

# HOUSE BILL 707

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By: **Delegates Barve, Bronrott, Hubbard, and Morhaim**

Introduced and read first time: February 9, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Energy Conservation Building Standards Improvement Act**

3 FOR the purpose of requiring the Department of Housing and Community  
4 Development to adopt the International Energy Conservation Code as part of  
5 the Maryland Building Performance Standards; altering the time by which the  
6 Department is required to adopt each subsequent version of the Standards;  
7 authorizing the Department to adopt certain modifications of the building code  
8 as part of the Standards; prohibiting the Department from adopting certain  
9 other modifications of the building code as part of the Standards; requiring any  
10 version of the Standards adopted after certain dates to include certain  
11 additional energy savings in new buildings; requiring the Department to use a  
12 certain method to calculate these additional energy savings; requiring the  
13 Department to develop certain code elements and options to achieve a certain  
14 amount of energy savings above the additional energy savings, and to publish  
15 them in a certain way for use as a model by local jurisdictions; providing that  
16 any building that complies with the model code elements and options is also in  
17 compliance with the Standards; prohibiting local jurisdictions from adopting  
18 certain local amendments to the Standards; requiring local jurisdictions to  
19 implement and enforce a certain version of the Standards by a certain date; and  
20 generally relating to energy efficiency requirements under the Maryland  
21 Building Performance Standards.

22 BY repealing and reenacting, with amendments,  
23 Article – Public Safety  
24 Section 12–501, 12–503, 12–504(a), and 12–505(a)(1)  
25 Annotated Code of Maryland  
26 (2003 Volume and 2008 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**Article – Public Safety**

2 12–501.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “Building” has the meaning stated in the International Building Code.

5 (c) “Department” means the Department of Housing and Community  
6 Development.7 (d) (1) “International Building Code” means the first printing of the most  
8 recent edition of the International Building Code issued by the International Code  
9 Council.10 (2) “International Building Code” does not include interim  
11 amendments or subsequent printings of the most recent edition of the International  
12 Building Code.13 **(E) (1) “INTERNATIONAL ENERGY CONSERVATION CODE” MEANS**  
14 **THE FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL**  
15 **ENERGY CONSERVATION CODE ISSUED BY THE INTERNATIONAL CODE**  
16 **COUNCIL.**17 **(2) “INTERNATIONAL ENERGY CONSERVATION CODE” DOES NOT**  
18 **INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST**  
19 **RECENT EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.**20 **(F) (1) “INTERNATIONAL RESIDENTIAL CODE” MEANS THE FIRST**  
21 **PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL**  
22 **RESIDENTIAL CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.**23 **(2) “INTERNATIONAL RESIDENTIAL CODE” DOES NOT INCLUDE:**24 **(I) INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF**  
25 **THE MOST RECENT EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; OR**26 **(II) THE “ENERGY EFFICIENCY” CHAPTER OF THE**  
27 **INTERNATIONAL RESIDENTIAL CODE.**28 [(e)] **(G) “Local jurisdiction” means the county or municipal corporation that**  
29 **is responsible for implementation and enforcement of the Standards under this**  
30 **subtitle.**31 [(f)] **(H) “Standards” means the Maryland Building Performance**  
32 **Standards.**

1            [(g)] (I)    “Structure” has the meaning stated in the International Building  
2 Code.  
3 12–503.

4            (a)    (1)    The Department shall adopt by regulation, as the Maryland  
5 Building Performance Standards, the International Building Code, **INCLUDING THE**  
6 **INTERNATIONAL ENERGY CONSERVATION CODE**, with the modifications  
7 incorporated by the Department under subsection (b) of this section.

8                    (2)    The Department shall adopt each subsequent version of the  
9 Standards within [12] **9** months after it is issued.

10            (b)    (1)    Before adopting each version of the Standards, the Department  
11 shall:

12                            (i)    review the International Building Code to determine  
13 whether modifications should be incorporated in the Standards;

14                            (ii)    accept written comments;

15                            (iii)    consider any comments received; and

16                            (iv)    hold a public hearing on each proposed modification.

17                    (2)    The Department may not adopt, as part of the Standards, a  
18 modification of a building code requirement that is more stringent than the  
19 requirement in the International Building Code.

