This is a companion to the AOBA webinar for members, Deep Dives on Maryland BEPS, on April 29, 2025.

1. **BEPS MoCo and MD state have different dates for submission. Can submission for both be done at same time?​**

Assuming this is related to benchmarking submission, they can be done at the same time if you follow the same benchmarking steps. AOBA held a webinar for Montgomery County members about Maryland state benchmarking in February going into details of this process. If you’d like to access these resources, please contact AOBA’s Director of Sustainability Policy and Strategy, Chris Pendley at [cpendley@aoba-metro.org](mailto:cpendley@aoba-metro.org).

While AOBA does not know for sure, AOBA would not be surprised if MDE opts to issue some sort of public guidance about Montgomery County benchmarking after HB49 is signed into law. AOBA has followed up with MDE about this; any official or unofficial guidance from MDE will not be published until after HB49 becomes law.

If this question is related to BEPS, as discussed in the presentation, Montgomery County buildings are not subject to state BEPS per HB49. AOBA will develop a couple of resources to help members better track compliance deadlines.

1. **What uses are officially exempt?**

Assuming this is related to Maryland BEPS, the same original building types (schools) are exempted. HB49 also exempts hospitals and manufacturing. SCIFs, if your property has any of them, are also exempted.

In addition, some specific energy uses like parking lot energy and EV charging stations are also exempted. MDE has specific guidance on how to manage this in your benchmarking submission.

1. **Heard a rumor that Montgomery County may exempt out of state requirements - any truth? ​**

It’s true. HB49 requires MDE to certify Montgomery County’s BEPS as an equivalent compliance method to meeting state BEPS. The net impact: Montgomery County buildings only need to meet Montgomery County BEPS.

1. **How do MD BEPS and Montgomery County BEPS overlap? If I am compliant in one am I in the other?​**

They do not overlap, as noted in the previous answer. Buildings in Maryland are either subject to Montgomery County BEPS (if the building is located in Montgomery County) or Maryland BEPS (if the building is located in the rest of the state).

1. **What is [the] final [state BEPS] law and how does it relate to Montgomery County?**

As mentioned in the presentation, AOBA expects additional legislation in 2027 around Maryland BEPS. At this time, AOBA does not know the final shape of what Maryland BEPS will look like at the state level. This would not be really obvious until updated regulations are issued, likely in 2027 or 2028.

However, AOBA expects the provision in HB49 that exempts Montgomery County from Maryland BEPS to persist. This was a uniformly agreed-upon priority across interested parties and legislators in the 2025 session.

1. **When will State regulations be finalized and what is the enforcement mechanism?**

Based on the study schedule, AOBA expects legislative action in 2027 (resulting from the study) that may in turn prompt a regulatory update. That regulatory update could be in the end of 2027 or 2028.

As for enforcement mechanisms around State BEPS: AOBA is not sure yet. AOBA knows is there is an alternative compliance fee mechanism for net direct emissions (and could rationalize one in the future for site EUI should site EUI regulations successfully promulgate based on the study) which appears to be a meaningful alternative compliance fee approach. There is also a separate enforcement mechanism under [§2-610](https://mgaleg.maryland.gov/mgawebsite/laws/StatuteText?article=gen&section=2-610&enactments=False&archived=False) of the Maryland Environmental code that may function as a fallback. AOBA is not sure at this point how enforcement under §2-610 would work, but between §2-610 and [§2-610.1](https://mgaleg.maryland.gov/mgawebsite/laws/StatuteText?article=gen&section=2-610.1&enactments=False&archived=False) there is a rather extensive process.

1. **What is the guidance for buildings that are not currently on the covered building list, but that may qualify under the program?**

AOBA suggests reviewing the Prince George’s County resource to answer this question in detail, but the short answer for Maryland BEPS: MDE’s building list appears to be incomplete. AOBA recommends starting with your own property list, determining what buildings do and do not meet the gross floor area threshold of 35,000 square feet, then checking the MD BEPS Portal and either submitting exemption requests or requesting unique building IDs. If you need aggregate data, this is the most time-sensitive item as utilities are allowed 90 days to respond to aggregate meter data requests in 2025. (This time period reduces to 30 days in 2026 and beyond.)

1. **Is it recommended to use an outside consultant to complete the required filings?**

Hiring a consultant is decision that each owner/manager should make based on their technical knowledge and in-house capacity. As a result, AOBA does not offer a uniform recommendation but has some general guidance below.

