

Introduced _____
Public hearing _____
Council action _____
Executive _____
Effective date _____

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 1

BILL NO. 5 – 2023

Introduced by: Christiana Rigby

AN ACT requiring the ~~Department of Inspections, Licenses, and Permits~~ County Executive to report to the County Council with recommendations about changes to the Howard County Building Code that would be needed to require all-electric buildings and ways the County can achieve certain climate goals and ways the County can maximize use of certain funds and ways the County can maximize certain investments, requiring the ~~Department~~ County Executive to consider specified exemptions and considerations and specific matters regarding system capacity; setting a certain deadline, defining certain terms, requiring the County Executive to offer net zero energy standards for County government-owned buildings, requesting the County Executive to provide an inventory of County buildings and their current energy sources, and generally relating to the Howard County Building Code.

Introduced and read first time _____, 2023. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2023.

By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2023 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2023 at ___ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2023

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 WHEREAS, communities across the world are facing impacts from the ever-growing threat of
2 global climate change, which includes rising temperatures, increased heat waves and
3 droughts, more frequent severe weather events, sea level rise, and environmental
4 degradation;

5 WHEREAS, the United Nations Intergovernmental Panel on Climate Change (IPCC) recently
6 published its Sixth Assessment Report on August 7, 2021, which highlights that climate
7 change has occurred at an “unprecedented” pace and notes that “it is unequivocal that
8 human influence has warmed the atmosphere, ocean and land.”;

9 WHEREAS, the IPCC Sixth Assessment Report firmly establishes that “limiting human-induced
10 global warming to a specific level requires limiting cumulative CO2 emissions, reaching
11 at least net zero CO2 emissions, along with strong reductions in other greenhouse gas
12 emissions.”;

13 WHEREAS, in 2023 the Maryland General Assembly passed the Climate Solutions Now Act,
14 which requires the state of Maryland to reduce greenhouse gas emissions by 60% from
15 2006 levels by 2031 and achieve net-zero emissions by 2045;

16 WHEREAS, the preliminary report of Howard County’s Climate Action and Resiliency Plan
17 (CARP) has determined that buildings account for roughly 40% of Howard County’s
18 local greenhouse gas emissions, of which 11% of emissions are directly from on-site fuel
19 combustion in buildings;

20 WHEREAS, the United States Green Building Council (USGBC) has identified that building
21 decarbonization and electrification is an important policy tool to reduce greenhouse gas
22 emissions in the building sector by shifting energy reliance to electricity instead of fossil
23 fuel combustion;

24 WHEREAS, all-electric buildings provide Howard County residents with a multitude of benefits,
25 including a reduction in greenhouse gas emissions, improved air quality, better health
26 outcomes, and energy affordability;

27 WHEREAS, Howard County must phase out the use of fossil fuels in new building construction
28 in order to meet the emission reduction goals set forth by the Climate Solutions Now Act
29 of 2023; and

30 WHEREAS, it is in the interest of the Howard County Council to address the effects of climate
31 change by reducing greenhouse gas emissions, including through efforts to eliminate the

1 use of fossil fuels in new buildings and promote a clean and renewable energy future;

2
3 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
4 County Code is amended as follows:

5 By adding:

6 Title 3. Buildings.

7 Subtitle 11. Miscellaneous.

8 Section 3.1101. Comprehensive Building Decarbonization.

9
10
11 **HOWARD COUNTY CODE**

12 **Title 3. Buildings.**

13 **Subtitle 11. Miscellaneous**

14
15 **SEC. 3-1101. COMPREHENSIVE BUILDING DECARBONIZATION.**

16 (A) *DEFINITIONS.*

17 (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

18 (2) “ADDITION” MEANS CONSTRUCTION OF ANY NEW WALLED OR ROOFED EXPANSION
19 TO THE PERIMETER OF A BUILDING IN WHICH THE ADDITION IS CONNECTED.

