance requirements.

Additionally, because EUI standards have not been promulgated, stakeholders lack clarity on what levels will apply, how compliance will be measured, or whether the targets will be technically feasible or cost-effective. Embedding undefined performance metrics into statute creates significant uncertainty and risk for project planning and investment.

For these reasons, the Chamber respectfully requests an unfavorable report on **HB 870**.