

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 07 .04 and .05

3. Name of Promulgating Authority

Department of Housing and Community Development

4. Name of Regulations Coordinator

Mark S Petrauskas

Telephone Number

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

Mark Petrauskas

Telephone No.

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

Telephone No.

410-514-7005

Date

August 18, 2014

Title 05
DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.07 Maryland Building Performance Standards

Authority: Public Safety Article, § 12-501-12-508, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Housing and Community Development proposes to amend Regulations .04 and .05 under COMAR 05.02.07 Maryland Building Performance Standards.

Statement of Purpose

The purpose of this action is to update the International Building Code as required by Public Safety Article, §12-503, Annotated Code of Maryland, to adopt the 2015 Edition of the International Building Code and the 2015 Edition of International Residential Code for One and Two Unit Family Dwellings, as modified by the Department as the Maryland Building Performance Standards.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposal to adopt the 2015 Edition of the International Building Code, the 2015 Edition of International Residential Code for One and Two Unit Family Dwellings, and 2015 edition of the International Energy Conservation Code 2015 as the Maryland Building Performance Standards has some economic impact. This proposal essentially updates the current standards as required by Public Safety Article, §12-503, Annotated Code of Maryland. The Department will be required to provide training to the building code officials to keep them informed of the revisions and the updated standards.

II. Types of Economic Impact.

Revenue (R+/R-)
Expenditure (E+/E-) Magnitude

A. On issuing agency:	(E+)	\$150,000 annually for two years.
B. On other State agencies:	NONE	

C. On local governments: NONE

Benefit (+)	Magnitude
Cost (-)	

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Cost to provide training to 250 building officials for two years.

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 1:00-3:00p.m., 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:

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 §12-503 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 07 Maryland Building Performance Standards

Authority: Public Safety Article §§12-501—12-[508] 510, Annotated Code of Maryland

.01 - .03 (text unchanged)

.04 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference:

- (1) [2012] 2015 International Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001);
 - (2) [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);
 - (3) [2012] 2015 International Energy Conservation Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001); and
 - (4) (text unchanged)
- B. Modifications to the [2012] 2015 International Building Code.
(1) - (12) (text unchanged)
- C. Modifications to the [2012] 2015 International Residential Code for One- and Two-Family Dwellings:
(1) – (4) (text unchanged)
- D. Modifications to the [2012] 2015 International Energy Conservation Code.
(1) - (2) (text unchanged)
- E. (text unchanged)

.05 Maryland Building Performance Standards.

- A. (text unchanged)
- B. Local Amendments.
(1) Each local jurisdiction:
(a) – (c) (text unchanged)
(d) Except as set forth in [§C of this regulation] *Public Safety Article, §12-504(a)(1)(iii), Annotated Code of Maryland*, a local jurisdiction may not adopt any amendments that weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards.
(e) *May not adopt amendments that weaken the wind design and wind-borne debris provisions contained in the Standards.*
(2) – (4) (text unchanged)
- [C. Section B(1)(d) of this regulation does not apply to:

(1) Any local amendment to the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the 2012 IRC enacted prior to October 1, 2012;

(2) Standards governing issuance of a building permit for a property not connected to an electrical utility; or

(3) Until January 1, 2016, standards governing the issuance of a building permit for a new one- or two-family dwelling constructed on:

(a) A lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011; or

(b) A lot served by an existing water service line from a water main to the property line that:

(i) Is less than a nominal 1-inch size;

(ii) Is approved and owned by the public or private water system that owns the mains;

(iii) Was installed before March 1, 2011; and

(iv) Is fully operational from the public or private main to a curb stop or meter pit located at the property line.]

.06 - .09 (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