



P.O. Box 278
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Committee: Environment and Transportation

Testimony on: SB 81 - “Charter Counties – Enforcement of Local Building Performance Laws (Building Energy Performance Standards Act of 2022)”

Position: Support

Hearing Date: February 2, 2022

The Maryland Sierra Club urges support for this legislation which will enable Charter counties to levy civil fines of up to \$10 per square foot on buildings that fail to comply with building energy performance laws. Building Energy Performance Standards (BEPS) create timelines for large commercial and multifamily buildings to reduce their greenhouse gas pollution. A number of jurisdictions have recently passed building energy performance standards, including Washington, DC; Boulder, CO; Boston, MA; St. Louis, MO; and Colorado and Washington state.

Montgomery County, MD proposes to be the first county in the US to implement BEPS. To make performance standards effective, counties enacting these standards must have the ability to levy fines or alternative performance payments, as they do for other standards. In the absence of this legislation, civil fines or alternative compliance payments would be limited to \$1,000. This small civil fine would be insufficient to encourage building owners to comply.

Reducing greenhouse gas pollution is critical to limiting the damage from the climate crisis. In Maryland, buildings account for approximately 51% of greenhouse gas pollution (including electricity used by buildings, 2020), and in Montgomery County residential and commercial buildings account for almost 50% of greenhouse gas pollution (including electricity, 2018). To meet the State’s greenhouse gas targets, the Maryland Commission on Climate Change recommended implementation of Building Emissions standards. Montgomery County is taking a lead in these efforts with its proposed legislation.

The proposed BEPS for Montgomery County offer building owners a strong pathway to reduce emissions. Building owners will be required to improve upon building-specific baseline emissions levels over a period of 12 years. Those who fall short will have the option of offering a plan to catch up. Various incentive programs and savings from lower energy costs may cover a significant portion or all of the costs of meeting the standards.

Adequate alternative compliance payments and civil penalties will be important to assuring compliance with county-enacted Building Energy Performance Standards. The Maryland Sierra Club, therefore, urges support for SB 81.

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Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.