



****Compliance Advisory****

Implementation of the Amended Maryland BEPS Program

During the 2025 Maryland Legislative Session, the Maryland General Assembly passed [HB49 – Building Energy Performance Standards - Alterations and Analysis](#), which included additional exemptions, exceptions, special provisions, and an annual reporting fee in the Maryland Building Energy Performance Standards (BEPS) Program. Per HB49, new requirements will become effective on October 1, 2025. This advisory is meant to help owners of covered buildings understand a few current and future requirements.

Benchmarking Requirements: The requirements of COMAR 26.28 BEPS – including submitting a benchmarking report by June 1, 2025 (with all submissions by September 1, 2025 treated as timely per the [Compliance Advisory BEPS Reporting Deadline Flexibility in 2025](#)) – will remain in effect for all buildings covered by the existing regulations. Buildings that will be exempt from BEPS starting on October 1, 2025, must comply with existing regulatory requirements. Timely benchmarking submissions for buildings that may be newly eligible for exemption will streamline the updated exemption process come October.

Existing Exemptions: The Department will consider buildings that have submitted legitimate exemption requests to be in compliance with the 2025 reporting deadline while the exemption is under review. If the building is determined not to be exempt, building owners will be required to provide any prior year benchmarking reports by the June 1, 2026 reporting deadline.

New Exemptions, Exclusions, and Credits: After October 1, 2025, the Department will provide registration forms for newly exempt buildings, excluded emissions and energy uses, as well as new credits, to enable eligible buildings to use those new exemptions and exclusions. Information collected will help inform updates to the BEPS regulations in 2027 to formally incorporate these changes.

Montgomery County: Buildings in Montgomery County that are in compliance with the Montgomery County Department of Environmental Protection (DEP) BEPS (i.e. have submitted a benchmarking report to DEP) will be treated as in compliance with Maryland BEPS for 2025 and their status on the BEPS portal will be updated to reflect this. Beginning October 1, 2025, buildings in Montgomery County will be waived from Maryland BEPS requirements but, if covered by the Montgomery County BEPS regulations, must comply with the county program.



Condominiums: An individual building held in the condominium form of ownership with a gross floor area less than 35,000 ft², excluding the parking garage area, is not required to submit a benchmarking report. Gross floor area is defined by the area between the principal exterior surfaces of the enclosing fixed walls of the building.

Reporting Fee: HB49 requires the Department to collect a \$100 reporting fee, adjusted for inflation, to cover the administrative costs of the BEPS program. Building owners will be responsible for paying the reporting fee beginning in 2026.

Contact Us:

- **Signup** for the BEPS [email list](#) to receive general updates on the regulation and updated exemption forms when they are available.
- **Learn** more about BEPS through our website: www.mde.maryland.gov/beps
- **Questions? Email** beps.mde@maryland.gov

Issued on: August 14, 2025