

**Clerks Note:** "Expiration Date" removed from Bill header. Added "Montgomery County Code Chapter 8, Buildings" under the "And Adding" header on first page. Line 3 "(a)" underlined. Removed capitalization of words in Lines 53-57.

Bill No. 13-22  
Concerning: Buildings –  
Comprehensive Building  
Decarbonization  
Revised: 11/29/2022 Draft No. 3  
Introduced: June 14, 2022  
Enacted: November 29, 2022  
Executive: December 12, 2022  
Effective: March 13, 2023  
Sunset Date: none  
Ch. 38, Laws of Mont. Co. 2022

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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

**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

Montgomery County Code  
Chapter 8, Buildings  
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>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<del>[[Double boldface brackets]]</del>	<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~~  
6           ~~to 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,  
9           installed within the building or building site.

10          Combustion equipment means any equipment or appliance used for  
11          space heating, service water heating, cooking, clothes drying and/or  
12          lighting 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~~  
16          ~~increase 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,~~  
19          ~~footings, supports, joists, bearing walls, subfloor, roof, structural~~  
20          ~~columns, and 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  
 25           (1) regulations to establish all-electric building standards for all new  
 26           construction[[, major renovations, and additions]] as part of the  
 27           building code.

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

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

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

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

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

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

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

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

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

50 ~~[(4)]~~(7) district combined heat and powers facilities; and

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

53 (A) manufacturing and production uses;

54 (B) crematory;

55 (C) life sciences; ~~[[and]]~~

56 (D) ~~[[commercial kitchens]]hospital; and[.]~~

57 (E) farming and farm alcohol production.

58 (d) Reports.

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

66 (2) The Department of Permitting Services must arrange for an  
67 annual audit that assesses a representative sample of new  
68 construction that complies with this section. The audit must  
69 include the number of applications submitted for new  
70 construction, the number of waivers granted, current electric

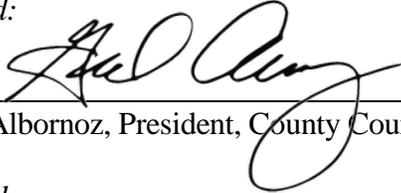
71 rates for consumers, and an analysis of any alternative energy  
72 sources used. A complete copy of the audit findings must be  
73 submitted to the County Council on June 1 each year, beginning  
74 June 1, 2028.

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

79 **Sec. 3. All-Electric Transition.** Section 8-14C(b) of this Act must not apply  
80 to building permit applications submitted before December 31, 2027, for: (1)  
81 housing development projects where 50 percent or more of the dwelling units are  
82 moderately priced dwelling units as defined by Chapter 25A, or a similar instrument  
83 with a federal, state, or local government for the creation or preservation of income-  
84 restricted or market-rate affordable housing[[, if the building permit application was  
85 submitted before January 1, 2026]][[2027]]; [[or]] (2) public or private schools [[for  
86 which a building permit application was submitted before January 1, 2026]][[2027]];  
87 or (3) residential buildings with four or more stories.

88

Approved:



Gabriel Albornoz, President, County Council

12/2/2022

Date

Approved:



Marc Elrich, County Executive

12/12/2022

Date

*This is a correct copy of Council action.*



Judy Rupp, Clerk of the Council

12/12/2022

Date