

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Housing and Community Development  
(DLS Control No. 14-234)**

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## **Overview and Legal and Fiscal Impact**

These regulations update the Maryland Building Performance Standards (Standards) 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. The regulations reflect the ongoing responsibility of the department to update the Maryland Building Performance Standards and to provide related training to local governments.

## **Regulations of COMAR Affected**

### **Department of Housing and Community Development:**

Building and Material Codes: Maryland Building Performance Standards:  
COMAR 05.02.07.04 and .05

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## **Legal Analysis**

### **Summary of Regulations**

The regulations update the Standards by incorporating by reference the 2015 editions of the following documents:

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

Regulation .04 incorporates by reference the 2015 edition of the International Building Code, the International Residential Code for One- and Two-Family Dwellings, and the International Energy Conservation Code into the Standards.

Regulation .05 prohibits a local jurisdiction from adopting amendments to the Standards that weaken certain provisions contained in the Standards. Regulation .05 also repeals provisions relating to the applicability of the regulation.

## **Legal Issue**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The Department of Housing and Community Development cites §§ 12-501 through 12-510 as legal authority for the regulations. Specifically, § 12-503 requires the department to adopt by regulation the International Building Code and specified other codes as the Maryland Building Performance Standards. Section 12-503 also requires the department, upon review and analysis, to adopt each subsequent version of the Standards within 12 months after issuance. The cited authority is correct and complete. The regulations comply with the statutory 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. The regulations reflect the ongoing responsibility of the department to update the Maryland Building Performance Standards and to provide related training to local governments.

## **Agency Estimate of Projected Fiscal Impact**

The department advises special fund expenditures for the Department of Housing and Community Development – Division of Credit Assurance – CODES Fund increase by \$150,000 annually for two years for the department to provide training to local building code officials, as required by statute. The Department of Legislative Services concurs with the anticipated cost to provide training to local building code officials but notes that the department provides this training on an ongoing basis, *i.e.*, the regulations do not require new spending by the department. The fiscal 2015 budget includes \$101,000 for this purpose.

## **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.

## **Contact Information**

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