

SENATE BILL 207

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P3

2000 Regular Session
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By: **The President (Administration) and Senators Miller, Blount, Collins,
Frosh, Hollinger, Pinsky, Sfikas, and Van Hollen**

Introduced and read first time: January 24, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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; providing that the Maryland
7 Building Rehabilitation Code be modeled on the Nationally Applicable
8 Recommended Rehabilitation Provisions; providing that the Maryland Building
9 Rehabilitation Code shall apply to all rehabilitation projects within the State on
10 or after a certain date; authorizing local jurisdictions to adopt local amendments
11 and providing certain benefits to local jurisdictions that do not adopt local
12 amendments to the Maryland Building Rehabilitation Code; providing that the
13 Maryland Building Rehabilitation Code and any local amendments be included
14 in a certain data base; providing for certain categories of work; providing that
15 the Maryland Building Rehabilitation Code provide for a certain initial planning
16 meeting; requiring that certain principal State departments and State boards
17 and commissions modify their regulations to be consistent with the Maryland
18 Building Rehabilitation Code; providing that there be a Maryland Building
19 Rehabilitation Code Advisory Council and providing for Council membership,
20 terms, reimbursement, duties, and responsibilities; providing for the initial
21 terms of Council members; providing that there be a director of the Council;
22 providing for certain training of certain officials; providing that certain
23 applications to the Rural Legacy Board include a certain certification; making
24 certain provisions of this Act subject to a certain funding contingency; making
25 provisions of this Act severable; providing for the application of this Act;
26 defining certain terms; and generally relating to the Maryland Building
27 Rehabilitation Code and the Department of Housing and Community
28 Development.

29 BY repealing and reenacting, with amendments,
30 Article 83B - Department of Housing and Community Development
31 Section 6-404(a)
32 Annotated Code of Maryland
33 (1998 Replacement Volume and 1999 Supplement)

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

7 BY repealing and reenacting, with amendments,
8 Article 48 - Inspections
9 Section 170
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 89 - Miscellaneous Business, Work, and Safety Provisions
14 Section 49B(e) and (q)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Natural Resources
19 Section 5-9A-05(b)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1999 Supplement)

22 Preamble

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

28 WHEREAS, The migration of businesses and residents out of our cities and
29 towns threatens the economic vitality, health, and safety of the citizens living in these
30 communities; and

31 WHEREAS, Vacant and underutilized buildings pose a threat to the health,
32 safety, and welfare of the citizens of the State; and

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

1 WHEREAS, The rehabilitation of existing buildings in Maryland communities
2 is often hampered by certain constraints in the building construction regulatory
3 system; and

4 WHEREAS, The many existing codes that apply to rehabilitation projects are
5 sometimes conflicting and overlapping and vary, from jurisdiction to jurisdiction,
6 posing a challenge to redevelopment; and

7 WHEREAS, Building construction regulatory procedures and standards for
8 the rehabilitation of existing buildings will be improved by the adoption of a
9 consistent statewide building rehabilitation code; and

10 WHEREAS, The United States Department of Housing and Urban Development
11 and the National Association of Home Builders Research Center have developed a
12 model rehabilitation code known as the Nationally Applicable Recommended
13 Rehabilitation provisions; now, therefore,

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

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

17 6-404.

18 (a) The Department shall:

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

21 (i) The Maryland Building Performance Standards;

22 (ii) Local amendments to the Maryland Building Performance
23 Standards;

24 (iii) The State Fire Prevention Code and any amendments to the
25 code promulgated by the State Fire Prevention Commission;

26 (iv) Fire codes adopted by counties and municipalities and any
27 amendments;

28 (v) The Electrical Code required under Article 38A, §§ 59 and 60 of
29 the Code;

30 (vi) Local amendments to the Electrical Code required under Article
31 38A, §§ 59 and 60 of the Code;

32 (vii) The Energy Code required under Title 7, Subtitle 4 of the Public
33 Utility Companies Article;

1 (viii) Local code provisions that are more restrictive than the Energy
2 Code required under Title 7, Subtitle 4 of the Public Utility Companies Article; [and]

3 (ix) Information compiled by the Department under § 6-405(b)(1) of
4 this subtitle;

5 (X) THE MARYLAND BUILDING REHABILITATION CODE; AND

6 (XI) LOCAL AMENDMENTS TO THE MARYLAND BUILDING
7 REHABILITATION CODE;

8 (2) Make information from the data base available to any county,
9 municipality, State unit or other interested party; and

10 (3) Purchase or otherwise provide a local jurisdiction with the necessary
11 hardware or software to enable the local jurisdiction to access the information in the
12 central automated data base.

