

HOUSE BILL 707

E4, M3

9lr2067

By: **Delegates Barve, Bronrott, Hubbard, and Morhaim**

Introduced and read first time: February 9, 2009

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 10, 2009

CHAPTER _____

1 AN ACT concerning

2 **Maryland Energy Conservation Building Performance Standards**
3 **~~Improvement Act~~ – Energy Conservation and Efficiency**

4 FOR the purpose of requiring the Department of Housing and Community
5 Development to adopt the International Energy Conservation Code as part of
6 the Maryland Building Performance Standards; ~~altering the time by which the~~
7 ~~Department is required to adopt each subsequent version of the Standards;~~
8 ~~authorizing the Department to adopt certain modifications of the building code~~
9 ~~as part of the Standards; prohibiting the Department from adopting certain~~
10 ~~other modifications of the building code as part of the Standards; requiring any~~
11 ~~version of the Standards adopted after certain dates to include certain~~
12 ~~additional energy savings in new buildings; requiring the Department to use a~~
13 ~~certain method to calculate these additional energy savings; requiring the~~
14 ~~Department to develop certain code elements and options to achieve a certain~~
15 ~~amount of energy savings above the additional energy savings, and to publish~~
16 ~~them in a certain way for use as a model by local jurisdictions; providing that~~
17 ~~any building that complies with the model code elements and options is also in~~
18 ~~compliance with~~ requiring the Department of Housing and Community
19 Development to consider certain changes to the International Building Code
20 before adopting each new version into the Standards; authorizing the
21 Department to adopt certain modifications of the building code as part of the
22 Standards; prohibiting the Department from adopting certain other
23 modifications of the building code as part of the Standards; prohibiting local
24 jurisdictions from adopting certain local amendments to the Standards;
25 requiring local jurisdictions to implement and enforce a certain version of the
26 Standards by a certain date; requiring certain modifications of the Standards to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 be implemented and enforced by a local jurisdiction no later than a certain
 2 period of time after the modifications are adopted; defining a certain term; and
 3 generally relating to energy efficiency requirements under the Maryland
 4 Building Performance Standards.

5 BY repealing and reenacting, with amendments,
 6 Article – Public Safety
 7 Section 12–501, 12–503, 12–504(a), and 12–505(a)(1)
 8 Annotated Code of Maryland
 9 (2003 Volume and 2008 Supplement)

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

12 **Article – Public Safety**

13 12–501.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) “Building” has the meaning stated in the International Building Code.

16 (c) “Department” means the Department of Housing and Community
 17 Development.

18 (d) (1) “International Building Code” means the first printing of the most
 19 recent edition of the International Building Code issued by the International Code
 20 Council.

21 (2) “International Building Code” does not include interim
 22 amendments or subsequent printings of the most recent edition of the International
 23 Building Code.

24 (E) (1) **“INTERNATIONAL ENERGY CONSERVATION CODE” MEANS**
 25 **THE FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL**
 26 **ENERGY CONSERVATION CODE ISSUED BY THE INTERNATIONAL CODE**
 27 **COUNCIL.**

28 (2) **“INTERNATIONAL ENERGY CONSERVATION CODE” DOES NOT**
 29 **INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST**
 30 **RECENT EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.**

31 ~~(F) (1) “INTERNATIONAL RESIDENTIAL CODE” MEANS THE FIRST~~
 32 ~~PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL~~
 33 ~~RESIDENTIAL CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.~~

34 ~~(2) “INTERNATIONAL RESIDENTIAL CODE” DOES NOT INCLUDE:~~

1 ~~(I) INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF~~
 2 ~~THE MOST RECENT EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; OR~~

3 ~~(II) THE “ENERGY EFFICIENCY” CHAPTER OF THE~~
 4 ~~INTERNATIONAL RESIDENTIAL CODE.~~

5 [(e)] ~~(G)~~ **(F)** “Local jurisdiction” means the county or municipal corporation that
 6 is responsible for implementation and enforcement of the Standards under this
 7 subtitle.

8 [(f)] ~~(H)~~ **(G)** “Standards” means the Maryland Building Performance
 9 Standards.

10 [(g)] ~~(I)~~ **(H)** “Structure” has the meaning stated in the International Building
 11 Code.

12 12–503.

13 (a) (1) The Department shall adopt by regulation, as the Maryland
 14 Building Performance Standards, the International Building Code, **INCLUDING THE**
 15 **INTERNATIONAL ENERGY CONSERVATION CODE**, with the modifications
 16 incorporated by the Department under subsection (b) of this section.

17 (2) The Department shall adopt each subsequent version of the
 18 Standards within ~~12~~ **9** months after it is issued.

19 (b) (1) Before adopting each version of the Standards, the Department
 20 shall:

21 (i) review the International Building Code to determine
 22 whether modifications should be incorporated in the Standards;

23 (ii) accept written comments;

24 (iii) consider any comments received; and

25 (iv) hold a public hearing on each proposed modification.

26 (2) **(I)** ~~The~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
 27 **THIS PARAGRAPH, THE** Department may not adopt, as part of the Standards, a
 28 modification of a building code requirement that is more stringent than the
 29 requirement in the International Building Code.

