

SENATE BILL 207

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P3

2000 Regular Session  
(01r0186)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **The President (Administration) and Senators Miller, Blount,  
Collins, Frosh, Hollinger, Pinsky, Sfikas, and Van Hollen**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 206

1 AN ACT concerning

2 **Smart Codes - Maryland Building Rehabilitation Code**

3 FOR the purpose of requiring the Department of Housing and Community  
4 Development to adopt a Maryland Building Rehabilitation Code ~~to encourage~~  
5 ~~and facilitate the rehabilitation of existing buildings and to maintain the level of~~  
6 ~~safety that existing building codes provide for certain purposes; providing for~~  
7 the enforcement of the Maryland Building Rehabilitation Code; providing that  
8 the Maryland Building Rehabilitation Code be modeled on the Nationally  
9 Applicable Recommended Rehabilitation Provisions; providing that the  
10 Maryland Building Rehabilitation Code shall apply to all rehabilitation projects  
11 within the State on or after a certain date; authorizing local jurisdictions to  
12 adopt local amendments and providing certain benefits to local jurisdictions  
13 that do not adopt local amendments to the Maryland Building Rehabilitation  
14 Code; providing that the Maryland Building Rehabilitation Code and any local  
15 amendments be included in a certain data base; providing for certain categories  
16 of work; providing that the Maryland Building Rehabilitation Code provide for a

1 certain initial planning meeting under certain circumstances; *providing for an*  
2 *expedited review process for certain proposed amendments to the Maryland*  
3 *Building Rehabilitation Code*; requiring that certain principal State  
4 departments and State boards and commissions modify their regulations to be  
5 consistent with the Maryland Building Rehabilitation Code; providing that  
6 there be a Maryland Building Rehabilitation Code Advisory Council and  
7 providing for Council membership, terms, reimbursement, duties, and  
8 responsibilities; providing for the initial terms of Council members; providing  
9 that there be a director of the Council; providing for certain training of certain  
10 officials; providing that certain applications to the Rural Legacy Board include a  
11 certain certification; making certain provisions of this Act subject to a certain  
12 funding contingency; making provisions of this Act severable; providing for the  
13 application of this Act; defining certain terms; and generally relating to the  
14 Maryland Building Rehabilitation Code and the Department of Housing and  
15 Community Development.

16 BY repealing and reenacting, with amendments,  
17 Article 83B - Department of Housing and Community Development  
18 Section 6-404(a)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 1999 Supplement)

21 BY adding to  
22 Article 83B - Department of Housing and Community Development  
23 Section 6-501 through 6-505, inclusive, to be under the new subtitle "Subtitle  
24 5. Maryland Building Rehabilitation Code"  
25 Annotated Code of Maryland  
26 (1998 Replacement Volume and 1999 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article 48 - Inspections  
29 Section 170  
30 Annotated Code of Maryland  
31 (1998 Replacement Volume and 1999 Supplement)

32 BY repealing and reenacting, with amendments,  
33 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
34 Section 49B(e) and (q)  
35 Annotated Code of Maryland  
36 (1998 Replacement Volume and 1999 Supplement)

37 BY repealing and reenacting, with amendments,  
38 Article - Natural Resources  
39 Section 5-9A-05(b)  
40 Annotated Code of Maryland

1 (1997 Replacement Volume and 1999 Supplement)

2 **Preamble**

3 ~~WHEREAS, In this era of rapid population growth, while new residential and~~  
4 ~~commercial development consumes agricultural land, forests, and other undeveloped~~  
5 ~~land, thousands of existing buildings in our communities are not being fully utilized~~  
6 ~~or are abandoned. Many existing buildings contain historic architectural elements~~  
7 ~~that are in danger of deteriorating or being lost; and~~

8 ~~WHEREAS, The migration of businesses and residents out of our cities and~~  
9 ~~towns threatens the economic vitality, health, and safety of the citizens living in these~~  
10 ~~communities; and~~

11 ~~WHEREAS, Vacant and underutilized buildings pose a threat to the health,~~  
12 ~~safety, and welfare of the citizens of the State; and~~

13 ~~WHEREAS, There is private and public interest in rehabilitating older~~  
14 ~~buildings, which would be enhanced if regulatory procedures and standards regarding~~  
15 ~~rehabilitation and reuse are made predictable, consistent, and flexible; and~~

