

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 19 (Delegate Adams, *et al.*)
 Environment and Transportation

Public Safety - Building Performance Standards - Local Amendments to Fire Sprinkler Systems Provisions

This bill repeals a provision that prohibits a local jurisdiction from adopting a local amendment to the Maryland Building Performance Standards (MBPS) that weakens automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings. If a local jurisdiction adopts a local amendment to MBPS that weakens those provisions, the local amendment must require the builder of a new dwelling to provide the buyer with (1) a copy of written material prepared by the State Fire Marshal that details the benefits of automatic fire sprinkler systems and (2) written documentation of the costs associated with the installation and maintenance of an automatic fire sprinkler system. The local amendment must also require that, upon request of the buyer, the builder must install an automatic fire sprinkler system or other requested fire suppression system at the buyer’s expense.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: General fund expenditures increase by \$10,000 annually beginning in FY 2017 for the Office of the State Fire Marshal to print and distribute written material related to fire sprinkler systems. Future years are adjusted for inflation. Revenues are not affected.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	10,000	10,100	10,200	10,300	10,400
Net Effect	(\$10,000)	(\$10,100)	(\$10,200)	(\$10,300)	(\$10,400)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Overall, the bill is not anticipated to materially affect local finances. However, local fire or emergency response agencies in jurisdictions that weaken automatic fire sprinkler systems requirements may experience an increase in workloads to the extent that weakened standards increase the severity of fires that occur.

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 (IECC), 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, consider modifications, and adopt specified modifications related to energy conservation and efficiency. DHCD is prohibited from adopting any modification that is more stringent than IBC, except that an energy conservation requirement may be more stringent than IECC. 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; (3) except for specified exceptions, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings; or (4) weaken the wind design and wind-borne debris provisions contained in the standards. If a local amendment conflicts with MBPS, the local amendment prevails in the local jurisdiction. A local jurisdiction that adopts a local amendment is required to ensure that the local amendment is adopted in accordance with applicable local law.

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. Any modification of MBPS adopted by the State must be implemented and enforced by a local jurisdiction no later than six months after the modifications are adopted by the State.

Background: DHCD currently incorporates by reference the 2015 IBC, including the 2015 IECC, 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 (ICC) develops and publishes IBC. ICC 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.

Chapters 265 and 266 of 2012 prohibited local amendments to MBPS that weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in MBPS.

State Expenditures: General fund expenditures for the Office of the State Fire Marshal within the Department of State Police increase by an estimated \$10,000 annually to print and distribute written material on the benefits of automatic fire sprinkler systems. Future year costs are adjusted for inflation and reflect ongoing printing and distribution costs.

Small Business Effect: Builders in some jurisdictions (those that opt out of the automatic fire sprinkler provisions in MBPS) could realize cost savings if they choose not to install sprinkler systems. Estimates of sprinkler system installation costs vary depending on the size of the house but can be as high as several thousand dollars.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Dorchester, Howard, and Montgomery counties; Office of the Attorney General (Consumer Protection Division); Department of Housing and Community Development; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2016
kb/lgc

Analysis by: Eric Pierce

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