13 SUBTITLE 5. MARYLAND BUILDING REHABILITATION CODE.

14 6-501.

15 THE PROVISIONS OF THIS SUBTITLE SHALL BE EFFECTIVE NOTWITHSTANDING
16 ANY OTHER PROVISIONS OF LAW. THE PROVISIONS OF THIS SUBTITLE DO NOT
17 SUPERCEDE THE PLANNING, ZONING, OR SUBDIVISION AUTHORITY OF LOCAL
18 JURISDICTIONS, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
19 COMMISSION, OR THE WASHINGTON SUBURBAN SANITARY COMMISSION.

20 6-502.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

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

24 (1) BUILDING AREA;

25 (2) AGGREGATE FLOOR AREA;

26 (3) HEIGHT; OR

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

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

31 (D) "CONSTRUCTION PERMIT APPLICATION" MEANS ANY APPLICATION MADE
32 TO A LOCAL JURISDICTION FOR A PERMIT OR OTHER GOVERNMENT APPROVAL FOR A
33 REHABILITATION PROJECT.

1 (E) "EXISTING BUILDING" MEANS ANY BUILDING OR STRUCTURE ERECTED
2 PRIOR TO THE ADOPTION OF THE BUILDING CODE CURRENTLY IN EFFECT IN A
3 LOCAL JURISDICTION AND THAT HAS BEEN ISSUED A CERTIFICATE OF OCCUPANCY
4 OR HAS BEEN LEGALLY OCCUPIED.

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

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

9 (H) "MODIFICATION" MEANS THE:

- 10 (1) RECONFIGURATION OF ANY SPACE;
- 11 (2) ADDITION OR ELIMINATION OF ANY DOOR OR WINDOW;
- 12 (3) RECONFIGURATION OR EXTENSION OF ANY SYSTEM; OR
- 13 (4) INSTALLATION OF ANY ADDITIONAL EQUIPMENT.

14 (I) "RECONSTRUCTION" MEANS:

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

17 (2) RENOVATION OR MODIFICATION WHEN THE WORK AREA IS NOT
18 PERMITTED TO BE OCCUPIED BECAUSE EXISTING MEANS OF EGRESS AND FIRE
19 PROTECTION SYSTEMS, OR THEIR EQUIVALENT, ARE NOT IN PLACE OR
20 CONTINUOUSLY MAINTAINED; OR

21 (3) EXTENSIVE MODIFICATIONS.

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

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

26 (I) CHANGE, STRENGTHENING, OR ADDITION OF LOAD BEARING
27 ELEMENTS; OR

28 (II) REFINISHING, REPLACEMENT, BRACING, STRENGTHENING,
29 UPGRADING, OR EXTENSIVE REPAIR OF EXISTING MATERIALS, ELEMENTS,
30 COMPONENTS, EQUIPMENT, OR FIXTURES.

31 (2) "RENOVATION" DOES NOT INCLUDE:

- 32 (I) RECONFIGURATION OF SPACE; OR
- 33 (II) INTERIOR AND EXTERIOR PAINTING.

1 (L) "REPAIR" MEANS THE PATCHING, RESTORATION, OR MINOR
2 REPLACEMENT OF MATERIALS, ELEMENTS, COMPONENTS, EQUIPMENT, OR
3 FIXTURES FOR THE PURPOSES OF MAINTAINING THESE MATERIALS, ELEMENTS,
4 COMPONENTS, EQUIPMENT, OR FIXTURES IN GOOD OR SOUND CONDITION.

5 6-503.

