

**Clerks Note:** “Expiration Date” removed from Bill header. Added “Montgomery County Code Chapter 8, Buildings” under the “And Adding” header on first page. Line 3 “(a)” underlined. Removed capitalization of words in Lines 53-57.

Bill No. 13-22  
 Concerning: Buildings –  
Comprehensive Building  
Decarbonization  
 Revised: 11/29/2022 Draft No. 3  
 Introduced: June 14, 2022  
 Enacted: November 29, 2022  
 Executive: December 12, 2022  
 Effective: March 13, 2023  
 Sunset Date: none  
 Ch. 38, Laws of Mont. Co. 2022

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Riemer  
 Co-Sponsor: Councilmembers Jawando and Hucker

**AN ACT to:**

- (1) require the County Executive to issue a building code by a certain date with “all-electric building” standards for new construction [[and major renovation]]; and
- (2) generally amend the building code.

By amending

Montgomery County Code  
 Chapter 8, Buildings  
 Article II, Administration  
 [[Section 8-14C]]

And adding

Montgomery County Code  
Chapter 8, Buildings  
Section 8-14D, Comprehensive Building Decarbonization

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

1        **Sec. 1. Section ~~[[8-14C]] 8-14D~~ is ~~[[amended]]~~ added as follows:**

2        **~~[[8-14C]] 8-14D. [RESERVED] Comprehensive Building Decarbonization.~~**

3        (a)    *Definitions.* In this section, the following words have the meanings  
4        indicated:

5        [[Addition means construction of any new walled or roofed expansion  
6        to the perimeter of a building in which the addition is connected.]]

7        All-electric building means a public or private building that contains no  
8        combustion equipment, or plumbing for combustion equipment,  
9        installed within the building or building site.

10       Combustion equipment means any equipment or appliance used for  
11       space heating, service water heating, cooking, clothes drying and/or  
12       lighting that uses fuel gas or fuel oil.

13       [[Major renovation means any renovation where the work area exceeds  
14       50% or more of major structural components, including exterior walls,  
15       interior walls, floor area, roof structure, or foundation, or has an  
16       increase of 50% or more of floor area.]]

17       [[Major structural components means the structural components of the  
18       building, addition, or major renovation, namely the foundations,  
19       footings, supports, joists, bearing walls, subfloor, roof, structural  
20       columns, and beams.]]

21       New construction means the construction of any new stand-alone  
22       building, with no remnants of any prior structure or physical  
23       connection to existing structures or outbuildings on the property.

(b) Standards. The County Executive must issue [[Method (2)]] Method  
(1) regulations to establish all-electric building standards for all new  
construction[[, major renovations, and additions]] as part of the  
building code.

(1) [[These]]The regulations [[may]] must include a code  
modification [[language]] process. A code modification must  
only be granted if the resulting building is carbon-neutral or net-  
zero.

(2) The regulations may include additional exemptions not listed in  
section 8-14D(c) if all-electric building standards cannot be  
applied to the system or use due to practical difficulty or undue  
hardship.

(c) Exemptions. All-electric building standards do not apply to [[new  
construction, major renovations, or additions in]]:

(1) the emergency backup systems of buildings that require an  
emergency system and hence backup power;

(2) buildings primarily used by a utility regulated by the Maryland  
Public Service Commission for the generation of electric power or  
steam;

(3) buildings used to treat sewage or food waste;

(4) [[cooking appliances]]commercial kitchen equipment in an  
eating and drinking establishment that satisfies the requirements  
of Chapter 15;

(5) gas-powered fireplaces and gas-fired outdoor grills;

~~[[ (3) ]]~~(6) applications for building permits submitted to the  
Department prior to the effective date of the regulation;

~~[[ (4) ]]~~(7) district combined heat and powers facilities; and

~~[[ (5) ]]~~(8) buildings used for the following uses, as defined in  
Chapter 59:

(A) manufacturing and production uses;

(B) crematory;

(C) life sciences; [[and]]

(D) [[commercial kitchens]]hospital; and[.]

(E) farming and farm alcohol production.

(d) Reports.

(1) The County Executive must submit a report to the County  
Council regarding the system capacity needs and investments  
required for an all-electric building code standard no later than  
September 30, 2024, and not before December 1, 2023. This  
report must include a review of any studies issued by the Public  
Service Commission and should include information provided by  
the utility companies that service Montgomery County.

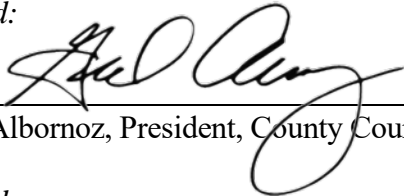
(2) The Department of Permitting Services must arrange for an  
annual audit that assesses a representative sample of new  
construction that complies with this section. The audit must  
include the number of applications submitted for new  
construction, the number of waivers granted, current electric

71 rates for consumers, and an analysis of any alternative energy  
 72 sources used. A complete copy of the audit findings must be  
 73 submitted to the County Council on June 1 each year, beginning  
 74 June 1, 2028.


75 **Sec. 2. Effective Date.** The County Executive must issue all-electric building  
 76 standards for new construction[[, major renovation, and additions]] [[as part of the  
 77 County's next building code adoption cycle after this Act takes effect but not]] no  
 78 later than [[January 1, [[2024]]2025]] December 31, 2026.

79 **Sec. 3. All-Electric Transition.** Section 8-14C(b) of this Act must not apply  
 80 to building permit applications submitted before December 31, 2027, for: (1)  
 81 housing development projects where 50 percent or more of the dwelling units are  
 82 moderately priced dwelling units as defined by Chapter 25A, or a similar instrument  
 83 with a federal, state, or local government for the creation or preservation of income-  
 84 restricted or market-rate affordable housing[[, if the building permit application was  
 85 submitted before January 1, 2026]][[2027]]; [[or]] (2) public or private schools [[for  
 86 which a building permit application was submitted before January 1, 2026]][[2027]];]  
 87 or (3) residential buildings with four or more stories.

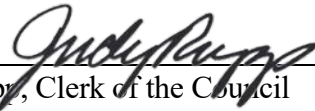
*Approved:*

  
\_\_\_\_\_  
Gabriel Albornoz, President, County Council  
12/2/2022  
Date

*Approved:*

  
\_\_\_\_\_  
Marc Elrich, County Executive  
12/12/2022  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Judy Rupp, Clerk of the Council  
12/12/2022  
Date