

# HOUSE BILL 969

C2, E4

11r2543

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By: **Delegate Myers**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Building Codes – Department of Housing and Community Development –**  
3 **Plumbing and Heating, Ventilation, Air–Conditioning, and Refrigeration**

4 FOR the purpose of requiring the Department of Housing and Community  
5 Development, rather than the State Board of Plumbing and the State Board of  
6 Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, to adopt  
7 a State Plumbing Code and a State Heating, Ventilation, Air–Conditioning, and  
8 Refrigeration Code; altering a certain provision authorizing the State Board of  
9 Plumbing to adopt certain regulations; requiring the Department to adopt the  
10 International Plumbing Code, the International Fuel Gas Code, and the  
11 International Mechanical Code as part of the Model Performance Building  
12 Standards; requiring the Department to submit certain amendments within a  
13 certain period of time to make certain codes consistent with the Maryland  
14 Building Rehabilitation Code; making conforming changes; altering a certain  
15 definition; providing for the effective date of certain provisions of this Act;  
16 providing for the termination of certain provisions of this Act; and generally  
17 relating to the adoption of the State Plumbing Code and the State Heating,  
18 Ventilation, Air–Conditioning, and Refrigeration Code.

19 BY repealing and reenacting, with amendments,  
20 Article – Business Occupations and Professions  
21 Section 12–101(p), 12–205, and 12–206  
22 Annotated Code of Maryland  
23 (2010 Replacement Volume)

24 BY repealing and reenacting, with amendments,  
25 Article – Business Regulation  
26 Section 9A–205  
27 Annotated Code of Maryland  
28 (2010 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
 2 Article – Housing and Community Development  
 3 Section 2–102(a)  
 4 Annotated Code of Maryland  
 5 (2006 Volume and 2010 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article – Public Safety  
 8 Section 12–502(a), 12–503, and 12–1006  
 9 Annotated Code of Maryland  
 10 (2003 Volume and 2010 Supplement)

11 BY repealing and reenacting, with amendments,  
 12 Article – Business Occupations and Professions  
 13 Section 12–205  
 14 Annotated Code of Maryland  
 15 (2010 Replacement Volume)  
 16 (As enacted by Chapter 407 of the Acts of the General Assembly of 2010)

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

19 **Article – Business Occupations and Professions**

20 12–101.

21 (p) “State Plumbing Code” means the [regulations adopted by the Secretary,  
 22 as amended by the Board, to provide standards that:

23 (1) are based on principles of environmental sanitation and safety; and

24 (2) provide for properly designed, acceptably installed, and adequately  
 25 maintained plumbing systems] **PLUMBING CODE ADOPTED BY THE DEPARTMENT**  
 26 **OF HOUSING AND COMMUNITY DEVELOPMENT UNDER § 2–102 OF THE**  
 27 **HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

28 12–206.

29 (a) A county shall:

30 (1) enforce the State Plumbing Code; or

31 (2) adopt and enforce a local plumbing code that meets or exceeds the  
 32 minimum standards of the State Plumbing Code for the proper design, acceptable  
 33 installation, and adequate maintenance of plumbing systems.

34 (b) (1) In this subsection:

1 (i) "greywater" means used, untreated water generated by:

2 1. a clothes washing machine;

3 2. a shower; or

4 3. a bathtub; and

5 (ii) "greywater" does not include water from:

6 1. a toilet;

7 2. a kitchen sink; or

8 3. a dishwashing machine.

9 (2) A county may not adopt or enforce a provision of a local plumbing  
10 code that prohibits a system that recycles greywater, as authorized under the State  
11 Plumbing Code.

12 (c) Unless the Board determines that a county is adequately enforcing the  
13 State Plumbing Code or a local plumbing code that meets or exceeds the minimum  
14 standards of the State Plumbing Code, the Board shall enforce the State Plumbing  
15 Code in that county.

16 (d) The Board may make a cooperative agreement with a county for the  
17 county to enforce:

18 (1) the State Plumbing Code; or

19 (2) if the county has adopted a local plumbing code, that code.