16 ~~WHEREAS, The rehabilitation of existing buildings in Maryland communities~~  
17 ~~is often hampered by certain constraints in the building construction regulatory~~  
18 ~~system; and~~

19 ~~WHEREAS, The many existing codes that apply to rehabilitation projects are~~  
20 ~~sometimes conflicting and overlapping and vary, from jurisdiction to jurisdiction,~~  
21 ~~posing a challenge to redevelopment; and~~

22 ~~WHEREAS, Building construction regulatory procedures and standards for~~  
23 ~~the rehabilitation of existing buildings will be improved by the adoption of a~~  
24 ~~consistent statewide building rehabilitation code; and~~

25 ~~WHEREAS, The United States Department of Housing and Urban Development~~  
26 ~~and the National Association of Home Builders Research Center have developed a~~  
27 ~~model rehabilitation code known as the Nationally Applicable Recommended~~  
28 ~~Rehabilitation provisions; now, therefore,~~

29 **SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF**  
30 **MARYLAND, That the Laws of Maryland read as follows:**

31 **Article 83B - Department of Housing and Community Development**

32 6-404.

33 (a) The Department shall:

34 (1) Establish and maintain a central automated data base that, at a  
35 minimum, contains:

- 1 (i) The Maryland Building Performance Standards;
- 2 (ii) Local amendments to the Maryland Building Performance  
3 Standards;
- 4 (iii) The State Fire Prevention Code and any amendments to the  
5 code promulgated by the State Fire Prevention Commission;
- 6 (iv) Fire codes adopted by counties and municipalities and any  
7 amendments;
- 8 (v) The Electrical Code required under Article 38A, §§ 59 and 60 of  
9 the Code;
- 10 (vi) Local amendments to the Electrical Code required under Article  
11 38A, §§ 59 and 60 of the Code;
- 12 (vii) The Energy Code required under Title 7, Subtitle 4 of the Public  
13 Utility Companies Article;
- 14 (viii) Local code provisions that are more restrictive than the Energy  
15 Code required under Title 7, Subtitle 4 of the Public Utility Companies Article; [and]
- 16 (ix) Information compiled by the Department under § 6-405(b)(1) of  
17 this subtitle;
- 18 (X) THE MARYLAND BUILDING REHABILITATION CODE; AND
- 19 (XI) LOCAL AMENDMENTS TO THE MARYLAND BUILDING  
20 REHABILITATION CODE;
- 21 (2) Make information from the data base available to any county,  
22 municipality, State unit or other interested party; and
- 23 (3) Purchase or otherwise provide a local jurisdiction with the necessary  
24 hardware or software to enable the local jurisdiction to access the information in the  
25 central automated data base.

26 SUBTITLE 5. MARYLAND BUILDING REHABILITATION CODE.  
27 6-501.

28 THE PROVISIONS OF THIS SUBTITLE SHALL BE EFFECTIVE NOTWITHSTANDING  
29 ANY OTHER PROVISIONS OF LAW. THE PROVISIONS OF THIS SUBTITLE DO NOT  
30 ~~SUPERCEDE~~ SUPERSEDE THE PLANNING, ZONING, OR SUBDIVISION AUTHORITY OF  
31 LOCAL JURISDICTIONS, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
32 COMMISSION, OR THE WASHINGTON SUBURBAN SANITARY COMMISSION.

1 6-502.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) "ADDITION" MEANS AN INCREASE IN:

5 (1) BUILDING AREA;

6 (2) AGGREGATE FLOOR AREA;

7 (3) HEIGHT; OR

8 (4) NUMBER OF STORIES OF A BUILDING OR STRUCTURE.

9 (C) "CHANGE OF OCCUPANCY" MEANS A CHANGE IN THE PURPOSE OR LEVEL  
10 OF ACTIVITY WITHIN A STRUCTURE THAT INVOLVES A CHANGE IN APPLICATION OF  
11 THE REQUIREMENTS OF THE LOCAL BUILDING CODE.

12 (D) "CONSTRUCTION PERMIT APPLICATION" MEANS ANY APPLICATION MADE  
13 TO A LOCAL JURISDICTION FOR A PERMIT OR OTHER GOVERNMENT APPROVAL FOR A  
14 REHABILITATION PROJECT.

