

# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

## Title 13B MARYLAND HIGHER EDUCATION COMMISSION

### Subtitle 02 ACADEMIC REGULATIONS

#### 13B.02.03 Academic Programs—Degree- Granting Institutions

Authority: Education Article, Title 11, Annotated Code of Maryland

#### Notice of Final Action

[24-127-F]

On November 20, 2024, the Maryland Higher Education Commission adopted amendments to Regulations **.02**, **.03**, **.06**, and **.20** under **COMAR 13B.02.03 Academic Programs—Degree-Granting Institutions**. This action, which was proposed for adoption in 51:20 Md. R. 905—906 (October 4, 2024), has been adopted as proposed.

**Effective Date: January 31, 2025.**

SANJAY RAI, PH.D.  
Secretary of Higher Education

## Title 26 DEPARTMENT OF ENVIRONMENT

### Subtitle 11 AIR QUALITY

#### 26.11.43 Advanced Clean Trucks Program

Authority: Environment Article, §§1-404, 2-102, 2-103, 2-301, 2-1102, 2-1103, and 2-1103.1, Annotated Code of Maryland

#### Notice of Final Action

[24-095-F]

On November 21, 2024, the Secretary of the Environment adopted amendments to Regulation **.04** under **COMAR 26.11.43 Advanced Clean Trucks Program**. This action, which was proposed for adoption in 51:19 Md. R. 872 — 873 (September 20, 2024), has been adopted as proposed.

**Effective Date: December 23, 2024.**

SERENA MCILWAIN  
Secretary of the Environment

## Title 26 DEPARTMENT OF ENVIRONMENT

### Subtitle 28 Building Energy Performance Standards

Authority: Environment Article, §§1-404, 2-301, 2-302, 2-1205, 2-1602,  
Annotated Code of Maryland

#### Notice of Final Action

[24-079-F-I]

On December 2, 2024, the Secretary of the Environment adopted the following new regulations under a new subtitle, **COMAR 26.28 Building Energy Performance Standards**:

(1) New Regulations **.01—03** under new chapter, **COMAR 26.28.01 Definitions and Documents Incorporated by Reference**;

(2) New Regulations **.01—05** under new chapter, **COMAR 26.28.02 Benchmarking and Reporting**;

(3) New Regulations **.01** and **.02** under new chapter, **COMAR 26.28.03 Performance Standards and Compliance Demonstration**; and

(4) New Regulations **.01—03** under a new chapter, **COMAR 26.28.04 Alternative Compliance and Special Provisions**.

This action, which was proposed for adoption in 51:18 Md. R. 830—839 (September 6, 2024), has been adopted with the nonsubstantive changes shown below.

**Effective Date: December 23, 2024.**

#### Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 26.28.02.05: This revision corrects an inadvertent reference to the undefined term “Performance baseline” and replaces it with the intended term “Baseline Performance,” as defined in the regulation. It is reasonable to expect that those involved in the rulemaking process would have understood “performance baseline” to carry the same meaning as the defined term “Baseline Performance” and would have anticipated a correction to the phrasing. This correction does not change the meaning of the provision and therefore does not substantively or meaningfully alter the benefits achieved or the burdens that would have been imposed by the regulation as proposed.

**26.28.02 Benchmarking and Reporting**

*Authority: Environment Article, §§1-404, 2-301, 2-302, 2-1205, 2-1602,  
Annotated Code of Maryland*

**.05 Disclosure of Covered Building Benchmarking and Performance  
Standards Information**

[[A.]] *Before a buyer signs a contract for the purchase of a covered building, the building owner selling the covered building shall:*

[[ (1) ]] *A. — [[ (2) ]] *B. (proposed text unchanged)**

[[ (3) ]] *C. Provide to the prospective buyer the following information:*

[[ (a) ]] *(1) [[Performance baseline;]] Baseline performance;  
and*

[[ (b) ]] *(2) (proposed text unchanged)*

SERENA MCILWAIN  
Secretary