20 **(E) THE BOARD MAY ADOPT REGULATIONS TO ENFORCE THIS SECTION.**

21 **Article – Business Regulation**

22 9A–205.

23 (a) In addition to the powers set forth elsewhere, the Board shall:

24 (1) adopt rules and regulations to carry out the provisions of this title;

25 [(2) adopt and enforce a code that sets minimum standards for  
26 installing, altering, remodeling, maintaining, and repairing heating, ventilation,  
27 air–conditioning, hydronic, and refrigeration systems;]

- 1            [(3)] (2)     administer examinations;
- 2            [(4)] (3)     issue licenses;
- 3            [(5)] (4)     keep a list of all licensees;
- 4            [(6)] (5)     keep a record of its proceedings; and
- 5            [(7)] (6)     adopt an official seal.

6            (b)     The Board shall enter into a cooperative agreement with a county for the  
7 county to enforce the code adopted under [this section] **§ 2-102 OF THE HOUSING**  
8 **AND COMMUNITY DEVELOPMENT ARTICLE.**

9            (c)     If a county has adopted a code prior to January 1, 1988 the county code  
10 shall apply within that county.

11                            **Article – Housing and Community Development**

12     2-102.

13            (a)     The Department shall:

14                            (1)     encourage and assist political subdivisions and public and private  
15 community organizations to develop mutual and cooperative solutions to their common  
16 problems;

17                            (2)     serve as a clearinghouse for information and materials that may be  
18 pertinent to sound community assistance, including information on available federal,  
19 State, and private financial assistance and technical assistance;

20                            (3)     implement model or demonstration programs and projects or  
21 otherwise provide a program of practical research in community assistance;

22                            (4)     provide grants and loans for energy conservation and the use of  
23 solar energy in commercial and residential buildings;

24                            (5)     provide advisory, consultative, training, and educational services,  
25 and technical assistance to any political subdivision, local public agency, or nonprofit  
26 organization for community assistance purposes;

27                            (6)     contract for and accept a gift, grant, contribution, or loan of money,  
28 property, or other aid for community assistance from a governmental unit, the federal  
29 government, or another source and comply with the terms and conditions of that aid;

30                            (7)     attach terms and conditions to financial assistance as the  
31 Secretary determines;

1 (8) participate with political subdivisions, regional governments,  
 2 organizations, and the federal government in developing, financing, and implementing  
 3 a program to build the management capabilities of municipal corporations by  
 4 supplying needed managerial expertise through circuit riding managers;

5 (9) administer federal programs to community assistance; [and]

6 (10) develop and implement a weatherization program in accordance  
 7 with Title 4 of this article and administer the low-income weatherization component  
 8 of the electric universal service program in accordance with § 7-512.1 of the Public  
 9 Utilities Article; AND

10 (11) **ADOPT A STATE PLUMBING CODE AND A STATE HEATING,  
 11 VENTILATION, AIR-CONDITIONING, AND REFRIGERATION CODE.**

12 **Article – Public Safety**

13 12-502.

14 (a) This subtitle does not alter or abrogate the authority of:

15 (1) **THE DEPARTMENT TO ADOPT THE STATE PLUMBING CODE  
 16 OR THE STATE HEATING, VENTILATION, AIR-CONDITIONING, AND  
 17 REFRIGERATION CODE UNDER § 2-102 OF THE HOUSING AND COMMUNITY  
 18 DEVELOPMENT ARTICLE;**

19 [(1)] (2) the State Board of Plumbing to [adopt and] enforce the  
 20 State Plumbing Code under the Maryland Plumbing Act, Title 12 of the Business  
 21 Occupations and Professions Article;

22 [(2)] (3) the State Board of Heating, Ventilation, Air-Conditioning,  
 23 and Refrigeration Contractors to [adopt and] enforce the State Heating, Ventilation,  
 24 Air-Conditioning, and Refrigeration Code under the Maryland Heating, Ventilation,  
 25 Air-Conditioning, and Refrigeration Contractors Act, Title 9A of the Business  
 26 Regulation Article;

27 [(3)] (4) the Commissioner of Labor and Industry to adopt and  
 28 enforce standards for elevator safety under Subtitle 8 of this title;

29 [(4)] (5) the State Fire Prevention Commission to enforce the  
 30 Electrical Code under Subtitle 6 of this title; or

31 [(5)] (6) the Public Service Commission to enforce the Energy Code  
 32 defined under the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of  
 33 the Public Utilities Article.

