

SENATE BILL 207

Unofficial Copy
P3

2000 Regular Session
(01r0186)

ENROLLED BILL

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **The President (Administration) and Senators Miller, Blount,
Collins, Frosh, Hollinger, Pinsky, Sfikas, and Van Hollen**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Smart Codes - Maryland Building Rehabilitation Code**

3 FOR the purpose of requiring the Department of Housing and Community
4 Development to adopt a Maryland Building Rehabilitation Code ~~to encourage~~
5 ~~and facilitate the rehabilitation of existing buildings and to maintain the level of~~
6 ~~safety that existing building codes provide for certain purposes; providing for~~
7 the enforcement of the Maryland Building Rehabilitation Code; providing that
8 the Maryland Building Rehabilitation Code be modeled on the Nationally
9 Applicable Recommended Rehabilitation Provisions; providing that the
10 Maryland Building Rehabilitation Code shall apply to all rehabilitation projects
11 within the State on or after a certain date; authorizing local jurisdictions to
12 adopt local amendments and providing certain benefits to local jurisdictions
13 that do not adopt local amendments to the Maryland Building Rehabilitation
14 Code; providing that the Maryland Building Rehabilitation Code and any local
15 amendments be included in a certain data base; providing for certain categories
16 of work; providing that the Maryland Building Rehabilitation Code provide for a

1 certain initial planning meeting under certain circumstances; providing for an
2 expedited review process for certain proposed amendments to the Maryland
3 Building Rehabilitation Code; requiring that certain principal State
4 departments and State boards and commissions modify their regulations to be
5 consistent with the Maryland Building Rehabilitation Code; providing that
6 there be a Maryland Building Rehabilitation Code Advisory Council and
7 providing for Council membership, terms, reimbursement, duties, and
8 responsibilities; providing for the initial terms of Council members; providing
9 that there be a director of the Council; providing for certain training of certain
10 officials; providing that certain applications to the Rural Legacy Board include a
11 certain certification; making certain provisions of this Act subject to a certain
12 funding contingency; making provisions of this Act severable; providing for the
13 application of this Act; defining certain terms; and generally relating to the
14 Maryland Building Rehabilitation Code and the Department of Housing and
15 Community Development.

16 BY repealing and reenacting, with amendments,
17 Article 83B - Department of Housing and Community Development
18 Section 6-404(a)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1999 Supplement)

21 BY adding to
22 Article 83B - Department of Housing and Community Development
23 Section 6-501 through 6-505, inclusive, to be under the new subtitle "Subtitle
24 5. Maryland Building Rehabilitation Code"
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 1999 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article 48 - Inspections
29 Section 170
30 Annotated Code of Maryland
31 (1998 Replacement Volume and 1999 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article 89 - Miscellaneous Business, Work, and Safety Provisions
34 Section 49B(e) and (q)
35 Annotated Code of Maryland
36 (1998 Replacement Volume and 1999 Supplement)

37 BY repealing and reenacting, with amendments,
38 Article - Natural Resources
39 Section 5-9A-05(b)
40 Annotated Code of Maryland

1 (1997 Replacement Volume and 1999 Supplement)

2 **Preamble**

3 ~~WHEREAS, In this era of rapid population growth, while new residential and~~
4 ~~commercial development consumes agricultural land, forests, and other undeveloped~~
5 ~~land, thousands of existing buildings in our communities are not being fully utilized~~
6 ~~or are abandoned. Many existing buildings contain historic architectural elements~~
7 ~~that are in danger of deteriorating or being lost; and~~

8 ~~WHEREAS, The migration of businesses and residents out of our cities and~~
9 ~~towns threatens the economic vitality, health, and safety of the citizens living in these~~
10 ~~communities; and~~

11 ~~WHEREAS, Vacant and underutilized buildings pose a threat to the health,~~
12 ~~safety, and welfare of the citizens of the State; and~~

13 ~~WHEREAS, There is private and public interest in rehabilitating older~~
14 ~~buildings, which would be enhanced if regulatory procedures and standards regarding~~
15 ~~rehabilitation and reuse are made predictable, consistent, and flexible; and~~