6 (A) THE DEPARTMENT, IN COOPERATION WITH THE MARYLAND BUILDING
7 REHABILITATION CODE ADVISORY COUNCIL, THE DEPARTMENT OF LABOR,
8 LICENSING, AND REGULATION, AND THE STATE FIRE MARSHAL, SHALL ADOPT BY
9 REGULATION THE MARYLAND BUILDING REHABILITATION CODE. THE MBRC SHALL
10 BE MODELED ON THE NATIONALLY APPLICABLE RECOMMENDED REHABILITATION
11 PROVISIONS DEVELOPED BY THE UNITED STATES DEPARTMENT OF HOUSING AND
12 URBAN DEVELOPMENT AND THE NATIONAL ASSOCIATION OF HOME BUILDERS
13 RESEARCH CENTER.

14 (B) THE PURPOSE OF THE MARYLAND BUILDING REHABILITATION CODE IS TO
15 ENCOURAGE AND FACILITATE THE REHABILITATION OF EXISTING BUILDINGS BY
16 REDUCING THE COSTS AND CONSTRAINTS ON REHABILITATION RESULTING FROM
17 EXISTING PROCEDURES AND STANDARDS.

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

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

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

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

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

35 (E) WITHIN 90 DAYS OF ADOPTION OF THE MBRC AND SUBSEQUENT CHANGES
36 THERETO:

37 (1) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE
38 STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION
39 CONTRACTORS, THE STATE BOARD OF PLUMBING, AND THE BOARD OF BOILER RULES
40 SHALL SUBMIT PROPOSED REGULATION CHANGES TO MAKE THE MECHANICAL

1 CODE, THE PLUMBING CODE, THE BOILER SAFETY CODE, AND THE ELEVATOR CODE
2 CONSISTENT WITH THE MBRC;

3 (2) THE DEPARTMENT OF STATE POLICE AND THE STATE FIRE
4 PREVENTION COMMISSION SHALL SUBMIT PROPOSED REGULATION CHANGES TO
5 MAKE THE STATE FIRE PREVENTION CODE CONSISTENT WITH THE MBRC; AND

6 (3) THE DEPARTMENT SHALL SUBMIT PROPOSED REGULATION
7 CHANGES TO MAKE THE MARYLAND BUILDING PERFORMANCE STANDARDS, THE
8 SAFETY GLAZING CODE, THE ENERGY CODE, AND THE ACCESSIBILITY CODE
9 CONSISTENT WITH THE MBRC.

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

12 (2) A MUNICIPAL CORPORATION WHOSE AUTHORITY TO ADOPT OR
13 AMEND A BUILDING CODE IS, BY LAW, LIMITED BY THE AUTHORITY OF ANY COUNTY
14 IN WHICH IT IS LOCATED, SHALL NOT BE SUBJECT TO ANY AMENDMENT TO THE
15 MBRC ADOPTED BY THE COUNTY UNLESS THE MUNICIPAL CORPORATION ALSO
16 ADOPTS THE AMENDMENT.

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

21 (I) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE
22 AMENDMENT; OR

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

25 (4) ONLY A LOCAL JURISDICTION THAT DOES NOT AMEND THE MRBC
26 SHALL BE ELIGIBLE FOR ANY FUNDING APPROPRIATED ABOVE THE APPROPRIATION
27 IN FISCAL YEAR 2000 FOR:

28 (I) CIRCUIT RIDER MBRC INSPECTORS PROVIDED UNDER THE
29 DEPARTMENT'S CIRCUIT RIDER PROGRAM;

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

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

34 (IV) THE DEPARTMENT OF TRANSPORTATION'S NEIGHBORHOOD
35 CONSERVATION PROGRAM; AND

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

1 (5) ONLY A LOCAL JURISDICTION THAT DOES NOT AMEND THE MRBC
2 SHALL BE ELIGIBLE FOR A PRIORITY UNDER THE DEPARTMENT OF
3 TRANSPORTATION'S TRANSPORTATION ENHANCEMENTS PROGRAMS.

4 6-504.