1 12-503.

2 (a) (1) The Department shall adopt by regulation, as the Maryland  
3 Building Performance Standards, the International Building Code, including the  
4 International Energy Conservation Code, **THE INTERNATIONAL PLUMBING CODE,**  
5 **THE INTERNATIONAL FUEL GAS CODE, AND THE INTERNATIONAL MECHANICAL**  
6 **CODE**, with the modifications incorporated by the Department under subsection (b) of  
7 this section.

8 (2) The Department shall adopt each subsequent version of the  
9 Standards within 12 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) consider changes to the International Building Code to  
15 enhance energy conservation and efficiency;

16 (iii) accept written comments;

17 (iv) consider any comments received; and

18 (v) hold a public hearing on each proposed modification.

19 (2) (i) Except as provided in subparagraph (ii) of this paragraph,  
20 the Department may not adopt, as part of the Standards, a modification of a building  
21 code requirement that is more stringent than the requirement in the International  
22 Building Code.

23 (ii) The Department may adopt energy conservation  
24 requirements that are more stringent than the requirements in the International  
25 Energy Conservation Code, but may not adopt energy conservation requirements that  
26 are less stringent than the requirements in the International Energy Conservation  
27 Code.

28 (c) The Standards apply to each building or structure in the State for which  
29 a building permit application is received by a local jurisdiction on or after August 1,  
30 1995.

31 12-1006.

32 Within 90 days after the adoption of the MBRC and any subsequent  
33 amendments to the MBRC:

1           (1) the **DEPARTMENT, THE** Department of Labor, Licensing, and  
2 Regulation, [the State Board of Heating, Ventilation, Air-Conditioning, and  
3 Refrigeration Contractors, the State Board of Plumbing,] the Commissioner of Labor  
4 and Industry, and the Board of Boiler Rules shall submit proposed amendments to  
5 their regulations to make the Mechanical Code, the State Plumbing Code, the Boiler  
6 Safety Code, and the Elevator Code consistent with the MBRC;

7           (2) the Department of State Police and the State Fire Prevention  
8 Commission shall submit proposed amendments to their regulations to make the State  
9 Fire Prevention Code consistent with the MBRC; and

10           (3) the Department shall submit proposed amendments to its  
11 regulations to make the Maryland Building Performance Standards, the Safety  
12 Glazing Code, the Energy Code, and the Maryland Accessibility Code consistent with  
13 the MBRC.

14           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
15 read as follows:

16                           **Article – Business Occupations and Professions**

17           12–205.

18           [(a) The Board may adopt regulations to amend the State Plumbing Code.

19           (b) (1) The Board may adopt, as part of the State Plumbing Code,  
20 regulations to carry out the purposes of and to enforce §§ 12–605 and 12–606 of this  
21 title.

22           (2) The Board may adopt standards of the American National  
23 Standards Institute or any other nationally recognized organization.

24           (c) (1) At least once a year, the Board shall review:

25                           (i) new and existing standards of the American National  
26 Standards Institute and any other organization listed in the State Plumbing Code or  
27 the Model Performance Building Code for water conserving appliances, devices,  
28 fittings, and fixtures; and

29                           (ii) the availability and cost of water conserving appliances,  
30 devices, fittings, and fixtures that conform to the standards.

31           (2) If the Board finds that a water conserving appliance, device,  
32 fitting, or fixture that conforms to the standards of the American National Standards  
33 Institute or any other organization listed in the State Plumbing Code or the Model

1 Performance Building Code is readily available at reasonable cost, the Board shall  
2 amend the State Plumbing Code to:

3 (i) incorporate the standards for and require use of the water  
4 conserving appliance, device, fitting, or fixture; and

5 (ii) require the use of a water supply system and a drainage and  
6 venting system that are designed based on the hydraulic requirements of the required  
7 water conserving appliances, devices, fittings, and fixtures.

