

(PRE-FILED)

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By: **Delegate Smigiel**  
Requested: October 3, 2005  
Introduced and read first time: January 11, 2006  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Building Code Enforcement Officials - Removal for Cause**

3 FOR the purpose of prohibiting the removal of a building code enforcement official  
4 except for cause and after an opportunity for a hearing by the appointing  
5 authority; and generally relating to enforcement of building codes for public  
6 safety.

7 BY repealing and reenacting, with amendments,  
8 Article - Public Safety  
9 Section 12-201  
10 Annotated Code of Maryland  
11 (2003 Volume and 2005 Supplement)

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

14 **Article - Public Safety**

15 12-201.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) "Department" means the Department of Housing and Community  
18 Development.

19 (3) "Industrialized building" has the meaning stated in § 12-301 of this  
20 title.

21 (b) The General Assembly finds that:

22 (1) the potential benefits of new materials and techniques for building  
23 construction are not readily available to the State partly because existing building  
24 codes preclude their use; and

1           (2)       several subdivisions in the State have no building codes of any type to  
2 protect the public against unsafe, unsound, or unsanitary buildings in their  
3 communities and this measure of protection should be provided to these communities.

4       (c)       The Department may adopt a Model Performance Code for building  
5 construction in the State.

6       (d)       The Model Performance Code for building construction is not binding in a  
7 subdivision of the State unless the subdivision specifically adopts it.

8       (e)       (1)       The Model Performance Code for building construction shall cover  
9 elements appropriate to ensure safe and sound construction, including plumbing,  
10 structure, and electrical systems.

11           (2)       Any part of the Model Performance Code that relates to structure  
12 shall incorporate by reference the Maryland Building Performance Standards  
13 established under Subtitle 5 of this title.

14           (3)       (i)       Except as provided in subparagraph (ii) of this paragraph, any  
15 part of the Model Performance Code that relates to plumbing shall be consistent with  
16 the State Plumbing Code currently in effect under the Maryland Plumbing Act.

17                   (ii)       Subparagraph (i) of this paragraph does not apply to  
18 industrialized buildings.

19           (4)       The Model Performance Code shall also include elements that  
20 promote the efficient utilization of energy resources.

21           (5)       The Model Performance Code shall be framed in terms of the  
22 purposes for which building codes are enacted instead of the specifications of  
23 materials and methods required to achieve the goals.

24       (f)       (1)       The Department shall adopt regulations to establish standards for  
25 industrialized buildings.

26           (2)       After public hearing, the Department shall adopt regulations to  
27 prohibit a jurisdiction in which the Model Performance Code is applicable from  
28 altering or modifying the Model Performance Code without the approval of the  
29 Department.

30           (3)       The Department shall provide an appeal procedure for challenges to  
31 the interpretation or application of the Model Performance Code.

32           (4)       The Department shall:

33                   (i)       consult regularly with local officials to review the application  
34 and effectiveness of the Model Performance Code in each jurisdiction; and

1 (ii) review recommendations from local officials for changes,  
2 modifications, or exceptions to increase the effectiveness and usefulness of the Model  
3 Performance Code in those jurisdictions.

4 (5) The Department shall train and certify building code enforcement  
5 officials in each jurisdiction where the Model Performance Code is in effect.

6 (g) The Department may not unreasonably withhold approval of requests for  
7 special provisions in the Model Performance Code to meet local conditions.

8 (H) NOTWITHSTANDING ANY PROVISION ADOPTED BY REGULATION TO THE  
9 CONTRARY, A BUILDING CODE ENFORCEMENT OFFICIAL MAY NOT BE REMOVED  
10 FROM THE OFFICIAL'S POSITION EXCEPT FOR CAUSE AND AFTER AN OPPORTUNITY  
11 FOR A HEARING BY THE APPOINTING AUTHORITY.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2006.