

SENATE BILL 64

Unofficial Copy
C8

2000 Regular Session
0lr0090

(PRE-FILED)

By: **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Housing and Community Dev.)

Requested: November 3, 1999

Introduced and read first time: January 12, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Housing - Maryland Building Performance Standards**

3 FOR the purpose of modifying the title of the building code; defining certain terms;
4 modifying the time limit in which the Department must adopt certain versions
5 of the building code; and generally relating to the Maryland Building
6 Performance Standards and the Department of Housing and Community
7 Development.

8 BY repealing and reenacting, with amendments,
9 Article 83B - Department of Housing and Community Development
10 Section 6-401, 6-402(a) and (b), 6-403, and 6-405(a) and (b)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article 83B - Department of Housing and Community Development
15 Section 6-402(c)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 83B - Department of Housing and Community Development**

21 6-401.

22 (a) In this subtitle the following words have the meanings indicated.

23 (b) ["BOCA" means the organization known as the Building Officials and
24 Code Administrators International, Inc.

1 (c) (1) "BOCA National Building Code" means the first printing of the most
2 recent edition of the National Building Code periodically issued by BOCA.

3 (2) "BOCA National Building Code" does not include interim
4 amendments or subsequent printings of the most recent edition.]

5 [(d)] "Building" has the meaning and interpretation set forth in the [BOCA
6 National] INTERNATIONAL Building Code.

7 [(e)] (C) "County" means any of the 23 counties of the State and the Mayor
8 and City Council of Baltimore.

9 (D) "ICC" MEANS THE ORGANIZATION KNOWN AS THE INTERNATIONAL CODE
10 COUNCIL.

11 (E) (1) "INTERNATIONAL BUILDING CODE" MEANS THE FIRST PRINTING OF
12 THE MOST RECENT EDITION OF THE INTERNATIONAL BUILDING CODE TO BE ISSUED
13 PERIODICALLY BY ICC.

14 (2) "INTERNATIONAL BUILDING CODE" DOES NOT INCLUDE INTERIM
15 AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST RECENT EDITION.

16 (f) "Local jurisdiction" means the county or municipality responsible for
17 implementation and enforcement of the Maryland Building Performance Standards
18 as more specifically provided in § 6-402(f) of this subtitle.

19 (g) "Maryland Building Performance Standards" or "Standards" means the
20 [BOCA National] INTERNATIONAL Building Code adopted by the Department under
21 § 6-402 of this subtitle.

22 (h) "Municipality" means a municipal corporation subject to the provisions of
23 Article XI-E of the State Constitution.

24 (i) "Standard building code" means the standard building code issued by the
25 Southern Building Code Congress International, Inc.

26 (j) "State Fire Prevention Code" means the fire prevention regulations
27 promulgated by the State Fire Prevention Commission in accordance with Article
28 38A, § 3 of the Code.

29 (k) "Structure" has the meaning and interpretation set forth in the [BOCA
30 National] INTERNATIONAL Building Code.

31 6-402.

32 (a) The Department shall adopt by regulation, as the Maryland Building
33 Performance Standards, the [BOCA National] INTERNATIONAL Building Code with
34 the modifications incorporated by the Department under § 6-403 of this subtitle.

35 (b) (1) The Department shall adopt the initial version of the Maryland
36 Building Performance Standards on or before August 1, 1994.

1 (2) The Department shall adopt all subsequent versions of the Standards
2 within [24] 12 months of the date [BOCA] ICC issues the [BOCA National]
3 INTERNATIONAL Building Code.

4 (c) (1) Except as otherwise provided in this subsection, the Maryland
5 Building Performance Standards shall apply to all buildings and structures within
6 the State for which a building permit application is received by a local jurisdiction on
7 or after August 1, 1995.

8 (2) In counties or municipalities that have not adopted a building code as
9 of October 1, 1992, the Standards shall apply to all buildings and structures for which
10 a building permit application is received by the local jurisdiction on or after August 1,
11 1997.

12 (3) In counties or municipalities that have adopted the standard building
13 code as of October 1, 1993, the Standards shall apply to all buildings and structures
14 for which a building permit application is received by the local jurisdiction on or after
15 August 1, 2001.

16 (4) (i) If the Department has not provided funding to a county or
17 municipality to cover all direct and reasonable costs necessary for converting or
18 establishing local systems to implement the Standards, then the provisions of this
19 subsection shall be void and without effect as to the particular county or municipality
20 until the time that the needed funds are made available by the Department.

21 (ii) 1. In this paragraph "costs" means expenses associated with
22 hardware, software, training, technical assistance, or other direct expenses that a
23 county or municipality incurs to implement the Standards.

24 2. In this paragraph "costs" does not include expenses that a
25 county or municipality would incur without implementation of the Standards.

26 (5) A local jurisdiction may implement and enforce the Maryland
27 Building Performance Standards and any local amendment on or before the dates
28 specified in this subsection for application of the Standards.

29 6-403.

30 (a) Before adopting the Maryland Building Performance Standards or any
31 subsequent versions of the Standards, the Department shall:

32 (1) Review the [BOCA National] INTERNATIONAL Building Code to
33 determine whether modifications should be incorporated in the Maryland Building
34 Performance Standards;

35 (2) Accept written comments and hold a public hearing on any proposed
36 modification; and

37 (3) Take into consideration comments received before adopting the
38 Maryland Building Performance Standards.

1 (b) The Department may not adopt, as part of the Maryland Building
2 Performance Standards, a modification of a building code requirement that is more
3 stringent than the requirement in the [BOCA National] INTERNATIONAL Building
4 Code.

5 6-405.

6 (a) The Department shall:

7 (1) Coordinate with local building officials, the State Fire Marshal's
8 office, and local fire officials in compiling information for the central data base
9 established under § 6-404 of this subtitle;

10 (2) Notify local jurisdictions of changes to the [BOCA National]
11 INTERNATIONAL Building Code and the impact such changes will have on the local
12 amendments in each local jurisdiction;

13 (3) Include in the central data base proposed State or federal legislation
14 of which the Department is aware and that directly affects the construction industry;

15 (4) In conjunction with the Maryland Building Officials Association and
16 other interested organizations, provide training for local building officials on the
17 Maryland Building Performance Standards and certify the participation of local
18 building officials in the training; and

19 (5) On request, provide local jurisdictions with technical assistance
20 concerning the implementation and enforcement of the Maryland Building
21 Performance Standards.

22 (b) The Department may:

23 (1) Compile and include in the central data base established under §
24 6-404(a) of this subtitle:

25 (i) Any information provided by local jurisdictions on the
26 implementation and interpretation of the Maryland Building Performance Standards
27 by local jurisdictions; and

28 (ii) Interim amendments to the [BOCA National] INTERNATIONAL
29 Building Code including subsequent printings of the most recent edition;

30 (2) Develop a voluntary forum that may be used, at the request of a local
31 jurisdiction, to resolve conflicts involving the Maryland Building Performance
32 Standards; and

33 (3) Adopt regulations to carry out the purposes of this subtitle.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2000.