16 ~~WHEREAS, The rehabilitation of existing buildings in Maryland communities~~
17 ~~is often hampered by certain constraints in the building construction regulatory~~
18 ~~system; and~~

19 ~~WHEREAS, The many existing codes that apply to rehabilitation projects are~~
20 ~~sometimes conflicting and overlapping and vary, from jurisdiction to jurisdiction,~~
21 ~~posing a challenge to redevelopment; and~~

22 ~~WHEREAS, Building construction regulatory procedures and standards for~~
23 ~~the rehabilitation of existing buildings will be improved by the adoption of a~~
24 ~~consistent statewide building rehabilitation code; and~~

25 ~~WHEREAS, The United States Department of Housing and Urban Development~~
26 ~~and the National Association of Home Builders Research Center have developed a~~
27 ~~model rehabilitation code known as the Nationally Applicable Recommended~~
28 ~~Rehabilitation provisions; now, therefore,~~

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

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

32 6-404.

33 (a) The Department shall:

34 (1) Establish and maintain a central automated data base that, at a
35 minimum, contains:

- 1 (i) The Maryland Building Performance Standards;
- 2 (ii) Local amendments to the Maryland Building Performance
3 Standards;
- 4 (iii) The State Fire Prevention Code and any amendments to the
5 code promulgated by the State Fire Prevention Commission;
- 6 (iv) Fire codes adopted by counties and municipalities and any
7 amendments;
- 8 (v) The Electrical Code required under Article 38A, §§ 59 and 60 of
9 the Code;
- 10 (vi) Local amendments to the Electrical Code required under Article
11 38A, §§ 59 and 60 of the Code;
- 12 (vii) The Energy Code required under Title 7, Subtitle 4 of the Public
13 Utility Companies Article;
- 14 (viii) Local code provisions that are more restrictive than the Energy
15 Code required under Title 7, Subtitle 4 of the Public Utility Companies Article; [and]
- 16 (ix) Information compiled by the Department under § 6-405(b)(1) of
17 this subtitle;
- 18 (X) THE MARYLAND BUILDING REHABILITATION CODE; AND
- 19 (XI) LOCAL AMENDMENTS TO THE MARYLAND BUILDING
20 REHABILITATION CODE;
- 21 (2) Make information from the data base available to any county,
22 municipality, State unit or other interested party; and
- 23 (3) Purchase or otherwise provide a local jurisdiction with the necessary
24 hardware or software to enable the local jurisdiction to access the information in the
25 central automated data base.

26 SUBTITLE 5. MARYLAND BUILDING REHABILITATION CODE.
27 6-501.

28 THE PROVISIONS OF THIS SUBTITLE SHALL BE EFFECTIVE NOTWITHSTANDING
29 ANY OTHER PROVISIONS OF LAW. THE PROVISIONS OF THIS SUBTITLE DO NOT
30 ~~SUPERCEDE~~ SUPERSEDE THE PLANNING, ZONING, OR SUBDIVISION AUTHORITY OF
31 LOCAL JURISDICTIONS, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
32 COMMISSION, OR THE WASHINGTON SUBURBAN SANITARY COMMISSION.

1 6-502.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "ADDITION" MEANS AN INCREASE IN:

5 (1) BUILDING AREA;

6 (2) AGGREGATE FLOOR AREA;

7 (3) HEIGHT; OR

8 (4) NUMBER OF STORIES OF A BUILDING OR STRUCTURE.

9 (C) "CHANGE OF OCCUPANCY" MEANS A CHANGE IN THE PURPOSE OR LEVEL
10 OF ACTIVITY WITHIN A STRUCTURE THAT INVOLVES A CHANGE IN APPLICATION OF
11 THE REQUIREMENTS OF THE LOCAL BUILDING CODE.

12 (D) "CONSTRUCTION PERMIT APPLICATION" MEANS ANY APPLICATION MADE
13 TO A LOCAL JURISDICTION FOR A PERMIT OR OTHER GOVERNMENT APPROVAL FOR A
14 REHABILITATION PROJECT.

