

Bill No. 13-22  
Concerning: Buildings – Comprehensive  
Building Decarbonization  
Revised: 11/29/2022 Draft No. 3  
Introduced: June 14, 2022  
Expires: December 23, 2023  
Enacted: November 29, 2022  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Riemer  
Co-Sponsor: Councilmembers Jawando, Hucker

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**AN ACT** to:

- (1) require the County Executive to issue a building code by a certain date with “all-electric building” standards for new construction ~~[[and major renovation]]~~; and
- (2) generally amend the building code.

By amending

Montgomery County Code  
Chapter 8, Buildings  
Article II, Administration  
~~[[Section 8-14C]]~~

And adding

Section 8-14D, Comprehensive Building Decarbonization

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section ~~[[8-14C]] 8-14D~~ is ~~[[amended]]~~ added as follows:**

2   ~~[[8-14C]]~~ **8-14D. [RESERVED] Comprehensive Building Decarbonization.**

3           (a)   Definitions. In this section, the following words have the meanings  
 4               indicated:

5               [[Addition means construction of any new walled or roofed expansion to  
 6               the perimeter of a building in which the addition is connected.]]

7               All-electric building means a public or private building that contains no  
 8               combustion equipment, or plumbing for combustion equipment, installed  
 9               within the building or building site.

10              Combustion equipment means any equipment or appliance used for space  
 11              heating, service water heating, cooking, clothes drying and/or lighting  
 12              that uses fuel gas or fuel oil.

13              [[Major renovation means any renovation where the work area exceeds  
 14              50% or more of major structural components, including exterior walls,  
 15              interior walls, floor area, roof structure, or foundation, or has an increase  
 16              of 50% or more of floor area.]]

17              [[Major structural components means the structural components of the  
 18              building, addition, or major renovation, namely the foundations, footings,  
 19              supports, joists, bearing walls, subfloor, roof, structural columns, and  
 20              beams.]]

21              New construction means the construction of any new stand-alone  
 22              building, with no remnants of any prior structure or physical  
 23              connection to existing structures or outbuildings on the property.

24           (b)   Standards. The County Executive must issue ~~[[Method (2)]]~~ Method (1)  
 25               regulations to establish all-electric building standards for all new  
 26               construction~~[[, major renovations, and additions]]~~ as part of the building  
 27               code.

28           (1)    ~~[[These]]~~The regulations ~~[[may]]~~ must include a code  
 29                   modification ~~[[language]]~~ process. A code modification must only  
 30                   be granted if the resulting building is carbon-neutral or net-zero.

31           (2)    The regulations may include additional exemptions not listed in  
 32                   section 8-14D(c) if all-electric building standards cannot be  
 33                   applied to the system or use due to practical difficulty or undue  
 34                   hardship.

35       (c)    Exemptions. All-electric building standards do not apply to ~~[[new~~  
 36                   construction, major renovations, or additions in]]:

37           (1)    the emergency backup systems of buildings that require an  
 38                   emergency system and hence backup power;

39           (2)    buildings primarily used by a utility regulated by the Maryland  
 40                   Public Service Commission for the generation of electric power or  
 41                   steam;

42           (3)    buildings used to treat sewage or food waste;

43           (4)    ~~[[cooking appliances]]~~commercial kitchen equipment in an  
 44                   eating and drinking establishment that satisfies the requirements  
 45                   of Chapter 15;

46           (5)    gas-powered fireplaces and gas-fired outdoor grills;

47       ~~[[3]]~~(6)   applications for building permits submitted to the  
 48                   Department prior to the effective date of the regulation;

49       ~~[[4]]~~(7)   district combined heat and powers facilities; and

50       ~~[[5]]~~(8)   buildings used for the following uses, as defined in  
 51                   Chapter 59:

52           (A)    Manufacturing and Production uses;

53           (B)    Crematory;

54           (C)    Life Sciences; [[and]]

55 (D) [[Commercial Kitchens]]Hospital; and[.]

56 (E) Farming and Farm Alcohol Production.

57 (d) Reports.

58 (1) The County Executive must submit a report to the County  
 59 Council regarding the system capacity needs and investments  
 60 required for an all-electric building code standard no later than  
 61 September 30, 2024, and not before December 1, 2023. This  
 62 report must include a review of any studies issued by the Public  
 63 Service Commission and should include information provided by  
 64 the utility companies that service Montgomery County.

65 (2) The Department of Permitting Services must arrange for an  
 66 annual audit that assesses a representative sample of new  
 67 construction that complies with this section. The audit must  
 68 include the number of applications submitted for new  
 69 construction, the number of waivers granted, current electric  
 70 rates for consumers, and an analysis of any alternative energy  
 71 sources used. A complete copy of the audit findings must be  
 72 submitted to the County Council on June 1 each year, beginning  
 73 June 1, 2028.

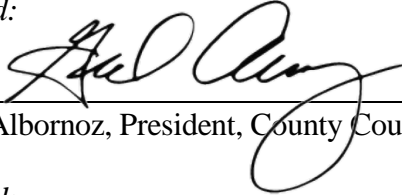
74 **Sec. 2. Effective Date.** The County Executive must issue all-electric building  
 75 standards for new construction[[, major renovation, and additions]] [[as part of the  
 76 County’s next building code adoption cycle after this Act takes effect but not]] no later  
 77 than [[January 1, [[2024]]2025]] December 31, 2026.

78 **Sec. 3. All-Electric Transition.** Section 8-14C(b) of this Act must not apply to  
 79 building permit applications submitted before December 31, 2027, for: (1) housing  
 80 development projects where 50 percent or more of the dwelling units are moderately  
 81 priced dwelling units as defined by Chapter 25A, or a similar instrument with a federal,

82 state, or local government for the creation or preservation of income-restricted or  
83 market-rate affordable housing[[, if the building permit application was submitted  
84 before January 1, 2026][[2027]]; [[or]] (2) public or private schools [[for which a  
85 building permit application was submitted before January 1, 2026][[2027]]; or (3)  
86 residential buildings with four or more stories.

87

Approved:



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Gabriel Albornoz, President, County Council

12/2/2022

Date

Approved:

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Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

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Judy Rupp, Clerk of the Council

Date