

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Housing and Community Development  
(DLS Control No. 15-399)**

---

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

The regulations update references in the Maryland Building Rehabilitation Code (MBRC) to the International Existing Building Code (IEBC) from the 2012 code to the 2015 code, the most recent version of the IEBC issued by the International Code Council (ICC).

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

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

Maryland Building Rehabilitation Code:

Maryland Building Rehabilitation Code Regulations: COMAR 05.16.01.03 and .04

---

## **Legal Analysis**

### **Background**

The ICC is a trade association that develops model codes and standards used in the design, build, and compliance process to construct safe, sustainable, affordable, and resilient structures, such as residences, schools, and offices. Most U.S. communities, including the State of Maryland, and many global markets choose the International Codes (I-Codes). Currently, the I-Codes consist of 15 codes across five general building subject areas:

- Building, Residential: IBC, IRC;
- Fire, Wildland-Urban Interface: IFC, IWUIC ;
- Fuel Gas, Mechanical, Plumbing, Pool: IFGC, IMC, IPC, IPSDC, ISPSC;
- Existing Buildings, Property Maintenance: IEBC, IPMC ; and
- Energy, Green, Performance, Zoning: IECC, IgCC, ICC Performance (ICC PC), IZC.

The ICC routinely updates the model codes, usually on a three-year cycle, with systematic input from various representatives of the building and design industries, code officials, and government regulators. The ICC reports that the 2015 I-Codes, which update the 2012 I-Codes,

were completed in June 2014 and have been available for adoption at the state and local level since then.

Under § 12-1004 of the Public Safety Article, the Department of Housing and Community Development is required to adopt by regulation the MBRC so as to encourage and facilitate the rehabilitation of existing buildings. In current COMAR 05.16.01.03A and B, the department states that the 2012 IEBC, one of the 15 I-Codes, is incorporated by reference and shall constitute the MBRC.

## **Summary of Regulations**

These regulations update references, in COMAR 05.16.01.03 and .04, to the IEBC from the 2012 code to the 2015 code and, in COMAR 05.16.01.03C(9), to the citation for Type B dwelling or sleeping units listed in the department's list of modifications to the 2015 IEBC.

## **Legal Issues**

The regulations present no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 12-1004 and 12-1007 of the Public Safety Article as statutory authority for the regulations. Section 12-1004 requires the department to adopt by regulation the MBRC, and provides that the purpose of the MBRC is to encourage and facilitate the rehabilitation of existing buildings by reducing the cost of and restraints on rehabilitation that result from existing procedures and standards. Section 12-1007 requires the department, at least every three years and in cooperation with the MBRC Advisory Council, to review the MBRC and adopt any necessary or desirable amendments.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Technical Corrections and Special Notes**

The Department of Legislative Services contacted the department about making two clarifications in the Statement of Purpose: adding a reference to § 12-1007 of the Public Safety Article; and amending the last phrase to state that the action is making conforming changes to a citation to Type B dwelling or sleeping units in the 2015 IEBC.

## **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 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.

## **Contact Information**

**Legal Analysis:** Laura P. Lodge – (410) 946/(301) 970-5350

**Fiscal Analysis:** Eric Pierce – (410) 946/(301) 970-5510