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Chair  
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Committee

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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

HB 870: Large Buildings for Tomorrow Act

Testimony of Delegate Marc Korman – Favorable

Thank you, Madam Vice Chair, and my colleagues on the Environment and Transportation Committee. I come before you today to present HB 870, the Large Buildings for Tomorrow Act.

HB 870 ensures that new large buildings in Maryland are constructed to meet the same Building Energy Performance Standards (BEPS) required under State law for existing large buildings.

In 2022, Governor Hogan allowed BEPS to become law without his signature. Under that law, certain buildings over 35,000 square feet must be net-zero direct greenhouse gas emissions by 2040. I understand that not everyone likes that requirement, but it is current law and new buildings should be prepared to comply with it. Unfortunately, the market does not seem to be responding to our legal requirements, and buildings that will have to comply with BEPS in the not too distant future are not being built to comply today. That means they will require costly renovations in just a short period of time. It is more cost effective to build the buildings to comply today than to have to retrofit them in just a few years.

Under the bill, the Maryland Department of Labor would align new construction requirements with the standards already established by the Maryland Department of the Environment (MDE). The bill applies only to the new construction of a “covered building” that is subject to the Building Energy Performance Standards established by MDE under COMAR 26.28. A “covered building” means a commercial or multifamily residential building in the State, or a building owned by the State, that has a gross floor area of 35,000 square feet or more, excluding the parking garage area, with certain exceptions such as hospitals and other buildings specified in current law.

The bill requires the Maryland Department of Labor to adopt regulations establishing energy requirements for the new construction of large covered buildings. Those regulations must require predicted annual net direct greenhouse gas emissions of zero and predicted annual site energy use intensity (EUI) performance targets, as determined by MDE. Local jurisdictions are also permitted to adopt more stringent standards, and buildings located in those jurisdictions must comply with those requirements.

The Maryland Department of Labor must also adopt waiver provisions, in consultation with MDE, allowing an owner of a covered building to request a waiver from implementing an energy conservation measure that is necessary to comply if the measure cannot reasonably be implemented, including due to a lack of existing technology.

I am open to working with the Maryland Department of Labor and MDE on potential amendments.

Thank you for your consideration. I urge a favorable report.