15 ~~(E) "EXISTING BUILDING" MEANS ANY BUILDING OR STRUCTURE ERECTED
16 PRIOR TO THE ADOPTION OF THE BUILDING CODE CURRENTLY IN EFFECT IN A
17 LOCAL JURISDICTION AND THAT HAS BEEN ISSUED A CERTIFICATE OF OCCUPANCY
18 OR HAS BEEN LEGALLY OCCUPIED.~~

19 (E) "EXISTING BUILDING" MEANS ANY BUILDING OR STRUCTURE THAT WAS
20 ERECTED AND OCCUPIED OR ISSUED A CERTIFICATE OF OCCUPANCY AT LEAST ONE
21 YEAR BEFORE A CONSTRUCTION PERMIT APPLICATION FOR THAT BUILDING OR
22 STRUCTURE WAS MADE TO A LOCAL JURISDICTION.

23 (F) "LOCAL JURISDICTION" MEANS ANY OF THE 23 COUNTIES IN MARYLAND,
24 THE CITY OF BALTIMORE, AND ANY MUNICIPAL CORPORATION IN MARYLAND
25 SUBJECT TO THE PROVISIONS OF ARTICLE XI-E OF THE CONSTITUTION.

26 (G) "MBRC" MEANS THE MARYLAND BUILDING REHABILITATION CODE.

27 (H) "MODIFICATION" MEANS THE:

28 (1) RECONFIGURATION OF ANY SPACE;

29 (2) ADDITION OR ELIMINATION OF ANY DOOR OR WINDOW;

30 (3) RECONFIGURATION OR EXTENSION OF ANY SYSTEM; OR

31 (4) INSTALLATION OF ANY ADDITIONAL EQUIPMENT.

32 (I) "RECONSTRUCTION" MEANS:

1 (1) THE RECONFIGURATION OF A SPACE WHICH AFFECTS AN EXIT OR
2 ELEMENT OF THE EGRESS ACCESS SHARED BY MORE THAN A SINGLE OCCUPANT;

3 (2) ~~RENOVATION OR MODIFICATION WHEN THE RECONFIGURATION OF~~
4 SPACE SUCH THAT THE WORK AREA IS NOT PERMITTED TO BE OCCUPIED BECAUSE
5 EXISTING MEANS OF EGRESS AND FIRE PROTECTION SYSTEMS, OR THEIR
6 EQUIVALENT, ARE NOT IN PLACE OR CONTINUOUSLY MAINTAINED; OR

7 (3) EXTENSIVE MODIFICATIONS.

8 (J) "REHABILITATION PROJECT" MEANS ANY CONSTRUCTION WORK
9 UNDERTAKEN IN AN EXISTING BUILDING THAT INCLUDES REPAIR, RENOVATION,
10 MODIFICATION, RECONSTRUCTION, CHANGE OF OCCUPANCY, OR ADDITION.

11 (K) (1) "RENOVATION" MEANS THE:

12 (I) CHANGE, STRENGTHENING, OR ADDITION OF LOAD BEARING
13 ELEMENTS; OR

14 (II) REFINISHING, REPLACEMENT, BRACING, STRENGTHENING,
15 UPGRADING, OR EXTENSIVE REPAIR OF EXISTING MATERIALS, ELEMENTS,
16 COMPONENTS, EQUIPMENT, OR FIXTURES.

17 (2) "RENOVATION" DOES NOT INCLUDE:

18 (I) RECONFIGURATION OF SPACE; OR

19 (II) INTERIOR AND EXTERIOR PAINTING.

20 (L) "REPAIR" MEANS THE PATCHING, RESTORATION, OR MINOR
21 REPLACEMENT OF MATERIALS, ELEMENTS, COMPONENTS, EQUIPMENT, OR
22 FIXTURES FOR THE PURPOSES OF MAINTAINING THESE MATERIALS, ELEMENTS,
23 COMPONENTS, EQUIPMENT, OR FIXTURES IN GOOD OR SOUND CONDITION.

24 6-503.