30 **(II) THE DEPARTMENT MAY ADOPT ENERGY CONSERVATION**
 31 **REQUIREMENTS THAT ARE MORE STRINGENT THAN THE REQUIREMENTS IN THE**

1 INTERNATIONAL ENERGY CONSERVATION CODE, BUT MAY NOT ADOPT ENERGY
2 CONSERVATION REQUIREMENTS THAT ARE LESS STRINGENT THAN THE
3 REQUIREMENTS IN THE INTERNATIONAL ENERGY CONSERVATION CODE.

4 ~~(3) THE DEPARTMENT MAY ADOPT, AS PART OF THE STANDARDS,~~
5 ~~A MODIFICATION OF A BUILDING CODE REQUIREMENT THAT IS MORE~~
6 ~~STRINGENT THAN THE CORRESPONDING REQUIREMENT IN THE~~
7 ~~INTERNATIONAL ENERGY CONSERVATION CODE.~~

8 ~~(4) THE DEPARTMENT MAY NOT ADOPT, AS PART OF THE~~
9 ~~STANDARDS, ANY PROVISION OF THE INTERNATIONAL RESIDENTIAL CODE~~
10 ~~THAT IS LESS STRINGENT THAN THE CORRESPONDING REQUIREMENT IN THE~~
11 ~~INTERNATIONAL ENERGY CONSERVATION CODE.~~

12 ~~(C) (1) (I) ANY VERSION OF THE STANDARDS ADOPTED AFTER~~
13 ~~DECEMBER 31, 2012, SHALL INCLUDE ENERGY CONSERVATION REQUIREMENTS~~
14 ~~THAT ACHIEVE AN ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS OF AT~~
15 ~~LEAST 30%, AS CALCULATED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

16 ~~(II) ANY VERSION OF THE STANDARDS ADOPTED AFTER~~
17 ~~DECEMBER 31, 2019, SHALL INCLUDE ENERGY CONSERVATION REQUIREMENTS~~
18 ~~THAT ACHIEVE AN ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS OF AT~~
19 ~~LEAST 50%, AS CALCULATED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

20 ~~(2) (I) THE ADDITIONAL ENERGY SAVINGS REQUIRED IN~~
21 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED BY COMPARING~~
22 ~~THE TOTAL ENERGY SAVINGS OF A BUILDING TO THE TOTAL ENERGY SAVINGS~~
23 ~~OF A COMPARABLE BUILDING MEETING THE REQUIREMENTS OF THE 2006~~
24 ~~VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.~~

25 ~~(II) IN MAKING THE CALCULATION IN SUBPARAGRAPH (I)~~
26 ~~OF THIS PARAGRAPH FOR RESIDENTIAL BUILDINGS, THE DEPARTMENT SHALL~~
27 ~~USE THE "PERFORMANCE PATH" METHODOLOGY AND RULE SET CONTAINED IN~~
28 ~~THE INTERNATIONAL ENERGY CONSERVATION CODE.~~

29 ~~(III) IN MAKING THE CALCULATION IN SUBPARAGRAPH (I)~~
30 ~~OF THIS PARAGRAPH FOR NONRESIDENTIAL BUILDINGS, THE DEPARTMENT~~
31 ~~SHALL USE THE METHODOLOGY AND RULE SET CONTAINED IN THE~~
32 ~~INFORMATIVE APPENDIX G OF STANDARD 90.1 OF THE AMERICAN SOCIETY OF~~
33 ~~HEATING, REFRIGERATING AND AIR CONDITIONING ENGINEERS, INC.~~
34 ~~(ASHRAE).~~

35 ~~(D) (1) AFTER DECEMBER 31, 2009, BEFORE ADOPTING EACH~~
36 ~~SUBSEQUENT VERSION OF THE STANDARDS, THE DEPARTMENT SHALL:~~

~~(I) DEVELOP SPECIFIC CODE ELEMENTS AND OPTIONS TO ACHIEVE ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS OF 20% OR MORE ABOVE THE SAVINGS REQUIRED IN SUBSECTION (C) OF THIS SECTION; AND~~

~~(H) PUBLISH THE ELEMENTS AND OPTIONS DESCRIBED IN ITEM (I) OF THIS PARAGRAPH AS AN APPENDIX TO THE STANDARDS TO BE USED AS A MODEL FOR LOCAL JURISDICTIONS.~~

~~(2) ANY BUILDING THAT COMPLIES WITH AN ELEMENT OR OPTION PUBLISHED IN THE MOST RECENT APPENDIX TO THE STANDARDS AS REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED IN COMPLIANCE WITH THE PERTINENT PROVISION OF THE STANDARDS.~~

~~(c)~~ (E) The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.

12-504.

(a) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

(1) prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle; OR

(2) WEAKEN A BUILDING CODE REQUIREMENT OF THE INTERNATIONAL ENERGY CONSERVATION CODE INCORPORATED INTO THE STANDARDS.

12-505.

(a) (1) (I) Each local jurisdiction shall implement and enforce the MOST CURRENT VERSION OF THE Standards and any local amendments to the Standards.

(II) ANY MODIFICATION OF THE STANDARDS ADOPTED BY THE STATE AFTER DECEMBER 31, 2009, INCLUDING ANY LOCAL AMENDMENTS, SHALL BE IMPLEMENTED AND ENFORCED BY A LOCAL JURISDICTION NO LATER THAN ~~60 DAYS~~ 6 MONTHS AFTER THE MODIFICATIONS ARE ADOPTED BY THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.