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

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Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 8, 2000

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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  
17 certain initial planning meeting under certain circumstances; requiring that  
18 certain principal State departments and State boards and commissions modify  
19 their regulations to be consistent with the Maryland Building Rehabilitation  
20 Code; providing that there be a Maryland Building Rehabilitation Code Advisory  
21 Council and providing for Council membership, terms, reimbursement, duties,  
22 and responsibilities; providing for the initial terms of Council members;  
23 providing that there be a director of the Council; providing for certain training of  
24 certain officials; providing that certain applications to the Rural Legacy Board  
25 include a certain certification; making certain provisions of this Act subject to a  
26 certain funding contingency; making provisions of this Act severable; providing  
27 for the application of this Act; defining certain terms; and generally relating to

1 the Maryland Building Rehabilitation Code and the Department of Housing and  
2 Community Development.

3 BY repealing and reenacting, with amendments,  
4 Article 83B - Department of Housing and Community Development  
5 Section 6-404(a)  
6 Annotated Code of Maryland  
7 (1998 Replacement Volume and 1999 Supplement)

8 BY adding to  
9 Article 83B - Department of Housing and Community Development  
10 Section 6-501 through 6-505, inclusive, to be under the new subtitle "Subtitle  
11 5. Maryland Building Rehabilitation Code"  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume and 1999 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 48 - Inspections  
16 Section 170  
17 Annotated Code of Maryland  
18 (1998 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 89 - Miscellaneous Business, Work, and Safety Provisions  
21 Section 49B(e) and (q)  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Natural Resources  
26 Section 5-9A-05(b)  
27 Annotated Code of Maryland  
28 (1997 Replacement Volume and 1999 Supplement)

29 Preamble

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

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

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

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

6 WHEREAS, The rehabilitation of existing buildings in Maryland communities  
7 is often hampered by certain constraints in the building construction regulatory  
8 system; and

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

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

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

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

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

22 6-404.

23 (a) The Department shall:

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

26 (i) The Maryland Building Performance Standards;

27 (ii) Local amendments to the Maryland Building Performance  
28 Standards;

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

31 (iv) Fire codes adopted by counties and municipalities and any  
32 amendments;

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

1 (vi) Local amendments to the Electrical Code required under Article  
2 38A, §§ 59 and 60 of the Code;

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

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

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

9 (X) THE MARYLAND BUILDING REHABILITATION CODE; AND

10 (XI) LOCAL AMENDMENTS TO THE MARYLAND BUILDING  
11 REHABILITATION CODE;

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

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

17 SUBTITLE 5. MARYLAND BUILDING REHABILITATION CODE.

18 6-501.

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

24 6-502.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
26 INDICATED.

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

28 (1) BUILDING AREA;

29 (2) AGGREGATE FLOOR AREA;

30 (3) HEIGHT; OR

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

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

4 (D) "CONSTRUCTION PERMIT APPLICATION" MEANS ANY APPLICATION MADE  
5 TO A LOCAL JURISDICTION FOR A PERMIT OR OTHER GOVERNMENT APPROVAL FOR A  
6 REHABILITATION PROJECT.

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

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

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

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

19 (H) "MODIFICATION" MEANS THE:

- 20 (1) RECONFIGURATION OF ANY SPACE;
- 21 (2) ADDITION OR ELIMINATION OF ANY DOOR OR WINDOW;
- 22 (3) RECONFIGURATION OR EXTENSION OF ANY SYSTEM; OR
- 23 (4) INSTALLATION OF ANY ADDITIONAL EQUIPMENT.

24 (I) "RECONSTRUCTION" MEANS:

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

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

31 (3) EXTENSIVE MODIFICATIONS.

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

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

1 (I) CHANGE, STRENGTHENING, OR ADDITION OF LOAD BEARING  
2 ELEMENTS; OR

3 (II) REFINISHING, REPLACEMENT, BRACING, STRENGTHENING,  
4 UPGRADING, OR EXTENSIVE REPAIR OF EXISTING MATERIALS, ELEMENTS,  
5 COMPONENTS, EQUIPMENT, OR FIXTURES.

6 (2) "RENOVATION" DOES NOT INCLUDE:

7 (I) RECONFIGURATION OF SPACE; OR

8 (II) INTERIOR AND EXTERIOR PAINTING.

9 (L) "REPAIR" MEANS THE PATCHING, RESTORATION, OR MINOR  
10 REPLACEMENT OF MATERIALS, ELEMENTS, COMPONENTS, EQUIPMENT, OR  
11 FIXTURES FOR THE PURPOSES OF MAINTAINING THESE MATERIALS, ELEMENTS,  
12 COMPONENTS, EQUIPMENT, OR FIXTURES IN GOOD OR SOUND CONDITION.