15 ~~(E) "EXISTING BUILDING" MEANS ANY BUILDING OR STRUCTURE ERECTED  
16 PRIOR TO THE ADOPTION OF THE BUILDING CODE CURRENTLY IN EFFECT IN A  
17 LOCAL JURISDICTION AND THAT HAS BEEN ISSUED A CERTIFICATE OF OCCUPANCY  
18 OR HAS BEEN LEGALLY OCCUPIED.~~

19 (E) "EXISTING BUILDING" MEANS ANY BUILDING OR STRUCTURE THAT WAS  
20 ERECTED AND OCCUPIED OR ISSUED A CERTIFICATE OF OCCUPANCY AT LEAST ONE  
21 YEAR BEFORE A CONSTRUCTION PERMIT APPLICATION FOR THAT BUILDING OR  
22 STRUCTURE WAS MADE TO A LOCAL JURISDICTION.

23 (F) "LOCAL JURISDICTION" MEANS ANY OF THE 23 COUNTIES IN MARYLAND,  
24 THE CITY OF BALTIMORE, AND ANY MUNICIPAL CORPORATION IN MARYLAND  
25 SUBJECT TO THE PROVISIONS OF ARTICLE XI-E OF THE CONSTITUTION.

26 (G) "MBRC" MEANS THE MARYLAND BUILDING REHABILITATION CODE.

27 (H) "MODIFICATION" MEANS THE:

28 (1) RECONFIGURATION OF ANY SPACE;

29 (2) ADDITION OR ELIMINATION OF ANY DOOR OR WINDOW;

30 (3) RECONFIGURATION OR EXTENSION OF ANY SYSTEM; OR

31 (4) INSTALLATION OF ANY ADDITIONAL EQUIPMENT.

32 (I) "RECONSTRUCTION" MEANS:

1 (1) THE RECONFIGURATION OF A SPACE WHICH AFFECTS AN EXIT OR  
2 ELEMENT OF THE EGRESS ACCESS SHARED BY MORE THAN A SINGLE OCCUPANT;

3 (2) ~~RENOVATION OR MODIFICATION WHEN~~ THE RECONFIGURATION OF  
4 SPACE SUCH THAT THE WORK AREA IS NOT PERMITTED TO BE OCCUPIED BECAUSE  
5 EXISTING MEANS OF EGRESS AND FIRE PROTECTION SYSTEMS, OR THEIR  
6 EQUIVALENT, ARE NOT IN PLACE OR CONTINUOUSLY MAINTAINED; OR

7 (3) EXTENSIVE MODIFICATIONS.

8 (J) "REHABILITATION PROJECT" MEANS ANY CONSTRUCTION WORK  
9 UNDERTAKEN IN AN EXISTING BUILDING THAT INCLUDES REPAIR, RENOVATION,  
10 MODIFICATION, RECONSTRUCTION, CHANGE OF OCCUPANCY, OR ADDITION.

11 (K) (1) "RENOVATION" MEANS THE:

12 (I) CHANGE, STRENGTHENING, OR ADDITION OF LOAD BEARING  
13 ELEMENTS; OR

14 (II) REFINISHING, REPLACEMENT, BRACING, STRENGTHENING,  
15 UPGRADING, OR EXTENSIVE REPAIR OF EXISTING MATERIALS, ELEMENTS,  
16 COMPONENTS, EQUIPMENT, OR FIXTURES.

17 (2) "RENOVATION" DOES NOT INCLUDE:

18 (I) RECONFIGURATION OF SPACE; OR

19 (II) INTERIOR AND EXTERIOR PAINTING.

20 (L) "REPAIR" MEANS THE PATCHING, RESTORATION, OR MINOR  
21 REPLACEMENT OF MATERIALS, ELEMENTS, COMPONENTS, EQUIPMENT, OR  
22 FIXTURES FOR THE PURPOSES OF MAINTAINING THESE MATERIALS, ELEMENTS,  
23 COMPONENTS, EQUIPMENT, OR FIXTURES IN GOOD OR SOUND CONDITION.

24 6-503.

