

SENATE BILL 81

L1, M5

(PRE-FILED)

2lr0820
CF HB 61

By: **Senator Feldman**

Requested: October 19, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Charter Counties – Enforcement of Local Building Performance Laws**
3 **(Building Energy Performance Standards Act of 2022)**

4 FOR the purpose of authorizing charter counties to provide for the enforcement of certain
5 local building energy performance laws by imposing certain fines; and generally
6 relating to building energy performance laws.

7 BY repealing and reenacting, without amendments,

8 Article – Local Government

9 Section 10–201

10 Annotated Code of Maryland

11 (2013 Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Local Government

14 Section 10–202

15 Annotated Code of Maryland

16 (2013 Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Local Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-201.

2 This subtitle applies only to charter counties.

3 10-202.

4 (a) A county may enact local laws and may repeal or amend any local law enacted
5 by the General Assembly on any matter covered by the express powers in this title.

6 (b) A county may provide for the enforcement of an ordinance, a resolution, a
7 bylaw, or a regulation adopted under this title:

8 (1) by civil fines not exceeding \$1,000; or

9 (2) by criminal fines and penalties not exceeding \$1,000 and imprisonment
10 not exceeding 6 months.

11 (c) A county may provide for the enforcement of local fair housing laws by fines
12 or penalties that do not exceed the fines or penalties provided in the federal Fair Housing
13 Act Amendments of 1988 for enforcement of similar federal fair housing laws.

14 (d) A county may provide for the enforcement of local employment discrimination
15 laws or public accommodations discrimination laws by civil fines not exceeding \$5,000 for
16 any offense.

17 **(E) (1) IN THIS SUBSECTION, "GROSS FLOOR AREA" MEANS THE TOTAL**
18 **INDOOR PROPERTY SQUARE FOOTAGE MEASURED BETWEEN THE PRINCIPAL**
19 **EXTERIOR SURFACES OF THE ENCLOSING FIXED WALLS OF A BUILDING.**

20 **(2) (I) ~~A~~ SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A**
21 **COUNTY MAY PROVIDE FOR THE ENFORCEMENT OF BUILDING ENERGY**
22 **PERFORMANCE LAWS BY CIVIL FINES NOT EXCEEDING \$10 PER SQUARE FOOT OF**
23 **GROSS FLOOR AREA.**

24 **(II) IN DETERMINING THE AMOUNT OF A CIVIL FINE IMPOSED**
25 **UNDER THIS SUBSECTION, THE COUNTY SHALL CONSIDER THE ASSESSED VALUE OF**
26 **THE PROPERTY FOR ANY OFFENSE.**

27 **(III) A CIVIL FINE MAY BE IMPOSED UNDER THIS SUBSECTION**
28 **ONLY IF CONSTRUCTION ON THE BUILDING WAS COMPLETED AT LEAST 3 YEARS AND**
29 **1 DAY BEFORE THE DATE THE CIVIL FINE WOULD BE IMPOSED.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.