13 6-503.

14 (A) THE DEPARTMENT, IN COOPERATION WITH THE MARYLAND BUILDING  
15 REHABILITATION CODE ADVISORY COUNCIL, THE DEPARTMENT OF LABOR,  
16 LICENSING, AND REGULATION, AND THE STATE FIRE MARSHAL, SHALL ADOPT BY  
17 REGULATION THE MARYLAND BUILDING REHABILITATION CODE. THE MBRC SHALL  
18 BE MODELED ON THE NATIONALLY APPLICABLE RECOMMENDED REHABILITATION  
19 PROVISIONS DEVELOPED BY THE UNITED STATES DEPARTMENT OF HOUSING AND  
20 URBAN DEVELOPMENT AND THE NATIONAL ASSOCIATION OF HOME BUILDERS  
21 RESEARCH CENTER.

22 (B) THE PURPOSE OF THE MARYLAND BUILDING REHABILITATION CODE IS TO  
23 ENCOURAGE AND FACILITATE THE REHABILITATION OF EXISTING BUILDINGS BY  
24 REDUCING THE COSTS AND CONSTRAINTS ON REHABILITATION RESULTING FROM  
25 EXISTING PROCEDURES AND STANDARDS.

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

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

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

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

35 (D) EXCEPT AS OTHERWISE PERMITTED IN THIS TITLE AND  
36 NOTWITHSTANDING ANY PROVISIONS OF ARTICLES 23A, 25, 25A, 25B, 28, AND 29 OF  
37 THE CODE AND BUILDING CODES, MECHANICAL CODES, PLUMBING CODES, FIRE

1 PREVENTION CODES, AND ELECTRICAL CODES ADOPTED THEREUNDER, THE MBRC  
2 SHALL APPLY TO ALL REHABILITATION PROJECTS FOR WHICH A CONSTRUCTION  
3 PERMIT APPLICATION IS RECEIVED BY A LOCAL JURISDICTION,  
4 MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, OR  
5 WASHINGTON SUBURBAN SANITARY COMMISSION AFTER ADOPTION OF THE MBRC.

6 (E) WITHIN 90 DAYS ~~OF AFTER THE~~ ADOPTION OF THE MBRC AND ANY  
7 SUBSEQUENT CHANGES ~~THERE TO~~ TO THE MBRC:

8 (1) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE  
9 STATE BOARD OF HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION  
10 CONTRACTORS, THE STATE BOARD OF PLUMBING, AND THE BOARD OF BOILER RULES  
11 SHALL SUBMIT PROPOSED ~~REGULATION CHANGES~~ CHANGES TO THEIR  
12 REGULATIONS TO MAKE THE MECHANICAL CODE, THE PLUMBING CODE, THE  
13 BOILER SAFETY CODE, AND THE ELEVATOR CODE CONSISTENT WITH THE MBRC;

14 (2) THE DEPARTMENT OF STATE POLICE AND THE STATE FIRE  
15 PREVENTION COMMISSION SHALL SUBMIT PROPOSED ~~REGULATION CHANGES~~  
16 CHANGES TO THEIR REGULATIONS TO MAKE THE STATE FIRE PREVENTION CODE  
17 CONSISTENT WITH THE MBRC; AND

18 (3) THE DEPARTMENT SHALL SUBMIT PROPOSED ~~REGULATION~~  
19 CHANGES CHANGES TO ITS REGULATIONS TO MAKE THE MARYLAND BUILDING  
20 PERFORMANCE STANDARDS, THE SAFETY GLAZING CODE, THE ENERGY CODE, AND  
21 THE ACCESSIBILITY CODE CONSISTENT WITH THE MBRC.

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

24 (2) A MUNICIPAL CORPORATION WHOSE AUTHORITY TO ADOPT OR  
25 AMEND A BUILDING CODE IS, BY LAW, LIMITED BY THE AUTHORITY OF ANY COUNTY  
26 IN WHICH IT IS LOCATED, SHALL NOT BE SUBJECT TO ANY AMENDMENT TO THE  
27 MBRC ADOPTED BY THE COUNTY UNLESS THE MUNICIPAL CORPORATION ALSO  
28 ADOPTS THE AMENDMENT.

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

33 (I) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE  
34 AMENDMENT; OR

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

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

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

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

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

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

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

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

14 6-504.