25 (A) THE DEPARTMENT, IN COOPERATION WITH THE MARYLAND BUILDING  
26 REHABILITATION CODE ADVISORY COUNCIL, THE DEPARTMENT OF LABOR,  
27 LICENSING, AND REGULATION, AND THE STATE FIRE MARSHAL, SHALL ADOPT BY  
28 REGULATION THE MARYLAND BUILDING REHABILITATION CODE. THE MBRC SHALL  
29 BE MODELED ON THE NATIONALLY APPLICABLE RECOMMENDED REHABILITATION  
30 PROVISIONS DEVELOPED BY THE UNITED STATES DEPARTMENT OF HOUSING AND  
31 URBAN DEVELOPMENT AND THE NATIONAL ASSOCIATION OF HOME BUILDERS  
32 RESEARCH CENTER.

33 (B) THE PURPOSE OF THE MARYLAND BUILDING REHABILITATION CODE IS TO  
34 ENCOURAGE AND FACILITATE THE REHABILITATION OF EXISTING BUILDINGS BY  
35 REDUCING THE COSTS AND CONSTRAINTS ON REHABILITATION RESULTING FROM  
36 EXISTING PROCEDURES AND STANDARDS.

1 (C) (1) AS PROVIDED UNDER THE ADMINISTRATIVE PROCEDURE ACT, THE  
2 DEPARTMENT SHALL:

3 (I) SUBMIT TO THE JOINT COMMITTEE ON ADMINISTRATIVE,  
4 EXECUTIVE, AND LEGISLATIVE REVIEW THE PROPOSED REGULATIONS TO ADOPT  
5 THE MBRC ON OR BEFORE DECEMBER 31, 2000; AND

6 (II) ADOPT THE MBRC AS SOON AS POSSIBLE THEREAFTER.

7 (2) THE DEPARTMENT, IN COOPERATION WITH THE MARYLAND  
8 BUILDING REHABILITATION CODE ADVISORY COUNCIL, SHALL REVIEW THE MBRC  
9 AND ADOPT ANY NECESSARY OR DESIRABLE REVISIONS AT LEAST EVERY 3 YEARS.

10 (D) EXCEPT AS OTHERWISE PERMITTED IN THIS TITLE AND  
11 NOTWITHSTANDING ANY PROVISIONS OF ARTICLES 23A, 25, 25A, 25B, 28, AND 29 OF  
12 THE CODE AND BUILDING CODES, MECHANICAL CODES, PLUMBING CODES, FIRE  
13 PREVENTION CODES, AND ELECTRICAL CODES ADOPTED THEREUNDER, THE MBRC  
14 SHALL APPLY TO ALL REHABILITATION PROJECTS FOR WHICH A CONSTRUCTION  
15 PERMIT APPLICATION IS RECEIVED BY A LOCAL JURISDICTION,  
16 MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, OR  
17 WASHINGTON SUBURBAN SANITARY COMMISSION AFTER ADOPTION OF THE MBRC.

18 (E) WITHIN 90 DAYS ~~OF~~ AFTER THE ADOPTION OF THE MBRC AND ANY  
19 SUBSEQUENT CHANGES ~~THERE TO~~ TO THE MBRC:

20 (1) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE  
21 STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION  
22 CONTRACTORS, THE STATE BOARD OF PLUMBING, AND THE BOARD OF BOILER RULES  
23 SHALL SUBMIT PROPOSED ~~REGULATION CHANGES~~ CHANGES TO THEIR  
24 REGULATIONS TO MAKE THE MECHANICAL CODE, THE PLUMBING CODE, THE  
25 BOILER SAFETY CODE, AND THE ELEVATOR CODE CONSISTENT WITH THE MBRC;

26 (2) THE DEPARTMENT OF STATE POLICE AND THE STATE FIRE  
27 PREVENTION COMMISSION SHALL SUBMIT PROPOSED ~~REGULATION CHANGES~~  
28 CHANGES TO THEIR REGULATIONS TO MAKE THE STATE FIRE PREVENTION CODE  
29 CONSISTENT WITH THE MBRC; AND

30 (3) THE DEPARTMENT SHALL SUBMIT PROPOSED ~~REGULATION~~  
31 CHANGES CHANGES TO ITS REGULATIONS TO MAKE THE MARYLAND BUILDING  
32 PERFORMANCE STANDARDS, THE SAFETY GLAZING CODE, THE ENERGY CODE, AND  
33 THE ACCESSIBILITY CODE CONSISTENT WITH THE MBRC.

