



## Environment Committee

**Committee: Education, Health, and Environmental Affairs**

**Testimony on: SB0081 - Charter Counties-Enforcement of Local Building Performance Laws (Building Energy Performance Standards Act of 2022)**

**Organization: Takoma Park Mobilization Environment Committee**

**Submitting: Laurie McGilvray, Co-Chair**

**Position: Favorable**

**Hearing Date: February 2, 2022**

Dear Mr. Chairman and Committee Members:

Takoma Park Mobilization Environment Committee is a grassroots organization in Montgomery County that advocates for both local and state level climate justice legislation. We urge you to vote favorably on SB0081.

Montgomery County has created an ambitious Climate Action Plan that is striving to achieve an 80% reduction in greenhouse gas emissions by 2027 and 100% reduction by 2035. Buildings, through direct and indirect emissions, are 50% of Montgomery County's greenhouse gas emissions. Ultimately, reducing those emissions and having them be carbon neutral is critical to Montgomery County reaching its climate goals.

Building Energy Performance Standards are a foundational tool that provide a flexible pathway for building owners for reducing emissions from existing buildings. They achieve that goal by setting energy use targets (or alternatively, greenhouse gas reduction targets) that transition buildings to be energy efficient and to all electric space and water heating systems. However, these targets and standards must be enforceable.

In Maryland, charter counties are moving towards enacting building energy performance standards for their communities. In fact, Montgomery County, as well as Prince Georges County and the City of Annapolis, recently joined a national coalition of states, local governments, labor organizations, and industries that are teaming up to support building performance standards. Unfortunately, counties currently are hampered in their ability to effectively enforce such regulations, because the penalty cap in existing Maryland law is too low to compel building owners who refuse to comply. SB0081 will fix this problem by allowing counties the flexibility to set higher penalties.

Charter county penalties currently are limited to a civil penalty of no more than \$1,000 or a criminal penalty of \$1,000 and six months imprisonment. SB0081 will allow a penalty of up to a \$10 per

square foot for owners who fail to comply with local building energy performance standard regulations. The bill also provides that counties must consider the assessed value of the property in penalties set for any offense, so there is flexibility in the penalty amounts set by counties.

We need to support counties that are working hard to reduce climate pollution from buildings by giving them effective enforcement tools, without which local regulations will be unsuccessful. The legislation also provides protections for building owners by requiring counties to consider the assessed value of the property.

We must align our policies to help local governments be part of the solution to the climate crisis. Please support this bill with a **FAVORABLE** report in committee.