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

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

19 (2) BE ENFORCEABLE BY LOCAL OFFICIALS USING EXISTING  
20 ENFORCEMENT PROCEDURES;

21 ~~(2)~~ (3) APPLY TO REPAIR, RENOVATION, MODIFICATION,  
22 RECONSTRUCTION, CHANGE OF OCCUPANCY, AND ADDITION TO AN EXISTING  
23 BUILDING; AND

24 ~~(3)~~ (4) CONTAIN PROVISIONS THAT PROVIDE AN OPPORTUNITY FOR A  
25 PERSON PROPOSING A COMPLEX REHABILITATION PROJECT INVOLVING MULTIPLE  
26 CODES, PRIOR TO THE SUBMISSION OF A CONSTRUCTION PERMIT APPLICATION, TO  
27 MEET WITH LOCAL OFFICIALS OR THEIR DESIGNEES RESPONSIBLE FOR PERMIT  
28 APPROVAL AND ENFORCEMENT IN CONSTRUCTION RELATED LAWS AND  
29 REGULATIONS THAT MAY BE APPLICABLE TO THE REHABILITATION PROJECT.

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

34 (1) BUILDING CODE;

35 (2) MECHANICAL CODE;

36 (3) PLUMBING CODE;



- 1 (4) ELECTRICAL CODE;
- 2 (5) FIRE PREVENTION CODE;
- 3 (6) BOILER SAFETY CODE;
- 4 (7) ENERGY CODE;
- 5 (8) ELEVATOR CODE; AND
- 6 (9) LOCAL HISTORIC PRESERVATION ORDINANCES.

7 (C) THE PURPOSE OF THE MEETING ~~REQUIRED BY SUBSECTION (A)(3)~~  
 8 PROVIDED FOR UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE TO IDENTIFY  
 9 AND FACILITATE ANTICIPATE AND EXPEDITE THE RESOLUTION OF PROBLEMS THE A  
 10 COMPLEX REHABILITATION PROJECT MAY HAVE IN COMPLYING WITH THESE THE  
 11 APPLICABLE LAWS AND REGULATIONS AND THE MBRC.

12 6-505.

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

15 (1) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT OR  
 16 DESIGNEE;

17 (2) THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR  
 18 DESIGNEE;

19 (3) THE STATE FIRE MARSHAL OR DESIGNEE;

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

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

23 (6) ~~FOURTEEN~~ 22 MEMBERS APPOINTED BY THE GOVERNOR,  
 24 INCLUDING:

25 (I) A REPRESENTATIVE OF THE STATE FIRE PREVENTION  
 26 COMMISSION;

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

31 (III) ~~AN ARCHITECT~~ TWO ARCHITECTS PRACTICING IN MARYLAND  
 32 WHOSE PRACTICE INVOLVES A SIGNIFICANT PORTION OF REHABILITATION  
 33 PROJECTS;

- 1 (IV) A PROFESSIONAL ENGINEER;
- 2 (V) ~~A CONTRACTOR~~ TWO CONTRACTORS SPECIALIZING IN  
3 REHABILITATION CONSTRUCTION;
- 4 (VI) ~~A REPRESENTATIVE~~ TWO REPRESENTATIVES OF COUNTY  
5 GOVERNMENT;
- 6 (VII) ~~A REPRESENTATIVE~~ TWO REPRESENTATIVES OF MUNICIPAL  
7 GOVERNMENT;
- 8 (VIII) TWO BUILDING CODE OFFICIALS SERVING LOCAL  
9 GOVERNMENT; ~~AND~~
- 10 (IX) A COMMERCIAL AND INDUSTRIAL BUILDING OWNER OR  
11 DEVELOPER;
- 12 (X) A MULTIFAMILY BUILDING OWNER OR DEVELOPER;
- 13 (XI) TWO LOCAL FIRE OFFICIALS; AND
- 14 ~~(IX)~~ (XII) TWO MEMBERS OF THE GENERAL PUBLIC.

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

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

18 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS  
19 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1,  
20 2000.

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

23 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
24 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
25 QUALIFIES.

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

27 (6) A MEMBER SHALL SERVE WITHOUT COMPENSATION AND SHALL BE  
28 REIMBURSED FOR EXPENSES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL  
29 REGULATIONS.

