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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section [(8-14C)] 8-14D is [[amended]] added as follows:

[(8-14C)] 8-14D. [RESERVED] Comprehensive Building Decarbonization.

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

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

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

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

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

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

New construction means the construction of any new stand-alone building, with no remnants of any prior structure or physical connection to existing structures or outbuildings on the property.
(b) **Standards.** The County Executive must issue [[Method (2)]] Method (1) regulations to establish all-electric building standards for all new construction[[, major renovations, and additions]] as part of the building code.

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

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

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

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

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

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

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

(5) gas-powered fireplaces and gas-fired outdoor grills;
[[(3)]][6] applications for building permits submitted to the Department prior to the effective date of the regulation;

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

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

(A) manufacturing and production uses;

(B) crematory;

(C) life sciences; [[and]]

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

(E) farming and farm alcohol production.

(d) Reports.

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

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

Sec. 2. Effective Date. The County Executive must issue all-electric building standards for new construction as part of the County’s next building code adoption cycle after this Act takes effect but not later than December 31, 2026.

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

Gabriel Albornoz, President, County Council  
12/2/2022

Approved:

Marc Elrich, County Executive  
12/12/2022

This is a correct copy of Council action.

Judy Rupps, Clerk of the Council  
12/12/2022