34 (F) (1) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE  
35 MBRC THAT APPLY ONLY TO THE LOCAL JURISDICTION.

36 (2) A MUNICIPAL CORPORATION WHOSE AUTHORITY TO ADOPT OR  
37 AMEND A BUILDING CODE IS, BY LAW, LIMITED BY THE AUTHORITY OF ANY COUNTY  
38 IN WHICH IT IS LOCATED, SHALL NOT BE SUBJECT TO ANY AMENDMENT TO THE  
39 MBRC ADOPTED BY THE COUNTY UNLESS THE MUNICIPAL CORPORATION ALSO  
40 ADOPTS THE AMENDMENT.

1 (3) IN ORDER TO ENABLE THE CENTRAL DATA BASE ESTABLISHED  
 2 UNDER § 6-404 OF THIS TITLE TO REMAIN CURRENT, A LOCAL JURISDICTION  
 3 AMENDING THE MBRC SHALL FURNISH A COPY OF THE AMENDMENT TO THE  
 4 DEPARTMENT:

5 (I) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE  
 6 AMENDMENT; OR

7 (II) IN THE CASE OF AN EMERGENCY ADOPTION OF A LOCAL  
 8 AMENDMENT, WITHIN 5 DAYS OF ITS ADOPTION.

9 (4) ONLY A LOCAL JURISDICTION THAT DOES NOT AMEND THE ~~MRBC~~  
 10 MBRC SHALL BE ELIGIBLE FOR ANY FUNDING APPROPRIATED ABOVE THE  
 11 APPROPRIATION IN FISCAL YEAR 2000 FOR:

12 (I) CIRCUIT RIDER MBRC INSPECTORS PROVIDED UNDER THE  
 13 ~~DEPARTMENT'S~~ CIRCUIT RIDER PROGRAM IN THE DEPARTMENT;

14 (II) TRAINING AS PROVIDED FOR UNDER THIS SUBTITLE FOR THE  
 15 LOCAL JURISDICTION'S CODE ENFORCEMENT OFFICIALS;

16 (III) A SMART GROWTH MORTGAGE PROGRAM TO BE CREATED BY  
 17 THE DEPARTMENT UNDER TITLE 2, SUBTITLES 2 AND 6 OF THIS ARTICLE;

18 (IV) ~~THE DEPARTMENT OF TRANSPORTATION'S~~ NEIGHBORHOOD  
 19 CONSERVATION PROGRAM IN THE DEPARTMENT OF TRANSPORTATION; AND

20 (V) THE RURAL LEGACY PROGRAM ESTABLISHED UNDER TITLE 5,  
 21 SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE.

22 (5) ONLY A LOCAL JURISDICTION THAT DOES NOT AMEND THE ~~MRBC~~  
 23 MBRC SHALL BE ELIGIBLE FOR A PRIORITY UNDER THE DEPARTMENT OF  
 24 TRANSPORTATION'S TRANSPORTATION ENHANCEMENTS PROGRAMS.

25 6-504.

26 (A) ~~THE MRBC~~ MBRC SHALL, AT A MINIMUM:

27 (1) MAINTAIN ~~THE~~ A LEVEL OF SAFETY ~~THAT~~ CONSISTENT WITH  
 28 EXISTING CODES ~~PROVIDE~~, AND PROVIDE FOR MULTIPLE CATEGORIES OF WORK  
 29 WITH MULTIPLE COMPLIANCE STANDARDS;

30 (2) BE ENFORCEABLE BY LOCAL OFFICIALS USING EXISTING  
 31 ENFORCEMENT PROCEDURES;

32 ~~(2)~~ (3) APPLY TO REPAIR, RENOVATION, MODIFICATION,  
 33 RECONSTRUCTION, CHANGE OF OCCUPANCY, AND ADDITION TO AN EXISTING  
 34 BUILDING; ~~AND~~

1           (4)     PROVIDE AN EXPEDITED REVIEW PROCESS FOR PROPOSED  
2 AMENDMENTS TO THE MBRC SUBMITTED BY A LOCAL GOVERNMENT OR AN  
3 ORGANIZATION THAT REPRESENTS LOCAL GOVERNMENTS; AND