8 (3) Notwithstanding the availability and cost of the appliance, device,  
9 fitting, or fixture, the Board may allow, under the State Plumbing Code, the  
10 installation of a water conserving appliance, device, fitting, or fixture that meets the  
11 standards of the American National Standards Institute or any other organization  
12 listed in the State Plumbing Code or the Model Performance Building Code, subject to  
13 the use of a water supply system and a venting and drainage system design based on  
14 the hydraulic requirements of the appliance, device, fitting, or fixture.

15 (4) On or before July 1 of each year and subject to § 2-1246 of the  
16 State Government Article, the Board shall submit to the General Assembly a written  
17 report on the implementation of this subsection, including the results of the review  
18 conducted under this subsection.

19 (d)] The Board shall:

20 (1) periodically publish an updated version of the State Plumbing  
21 Code; and

22 (2) make available on request of any person a copy of the State  
23 Plumbing Code for a reasonable fee.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
25 read as follows:

26 **Article – Business Occupations and Professions**

27 12-205.

28 [(a) The Board may adopt regulations to amend the State Plumbing Code.

29 (b) (1) The Board may adopt, as part of the State Plumbing Code,  
30 regulations to carry out the purposes of and to enforce §§ 12-605 and 12-606 of this  
31 title.

32 (2) The Board may adopt standards of the American National  
33 Standards Institute or any other nationally recognized organization.



1           (3) The Board shall adopt, as part of the State Plumbing Code,  
2 regulations to carry out the purposes of and to enforce §§ 12–605.1 and 12–605.2 of  
3 this title.

4           (c) (1) At least once a year, the Board shall review:

5                   (i) new and existing standards of the American National  
6 Standards Institute and any other organization listed in the State Plumbing Code or  
7 the Model Performance Building Code for water conserving appliances, devices,  
8 fittings, and fixtures; and

9                   (ii) the availability and cost of water conserving appliances,  
10 devices, fittings, and fixtures that conform to the standards.

11           (2) If the Board finds that a water conserving appliance, device,  
12 fitting, or fixture that conforms to the standards of the American National Standards  
13 Institute or any other organization listed in the State Plumbing Code or the Model  
14 Performance Building Code is readily available at reasonable cost, the Board shall  
15 amend the State Plumbing Code to:

16                   (i) incorporate the standards for and require use of the water  
17 conserving appliance, device, fitting, or fixture; and

18                   (ii) require the use of a water supply system and a drainage and  
19 venting system that are designed based on the hydraulic requirements of the required  
20 water conserving appliances, devices, fittings, and fixtures.

21           (3) Notwithstanding the availability and cost of the appliance, device,  
22 fitting, or fixture, the Board may allow, under the State Plumbing Code, the  
23 installation of a water conserving appliance, device, fitting, or fixture that meets the  
24 standards of the American National Standards Institute or any other organization  
25 listed in the State Plumbing Code or the Model Performance Building Code, subject to  
26 the use of a water supply system and a venting and drainage system design based on  
27 the hydraulic requirements of the appliance, device, fitting, or fixture.

28           (4) On or before July 1 of each year and subject to § 2–1246 of the  
29 State Government Article, the Board shall submit to the General Assembly a written  
30 report on the implementation of this subsection, including the results of the review  
31 conducted under this subsection.

32           (d)] The Board shall:

33                   (1) periodically publish an updated version of the State Plumbing  
34 Code; and

35                   (2) make available on request of any person a copy of the State  
36 Plumbing Code for a reasonable fee.

1           SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
2 take effect October 1, 2011. It shall remain effective until the taking effect of Section 3  
3 of this Act. If Section 3 of this Act takes effect, Section 2 of this Act shall be abrogated  
4 and of no further force and effect.

5           SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
6 take effect January 1, 2012, the effective date of Chapter 407 of the Acts of the  
7 General Assembly of 2010. If the effective date of Chapter 407 is amended, Section 3 of  
8 this Act shall take effect on the taking effect of Chapter 407.

9           SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions  
10 of Sections 4 and 5 of this Act, this Act shall take effect October 1, 2011.