30 (D) THE COUNCIL SHALL:

31 (1) ADVISE THE DEPARTMENT ON THE DEVELOPMENT, ADOPTION, AND  
32 REVISIONS TO THE MBRC;

1 (2) PROVIDE TECHNICAL ADVICE ON THE INTERPRETATION OF THE  
 2 MBRC TO PROPERTY OWNERS, DESIGN PROFESSIONALS, CONTRACTORS, LOCAL  
 3 JURISDICTION CODE OFFICIALS, AND LOCAL JURISDICTION CODE APPEAL BOARDS;  
 4 AND

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

8 (E) THE COUNCIL SHALL HAVE A DIRECTOR, APPOINTED BY THE SECRETARY.  
 9 THE DIRECTOR SHALL BE A SPECIAL APPOINTEE IN THE STATE PERSONNEL  
 10 MANAGEMENT SYSTEM.

#### 11 **Article 48 - Inspections**

12 170.

13 The Board shall formulate definitions, rules and regulations for the safe  
 14 construction, use, installation, maintenance, repair and inspection of boilers and  
 15 pressure vessels in this State. The rules and regulations so formulated shall conform  
 16 as nearly as possible to the Boiler and Pressure Vessel Code of the American Society  
 17 of Mechanical Engineers, the Inspection Code of the National Board of Boiler and  
 18 Pressure Vessel Inspectors, Code for Power Piping, B31.1 of the American Society of  
 19 Mechanical Engineers, Code for Controls and Safety Devices for Automatically Fired  
 20 Boilers, CSD-1 of the American Society of Mechanical Engineers, Code for Controls  
 21 and Safety Devices, NFPA Series 85 of the National Fire Protection Association, and  
 22 Code for Chemical Plant and Petroleum Refinery Piping, B31.3 of the American  
 23 Society of Mechanical Engineers, as amended and interpreted from time to time.  
 24 Rules and regulations formulated by the Board may be adopted and promulgated by  
 25 the Commissioner of Labor and Industry subject to the approval of the Secretary of  
 26 Labor, Licensing, and Regulation in the same manner as rules and regulations of the  
 27 Occupational Health and Safety Advisory Board. WITHIN 90 DAYS AFTER ADOPTION  
 28 OF THE MARYLAND BUILDING REHABILITATION CODE AND ANY SUBSEQUENT  
 29 REVISIONS ~~THEREOF~~ TO THE MARYLAND BUILDING REHABILITATION CODE BY THE  
 30 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UNDER ARTICLE 83B, §  
 31 6-503 OF THE CODE, THE BOARD AND THE COMMISSIONER SHALL SUBMIT PROPOSED  
 32 REGULATIONS TO AMEND THE DEFINITIONS, RULES, AND REGULATIONS TO BE  
 33 CONSISTENT WITH THE MARYLAND BUILDING REHABILITATION CODE.

#### 34 **Article 89 - Miscellaneous Business, Work, and Safety Provisions**

35 49B.

36 (e) The Commissioner shall administer and enforce the provisions of this  
 37 section and shall prescribe rules and regulations that conform generally to ANSI Code  
 38 A17.1-1971 and all subsequent amendments and revisions to it. If necessary to fulfill  
 39 the Commissioner's responsibilities under this section, the Commissioner shall adopt  
 40 regulations that amend standards set forth in ANSI Code A17.1-1971 and all  
 41 subsequent amendments and revisions to it, and prescribe other rules and

1 regulations. THE RULES AND REGULATIONS SHALL BE CONSISTENT WITH THE  
2 REQUIREMENTS OF ARTICLE 83B, § 6-503 OF THE CODE.

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

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

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

12 **Article - Natural Resources**

13 5-9A-05.

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

18 (2) TO QUALIFY FOR ADDITIONAL FUNDS APPROPRIATED ABOVE THE  
19 LEVEL APPROPRIATED IN FISCAL YEAR 2000 AS PROVIDED FOR IN ARTICLE 83B, §  
20 6-503(E)(4) OF THE CODE, AN APPLICATION SHALL INCLUDE A CERTIFICATION THAT  
21 THE LOCAL JURISDICTION HAS NOT ADOPTED ANY LOCAL AMENDMENTS TO THE  
22 MARYLAND BUILDING REHABILITATION CODE.

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

26 (1) ~~4~~ 6 members in 2001;

27 (2) ~~4~~ 6 members in 2002;

28 (3) ~~3~~ 5 members in 2003; and

29 (4) ~~3~~ 5 members in 2004.

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

1 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
2 limit, expand, or otherwise change the authority of the State, local jurisdictions, the  
3 Maryland-National Capital Park and Planning Commission, or the Washington  
4 Suburban Sanitary Commission to regulate the construction of new buildings,  
5 planning, zoning, or subdivision, as provided in Articles 23A, 25, 25A, 25B, 28, 29, and  
6 66B of the Code.

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