4           ~~(3)~~   ~~(4)~~   (5)     CONTAIN PROVISIONS THAT PROVIDE AN OPPORTUNITY  
5 FOR A PERSON PROPOSING A COMPLEX REHABILITATION PROJECT INVOLVING  
6 MULTIPLE CODES, PRIOR TO THE SUBMISSION OF A CONSTRUCTION PERMIT  
7 APPLICATION, TO MEET WITH LOCAL OFFICIALS OR THEIR DESIGNEES RESPONSIBLE  
8 FOR PERMIT APPROVAL AND ENFORCEMENT IN CONSTRUCTION RELATED LAWS AND  
9 REGULATIONS THAT MAY BE APPLICABLE TO THE REHABILITATION PROJECT.

10       (B)     THE MEETING ~~REQUIRED BY~~ PROVIDED UNDER SUBSECTION (A)(3) (A)(4)  
11 (A)(5) OF THIS SECTION SHALL, TO THE EXTENT POSSIBLE, INCLUDE THE OFFICIALS  
12 RESPONSIBLE FOR PERMIT APPROVAL AND ENFORCEMENT IN THE FOLLOWING  
13 AREAS, AS ~~APPROPRIATE~~ MAY BE APPLICABLE TO THE REHABILITATION PROJECT:

- 14           (1)     BUILDING CODE;
- 15           (2)     MECHANICAL CODE;
- 16           (3)     PLUMBING CODE;
- 17           (4)     ELECTRICAL CODE;
- 18           (5)     FIRE PREVENTION CODE;
- 19           (6)     BOILER SAFETY CODE;
- 20           (7)     ENERGY CODE;
- 21           (8)     ELEVATOR CODE; AND
- 22           (9)     LOCAL HISTORIC PRESERVATION ORDINANCES.

23       (C)     THE PURPOSE OF THE MEETING ~~REQUIRED BY SUBSECTION (A)(3)~~  
24 PROVIDED FOR UNDER SUBSECTION (A)(4) (A)(5) OF THIS SECTION SHALL BE TO  
25 IDENTIFY AND FACILITATE ANTICIPATE AND EXPEDITE THE RESOLUTION OF  
26 PROBLEMS ~~THE~~ A COMPLEX REHABILITATION PROJECT MAY HAVE IN COMPLYING  
27 WITH ~~THESE~~ THE APPLICABLE LAWS AND REGULATIONS AND THE MBRC.

28 6-505.

29       (A)     THERE SHALL BE A MARYLAND BUILDING REHABILITATION CODE  
30 ADVISORY COUNCIL COMPRISED OF ~~NINETEEN~~ 27 MEMBERS AS FOLLOWS:

- 31           (1)     THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT OR  
32 DESIGNEE;
- 33           (2)     THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR  
34 DESIGNEE;

- 1 (3) THE STATE FIRE MARSHAL OR DESIGNEE;
- 2 (4) THE STATE HISTORIC PRESERVATION OFFICER OR DESIGNEE;
- 3 (5) THE DIRECTOR OF THE GOVERNOR'S OFFICE FOR INDIVIDUALS WITH  
4 DISABILITIES OR DESIGNEE; AND
- 5 (6) ~~FOURTEEN~~ 22 MEMBERS APPOINTED BY THE GOVERNOR,  
6 INCLUDING:
- 7 (I) A REPRESENTATIVE OF THE STATE FIRE PREVENTION  
8 COMMISSION;
- 9 (II) FOUR REPRESENTATIVES OF THE BUILDING TRADES WHO ARE  
10 DIRECTLY INVOLVED OR HAVE EXPERIENCE IN CODE SETTING OR ENFORCEMENT,  
11 INCLUDING PLUMBERS, ELECTRICIANS, HEATING, VENTILATION,  
12 AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS, AND BOILER OPERATORS;
- 13 (III) ~~AN ARCHITECT~~ TWO ARCHITECTS PRACTICING IN MARYLAND  
14 WHOSE PRACTICE INVOLVES A SIGNIFICANT PORTION OF REHABILITATION  
15 PROJECTS;
- 16 (IV) A PROFESSIONAL ENGINEER;
- 17 (V) ~~A CONTRACTOR~~ TWO CONTRACTORS SPECIALIZING IN  
18 REHABILITATION CONSTRUCTION;
- 19 (VI) ~~A REPRESENTATIVE~~ TWO REPRESENTATIVES OF COUNTY  
20 GOVERNMENT;
- 21 (VII) ~~A REPRESENTATIVE~~ TWO REPRESENTATIVES OF MUNICIPAL  
22 GOVERNMENT;
- 23 (VIII) TWO BUILDING CODE OFFICIALS SERVING LOCAL  
24 GOVERNMENT; ~~AND~~
- 25 (IX) A COMMERCIAL AND INDUSTRIAL BUILDING OWNER OR  
26 DEVELOPER;
- 27 (X) A MULTIFAMILY BUILDING OWNER OR DEVELOPER;
- 28 (XI) TWO LOCAL FIRE OFFICIALS; AND
- 29 ~~(XII)~~ (XII) TWO MEMBERS OF THE GENERAL PUBLIC.
- 30 (B) (1) FROM AMONG THE MEMBERS OF THE COUNCIL, THE GOVERNOR  
31 SHALL DESIGNATE A CHAIRMAN.
- 32 (2) THE COMPOSITION OF THE COUNCIL SHOULD REFLECT THE RACE,  
33 GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