25 (A) THE DEPARTMENT, IN COOPERATION WITH THE MARYLAND BUILDING
26 REHABILITATION CODE ADVISORY COUNCIL, THE DEPARTMENT OF LABOR,
27 LICENSING, AND REGULATION, AND THE STATE FIRE MARSHAL, SHALL ADOPT BY
28 REGULATION THE MARYLAND BUILDING REHABILITATION CODE. THE MBRC SHALL
29 BE MODELED ON THE NATIONALLY APPLICABLE RECOMMENDED REHABILITATION
30 PROVISIONS DEVELOPED BY THE UNITED STATES DEPARTMENT OF HOUSING AND
31 URBAN DEVELOPMENT AND THE NATIONAL ASSOCIATION OF HOME BUILDERS
32 RESEARCH CENTER.

33 (B) THE PURPOSE OF THE MARYLAND BUILDING REHABILITATION CODE IS TO
34 ENCOURAGE AND FACILITATE THE REHABILITATION OF EXISTING BUILDINGS BY
35 REDUCING THE COSTS AND CONSTRAINTS ON REHABILITATION RESULTING FROM
36 EXISTING PROCEDURES AND STANDARDS.

1 (C) (1) AS PROVIDED UNDER THE ADMINISTRATIVE PROCEDURE ACT, THE
2 DEPARTMENT SHALL:

3 (I) SUBMIT TO THE JOINT COMMITTEE ON ADMINISTRATIVE,
4 EXECUTIVE, AND LEGISLATIVE REVIEW THE PROPOSED REGULATIONS TO ADOPT
5 THE MBRC ON OR BEFORE DECEMBER 31, 2000; AND

6 (II) ADOPT THE MBRC AS SOON AS POSSIBLE THEREAFTER.

7 (2) THE DEPARTMENT, IN COOPERATION WITH THE MARYLAND
8 BUILDING REHABILITATION CODE ADVISORY COUNCIL, SHALL REVIEW THE MBRC
9 AND ADOPT ANY NECESSARY OR DESIRABLE REVISIONS AT LEAST EVERY 3 YEARS.

10 (D) EXCEPT AS OTHERWISE PERMITTED IN THIS TITLE AND
11 NOTWITHSTANDING ANY PROVISIONS OF ARTICLES 23A, 25, 25A, 25B, 28, AND 29 OF
12 THE CODE AND BUILDING CODES, MECHANICAL CODES, PLUMBING CODES, FIRE
13 PREVENTION CODES, AND ELECTRICAL CODES ADOPTED THEREUNDER, THE MBRC
14 SHALL APPLY TO ALL REHABILITATION PROJECTS FOR WHICH A CONSTRUCTION
15 PERMIT APPLICATION IS RECEIVED BY A LOCAL JURISDICTION,
16 MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, OR
17 WASHINGTON SUBURBAN SANITARY COMMISSION AFTER ADOPTION OF THE MBRC.

18 (E) WITHIN 90 DAYS ~~OF~~ AFTER THE ADOPTION OF THE MBRC AND ANY
19 SUBSEQUENT CHANGES ~~THERETO~~ TO THE MBRC:

20 (1) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE
21 STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION
22 CONTRACTORS, THE STATE BOARD OF PLUMBING, AND THE BOARD OF BOILER RULES
23 SHALL SUBMIT PROPOSED ~~REGULATION CHANGES~~ CHANGES TO THEIR
24 REGULATIONS TO MAKE THE MECHANICAL CODE, THE PLUMBING CODE, THE
25 BOILER SAFETY CODE, AND THE ELEVATOR CODE CONSISTENT WITH THE MBRC;

26 (2) THE DEPARTMENT OF STATE POLICE AND THE STATE FIRE
27 PREVENTION COMMISSION SHALL SUBMIT PROPOSED ~~REGULATION CHANGES~~
28 CHANGES TO THEIR REGULATIONS TO MAKE THE STATE FIRE PREVENTION CODE
29 CONSISTENT WITH THE MBRC; AND

30 (3) THE DEPARTMENT SHALL SUBMIT PROPOSED ~~REGULATION~~
31 CHANGES CHANGES TO ITS REGULATIONS TO MAKE THE MARYLAND BUILDING
32 PERFORMANCE STANDARDS, THE SAFETY GLAZING CODE, THE ENERGY CODE, AND
33 THE ACCESSIBILITY CODE CONSISTENT WITH THE MBRC.

34 (F) (1) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE
35 MBRC THAT APPLY ONLY TO THE LOCAL JURISDICTION.

