

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Housing and Community Development
(DLS Control No. 14-233)**

Overview and Legal and Fiscal Impact

These regulations update the Model Performance Code as required by the Public Safety Article.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Housing and Community Development:

Building and Material Codes: Model Performance Code:
COMAR 05.02.01.02, .02-1, .03, and .04

Legal Analysis

Summary of Regulation

The regulations update the Model Performance Code by incorporating by reference the 2015 editions of the following documents:

- International Building Code;
- International Residential Code for One- and Two-Family Dwellings;
- International Energy Conservation Code;
- International Mechanical Code; and
- International Plumbing Code.

Regulation .02 establishes which version of the International Building Code applies to building construction that begin prior to certain dates.

Regulation .02-1 incorporates by reference the 2015 editions of the International Building Code, the International Plumbing Code, the International Residential Code for One- and

Two-Family Dwellings, the International Mechanical Code, and the International Energy Conservation Code into the Model Performance Code.

Regulations .03 and .04 update existing language to reflect the updated versions of the International Energy Conservation Code and the International Building Code.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Housing and Community Development cites §§ 12-201 through 12-204 of the Public Safety Article as legal authority for the regulations. Specifically, § 12-201(c) authorizes the department to adopt a Model Performance Code for building construction in the State, § 12-201(e) provides for what must be included in the Model Performance Code, and § 12-201(f) requires the department to adopt regulations to establish standards for industrialized buildings. The authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

The department will be making a correction to the Statement of Purpose before the regulation is published in the *Maryland Register*.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Additional Comments

Adopting new editions of the Model Performance Code is part of the ongoing responsibilities of the department.

Contact Information

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