

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 485

(Senator Hooper, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

**Maryland Building Performance Standards - Exemption in Certain Counties for
Agricultural Buildings Used for Agritourism**

This bill establishes performance standards for agricultural buildings used in agritourism in Calvert, Charles, Dorchester, Frederick, Harford, Prince George's, St. Mary's, Somerset, and Talbot counties and exempts such buildings from the Maryland Building Performance Standards (MBPS).

Fiscal Summary

State Effect: Any general fund expenditure increase in FY 2007 for the Department of Housing and Community Development (DHCD) to hold additional training sessions for local governments in affected localities could be handled with existing resources.

Local Effect: Minimal decrease in local revenues from loss of permitting and fine revenue.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: An "agricultural building" means a structure designed and constructed to hold farm implements, horticultural products, and livestock. An agricultural building does not include a residence for humans.

The MBPS does not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use. An

agricultural building used for agritourism must be structurally sound, but does not need to comply with requirements for bathrooms, sprinklers, elevators, or any other requirements of MBPS or other standards enforced by DHCD, including the Maryland Accessibility Code.

An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism is in accordance with DHCD regulations, occupies only ground exit levels of a building, and does not require more than 50 people to occupy a building at one time.

The General Assembly also encourages the University of Maryland to establish an educational program that focuses on the liability issues for farmers that have farms engaged in agritourism.

Current Law: DHCD must adopt by regulation the International Building Code with specified modifications, as the MBPS. By regulation, DHCD has also adopted the International Residential Code as part of the MBPS. The MBPS applies to every building or structure in the State for which a building permit application was received by a local jurisdiction after August 1, 1995. Each local jurisdiction must enforce the MBPS, as well as any local amendments, and must establish procedures for inspection and permitting.

Background: Agricultural tourism is a growing industry. For example, Harford County seeks to promote agricultural tourism as a significant portion of its agricultural economy. It has produced an agricultural tourism brochure, and thousands of children and hundreds of teachers in Harford County alone go on farm tours annually. This promotes agricultural education and also generates significant revenue for the farmers. There are 11 or more farms in the county offering agricultural tours.

State Expenditures: DHCD advises that the exemptions from the MBPS could require it to conduct additional training sessions around the State to inform localities about the changes. DHCD advises that it has provided such sessions in the past for localities. In fiscal 2005, DHCD spent \$21,500 on travel and materials for such sessions. DHCD estimates that this bill would increase the need for such sessions by 10%; therefore, general fund expenditures would increase by approximately \$2,200 in fiscal 2007. These costs could be handled with existing resources.

Local Revenues: Local revenues could decrease minimally from a loss of permit fees from owners of agricultural buildings that no longer need to bring buildings up to code.

Small Business Effect: Small farms with historic buildings used for agricultural tourism would not be forced to bring an agricultural building up to code or close the building. These buildings are a significant source of revenue for some farms.

Additional Comments: DHCD advises that the Maryland Accessibility Code complies with the federal Americans with Disabilities Act Accessibility Guidelines. The federal Act will still apply to these buildings. DHCD also advises that it does not establish all codes for building safety and construction – sprinklers are set under the State Fire Prevention Code, elevator standards are set by the Maryland Department of Labor, Licensing, and Regulation, as are standards for bathrooms (which are set in conjunction with local jurisdictions).

Additional Information

Prior Introductions: None.

Cross File: HB 1106 (Harford County Delegation and Southern Maryland Delegation) – Environmental Matters, is designated as a cross file, although it is not identical.

Information Source(s): Prince George’s County, Harford County, Talbot County, Dorchester County, Charles County, Department of Housing and Community Development, Maryland Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2006
ncs/jr Revised - Senate Third Reader - March 24, 2006
Revised - Enrolled Bill - April 24, 2006

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