

HOUSE BILL 972

E4, C8

1lr2495

By: **Delegates Stein, Carr, Gilchrist, Glenn, Healey, Holmes, and Lafferty**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Building Codes – International Green Construction Code**

3 FOR the purpose of authorizing the Department of Housing and Community
4 Development to adopt by regulation the International Green Construction Code;
5 authorizing local jurisdictions to adopt the International Green Construction
6 Code as an alternative to the Maryland Building Performance Standards;
7 defining a certain term; altering a certain definition; and generally relating to
8 the International Green Construction Code.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 12–501, 12–503, and 12–504
12 Annotated Code of Maryland
13 (2003 Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 3–602.1(a)(2)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

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

21 **Article – Public Safety**

22 12–501.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) “Department” means the Department of Housing and Community Development.

(d) (1) “International Building Code” means the first printing of the most recent edition of the International Building Code issued by the International Code Council.

(2) “International Building Code” does not include interim amendments or subsequent printings of the most recent edition of the International Building Code.

(e) (1) “International Energy Conservation Code” means the first printing of the most recent edition of the International Energy Conservation Code issued by the International Code Council.

(2) “International Energy Conservation Code” does not include interim amendments or subsequent printings of the most recent edition of the International Energy Conservation Code.

(F) (1) “INTERNATIONAL GREEN CONSTRUCTION CODE” MEANS THE FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL GREEN CONSTRUCTION CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.

(2) “INTERNATIONAL GREEN CONSTRUCTION CODE” DOES NOT INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST RECENT EDITION OF THE INTERNATIONAL GREEN CONSTRUCTION CODE.

[(f)] (G) “Local jurisdiction” means the county or municipal corporation that is responsible for implementation and enforcement of the Standards under this subtitle.

[(g)] (H) “Standards” means the Maryland Building Performance Standards.

[(h)] (I) “Structure” has the meaning stated in the International Building Code.

12–503.

(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.

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

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

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

5 (ii) consider changes to the International Building Code to
6 enhance energy conservation and efficiency;

7 (iii) accept written comments;

8 (iv) consider any comments received; and

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

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

14 (ii) The Department may adopt energy conservation
15 requirements that are more stringent than the requirements in the International
16 Energy Conservation Code, but may not adopt energy conservation requirements that
17 are less stringent than the requirements in the International Energy Conservation
18 Code.

19 (c) The Standards apply to each building or structure in the State for which
20 a building permit application is received by a local jurisdiction on or after August 1,
21 1995.

22 **(D) IN ADDITION TO THE STANDARDS, THE DEPARTMENT MAY ADOPT**
23 **BY REGULATION THE INTERNATIONAL GREEN CONSTRUCTION CODE.**

24 12-504.

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

27 **[(1)] (I)** prohibit the minimum implementation and enforcement
28 activities set forth in § 12-505 of this subtitle; or

29 **[(2)] (II)** weaken energy conservation and efficiency provisions
30 contained in the Standards.

31 **(2) INSTEAD OF ADOPTING AMENDMENTS TO THE STANDARDS**
32 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, A LOCAL JURISDICTION MAY**

1 **ADOPT THE INTERNATIONAL GREEN CONSTRUCTION CODE AS AN**
2 **ALTERNATIVE BUILDING CODE TO THE STANDARDS.**

3 (b) If a local jurisdiction adopts a local amendment to the Standards, the
4 Standards as amended by the local jurisdiction apply in the local jurisdiction.

5 (c) If a local amendment conflicts with the Standards, the local amendment
6 prevails in the local jurisdiction.

7 (d) A local jurisdiction that adopts a local amendment to the Standards shall
8 ensure that the local amendment is adopted in accordance with applicable local law.

9 (e) To keep the database established under this subtitle current, a local
10 jurisdiction that adopts a local amendment to the Standards shall provide a copy of
11 the local amendment to the Department:

12 (1) at least 15 days before the effective date of the amendment; or

13 (2) within 5 days after the adoption of an emergency local amendment.

14 **Article – State Finance and Procurement**

15 3–602.1.

16 (a) (2) “High performance building” means a building that:

17 (i) 1. meets or exceeds the current version of the U.S. Green
18 Building Council’s LEED (Leadership in Energy and Environmental Design) Green
19 Building Rating System Silver rating; or

20 [(ii)] 2. achieves at least a comparable numeric rating
21 according to a nationally recognized, accepted, and appropriate numeric sustainable
22 development rating system, guideline, or standard approved by the Secretaries of
23 Budget and Management and General Services; **OR**

24 **(II) COMPLIES WITH THE REQUIREMENTS OF THE**
25 **INTERNATIONAL GREEN CONSTRUCTION CODE.**

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
27 October 1, 2011.