

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 366

(Delegate Malone)

Environmental Matters

Education, Health, and Environmental Affairs

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Public Safety - Building Performance Standards - Automatic Fire Sprinkler  
Systems

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This bill prohibits, except under specified conditions, a local jurisdiction from adopting a local amendment to the Maryland Building Performance Standards (MBPS) if the amendment weakens the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings.

The bill applies only prospectively and may not be applied or interpreted to apply to any building permit for which an application is submitted before October 1, 2012.

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Fiscal Summary

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

**Local Effect:** Local government expenditures for training and inspections may increase to enforce automatic fire sprinkler systems standards not currently required by the jurisdiction but that are required under the bill. Local revenues may increase to the extent that local jurisdictions charge inspection fees to offset inspection costs. Local fire or emergency response agencies may also experience a minimal decrease in workloads to the extent more stringent standards reduce the severity of fires that occur. However, the bill is not anticipated to materially affect local finances.

**Small Business Effect:** Potential meaningful.

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## Analysis

**Bill Summary:** The bill does not apply to standards governing issuance of a building permit for a property not connected to an electrical utility or, until January 1, 2016, standards governing issuance of a building permit for a new one- or two-family dwelling constructed on (1) a lot subject to a valid unexpired public works utility agreement executed before March 1, 2011; or (2) a lot served by a specified existing water service line from a water main to the property line.

**Current Law:** State law requires that a sprinkler system be installed in every dormitory, hotel, lodging or rooming house, or multifamily residential dwelling which either received a permit or was constructed after July 1, 1990, as well as every townhouse which either received a permit or was constructed after July 1, 1992.

The Department of Housing and Community Development (DHCD) is required to adopt, as MBPS, the most recent version of the International Building Code (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. 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. As of January 1, 2012, DHCD has adopted the 2012 IBC. The 2012 IBC requires that all newly constructed residential buildings be equipped with sprinkler systems.

A local jurisdiction may adopt local amendments to MBPS if the local amendments do not prohibit minimum implementation and enforcement activities or weaken energy conservation and efficiency provisions contained in MBPS. If a local jurisdiction adopts a local amendment to MBPS, the amendment applies in the local jurisdiction and prevails against the MBPS if there is a conflict. A local jurisdiction that adopts a local amendment to MBPS must ensure that the amendment is adopted in accordance with the applicable local law. Local jurisdictions have six months from the adoption of IBC by DHCD to adopt a local amendment and must do so each time a new IBC is adopted. According to DHCD, several jurisdictions opted out of the 2009 MBPS' requirement that all residential buildings be equipped with sprinkler systems. The number of jurisdictions opting out of the 2012 requirement is unknown.

In order to ensure that the central automated database maintained by DHCD is current, a local jurisdiction that adopts an amendment to MBPS must provide a copy of the amendment to DHCD at least 15 days before the amendment's effective date and within five days after the adoption of an emergency local amendment.

Chapter 369 of 2011 authorized DHCD to adopt by regulation the International Green Construction Code (IGCC). Regardless of whether IGCC is adopted by DHCD, local governments may also adopt IGCC and make amendments to it. Chapter 369 took effect March 1, 2012.

**Small Business Effect:** Builders in some jurisdictions (those that otherwise would have opted out of the automatic fire sprinkler systems provisions in MBPS) could incur an increase in expenditures to the extent the bill requires the installation of sprinkler systems or other equipment necessary to adhere to MBPS that otherwise would not be installed. Estimates of sprinkler system installation costs vary depending on the size of the house but can be as high as several thousand dollars.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 602 (Senator Dyson) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Housing and Community Development, Maryland Association of Counties, Maryland Municipal League, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2012  
mlm/lgc Revised - House Third Reader/Updated Information - March 30, 2012  
Revised - Enrolled Bill - May 11, 2012

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