



BUILDING PERFORMANCE IMPROVEMENT BOARD MEETING NOTES

Wednesday, February 21, 2024

In attendance:

Name	In-Person	Virtual	Role
Emily Curley	x		DEP staff liaison
Stan Edwards	x		DEP staff support
Cuiyin Wu			DEP staff support
Lewis Morgante		x	DEP staff support
Sheena Oliver		x	DEP staff support
Norelle Thomas	x		DEP staff support
Rhett Tatum		x	Member
Daniel Cleverdon		x	Member
Amanda MacVey		x	Member
Andrew Rivas		x	Member
Lawrence Carroll		x	Member
Vacant - Nonresidential Building Owner or Manager			Member
Jill Goodrich		x	Member
Luke Lanciano		x	Member
Adam Landsman		x	Member
Mike Dieterich		x	Member
Julie Wolfington		x	Member
Josh McClelland			Member, Deputy Chair
Vacant -Representative of Local Electricity or Natural Gas Utility			Member
Kevin Walton	x		Member, Chair
Gregory Goldstein		x	Member
Lindsey Shaw	x		Ex officio member (DEP)
Bryan Bomer		x	Ex officio member (DPS)
Michael Yambrach			Ex officio member (DGS)

Don Scheuerman			DGS
Keith Walter		x	DPS
Alyssa Mrvos		x	DPS
Henry Jordan		x	Member of the public
Stephanie Gonzalez		x	Member of the public

Administrative items

Approved meeting minutes from 1/21/24.

Term/Vacancies no news yet, will announce updates as they come in.

County BEPS Regulation Update

T&E Committee Listening session schedule has been posted, next week on Feb 26, 1:30PM will be the Affordable Housing meeting. Another listening session is planned for March and will focus on the life sciences sector.

The T&E Committee will take a pause once budget discussions commence and revisit the BEPS regulations following passage of the budget in June or July.

One member raised concerns about data access. Washington Gas has been unable to provide a list of meters at properties where the physical meters are located in each condo space, making it nearly impossible to gather a list of all meter numbers at the property. DEP will continue looking for assistance with connecting to a dedicated rep to highlight this concern.

State BEPS Regulation Updates

DEP provided several slides about state-level activity related to buildings/energy/climate.

In terms of state level BEPS regulations, AELR review proposed regulations is on hold, possibly not a long-term hold.

One member asked what the impact of this delay is on County BEPS. Though there is no direct correlation between county and state regulation, DEP staff believes Council will likely want to know what the State plans to do.

The MD General Assembly is in session. One relevant bill proposed is the Better Building Acts SB 1023/HB 1279, cross filed in House and Senate. The bill proposes requiring the Maryland Department of Labor, on or before certain dates and as part of the Maryland Building Performance Standards, to adopt a requirement that new buildings and significant improvements of buildings and structures meet all water and space heating demands of the building or structure without the use of fossil fuels, energy conservation requirements, and an electric– and solar–ready standard for certain buildings; and generally relating to the Maryland Building Performance Standards.

A member reported that a Senate hearing is scheduled for March 1st, and a House hearing on March 6th.

Open Discussions

- BEPS and Rent Stabilization
 - Substantial renovation petition, capital improvements, and fair market value are the primary requirements for granting a capital improvement petition.
 - Proposed regulations outline how surcharge will be distributed to units including limits on time of recouping and caps (of 15% or 20% of base rent) on increases.
 - How does this impact BEPS and the BPIP process
 - One member felt that rent control will make BEPS difficult as owners may be unlikely to pursue capital improvement
 - Allowing tenants to switch temp during season changes at a unit level would work will with raising rent, versus the building controlling temp levels seasonally.

- BEPS/Building Performance Improvement Plan and Permitting
 - Owners need permits to complete work.
 - Barriers to obtaining permits could include lack of as-built drawings, changes that trigger other requirements, etc. DPS pilot assistance program through the Green Bank to tackle challenges has been given an initial approval.
 - One member had questions for DPS about streamlining a process for obtaining drawings of old buildings which is sometimes necessary to confirm buildings' gross floor area for benchmarking.

Next meeting

The next meeting will be held on Wednesday, March 20th, 2024. Members supported keeping meetings monthly and blocking off two hours, but that meetings could be shortened or cancelled as appropriate.

- **Action Items**

For additional information, please visit the Building Energy Performance Standards website at <https://www.montgomerycountymd.gov/green/energy/beps.html> or contact DEP at energy@montgomerycountymd.gov.