

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/20/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/3/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

05 02 01 .02, .02-1, .03 and .04

3. Name of Promulgating Authority

Department of Housing and Community Development

4. Name of Regulations Coordinator Telephone Number
Mark S Petrauskas 410-514-7834

Mailing Address

100 Community Place

City State Zip Code
Crownsville MD 21032

Email
petrauskas@dhcd.state.md.us

5. Name of Person to Call About this Document Telephone No.
Mark Petrauskas 410-514-7800

Email Address
petrauskas@dhcd.state.md.us

6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: August 1, 2014.
 - Repeal of Existing Regulations
 - Recodification
 - Incorporation by Reference of Documents Requiring DSD Approval
 - Reproposal of Substantively Different Text:
 - : Md. R
 - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mark Petrauskas, Assistant Attorney General, (telephone #410-514-7800) on August 8, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Raymond A. Skinner

Title

Secretary

Date

August 18, 2014

Telephone No.

410-514-7005

Title 05
DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.01 Model Performance Code

Authority: Public Safety Article, § 12-201 -12-204, Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Housing and Community Development proposes to amend Regulations .02, .02-1, .03, and .04 under COMAR 05.02.01 Model Performance Code.

Statement of Purpose

The purpose of this action is to update the referenced codes as required by Public Safety Article, §12-201, Annotated Code of Maryland. These amendments will adopt: (1) the 2015 Edition of the International Building Code, (2) the 2015 Edition of the International Residential Code for One and Two Unit Family Dwellings, and (3) 2015 Edition of the International Energy Conservation Code, as modified by the Department, as the Model Performance Code.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Ed Landon, Codes Administration, Division of Credit Assurance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410 -514-7444, or email to landon@mdhousing.org, or fax to 410-987-8902. Comments will be accepted through November 3, 2014. A public hearing will be held, A public hearing has been scheduled for October 10, 2014 from 1:00-3:00, at the Department of Housing and Community Development, 100 Community Place, Crownsville Maryland 21032.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Funds- DHCD- Division of Credit Assurance- CODES (Program 3)

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The proposal essentially is an updating of the current standards as required by §§ 12-201 -12-204 of the Public Safety Article Annotated Code of Maryland.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The proposal essentially is an updating of the current standards as required by §§ 12-201 -12-204 of the Public Safety Article Annotated Code of Maryland.

G. Small Business Worksheet:

Attached Document:

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

Chapter 01 Model Performance Code

Authority: Public Safety Article, §§12-201—12-204, Annotated Code of Maryland

.01 (text unchanged)

.02 General.

A. (text unchanged)

B. Application.

(1) (text unchanged)

(2) For industrialized buildings approved by an approved testing facility under COMAR 05.02.04 after the effective date of these regulations:

(a) This chapter and the codes incorporated by reference apply to any approved building provided that construction begins prior to 6 months after the Department's adoption of the [2015] 2018 edition of the International Building Code; and

(b) The approved testing facility shall state in its approval letter to the Department and the manufacturer of the building:

(i) (text unchanged)

(ii) That approval will expire for a building unless construction begins prior to 6 months after Department's adoption of the [2015] 2018 edition of the International Building Code.

(3) For industrialized buildings approved by an approved testing facility under COMAR 05.02.04 prior to the effective date of these regulations, the previous version of COMAR 05.02.01 and the [2009] 2012 International Building Code shall apply provided that construction begins prior to 6 months after the effective date of these regulations.

C. – D. (text unchanged)

.02-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) [2012] 2015 International Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(2) [2012] 2015 International Plumbing Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(3) (text unchanged)

(4) [2012] 2015 International Residential Code for One- and Two-Family Dwellings (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(5) [2012] 2015 International Mechanical Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(6) [2012] 2015 International Energy Conservation Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(7) (text unchanged)

.03 Model Performance Code.

A. The standards incorporated by reference in Regulation .02-1 of this chapter, and modified as follows, constitute the Model Performance Code for building construction in the State:

(1) For industrialized building construction:

(a) – (e) (text unchanged)

(f) [2012] 2015 International Energy Conservation Code with the following modification: Add a note to Section 405.2.3 Specific Application Controls: For the new construction of hotels, each hotel guest room shall be equipped with a master control device in compliance with COMAR 05.02.07.04D(2);

(g) – (h) (text unchanged)

(2) For all other building construction:

(a) – (e) (text unchanged)

(f) [2012] 2015 International Energy Conservation Code with modifications related to building standards, as adopted under COMAR 05.02.07.04; and

(g) (text unchanged)

B. (text unchanged)

.04 Modifications to Model Performance Code.

A. – D. (text unchanged)

E. The administrative sections of Article 1 of the [2012] 2015 International Building Code are entirely administrative and may require alteration to adapt them to local use. Alterations to these sections of Article 1 are therefore excluded from the requirement of concurrence by the Secretary. However, any alterations shall be forwarded to the Secretary for the Department's records.

.05 - .07 (text unchanged)

Incorporation by Reference
APPROVAL FORM

Date: August 5, 2014
COMAR: 05.02.01, 05.02.03, 05.02.07, 05.16.01

Norman C. Wang, R.A.
100 Community Place
Crownsville, MD 21032

Dear Mr. Wang:

The following documents are approved for incorporation by reference:

- (1) 2015 International Building Code;
- (2) 2015 International Residential Code for One- and Two-Family Dwellings;
- (3) 2015 International Energy Conservation Code;
- (4) 2015 International Mechanical Code;
- (5) 2015 International Plumbing Code;
- (6) 2015 International Existing Building Code; and
- (7) 2015 International Property Maintenance Code.

Please note the following special instructions: None.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor