

## Article - Public Safety

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§12–201.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Department” means the Department of Housing and Community Development.
- (3) “Industrialized building” has the meaning stated in § 12-301 of this title.
- (b) The General Assembly finds that:
- (1) the potential benefits of new materials and techniques for building construction are not readily available to the State partly because existing building codes preclude their use; and
- (2) several subdivisions in the State have no building codes of any type to protect the public against unsafe, unsound, or unsanitary buildings in their communities and this measure of protection should be provided to these communities.
- (c) The Department may adopt a Model Performance Code for building construction in the State.
- (d) The Model Performance Code for building construction is not binding in a subdivision of the State unless the subdivision specifically adopts it.
- (e) (1) The Model Performance Code for building construction shall cover elements appropriate to ensure safe and sound construction, including plumbing, structure, and electrical systems.
- (2) Any part of the Model Performance Code that relates to structure shall incorporate by reference the Maryland Building Performance Standards established under Subtitle 5 of this title.
- (3) (i) Except as provided in subparagraph (ii) of this paragraph, any part of the Model Performance Code that relates to plumbing shall be consistent with the State Plumbing Code currently in effect under the Maryland Plumbing Act.
- (ii) Subparagraph (i) of this paragraph does not apply to industrialized buildings.
- (4) The Model Performance Code shall also include elements that promote the efficient utilization of energy resources.
- (5) The Model Performance Code shall be framed in terms of the purposes

for which building codes are enacted instead of the specifications of materials and methods required to achieve the goals.

(f) (1) The Department shall adopt regulations to establish standards for industrialized buildings.

(2) After public hearing, the Department shall adopt regulations to prohibit a jurisdiction in which the Model Performance Code is applicable from altering or modifying the Model Performance Code without the approval of the Department.

(3) The Department shall provide an appeal procedure for challenges to the interpretation or application of the Model Performance Code.

(4) The Department shall:

(i) consult regularly with local officials to review the application and effectiveness of the Model Performance Code in each jurisdiction; and

(ii) review recommendations from local officials for changes, modifications, or exceptions to increase the effectiveness and usefulness of the Model Performance Code in those jurisdictions.

(5) The Department shall train and certify building code enforcement officials in each jurisdiction where the Model Performance Code is in effect.

(g) The Department may not unreasonably withhold approval of requests for special provisions in the Model Performance Code to meet local conditions.

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