20 (3) “ALL-ELECTRIC BUILDING” MEANS A PUBLIC OR PRIVATE BUILDING THAT CONTAINS
21 NO COMBUSTION EQUIPMENT, OR PLUMBING FOR COMBUSTION EQUIPMENT, INSTALLED WITHIN THE
22 BUILDING OR BUILDING SITE.

23 (4) “COMBUSTION EQUIPMENT” MEANS ANY EQUIPMENT OR APPLIANCE USED FOR
24 SPACE HEATING, SERVICE WATER HEATING, COOKING, CLOTHES DRYING OR LIGHTING THAT USES
25 FUEL GAS OR FUEL OIL.

26 (5) “MAJOR RENOVATION” MEANS ANY RENOVATION WHERE THE WORK AREA EXCEEDS
27 50% OR MORE OF MAJOR STRUCTURAL COMPONENTS, INCLUDING EXTERIOR WALLS, INTERIOR
28 WALLS, FLOOR AREA, ROOF STRUCTURE, OR FOUNDATION, OR HAS AN INCREASE OF 50% OR MORE
29 OF FLOOR AREA.

1 (6) "NEW CONSTRUCTION" MEANS THE CONSTRUCTION OF ANY NEW STAND-ALONE
2 BUILDING, WITH NO REMNANTS OF ANY PRIOR STRUCTURE OR PHYSICAL CONNECTION TO EXISTING
3 STRUCTURES OR OUTBUILDINGS ON THE PROPERTY.

4 (7) "NET ZERO ENERGY" MEANS THAT 100% OF THE OPERATIONAL ENERGY USE
5 ASSOCIATED WITH A PROJECT IS OFFSET BY NEW ON-SITE RENEWABLE ELECTRICITY, AND IF THE
6 MAXIMUM ON-SITE RENEWABLE ELECTRICITY IS INADEQUATE TO FULLY OFFSET THE OPERATIONAL
7 ENERGY USE, OPERATIONAL ENERGY USE IS OFFSET BY USING OFF-SITE RENEWABLE ELECTRICITY
8 SUPPLY.

9 (B) *RECOMMENDATIONS AND REPORT.*

10 ~~IN ACCORDANCE WITH SUBSECTIONS (C) AND (D) OF THIS SECTION, THE DEPARTMENT OF~~
11 ~~INSPECTIONS, LICENSES, AND PERMITS SHALL:~~

12 ~~(1) RECOMMEND CHANGES TO THE BUILDING CODE NECESSARY TO ENACT ALL-~~
13 ~~ELECTRIC BUILDING STANDARDS FOR ALL NEW CONSTRUCTION, MAJOR RENOVATIONS, AND~~
14 ~~ADDITIONS; AND~~

15 ~~(2) SUBMIT THOSE RECOMMENDATIONS IN A REPORT TO THE COUNTY COUNCIL THAT~~
16 ~~SPECIFIES THE CHANGES THAT WOULD BE NEEDED IN THE HOWARD COUNTY BUILDING CODE TO~~
17 ~~IMPLEMENT THE RECOMMENDATIONS.~~

18 (C) ~~EXEMPTIONS.~~

19 ~~THE DEPARTMENT'S RECOMMENDATIONS SHALL INCLUDE AN EVALUATION OF:~~

20 ~~(1) EXEMPTIONS FOR A PROJECT IF THE APPLICATION FOR A BUILDING PERMIT WAS~~
21 ~~SUBMITTED TO THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS BEFORE THE EFFECTIVE~~
22 ~~DATE OF THE ALL-ELECTRIC BUILDING STANDARDS; AND~~