5 (A) THE MRBC SHALL, AT A MINIMUM:

6 (1) MAINTAIN THE LEVEL OF SAFETY THAT EXISTING CODES PROVIDE,
7 AND PROVIDE FOR MULTIPLE CATEGORIES OF WORK WITH MULTIPLE COMPLIANCE
8 STANDARDS;

9 (2) APPLY TO REPAIR, RENOVATION, MODIFICATION, RECONSTRUCTION,
10 CHANGE OF OCCUPANCY, AND ADDITION TO AN EXISTING BUILDING; AND

11 (3) CONTAIN PROVISIONS THAT PROVIDE AN OPPORTUNITY FOR A
12 PERSON PROPOSING A REHABILITATION PROJECT, PRIOR TO THE SUBMISSION OF A
13 CONSTRUCTION PERMIT APPLICATION, TO MEET WITH LOCAL OFFICIALS OR THEIR
14 DESIGNEES RESPONSIBLE FOR PERMIT APPROVAL AND ENFORCEMENT IN
15 CONSTRUCTION RELATED LAWS AND REGULATIONS THAT MAY BE APPLICABLE TO
16 THE REHABILITATION PROJECT.

17 (B) THE MEETING REQUIRED BY SUBSECTION (A)(3) OF THIS SECTION SHALL
18 INCLUDE THE OFFICIALS RESPONSIBLE FOR PERMIT APPROVAL AND ENFORCEMENT
19 IN THE FOLLOWING AREAS, AS APPROPRIATE:

20 (1) BUILDING CODE;

21 (2) MECHANICAL CODE;

22 (3) PLUMBING CODE;

23 (4) ELECTRICAL CODE;

24 (5) FIRE PREVENTION CODE;

25 (6) BOILER SAFETY CODE;

26 (7) ENERGY CODE;

27 (8) ELEVATOR CODE; AND

28 (9) LOCAL HISTORIC PRESERVATION ORDINANCES.

29 (C) THE PURPOSE OF THE MEETING REQUIRED BY SUBSECTION (A)(3) OF THIS
30 SECTION SHALL BE TO IDENTIFY AND FACILITATE THE RESOLUTION OF PROBLEMS
31 THE REHABILITATION PROJECT MAY HAVE IN COMPLYING WITH THESE LAWS AND
32 REGULATIONS AND THE MBRC.

1 6-505.

2 (A) THERE SHALL BE A MARYLAND BUILDING REHABILITATION CODE
3 ADVISORY COUNCIL COMPRISED OF NINETEEN MEMBERS AS FOLLOWS:

4 (1) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT OR
5 DESIGNEE;

6 (2) THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR
7 DESIGNEE;

8 (3) THE STATE FIRE MARSHAL OR DESIGNEE;

9 (4) THE STATE HISTORIC PRESERVATION OFFICER OR DESIGNEE;

10 (5) THE DIRECTOR OF THE GOVERNOR'S OFFICE FOR INDIVIDUALS WITH
11 DISABILITIES OR DESIGNEE; AND

12 (6) FOURTEEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING:

13 (I) A REPRESENTATIVE OF THE STATE FIRE PREVENTION
14 COMMISSION;

15 (II) FOUR REPRESENTATIVES OF THE BUILDING TRADES WHO ARE
16 DIRECTLY INVOLVED OR HAVE EXPERIENCE IN CODE SETTING OR ENFORCEMENT,
17 INCLUDING PLUMBERS, ELECTRICIANS, HEATING, VENTILATION,
18 AIR-CONDITIONING, AND REFRIGERATION CONTRACTORS, AND BOILER OPERATORS;

19 (III) AN ARCHITECT PRACTICING IN MARYLAND WHOSE PRACTICE
20 INVOLVES A SIGNIFICANT PORTION OF REHABILITATION PROJECTS;

21 (IV) A PROFESSIONAL ENGINEER;

22 (V) A CONTRACTOR SPECIALIZING IN REHABILITATION
23 CONSTRUCTION;

24 (VI) A REPRESENTATIVE OF COUNTY GOVERNMENT;

25 (VII) A REPRESENTATIVE OF MUNICIPAL GOVERNMENT;

26 (VIII) TWO BUILDING CODE OFFICIALS SERVING LOCAL
27 GOVERNMENT; AND

28 (IX) TWO MEMBERS OF THE GENERAL PUBLIC.