AOBA suggests delineating the consultant decision process into benchmarking and BEPS compliance. Benchmarking companies are generally familiar with the technical requirements associated with benchmarking and submitting aggregate meter data requests, but they may ask you to provide information like service addresses or meter numbers. AOBA suggests building at least some technical in-house expertise over time, but if benchmarking is new to your organization this might be aspirational in the near term. AOBA can also help with compliance questions when they arise.

For BEPS, some compliance methods (e.g., submitting site EUI via benchmarking) would be handled through the benchmarking provider. Supplemental forms are typically required to be submitted either by the owner directly or through an owner’s representative. Some consultants are comfortable with this, but others are not. In addition, your organization may decide it wants to have its name on the submission form. Most enforcement mechanisms are tied back to the owner, so ultimately it will fall to the owner to ensure that submitted information is correct.

But: in practice it would not be surprising if during your organization’s process with BEPS it decides it needs outside help.

1. **What is the standard for determining square footage? (inside measurement? outside building envelope measurement? BOMA standard?) Is a "lower" square footage' advantageous?**

Benchmarking programs in the region align with [ENERGY STAR Portfolio Manager’s measurement guidance](https://portfoliomanagerhelp.zendesk.com/hc/en-us/articles/30185781117979-What-should-I-include-in-my-GFA), which you can also see in [Montgomery County](https://www.montgomerycountymd.gov/DEP/Resources/Files/energy/commercial/Montgomery_County_Benchmarking_How_To.pdf) and [Maryland’s](https://mde.maryland.gov/programs/air/ClimateChange/Documents/Jan-2025_MD-BEPS_Benchmarking_Guide.pdf) benchmarking guides. In most cases, these measurements can be taken with an existing drawing set, such as architectural drawings or BOMA calculations. (Other forms of drawings such as site plans or ALTA surveys can be used with good drawing scales.)

Generally speaking, since site energy use intensity is energy use divided by gross square footage, having a larger footprint is better. However, it is also important to accurately represent your square footage correctly.

1. **Is the State supposed to "officially" notify property owners of the requirement?**

MDE has posted a [Compliance Advisory](https://mde.maryland.gov/programs/air/ClimateChange/Documents/2025-01-15_BEPS_compliance_advisory.pdf) on their website, but AOBA is unsure if this was distributed to building owners. AOBA will check with MDE about any additional notification efforts.

1. **For Maryland requirements, what dates do owners need to do what by?**

AOBA plans on producing a separate document in the future to elaborate on this, but the key regulatory dates for Maryland BEPS are as follows:

* **September 1, 2025:** complete benchmarking submissions to MDE for your properties over 35,000 square feet using 2024 energy data.
* **June 1, 2026;** complete third-party verification of your benchmarking submission to MDE for your properties over 35,000 square feet using 2025 energy data.
* **June 1, 2027-2030:** complete benchmarking submissions to MDE for your properties over 35,000 square feet using prior year data.
* **June 1, 2031:** meet BEPS interim standard 1 for your properties (or provide an equivalent alternative compliance payment) and complete third-party verification of your benchmarking submission to MDE for your properties over 35,000 square feet using prior year data.
* **June 1, 2032-2035**: complete benchmarking submissions to MDE for your properties over 35,000 square feet using prior year data. If necessary, provide alternative compliance payments for failure to meet interim standard 1.
* **June 1, 2036:** meet BEPS interim standard 2 for your properties (or provide an equivalent alternative compliance payment) and complete third-party verification of your benchmarking submission to MDE for your properties over 35,000 square feet using prior year data.
* **June 1, 2037-2040:** complete benchmarking submissions to MDE for your properties over 35,000 square feet using prior year data. If necessary, provide alternative compliance payments for failure to meet interim standard 2.
* **June 1, 2041:** meet the final BEPS for your properties (or provide an equivalent alternative compliance payment) and complete third-party verification of your benchmarking submission to MDE for your properties over 35,000 square feet using prior year data.

This same pattern is assumed to repeat after 2040, and for clarity this timeline assumes that no alternative compliance strategies are taken. Alternative compliance strategies may change building-specific timelines.

Additional questions can be sent to AOBA’s Director of Sustainability Policy and Strategy, Chris Pendley, via [cpendley@aoba-metro.org](mailto:cpendley@aoba-metro.org).