1 (C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

2 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS  
3 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1,  
4 2000.

5 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
6 SUCCESSOR IS APPOINTED AND QUALIFIES.

7 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
8 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
9 QUALIFIES.

10 (5) AN APPOINTED MEMBER MAY SERVE NO MORE THAN TWO TERMS.

11 (6) A MEMBER SHALL SERVE WITHOUT COMPENSATION AND SHALL BE  
12 REIMBURSED FOR EXPENSES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL  
13 REGULATIONS.

14 (D) THE COUNCIL SHALL:

15 (1) ADVISE THE DEPARTMENT ON THE DEVELOPMENT, ADOPTION, AND  
16 REVISIONS TO THE MBRC;

17 (2) PROVIDE TECHNICAL ADVICE ON THE INTERPRETATION OF THE  
18 MBRC TO PROPERTY OWNERS, DESIGN PROFESSIONALS, CONTRACTORS, LOCAL  
19 JURISDICTION CODE OFFICIALS, AND LOCAL JURISDICTION CODE APPEAL BOARDS;  
20 ~~AND~~

21 (3) TO THE EXTENT POSSIBLE, DEVELOP THE MBRC TO SEEK TO AVOID  
22 INCREASED COSTS TO LOCAL JURISDICTIONS ARISING FROM IMPLEMENTATION OF  
23 THE MBRC; AND

24 ~~(3)~~ (4) TO THE EXTENT PROVIDED IN THE STATE BUDGET, PROVIDE  
25 TRAINING ON THE MBRC FOR CODE OFFICIALS AND OTHER PUBLIC AND PRIVATE  
26 CONSTRUCTION-RELATED PROFESSIONALS.

27 (E) THE COUNCIL SHALL HAVE A DIRECTOR, APPOINTED BY THE SECRETARY.  
28 THE DIRECTOR SHALL BE A SPECIAL APPOINTEE IN THE STATE PERSONNEL  
29 MANAGEMENT SYSTEM.

30 **Article 48 - Inspections**

31 170.

32 The Board shall formulate definitions, rules and regulations for the safe  
33 construction, use, installation, maintenance, repair and inspection of boilers and  
34 pressure vessels in this State. The rules and regulations so formulated shall conform  
35 as nearly as possible to the Boiler and Pressure Vessel Code of the American Society  
36 of Mechanical Engineers, the Inspection Code of the National Board of Boiler and

1 Pressure Vessel Inspectors, Code for Power Piping, B31.1 of the American Society of  
 2 Mechanical Engineers, Code for Controls and Safety Devices for Automatically Fired  
 3 Boilers, CSD-1 of the American Society of Mechanical Engineers, Code for Controls  
 4 and Safety Devices, NFPA Series 85 of the National Fire Protection Association, and  
 5 Code for Chemical Plant and Petroleum Refinery Piping, B31.3 of the American  
 6 Society of Mechanical Engineers, as amended and interpreted from time to time.  
 7 Rules and regulations formulated by the Board may be adopted and promulgated by  
 8 the Commissioner of Labor and Industry subject to the approval of the Secretary of  
 9 Labor, Licensing, and Regulation in the same manner as rules and regulations of the  
 10 Occupational Health and Safety Advisory Board. WITHIN 90 DAYS AFTER ADOPTION  
 11 OF THE MARYLAND BUILDING REHABILITATION CODE AND ANY SUBSEQUENT  
 12 REVISIONS ~~HEREOF~~ TO THE MARYLAND BUILDING REHABILITATION CODE BY THE  
 13 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UNDER ARTICLE 83B, §  
 14 6-503 OF THE CODE, THE BOARD AND THE COMMISSIONER SHALL SUBMIT PROPOSED  
 15 REGULATIONS TO AMEND THE DEFINITIONS, RULES, AND REGULATIONS TO BE  
 16 CONSISTENT WITH THE MARYLAND BUILDING REHABILITATION CODE.

