

Chapter 239

(House Bill 323)

AN ACT concerning

**Maryland Building Performance Standards – Modifications – Energy Codes –  
~~Local Authority~~**

FOR the purpose of ~~authorizing a local jurisdiction to adopt local amendments~~ requiring the Department of Housing and Community Development, subject to certain provisions, to adopt modifications to the Maryland Building Performance Standards that ~~are~~ allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the equivalent to the requirements of certain international energy conservation and energy efficiency codes; and generally relating to building performance standards.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section ~~12-504~~ 12-503  
Annotated Code of Maryland  
(2011 Replacement Volume and 2014 Supplement)

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

**Article – Public Safety**

12-503.

(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.

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

- (b) (1) Before adopting each version of the Standards, the Department shall:
  - (i) review the International Building Code to determine whether modifications should be incorporated in the Standards;
  - (ii) consider changes to the International Building Code to enhance energy conservation and efficiency;

(III) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2)(II) OF THIS SUBSECTION, ADOPT MODIFICATIONS TO THE STANDARDS THAT ALLOW ANY INNOVATIVE APPROACH, DESIGN, EQUIPMENT, OR METHOD OF CONSTRUCTION THAT CAN BE DEMONSTRATED TO OFFER PERFORMANCE THAT IS AT LEAST THE EQUIVALENT TO THE REQUIREMENTS OF:

1. THE INTERNATIONAL ENERGY CONSERVATION CODE;

2. CHAPTER 13, "ENERGY EFFICIENCY", OF THE INTERNATIONAL BUILDING CODE; OR

3. CHAPTER 11, "ENERGY EFFICIENCY", OF THE INTERNATIONAL RESIDENTIAL CODE;

[(iii)] (IV) accept written comments;

[(iv)] (V) consider any comments received; and

[(v)] (VI) hold a public hearing on each proposed modification.

(2) (i) Except as provided in subparagraph (ii) of this paragraph and § 12-510 of this subtitle, the Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.

(ii) The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are less stringent than the requirements in the International Energy Conservation Code.

(c) 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.

(d) In addition to the Standards, the Department may adopt by regulation the International Green Construction Code.

~~12-504.~~

~~(a) (1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:~~

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

~~(ii) weaken energy conservation and efficiency provisions contained in the Standards;~~

~~(iii) except as provided in paragraph (3) of this subsection, weaken the automatic fire sprinkler systems provisions for townhouses and one and two family dwellings contained in the Standards; or~~

~~(iv) weaken wind design and wind borne debris provisions contained in the Standards.~~

~~(2) (i) Regardless of whether the International Green Construction Code is adopted by the Department under § 12-503(d) of this subtitle, a local jurisdiction may adopt the International Green Construction Code.~~

~~(ii) A local jurisdiction may make local amendments to the International Green Construction Code.~~

~~(3) Paragraph (1)(iii) of this subsection does not apply to:~~

~~(i) standards governing issuance of a building permit for a property not connected to an electrical utility; or~~

~~(ii) until January 1, 2016, standards governing issuance of a building permit for a new one or two family dwelling constructed on:~~

~~1. a lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011; or~~

~~2. a lot served by an existing water service line from a water main to the property line that:~~

~~A. is less than a nominal 1 inch size;~~

~~B. is approved and owned by the public or private water system that owns the mains;~~

~~C. was installed before March 1, 2011; and~~

~~D. is fully operational from the public or private main to a curb stop or meter pit located at the property line.~~

~~(b) If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.~~

~~(e) (1) If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.~~

~~(2) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE STANDARDS THAT ARE EQUIVALENT TO THE REQUIREMENTS OF:~~

~~(I) THE INTERNATIONAL ENERGY CONSERVATION CODE;~~

~~(II) CHAPTER 13, "ENERGY EFFICIENCY", OF THE INTERNATIONAL BUILDING CODE; OR~~

~~(III) CHAPTER 11, "ENERGY EFFICIENCY", OF THE INTERNATIONAL RESIDENTIAL CODE.~~

~~(d) A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.~~

~~(e) To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:~~

~~(1) at least 15 days before the effective date of the amendment; or~~

~~(2) within 5 days after the adoption of an emergency local amendment.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.