36 (2) A MUNICIPAL CORPORATION WHOSE AUTHORITY TO ADOPT OR
37 AMEND A BUILDING CODE IS, BY LAW, LIMITED BY THE AUTHORITY OF ANY COUNTY
38 IN WHICH IT IS LOCATED, SHALL NOT BE SUBJECT TO ANY AMENDMENT TO THE
39 MBRC ADOPTED BY THE COUNTY UNLESS THE MUNICIPAL CORPORATION ALSO
40 ADOPTS THE AMENDMENT.

1 (3) IN ORDER TO ENABLE THE CENTRAL DATA BASE ESTABLISHED
 2 UNDER § 6-404 OF THIS TITLE TO REMAIN CURRENT, A LOCAL JURISDICTION
 3 AMENDING THE MBRC SHALL FURNISH A COPY OF THE AMENDMENT TO THE
 4 DEPARTMENT:

5 (I) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE
 6 AMENDMENT; OR

7 (II) IN THE CASE OF AN EMERGENCY ADOPTION OF A LOCAL
 8 AMENDMENT, WITHIN 5 DAYS OF ITS ADOPTION.

9 (4) ONLY A LOCAL JURISDICTION THAT DOES NOT AMEND THE ~~MRBC~~
 10 MBRC SHALL BE ELIGIBLE FOR ANY FUNDING APPROPRIATED ABOVE THE
 11 APPROPRIATION IN FISCAL YEAR 2000 FOR:

12 (I) CIRCUIT RIDER MBRC INSPECTORS PROVIDED UNDER THE
 13 ~~DEPARTMENT'S~~ CIRCUIT RIDER PROGRAM IN THE DEPARTMENT;

14 (II) TRAINING AS PROVIDED FOR UNDER THIS SUBTITLE FOR THE
 15 LOCAL JURISDICTION'S CODE ENFORCEMENT OFFICIALS;

16 (III) A SMART GROWTH MORTGAGE PROGRAM TO BE CREATED BY
 17 THE DEPARTMENT UNDER TITLE 2, SUBTITLES 2 AND 6 OF THIS ARTICLE;

18 (IV) ~~THE DEPARTMENT OF TRANSPORTATION'S~~ NEIGHBORHOOD
 19 CONSERVATION PROGRAM IN THE DEPARTMENT OF TRANSPORTATION; AND

20 (V) THE RURAL LEGACY PROGRAM ESTABLISHED UNDER TITLE 5,
 21 SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE.

22 (5) ONLY A LOCAL JURISDICTION THAT DOES NOT AMEND THE ~~MRBC~~
 23 MBRC SHALL BE ELIGIBLE FOR A PRIORITY UNDER THE DEPARTMENT OF
 24 TRANSPORTATION'S TRANSPORTATION ENHANCEMENTS PROGRAMS.

25 6-504.

26 (A) ~~THE MRBC~~ MBRC SHALL, AT A MINIMUM:

27 (1) MAINTAIN ~~THE~~ A LEVEL OF SAFETY ~~THAT~~ CONSISTENT WITH
 28 EXISTING CODES ~~PROVIDE~~, AND PROVIDE FOR MULTIPLE CATEGORIES OF WORK
 29 WITH MULTIPLE COMPLIANCE STANDARDS;

30 (2) BE ENFORCEABLE BY LOCAL OFFICIALS USING EXISTING
 31 ENFORCEMENT PROCEDURES;

32 ~~(2)~~ (3) APPLY TO REPAIR, RENOVATION, MODIFICATION,
 33 RECONSTRUCTION, CHANGE OF OCCUPANCY, AND ADDITION TO AN EXISTING
 34 BUILDING; ~~AND~~

1 (4) PROVIDE AN EXPEDITED REVIEW PROCESS FOR PROPOSED
2 AMENDMENTS TO THE MBRC SUBMITTED BY A LOCAL GOVERNMENT OR AN
3 ORGANIZATION THAT REPRESENTS LOCAL GOVERNMENTS; AND

4 ~~(3)~~ ~~(4)~~ (5) CONTAIN PROVISIONS THAT PROVIDE AN OPPORTUNITY
5 FOR A PERSON PROPOSING A COMPLEX REHABILITATION PROJECT INVOLVING
6 MULTIPLE CODES, PRIOR TO THE SUBMISSION OF A CONSTRUCTION PERMIT
7 APPLICATION, TO MEET WITH LOCAL OFFICIALS OR THEIR DESIGNEES RESPONSIBLE
8 FOR PERMIT APPROVAL AND ENFORCEMENT IN CONSTRUCTION RELATED LAWS AND
9 REGULATIONS THAT MAY BE APPLICABLE TO THE REHABILITATION PROJECT.