17 **Article 89 - Miscellaneous Business, Work, and Safety Provisions**

18 49B.

19 (e) The Commissioner shall administer and enforce the provisions of this  
 20 section and shall prescribe rules and regulations that conform generally to ANSI Code  
 21 A17.1-1971 and all subsequent amendments and revisions to it. If necessary to fulfill  
 22 the Commissioner's responsibilities under this section, the Commissioner shall adopt  
 23 regulations that amend standards set forth in ANSI Code A17.1-1971 and all  
 24 subsequent amendments and revisions to it, and prescribe other rules and  
 25 regulations. THE RULES AND REGULATIONS SHALL BE CONSISTENT WITH THE  
 26 REQUIREMENTS OF ARTICLE 83B, § 6-503 OF THE CODE.

27 (q) (1) Any new building constructed after July 1, 1985, in which at least  
 28 one elevator is planned, shall have a passenger elevator that can accommodate a  
 29 horizontally carried and positioned 6 foot 8 inch rescue litter.

30 (2) This subsection does not apply to one or two family dwellings or to  
 31 buildings under 3 stories.

32 (3) FOR PURPOSES OF THE SUBSECTION, REPAIR, RENOVATION,  
 33 MODIFICATION, RECONSTRUCTION, CHANGE OF OCCUPANCY, AND ADDITION TO AN  
 34 EXISTING BUILDING AS DEFINED IN ARTICLE 83B, TITLE 6, SUBTITLE 5 OF THE CODE  
 35 ~~SHALL~~ MAY NOT BE CONSIDERED TO CONSTITUTE A NEW BUILDING.

36 **Article - Natural Resources**

37 5-9A-05.

38 (b) (1) The application shall describe the proposed Rural Legacy Area,  
 39 include a Rural Legacy Area Plan, identify existing protected lands, state the

1 anticipated level of initial landowner participation in the Program and the amount of  
2 the grant requested, and comply with the criteria set forth below.

3 (2) TO QUALIFY FOR ADDITIONAL FUNDS APPROPRIATED ABOVE THE  
4 LEVEL APPROPRIATED IN FISCAL YEAR 2000 AS PROVIDED FOR IN ARTICLE 83B, §  
5 6-503(E)(4) OF THE CODE, AN APPLICATION SHALL INCLUDE A CERTIFICATION THAT  
6 THE LOCAL JURISDICTION HAS NOT ADOPTED ANY LOCAL AMENDMENTS TO THE  
7 MARYLAND BUILDING REHABILITATION CODE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
9 appointed members of the Maryland Building Rehabilitation Code Advisory Council  
10 shall expire as follows:

- 11 (1) ~~4~~ 6 members in 2001;  
12 (2) ~~4~~ 6 members in 2002;  
13 (3) ~~3~~ 5 members in 2003; and  
14 (4) ~~3~~ 5 members in 2004.

15 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this  
16 Act or the application thereof to any person or circumstance is held invalid for any  
17 reason in a court of competent jurisdiction, the invalidity does not affect other  
18 provisions or any other application of this Act which can be given effect without the  
19 invalid provision or application, and for this purpose the provisions of this Act are  
20 declared severable.

21 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
22 limit, expand, or otherwise change the authority of the State, local jurisdictions, the  
23 Maryland-National Capital Park and Planning Commission, or the Washington  
24 Suburban Sanitary Commission to regulate the construction of new buildings,  
25 planning, zoning, or subdivision, as provided in Articles 23A, 25, 25A, 25B, 28, 29, and  
26 66B of the Code.

27 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take  
28 effect July 1, 2000.