29 (B) FROM AMONG THE MEMBERS OF THE COUNCIL, THE GOVERNOR SHALL
30 DESIGNATE A CHAIRMAN.

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

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

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

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

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

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

13 (D) THE COUNCIL SHALL:

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

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

20 (3) TO THE EXTENT PROVIDED IN THE STATE BUDGET, PROVIDE
21 TRAINING ON THE MBRC FOR CODE OFFICIALS AND OTHER PUBLIC AND PRIVATE
22 CONSTRUCTION-RELATED PROFESSIONALS.

23 (E) THE COUNCIL SHALL HAVE A DIRECTOR, APPOINTED BY THE SECRETARY.
24 THE DIRECTOR SHALL BE A SPECIAL APPOINTEE IN THE STATE PERSONNEL
25 MANAGEMENT SYSTEM.

26 **Article 48 - Inspections**

27 170.

28 The Board shall formulate definitions, rules and regulations for the safe
29 construction, use, installation, maintenance, repair and inspection of boilers and
30 pressure vessels in this State. The rules and regulations so formulated shall conform
31 as nearly as possible to the Boiler and Pressure Vessel Code of the American Society
32 of Mechanical Engineers, the Inspection Code of the National Board of Boiler and
33 Pressure Vessel Inspectors, Code for Power Piping, B31.1 of the American Society of
34 Mechanical Engineers, Code for Controls and Safety Devices for Automatically Fired
35 Boilers, CSD-1 of the American Society of Mechanical Engineers, Code for Controls
36 and Safety Devices, NFPA Series 85 of the National Fire Protection Association, and
37 Code for Chemical Plant and Petroleum Refinery Piping, B31.3 of the American
38 Society of Mechanical Engineers, as amended and interpreted from time to time.

1 Rules and regulations formulated by the Board may be adopted and promulgated by
2 the Commissioner of Labor and Industry subject to the approval of the Secretary of
3 Labor, Licensing, and Regulation in the same manner as rules and regulations of the
4 Occupational Health and Safety Advisory Board. WITHIN 90 DAYS AFTER ADOPTION
5 OF THE MARYLAND BUILDING REHABILITATION CODE AND ANY SUBSEQUENT
6 REVISIONS THEREOF BY THE DEPARTMENT OF HOUSING AND COMMUNITY
7 DEVELOPMENT UNDER ARTICLE 83B, § 6-503 OF THE CODE, THE BOARD AND THE
8 COMMISSIONER SHALL SUBMIT PROPOSED REGULATIONS TO AMEND THE
9 DEFINITIONS, RULES, AND REGULATIONS TO BE CONSISTENT WITH THE MARYLAND
10 BUILDING REHABILITATION CODE.

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

12 49B.

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

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

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

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

30 **Article - Natural Resources**

31 5-9A-05.

32 (b) (1) The application shall describe the proposed Rural Legacy Area,
33 include a Rural Legacy Area Plan, identify existing protected lands, state the
34 anticipated level of initial landowner participation in the Program and the amount of
35 the grant requested, and comply with the criteria set forth below.

36 (2) TO QUALIFY FOR ADDITIONAL FUNDS APPROPRIATED ABOVE THE
37 LEVEL APPROPRIATED IN FISCAL YEAR 2000 AS PROVIDED FOR IN ARTICLE 83B, §
38 6-503(E)(4) OF THE CODE, AN APPLICATION SHALL INCLUDE A CERTIFICATION THAT

1 THE LOCAL JURISDICTION HAS NOT ADOPTED ANY LOCAL AMENDMENTS TO THE
2 MARYLAND BUILDING REHABILITATION CODE.

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

- 6 (1) 4 members in 2001;
- 7 (2) 4 members in 2002;
- 8 (3) 3 members in 2003; and
- 9 (4) 3 members in 2004.

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

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

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