

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 969 (Delegate Myers)
Economic Matters

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

This bill requires the Department of Housing and Community Development (DHCD) to adopt the State Plumbing Code and the State Heating, Ventilation, Air-Conditioning, and Refrigeration Code; the current authorization for the Department of Labor, Licensing, and Regulation (DLLR) and the State Board of Plumbing to adopt and amend the State Plumbing Code is repealed, as is the requirement for the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors to adopt and enforce a code setting minimum standards regarding heating, ventilation, air-conditioning, hydronic, and refrigeration systems. The bill requires DHCD to adopt as the Maryland Building Performance Standards (MBPS) the International Plumbing Code, the International Fuel Gas Code, and the International Mechanical Code.

Fiscal Summary

State Effect: Minimal increase in DHCD workloads to implement the bill. Corresponding decrease in workloads for DLLR and the State boards of Plumbing and Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors. However, the bill can be implemented with existing resources. Revenues are not affected.

Local Effect: Local workloads may decrease minimally for certain jurisdictions to the extent that the bill simplifies the process of adopting and enforcing the various codes affected by the bill.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill alters the definition of “State Plumbing Code” to repeal references to regulations adopted by the Secretary of Labor, Licensing, and Regulation as amended by the State Board of Plumbers; the definition is changed to mean the plumbing code adopted by DHCD.

The bill clarifies that the State Board of Plumbing may adopt regulations to *enforce* its authority with respect to county compliance with the State Plumbing Code and county authority to adopt and enforce local plumbing codes.

The bill clarifies that DHCD, and not the State Board of Plumbing or the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, is required to submit proposed amendments to its regulations to make the codes consistent with the Maryland Building Rehabilitation Code (MBRC).

The bill generally takes effect October 1, 2011, but provides for the reconciliation of provisions repealing the authority of the State Board of Plumbing to adopt regulations to amend the State Plumbing Code with the January 1, 2012 effective date of Chapter 407 of 2010.

Current Law: The State Plumbing Code is defined as the regulations adopted by the Secretary of Labor, Licensing, and Regulation, as amended by the State Board of Plumbers, to provide standards that are based on principles of environmental sanitation and safety and provide for properly designed, acceptably installed, and adequately maintained plumbing systems.

The State Board of Plumbing may adopt regulations to amend the State Plumbing Code and may adopt standards of the American National Standards Institute or any other nationally recognized organization. State regulations currently incorporate by reference the 2006 National Standard Plumbing Code Illustrated and the 2007 supplement.

A county must enforce the State Plumbing Code or adopt and enforce a local plumbing code that meets or exceeds the minimum standards of the State Plumbing Code. The board must enforce the State Plumbing Code in a county unless the board determines that the county is adequately enforcing the State Plumbing Code or a local plumbing code that meets or exceeds the minimum standards of the State Plumbing Code.

The State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors must adopt and enforce a code that sets minimum standards for installing, altering, remodeling, maintaining, and repairing heating, ventilation, air-conditioning, hydronic,

and refrigeration systems. Board regulations currently incorporate by reference the International Mechanical Code/2003 and associated modifications.

DHCD is required to adopt, as the MBPS, the most recent version of the International Building Code (IBC), including the International Energy Conservation Code, 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.

The adoption of MBPS does not, however, alter the authority of the State Board of Plumbing to adopt and enforce the State Plumbing Code or the authority of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors to adopt and enforce the State Heating, Ventilation, Air-Conditioning, and Refrigeration Code.

DHCD; DLLR; the State Board of Plumbing; and the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors; as well as others, are required to submit proposed amendments to make the Mechanical Code, the State Plumbing Code, and other State codes consistent with MBRC, within 90 days of the adoption of any amendments to MBRC.

Background: The International Plumbing Code, the International Fuel Gas Code, and the International Mechanical Code, like IBC, are developed 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. The IBC has been adopted by all 50 states as well as thousands of local jurisdictions.

The State Board of Plumbing is housed within DLLR's Division of Occupational and Professional Licensing. Maryland statute sets out three purposes for the board:

- to protect the integrity of the potable water supply;
- to provide for the efficient and safe discharge of storm drainage and sanitary drainage; and
- to ensure that qualified individuals carry out the board's charge.

Under State law, the board regulates the plumbing industry throughout most of Maryland but lacks jurisdiction in Baltimore County as well as in areas of Montgomery and

Prince George's counties that are under the jurisdiction of the Washington Suburban Sanitary Commission.

The State Board of Heating, Ventilation, Air Conditioning, and Refrigeration Contractors licenses and regulates individuals who provide commercial and residential heating, ventilation, air conditioning, and refrigeration services in the State. One jurisdiction, Anne Arundel County, issues local licenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany, Montgomery, and Talbot counties; Baltimore City; Department of Housing and Community Development; Department of Labor, Licensing, and Regulation; Maryland Building Officials Association; International Code Council; Department of Legislative Services

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