23 ~~(2) EXEMPTIONS FOR NEW CONSTRUCTION, MAJOR RENOVATIONS, OR ADDITIONS:~~

24 ~~(i) TO THE FOLLOWING BUILDINGS:~~

25 ~~1. HOSPITALS;~~

26 ~~2. MANUFACTURING AND PRODUCTION FACILITIES;~~

27 ~~3. CREMATORIES;~~

28 ~~4. LIFE SCIENCES FACILITIES;~~

29 ~~5. COMMERCIAL KITCHENS, RESTAURANTS, AND FOOD SERVICE~~

1 ESTABLISHMENTS;

2 ~~6. BREWERIES AND DISTILLERIES AND~~

3 ~~7. FARMING AND AGRICULTURAL STRUCTURES;~~

4 ~~(II) TO BUILDINGS TO THE EXTENT THAT SYSTEMS IN THE BUILDINGS INVOLVE~~
5 ~~EMERGENCY BACKUP EQUIPMENT;~~

6 ~~(III) TO AN ELECTRIC POWER OR STEAM GENERATING UTILITY REGULATED BY~~
7 ~~THE MARYLAND PUBLIC SERVICE COMMISSION; AND~~

8 ~~(IV) TO DISTRICT ENERGY SYSTEMS OR COMBINED HEAT AND POWER FACILITIES.~~

9 ~~(D) CONSIDERATIONS:~~

10 ~~TO THE MAXIMUM DEGREE POSSIBLE, THE RECOMMENDATIONS AND EXEMPTIONS SHALL BE~~
11 ~~FORMULATED TO REQUIRE THE WIDESPREAD UTILIZATION, PARTICULARLY IN AFFORDABLE~~
12 ~~HOUSING, OF APPLIANCES AND TECHNOLOGIES THAT PROMOTE ENERGY EFFICIENCY, MINIMIZE~~
13 ~~ELECTRIC CONSUMPTION, AND PRIORITIZE A REDUCTION IN GREENHOUSE GAS EMISSIONS.~~

14 THE COUNTY EXECUTIVE SHALL ISSUE A REPORT TO THE COUNTY COUNCIL ON:

15 (1) RECOMMENDATIONS ON CHANGES TO THE BUILDING CODE NECESSARY TO ENACT ALL-
16 ELECTRIC BUILDING STANDARDS FOR ALL NEW CONSTRUCTION, MAJOR RENOVATIONS,
17 AND ADDITIONS;

18 (2) RECOMMENDATIONS THAT SPECIFY THE CHANGES THAT WOULD BE NEEDED IN THE
19 HOWARD COUNTY BUILDING CODE TO IMPLEMENT THE RECOMMENDATIONS;

20 (3) OFFERING NET-ZERO ENERGY STANDARDS FOR COUNTY GOVERNMENT-OWNED
21 BUILDINGS;

22 (4) AN EVALUATION OF:

23 (I) EXEMPTIONS FOR PROJECTS IF THE APPLICATION FOR A BUILDING PERMIT
24 WAS SUBMITTED TO THE DEPARTMENT OF INSPECTIONS, LICENSES AND
25 PERMITS BEFORE THE EFFECTIVE DATE OF THE ALL-ELECTRIC BUILDING
26 STANDARDS; AND

27 (II) EXEMPTIONS FOR NEW CONSTRUCTION, MAJOR RENOVATIONS, OR
28 ADDITIONS TO THE FOLLOWING BUILDINGS:

29 1. HOSPITALS;