10 (B) THE MEETING ~~REQUIRED BY~~ PROVIDED UNDER SUBSECTION (A)(3) (A)(4)
11 (A)(5) OF THIS SECTION SHALL, TO THE EXTENT POSSIBLE, INCLUDE THE OFFICIALS
12 RESPONSIBLE FOR PERMIT APPROVAL AND ENFORCEMENT IN THE FOLLOWING
13 AREAS, AS ~~APPROPRIATE~~ MAY BE APPLICABLE TO THE REHABILITATION PROJECT:

- 14 (1) BUILDING CODE;
- 15 (2) MECHANICAL CODE;
- 16 (3) PLUMBING CODE;
- 17 (4) ELECTRICAL CODE;
- 18 (5) FIRE PREVENTION CODE;
- 19 (6) BOILER SAFETY CODE;
- 20 (7) ENERGY CODE;
- 21 (8) ELEVATOR CODE; AND
- 22 (9) LOCAL HISTORIC PRESERVATION ORDINANCES.

23 (C) THE PURPOSE OF THE MEETING ~~REQUIRED BY SUBSECTION (A)(3)~~
24 PROVIDED FOR UNDER SUBSECTION (A)(4) (A)(5) OF THIS SECTION SHALL BE TO
25 IDENTIFY AND FACILITATE ANTICIPATE AND EXPEDITE THE RESOLUTION OF
26 PROBLEMS ~~THE~~ A COMPLEX REHABILITATION PROJECT MAY HAVE IN COMPLYING
27 WITH ~~THESE~~ THE APPLICABLE LAWS AND REGULATIONS AND THE MBRC.

28 6-505.

29 (A) THERE SHALL BE A MARYLAND BUILDING REHABILITATION CODE
30 ADVISORY COUNCIL COMPRISED OF ~~NINETEEN~~ 27 MEMBERS AS FOLLOWS:

- 31 (1) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT OR
32 DESIGNEE;
- 33 (2) THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR
34 DESIGNEE;

- 1 (3) THE STATE FIRE MARSHAL OR DESIGNEE;
- 2 (4) THE STATE HISTORIC PRESERVATION OFFICER OR DESIGNEE;
- 3 (5) THE DIRECTOR OF THE GOVERNOR'S OFFICE FOR INDIVIDUALS WITH
4 DISABILITIES OR DESIGNEE; AND
- 5 (6) ~~FOURTEEN~~ 22 MEMBERS APPOINTED BY THE GOVERNOR,
6 INCLUDING:
- 7 (I) A REPRESENTATIVE OF THE STATE FIRE PREVENTION
8 COMMISSION;
- 9 (II) FOUR REPRESENTATIVES OF THE BUILDING TRADES WHO ARE
10 DIRECTLY INVOLVED OR HAVE EXPERIENCE IN CODE SETTING OR ENFORCEMENT,
11 INCLUDING PLUMBERS, ELECTRICIANS, HEATING, VENTILATION,
12 AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS, AND BOILER OPERATORS;
- 13 (III) ~~AN ARCHITECT~~ TWO ARCHITECTS PRACTICING IN MARYLAND
14 WHOSE PRACTICE INVOLVES A SIGNIFICANT PORTION OF REHABILITATION
15 PROJECTS;
- 16 (IV) A PROFESSIONAL ENGINEER;
- 17 (V) ~~A CONTRACTOR~~ TWO CONTRACTORS SPECIALIZING IN
18 REHABILITATION CONSTRUCTION;
- 19 (VI) ~~A REPRESENTATIVE~~ TWO REPRESENTATIVES OF COUNTY
20 GOVERNMENT;
- 21 (VII) ~~A REPRESENTATIVE~~ TWO REPRESENTATIVES OF MUNICIPAL
22 GOVERNMENT;
- 23 (VIII) TWO BUILDING CODE OFFICIALS SERVING LOCAL
24 GOVERNMENT; ~~AND~~
- 25 (IX) A COMMERCIAL AND INDUSTRIAL BUILDING OWNER OR
26 DEVELOPER;
- 27 (X) A MULTIFAMILY BUILDING OWNER OR DEVELOPER;
- 28 (XI) TWO LOCAL FIRE OFFICIALS; AND
- 29 ~~(IX)~~ (XII) TWO MEMBERS OF THE GENERAL PUBLIC.
- 30 (B) (1) FROM AMONG THE MEMBERS OF THE COUNCIL, THE GOVERNOR
31 SHALL DESIGNATE A CHAIRMAN.
- 32 (2) THE COMPOSITION OF THE COUNCIL SHOULD REFLECT THE RACE,
33 GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

