

Chapter 369

(House Bill 972)

AN ACT concerning

Building Codes – International Green Construction Code

FOR the purpose of authorizing the Department of Housing and Community Development to adopt by regulation the International Green Construction Code; authorizing local jurisdictions to adopt and make local amendments to the International Green Construction Code ~~as an alternative to the Maryland Building Performance Standards under certain circumstances~~; defining a certain term; providing for a delayed effective date; ~~altering a certain definition~~; and generally relating to the International Green Construction Code.

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

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

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

Article – Public Safety

12–501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Building” has the meaning stated in the International Building Code.
- (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.

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

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

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

(iii) accept written comments;

(iv) consider any comments received; and

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

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

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

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

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

12-504.

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

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

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

~~(2) INSTEAD OF ADOPTING AMENDMENTS TO THE STANDARDS UNDER PARAGRAPH (1) OF THIS SUBSECTION, A LOCAL JURISDICTION MAY ADOPT THE INTERNATIONAL GREEN CONSTRUCTION CODE AS AN ALTERNATIVE BUILDING CODE TO THE STANDARDS~~

(I) ~~IF REGARDLESS OF WHETHER THE INTERNATIONAL GREEN CONSTRUCTION CODE IS NOT ADOPTED BY THE DEPARTMENT UNDER § 12-503(D) OF THIS SUBTITLE, A LOCAL JURISDICTION MAY ADOPT THE INTERNATIONAL GREEN CONSTRUCTION CODE.~~

(II) A LOCAL JURISDICTION MAY MAKE LOCAL AMENDMENTS TO THE INTERNATIONAL GREEN CONSTRUCTION CODE.

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

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

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

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

- (1) at least 15 days before the effective date of the amendment; or
- (2) within 5 days after the adoption of an emergency local amendment.

~~Article State Finance and Procurement~~

~~§ 602.1.~~

~~(a) (2) "High performance building" means a building that:~~

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

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

~~(II) COMPLIES WITH THE REQUIREMENTS OF THE INTERNATIONAL GREEN CONSTRUCTION CODE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2011~~ March 1, 2012.

Approved by the Governor, May 10, 2011.