- 1 2. MANUFACTURING AND PRODUCTION FACILITIES;
- 2 3. CREMATORIES;
- 3 4. LIFE SCIENCES FACILITIES;
- 4 5. COMMERCIAL KITCHENS, RESTAURANTS, AND FOOD SERVICE
- 5 ESTABLISHMENTS;
- 6 6. BREWERIES AND DISTILLERIES AND
- 7 7. FARMING AND AGRICULTURAL STRUCTURES;
- 8 (III) BUILDINGS TO THE EXTENT THAT SYSTEMS IN THE BUILDINGS INVOLVE
- 9 EMERGENCY BACKUP EQUIPMENT;
- 10 (IV) ELECTRIC POWER OR STEAM GENERATING UTILITIES REGULATED BY THE
- 11 MARYLAND PUBLIC SERVICE COMMISSION; AND
- 12 (V) DISTRICT ENERGY SYSTEMS OR COMBINED HEAT AND POWER FACILITIES;
- 13 (5) AN INVENTORY OF COUNTY BUILDINGS AND THEIR CURRENT ENERGY SOURCES;
- 14 (6) RECOMMENDATIONS ON HOW THE COUNTY WILL REDUCE EMISSIONS OF
- 15 GREENHOUSE GASES FROM BOTH PUBLIC AND PRIVATE SECTORS TO NOT LESS THAN 60% BELOW
- 16 2006 GREENHOUSE GAS EMISSION LEVELS BY 2030 OR A LEVEL CONSISTENT WITH CARBON
- 17 NEUTRALITY BY 2045, AND IN EACH YEAR THEREAFTER; SPECIFYING HOW SUCH REDUCTION OF
- 18 EMISSIONS WILL BE ACHIEVED WITH UNITS, DEPARTMENTS, OFFICES, OR AGENCIES RECEIVING
- 19 FUNDS FROM THE COUNTY GOVERNMENT, INCLUDING THE HOWARD COUNTY PUBLIC SCHOOL
- 20 SYSTEM;
- 21 (7) RECOMMENDATIONS ON HOW THE COUNTY WILL MAXIMIZE THE USE OF FEDERAL,
- 22 STATE, AND OTHER CLIMATE ACTION INCENTIVES INCLUDING THE INFRASTRUCTURE INVESTMENT
- 23 AND JOBS ACT AND THE INFLATION REDUCTION ACT TO REDUCE GREENHOUSE GAS EMISSIONS;
- 24 (8) RECOMMENDATIONS ON HOW TO MAXIMIZE RESIDENT INVESTMENT IN CLIMATE
- 25 INFRASTRUCTURE, INCLUDING REBATES ON RENEWABLE ENERGY EQUIPMENT AND NON-RENEWABLE
- 26 ENERGY APPLIANCE REPLACEMENT AND RETROFIT PROGRAMS FOR LOW- AND MIDDLE-INCOME
- 27 RESIDENTS; AND
- 28 (9) CONSIDERATIONS:
- 29 (i) TO THE MAXIMUM DEGREE POSSIBLE, THE RECOMMENDATIONS AND EXEMPTIONS

1 SHALL BE FORMULATED TO REQUIRE THE WIDESPREAD UTILIZATION, PARTICULARLY IN
2 AFFORDABLE HOUSING, OF APPLIANCES AND TECHNOLOGIES THAT PROMOTE ENERGY
3 EFFICIENCY, MINIMIZE ELECTRIC CONSUMPTION, AND PRIORITIZE A REDUCTION IN
4 GREENHOUSE GAS EMISSIONS.

5 (II) THE REPORT REQUIRED BY SUBSECTION (B) OF THIS SECTION SHALL
6 INCORPORATE THE FINDINGS AND RECOMMENDATIONS THAT THE STATE BUILDING CODES
7 ADMINISTRATION MAKES IN ITS FINAL REPORT AS REQUIRED BY SECTION 10(B)(3)(II) OF
8 THE CLIMATE SOLUTIONS NOW ACT OF 2022, CHAPTER 38, ACTS OF THE GENERAL
9 ASSEMBLY OF 2022.

10
11 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that ~~the~~*
12 *~~Department of Inspections, Licenses and Permits~~ the County Executive shall submit the Report*
13 *required by Section 1 of this Act not later than ~~December 29, 2023~~, so that the recommendations*
14 *in the Report may be appropriately included in the Building Code 30 days after publication of*
15 *the Building Codes Administration's final report as required by Section 10(b)(3)(ii) of the*
16 *Climate Solutions Now Act of 2022, Chapter 38, Acts of the General Assembly of 2022.*

17
18 *Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act*
19 *shall become effective 61 days after its enactment.*