1 (C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

2 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS
3 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1,
4 2000.

5 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
6 SUCCESSOR IS APPOINTED AND QUALIFIES.

7 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
8 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
9 QUALIFIES.

10 (5) AN APPOINTED MEMBER MAY SERVE NO MORE THAN TWO TERMS.

11 (6) A MEMBER SHALL SERVE WITHOUT COMPENSATION AND SHALL BE
12 REIMBURSED FOR EXPENSES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL
13 REGULATIONS.

14 (D) THE COUNCIL SHALL:

15 (1) ADVISE THE DEPARTMENT ON THE DEVELOPMENT, ADOPTION, AND
16 REVISIONS TO THE MBRC;

17 (2) PROVIDE TECHNICAL ADVICE ON THE INTERPRETATION OF THE
18 MBRC TO PROPERTY OWNERS, DESIGN PROFESSIONALS, CONTRACTORS, LOCAL
19 JURISDICTION CODE OFFICIALS, AND LOCAL JURISDICTION CODE APPEAL BOARDS;
20 ~~AND~~

21 (3) TO THE EXTENT POSSIBLE, DEVELOP THE MBRC TO SEEK TO AVOID
22 INCREASED COSTS TO LOCAL JURISDICTIONS ARISING FROM IMPLEMENTATION OF
23 THE MBRC; AND

24 ~~(3)~~ (4) TO THE EXTENT PROVIDED IN THE STATE BUDGET, PROVIDE
25 TRAINING ON THE MBRC FOR CODE OFFICIALS AND OTHER PUBLIC AND PRIVATE
26 CONSTRUCTION-RELATED PROFESSIONALS.

27 (E) THE COUNCIL SHALL HAVE A DIRECTOR, APPOINTED BY THE SECRETARY.
28 THE DIRECTOR SHALL BE A SPECIAL APPOINTEE IN THE STATE PERSONNEL
29 MANAGEMENT SYSTEM.

30 **Article 48 - Inspections**

31 170.

32 The Board shall formulate definitions, rules and regulations for the safe
33 construction, use, installation, maintenance, repair and inspection of boilers and
34 pressure vessels in this State. The rules and regulations so formulated shall conform
35 as nearly as possible to the Boiler and Pressure Vessel Code of the American Society
36 of Mechanical Engineers, the Inspection Code of the National Board of Boiler and

1 Pressure Vessel Inspectors, Code for Power Piping, B31.1 of the American Society of
 2 Mechanical Engineers, Code for Controls and Safety Devices for Automatically Fired
 3 Boilers, CSD-1 of the American Society of Mechanical Engineers, Code for Controls
 4 and Safety Devices, NFPA Series 85 of the National Fire Protection Association, and
 5 Code for Chemical Plant and Petroleum Refinery Piping, B31.3 of the American
 6 Society of Mechanical Engineers, as amended and interpreted from time to time.
 7 Rules and regulations formulated by the Board may be adopted and promulgated by
 8 the Commissioner of Labor and Industry subject to the approval of the Secretary of
 9 Labor, Licensing, and Regulation in the same manner as rules and regulations of the
 10 Occupational Health and Safety Advisory Board. WITHIN 90 DAYS AFTER ADOPTION
 11 OF THE MARYLAND BUILDING REHABILITATION CODE AND ANY SUBSEQUENT
 12 REVISIONS ~~HEREOF~~ TO THE MARYLAND BUILDING REHABILITATION CODE BY THE
 13 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UNDER ARTICLE 83B, §
 14 6-503 OF THE CODE, THE BOARD AND THE COMMISSIONER SHALL SUBMIT PROPOSED
 15 REGULATIONS TO AMEND THE DEFINITIONS, RULES, AND REGULATIONS TO BE
 16 CONSISTENT WITH THE MARYLAND BUILDING REHABILITATION CODE.

