

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 57

(Delegate Cassilly)

Environment and Transportation

Education, Health, and Environmental Affairs

Public Safety - Maryland Building Performance Standards - Adoption,
Implementation, and Enforcement of Modifications

This bill extends the period of time, from 12 months to 18 months, within which the Department of Housing and Community Development (DHCD) must adopt, by regulation, each subsequent version of the Maryland Building Performance Standards (MBPS) after it is issued.

The bill also extends the period of time, from 6 months to 12 months, within which each local jurisdiction must implement and enforce any modification to MBPS after it is adopted by the State.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances. DHCD advises that its existing policy is to adopt code changes within six months of their first publication by the International Code Council (ICC).

Local Effect: Minimal. The bill allows local jurisdictions to delay implementation of MBPS modifications but does not eliminate compliance requirements.

Small Business Effect: Minimal.

Analysis

Current Law: DHCD is required to adopt, as MBPS, the most recent version of the International Building Code (IBC), including the International Energy Conservation Code (IECC), along with applicable modifications authorized in Title 12 of the Public Safety

Article. Within 12 months of the release of each new version of IBC, DHCD is required to review the new version, consider modifications, and adopt specified modifications related to energy conservation and efficiency. DHCD is prohibited from adopting any modification that is more stringent than IBC, except that an energy conservation requirement may be more stringent than IECC. DHCD and local governments may also adopt by regulation the International Green Construction Code.

A local jurisdiction may adopt local amendments to MBPS if the local amendments do not (1) prohibit the minimum implementation and enforcement activities required by State law; (2) weaken the energy conservation and efficiency provisions; (3) except for specified exceptions, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings; or (4) weaken the wind design and wind-borne debris provisions contained in the standards. If a local amendment conflicts with MBPS, the local amendment prevails in the local jurisdiction. A local jurisdiction that adopts a local amendment is required to ensure that the local amendment is adopted in accordance with applicable local law.

Local governments are responsible for the implementation and enforcement of MBPS, which includes, at a minimum, (1) review and acceptance of appropriate plans; (2) issuance of building permits; (3) inspection of work authorized by the building permits; and (4) issuance of appropriate use and occupy certificates. Any modification of MBPS adopted by the State must be implemented and enforced by a local jurisdiction no later than six months after the modifications are adopted by the State.

Background: DHCD currently incorporates by reference the 2015 IBC, including the 2015 IECC, with modifications, as MBPS. In general, the standards apply to all buildings and structures within the State for which a building permit application is received by a local government.

ICC develops and publishes IBC. ICC was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes, including IBC, which has been adopted by all 50 states as well as thousands of local jurisdictions.

Additional Information

Prior Introductions: HB 1210 of 2015 was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Baltimore, Charles, Frederick, and Montgomery counties; Department of Housing and Community Development; International Code Council; Department of Legislative Services

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md/lgc

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