20                    (3)    **THE DEPARTMENT MAY ADOPT, AS PART OF THE STANDARDS,**  
21 **A MODIFICATION OF A BUILDING CODE REQUIREMENT THAT IS MORE**  
22 **STRINGENT THAN THE CORRESPONDING REQUIREMENT IN THE**  
23 **INTERNATIONAL ENERGY CONSERVATION CODE.**

24                    (4)    **THE DEPARTMENT MAY NOT ADOPT, AS PART OF THE**  
25 **STANDARDS, ANY PROVISION OF THE INTERNATIONAL RESIDENTIAL CODE**  
26 **THAT IS LESS STRINGENT THAN THE CORRESPONDING REQUIREMENT IN THE**  
27 **INTERNATIONAL ENERGY CONSERVATION CODE.**

28            (c)    (1)    (I)    **ANY VERSION OF THE STANDARDS ADOPTED AFTER**  
29 **DECEMBER 31, 2012, SHALL INCLUDE ENERGY CONSERVATION REQUIREMENTS**  
30 **THAT ACHIEVE AN ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS OF AT**  
31 **LEAST 30%, AS CALCULATED IN PARAGRAPH (2) OF THIS SUBSECTION.**

1                   **(II) ANY VERSION OF THE STANDARDS ADOPTED AFTER**  
2 **DECEMBER 31, 2019, SHALL INCLUDE ENERGY CONSERVATION REQUIREMENTS**  
3 **THAT ACHIEVE AN ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS OF AT**  
4 **LEAST 50%, AS CALCULATED IN PARAGRAPH (2) OF THIS SUBSECTION.**

5                   **(2) (I) THE ADDITIONAL ENERGY SAVINGS REQUIRED IN**  
6 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED BY COMPARING**  
7 **THE TOTAL ENERGY SAVINGS OF A BUILDING TO THE TOTAL ENERGY SAVINGS**  
8 **OF A COMPARABLE BUILDING MEETING THE REQUIREMENTS OF THE 2006**  
9 **VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.**

10                   **(II) IN MAKING THE CALCULATION IN SUBPARAGRAPH (I)**  
11 **OF THIS PARAGRAPH FOR RESIDENTIAL BUILDINGS, THE DEPARTMENT SHALL**  
12 **USE THE “PERFORMANCE PATH” METHODOLOGY AND RULE SET CONTAINED IN**  
13 **THE INTERNATIONAL ENERGY CONSERVATION CODE.**

14                   **(III) IN MAKING THE CALCULATION IN SUBPARAGRAPH (I)**  
15 **OF THIS PARAGRAPH FOR NONRESIDENTIAL BUILDINGS, THE DEPARTMENT**  
16 **SHALL USE THE METHODOLOGY AND RULE SET CONTAINED IN THE**  
17 **INFORMATIVE APPENDIX G OF STANDARD 90.1 OF THE AMERICAN SOCIETY OF**  
18 **HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.**  
19 **(ASHRAE).**

20                   **(D) (1) AFTER DECEMBER 31, 2009, BEFORE ADOPTING EACH**  
21 **SUBSEQUENT VERSION OF THE STANDARDS, THE DEPARTMENT SHALL:**

22                   **(I) DEVELOP SPECIFIC CODE ELEMENTS AND OPTIONS TO**  
23 **ACHIEVE ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS OF 20% OR MORE**  
24 **ABOVE THE SAVINGS REQUIRED IN SUBSECTION (C) OF THIS SECTION; AND**

25                   **(II) PUBLISH THE ELEMENTS AND OPTIONS DESCRIBED IN**  
26 **ITEM (I) OF THIS PARAGRAPH AS AN APPENDIX TO THE STANDARDS TO BE USED**  
27 **AS A MODEL FOR LOCAL JURISDICTIONS.**

28                   **(2) ANY BUILDING THAT COMPLIES WITH AN ELEMENT OR**  
29 **OPTION PUBLISHED IN THE MOST RECENT APPENDIX TO THE STANDARDS AS**  
30 **REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED IN**  
31 **COMPLIANCE WITH THE PERTINENT PROVISION OF THE STANDARDS.**

32                   **[(c)] (E) The Standards apply to each building or structure in the State for**  
33 **which a building permit application is received by a local jurisdiction on or after**  
34 **August 1, 1995.**

1           (a)    A local jurisdiction may adopt local amendments to the Standards if the  
2 local amendments do not:

3                   (1)    prohibit the minimum implementation and enforcement activities  
4 set forth in § 12-505 of this subtitle; **OR**

5                   (2)    **WEAKEN A BUILDING CODE REQUIREMENT OF THE**  
6 **INTERNATIONAL ENERGY CONSERVATION CODE INCORPORATED INTO THE**  
7 **STANDARDS.**

8 12-505.

9           (a)    (1)    **(I)**    Each local jurisdiction shall implement and enforce the  
10 **MOST CURRENT VERSION OF THE** Standards and any local amendments to the  
11 Standards.

12                           **(II)**    **ANY MODIFICATION OF THE STANDARDS ADOPTED BY**  
13 **THE STATE AFTER DECEMBER 31, 2009, INCLUDING ANY LOCAL AMENDMENTS,**  
14 **SHALL BE IMPLEMENTED AND ENFORCED BY A LOCAL JURISDICTION NO LATER**  
15 **THAN 60 DAYS AFTER THE MODIFICATIONS ARE ADOPTED BY THE STATE.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2009.