17 **Article 89 - Miscellaneous Business, Work, and Safety Provisions**

18 49B.

19 (e) The Commissioner shall administer and enforce the provisions of this
 20 section and shall prescribe rules and regulations that conform generally to ANSI Code
 21 A17.1-1971 and all subsequent amendments and revisions to it. If necessary to fulfill
 22 the Commissioner's responsibilities under this section, the Commissioner shall adopt
 23 regulations that amend standards set forth in ANSI Code A17.1-1971 and all
 24 subsequent amendments and revisions to it, and prescribe other rules and
 25 regulations. THE RULES AND REGULATIONS SHALL BE CONSISTENT WITH THE
 26 REQUIREMENTS OF ARTICLE 83B, § 6-503 OF THE CODE.

27 (q) (1) Any new building constructed after July 1, 1985, in which at least
 28 one elevator is planned, shall have a passenger elevator that can accommodate a
 29 horizontally carried and positioned 6 foot 8 inch rescue litter.

30 (2) This subsection does not apply to one or two family dwellings or to
 31 buildings under 3 stories.

32 (3) FOR PURPOSES OF THE SUBSECTION, REPAIR, RENOVATION,
 33 MODIFICATION, RECONSTRUCTION, CHANGE OF OCCUPANCY, AND ADDITION TO AN
 34 EXISTING BUILDING AS DEFINED IN ARTICLE 83B, TITLE 6, SUBTITLE 5 OF THE CODE
 35 ~~SHALL~~ MAY NOT BE CONSIDERED TO CONSTITUTE A NEW BUILDING.

36 **Article - Natural Resources**

37 5-9A-05.

38 (b) (1) The application shall describe the proposed Rural Legacy Area,
 39 include a Rural Legacy Area Plan, identify existing protected lands, state the

1 anticipated level of initial landowner participation in the Program and the amount of
2 the grant requested, and comply with the criteria set forth below.

3 (2) TO QUALIFY FOR ADDITIONAL FUNDS APPROPRIATED ABOVE THE
4 LEVEL APPROPRIATED IN FISCAL YEAR 2000 AS PROVIDED FOR IN ARTICLE 83B, §
5 6-503(E)(4) OF THE CODE, AN APPLICATION SHALL INCLUDE A CERTIFICATION THAT
6 THE LOCAL JURISDICTION HAS NOT ADOPTED ANY LOCAL AMENDMENTS TO THE
7 MARYLAND BUILDING REHABILITATION CODE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
9 appointed members of the Maryland Building Rehabilitation Code Advisory Council
10 shall expire as follows:

- 11 (1) ~~4~~ 6 members in 2001;
12 (2) ~~4~~ 6 members in 2002;
13 (3) ~~3~~ 5 members in 2003; and
14 (4) ~~3~~ 5 members in 2004.

15 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this
16 Act or the application thereof to any person or circumstance is held invalid for any
17 reason in a court of competent jurisdiction, the invalidity does not affect other
18 provisions or any other application of this Act which can be given effect without the
19 invalid provision or application, and for this purpose the provisions of this Act are
20 declared severable.

21 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall
22 limit, expand, or otherwise change the authority of the State, local jurisdictions, the
23 Maryland-National Capital Park and Planning Commission, or the Washington
24 Suburban Sanitary Commission to regulate the construction of new buildings,
25 planning, zoning, or subdivision, as provided in Articles 23A, 25, 25A, 25B, 28, 29, and
26 66B of the Code.

27 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect July 1, 2000.