

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 769

(Delegate Malone, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

**Public Safety - Maryland Building Performance Standards - Local Wind Design
and Wind-Borne Debris Standards**

This bill prohibits a local government from adopting amendments to the Maryland Building Performance Standards (MBPS) that weaken the wind design and wind-borne debris provisions contained in the standards.

Fiscal Summary

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

Local Effect: Potential increase in future costs for the construction or renovation of local government buildings to the extent that the bill prohibits local amendments to MBPS that would otherwise be authorized under current law. However, the bill is not anticipated to materially affect local finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: The Department of Housing and Community Development (DHCD) is required to adopt, as 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. 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. DHCD and local governments may also adopt by regulation the International Green Construction Code.

A local jurisdiction may adopt local amendments to MBPS if the local amendments do not (1) prohibit the minimum implementation and enforcement activities required by State law; (2) weaken the energy conservation and efficiency provisions; or (3) except for specified exceptions, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings. If a local amendment conflicts with MBPS, the local amendment prevails in the local jurisdiction.

Local governments are responsible for the implementation and enforcement of MBPS, which includes, at a minimum, (1) review and acceptance of appropriate plans; (2) issuance of building permits; (3) inspection of work authorized by the building permits; and (4) issuance of appropriate use and occupy certificates.

Background: DHCD currently incorporates by reference the 2012 IBC with modifications as MBPS. In general, the standards apply to all buildings and structures within the State for which a building permit application is received by a local government.

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, including IBC, which has been adopted by all 50 states as well as thousands of local jurisdictions.

The 2012 IBC specifies that buildings, structures, and associated parts must be designed to withstand minimum wind loads as determined by the ultimate design wind speed, the exposure category of the site, and the type of opening protection required, among other things. Decreases in wind loads may not be made for the effect of shielding by other structures. A wind-borne debris region is defined as an area (1) within a hurricane-prone region located within one mile of the coastal mean high water line where the ultimate design wind speed is 130 miles per hour (mph) or (2) an area where the ultimate design wind speed is 140 mph. In wind-borne debris regions, glazings in buildings must be impact resistant or protected with an approved impact-resistant covering, subject to specified exceptions.

Small Business Effect: Builders in some jurisdictions – those that otherwise would have amended wind design and wind-borne debris provisions of MBPS – could incur an increase in expenditures to the extent the bill requires additional costs to adhere to MBPS wind design and wind-borne debris provisions.

Additional Information

Prior Introductions: None.

Cross File: SB 750 (Senator Robey) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Housing and Community Development; Anne Arundel, Carroll, and Cecil counties; Department of Legislative Services

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Analysis by: Stephen M. Ross

Direct Inquiries to:
(410) 946-5510
(301) 970-5510