

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 711

(Delegate Beitzel, *et al.*)

Environmental Matters

**Manufactured Homes - Sprinkler System Requirement - Opt-Out Provisions for
Local Jurisdictions**

This bill authorizes a local government to adopt a local amendment to allow manufactured homes to opt-out of any requirement in the International Building Code (IBC) to have a sprinkler system if the jurisdiction adopts a local amendment to the Maryland Building Performance Standards (MBPS) that allows buildings and structures to opt-out of a requirement to have a sprinkler system. If the local amendment conflicts with IBC, the local amendment prevails.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Potential minimal increase in the workloads of local building code enforcement units and fire response agencies. However, the bill is not anticipated to materially affect local finances.

Small Business Effect: Potential meaningful beneficial impact on any small business engaged in the production, construction, or installation of manufactured homes as a result of any decrease in the cost of developing and producing manufactured homes. Potential meaningful adverse impact on any small business engaged in the production, installation, or service of sprinkler systems in manufactured homes due to a reduction in the demand for their services.

Analysis

Current Law/Background: IBC was established by the International Code Council. The International Code Council was established in 1994 as a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. IBC has been adopted by all 50 states as well as thousands of local jurisdictions.

The Department of Housing and Community Development (DHCD) is required to adopt, as MBPS, the most recent version of IBC, along with applicable modifications authorized in Title 12 of the Public Safety Article. Within 12 months of the release of each new version of IBC, DHCD is required to review the new version and consider modifications. During this process, DHCD is required to accept and consider comments and hold a public hearing on any proposed modification. DHCD is prohibited from adopting any modification that is more stringent than IBC, except that an energy conservation requirement may be more stringent than the International Energy Conservation Code.

A local jurisdiction may adopt local amendments to MBPS if the local amendments do not prohibit the minimum implementation and enforcement activities required by State law, or weaken the energy conservation and efficiency provisions. If a local amendment conflicts with MBPS, the local amendment prevails in the local jurisdiction.

Each local jurisdiction is required to implement and enforce the most current version of MBPS.

A “manufactured home” is defined as a structure that (1) is transportable in one or more sections; (2) is 8 body feet or more in width and 30 body feet or more in length; (3) is built on a permanent chassis; and (4) is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. A manufactured home includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Under current law, DHCD is authorized to adopt regulations that relate to issues of construction or safety of manufactured homes for which a federal standard has not been established and which are not reserved to a local government. Current regulations state that the U.S. Department of Housing and Urban Development (HUD) has complete jurisdiction over the design and construction of manufactured homes and that federal law supersedes all State laws on the subject. According to HUD, however, fire sprinkler systems are not preempted by federal law and therefore authority is reserved to local governments on this matter.

Local Fiscal Effect: The bill is not anticipated to materially affect local finances. To the extent any local government adopts a local amendment to MBPS to allow manufactured homes to opt-out of the sprinkler requirement, enforcement of the bill can be handled by

local building code inspectors with existing resources. However, to the extent that a county adopts a local amendment to opt-out of the sprinkler requirement for manufactured homes, local fire response workloads may be impacted to the extent the bill's changes result in an increase in the severity of fires that do occur and the resulting damage.

Additional Information

Prior Introductions: None.

Cross File: SB 581 (Senator Edwards) - Education, Health, and Environmental Affairs.

Information Source(s): Charles, Frederick, and Montgomery counties, the towns of Bel Air and Leonardtown; City of Salisbury; Maryland Department of Planning; Department of Housing and Community Development; International Code Council; Department of Legislative Services

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ncs/lgc

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