



House Bill 870

*Maryland Building Performance Standards - Energy Conservation Requirements
(Large Buildings for Tomorrow Act)*

MACo Position: **SUPPORT**

To: Environment & Transportation Committee

WITH AMENDMENTS

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From: Sarah Sample and Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS HB 870 WITH AMENDMENTS**. This bill requires new county buildings, that are subject to the Building Energy Performance Standards as set by the Maryland Department of the Environment, to comply with the minimum standards set forth in HB 870.

Maryland is implementing Building Energy Performance Standards (BEPS) as required under the Climate Solutions Now Act of 2022. The goal is for covered buildings to efficiently achieve net-zero direct greenhouse gas emissions and comply with energy use intensity targets by a specified time. With some narrow exceptions, county buildings that are larger than 35,000 square feet are mandated to reach these targets or pay a fee based on the degree to which they are out of compliance.

Counties appreciate the State's commitment to reducing greenhouse emissions and air pollution as well as promoting responsible energy use tracking and consumption. These are shared priorities of many jurisdictions across Maryland. In moving these priorities forward, HB 870 requires the adoption of a mandated standard but for new buildings only. This narrow provision recognizes that retrofitting older buildings could be overly burdensome, costly, and, in some instances, impossible without significant renovations or system replacements that might not be due for some time. This recognizes the unique situation county governments are in while managing the thoughtful use of taxpayer dollars and practical constraints of existing facilities in trying to meet the coming energy standards.

The specificity of the provisions in HB 870 recognize that not all buildings are the same. Additionally, there is great variability in a local government's capacity to adopt certain energy standards for all qualifying buildings, old and new. With this wise framing in mind, counties would like to propose an amendment to HB 870 that would extend that perspective to local government buildings that comprise critical infrastructure, by exempting them from BEPS standards, due to the stark difference in their structure, demands, and necessity.

The needs of 9-1-1 centers, police, fire, and EMS stations, as well as numerous public safety buildings, including detention centers, are energy intensive by necessity. They have five primary considerations that are unlike other administration buildings in that they are:

- Always on
- Redundancy-heavy
- Equipment-dense
- Code-constrained
- Budget-limited

This is non-negotiable infrastructure that ensures the safety and security of residents, particularly during an emergency. They operate 24-7 with heightened safety and program demands and with power and system redundancies unlike any other administrative buildings. A carve-out for these county-owned and operated buildings, not unlike other exemptions in current law, could round out a practical and wise approach initiated by HB 870 and prior legislation. **Without these changes, adherence to the BEPS standards could represent an undue burden on taxpayer funds, while potentially compromising the emergency service delivery those same residents rely on.**

With this wise and practical exemption, counties will be able to plan for the costs associated with this mandate in a way that appreciates the unique position local governments are in as operators of critical infrastructure. For those reasons MACo urges a **FAVORABLE WITH AMENDMENTS** report for HB 870.