

# HOUSE BILL 694

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By: **Chair, Environment and Transportation Committee and Chair, Economic Matters Committee (By Request – Departmental – Housing and Community Development)**

Introduced and read first time: January 31, 2018

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Building Codes – Transfer of Administration to Department of**  
3 **Labor, Licensing, and Regulation**

4 FOR the purpose of transferring certain responsibilities relating to the administration of  
5 certain statewide building codes from the Department of Housing and Community  
6 Development to the Department of Labor, Licensing, and Regulation; providing for  
7 the transfer of certain functions, powers, and duties of the Department of Housing  
8 and Community Development on a certain date; providing for the transfer of certain  
9 employees to the Department of Labor, Licensing, and Regulation without  
10 diminution of certain rights, benefits, or employment or retirement status; providing  
11 that this Act may not be construed to diminish certain powers or duties of the  
12 Department of Housing and Community Development; providing for the transfer of  
13 certain records, credits, assets, liabilities, obligations, rights, privileges, and  
14 appropriations to the Department of Labor, Licensing, and Regulation on a certain  
15 date; providing for the continuity of the status of certain laws, regulations,  
16 standards, guidelines, policies, orders, directives, forms, plans, memberships,  
17 contracts, property, investigations, rights, duties, and responsibilities; requiring the  
18 publisher of the Annotated Code of Maryland, in consultation with and subject to the  
19 approval of the Department of Legislative Services, to correct any cross-references  
20 or terminology rendered incorrect by certain Acts and to describe any such  
21 corrections in an editor's note following the section affected; and generally relating  
22 to building codes.

23 BY repealing and reenacting, with amendments,  
24 Article – Housing and Community Development  
25 Section 3–103  
26 Annotated Code of Maryland  
27 (2006 Volume and 2017 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
 2 Article – Public Safety  
 3 Section 12–201(a)(1), 12–202(a)(1), 12–203(a)(1), 12–204(g)(1), 12–301(a), 12–401(a),  
 4 12–501(a), 12–1001(a), and 12–1003(a)  
 5 Annotated Code of Maryland  
 6 (2011 Replacement Volume and 2017 Supplement)

7 BY repealing and reenacting, with amendments,  
 8 Article – Public Safety  
 9 Section 12–201(a)(2), 12–202(a)(2), 12–203(a)(2), 12–204(c), (e)(1), and (g)(2),  
 10 12–301(b), 12–401(c), 12–501(c), 12–1001(e), and 12–1003(g)(1)  
 11 Annotated Code of Maryland  
 12 (2011 Replacement Volume and 2017 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 14 That the Laws of Maryland read as follows:

15 **Article – Housing and Community Development**

16 3–103.

17 The Division includes:

- 18 (1) the Maryland Housing Fund, a governmental unit of the Department;  
 19 **AND**  
 20 (2) loan asset management for the Department[; and  
 21 (3) the administration of statewide building and material codes established  
 22 under Title 12, Subtitles 2, 3, 4, 5, and 10 of the Public Safety Article].

23 **Article – Public Safety**

24 12–201.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) “Department” means the Department of [Housing and Community  
 27 Development] **LABOR, LICENSING, AND REGULATION**.

28 12–202.

29 (a) (1) In this section the following words have the meanings indicated.

30 (2) “Department” means the Department of [Housing and Community  
 31 Development] **LABOR, LICENSING, AND REGULATION**.

1 12-203.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Department" means the Department of [Housing and Community  
4 Development] **LABOR, LICENSING, AND REGULATION**.

5 12-204.

6 (c) In conjunction with the Department of Natural Resources, the Department of  
7 [Housing and Community Development] **LABOR, LICENSING, AND REGULATION** shall  
8 develop guidelines for recommended illumination levels in existing public buildings in the  
9 State 6 months after ASHRAE 100 standards are adopted.

10 (e) (1) In conjunction with the Department of Natural Resources, the  
11 Department of [Housing and Community Development] **LABOR, LICENSING, AND**  
12 **REGULATION** shall provide training to local jurisdictions on the application of the  
13 guidelines.

14 (g) (1) There is an advisory commission on energy conservation in buildings.

15 (2) The commission consists of 15 members appointed by the Secretary of  
16 [Housing and Community Development] **LABOR, LICENSING, AND REGULATION**.

17 12-301.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Department" means the Department of [Housing and Community  
20 Development] **LABOR, LICENSING, AND REGULATION**.

21 12-401.

22 (a) In this subtitle the following words have the meanings indicated.

23 (c) "Department" means the Department of [Housing and Community  
24 Development] **LABOR, LICENSING, AND REGULATION**.

25 12-501.

26 (a) In this subtitle the following words have the meanings indicated.

27 (c) "Department" means the Department of [Housing and Community  
28 Development] **LABOR, LICENSING, AND REGULATION**.

1 12-1001.

2 (a) In this subtitle the following words have the meanings indicated.

3 (e) "Department" means the Department of [Housing and Community  
4 Development] **LABOR, LICENSING, AND REGULATION**.

5 12-1003.

6 (a) There is a Maryland Building Rehabilitation Code Advisory Council.

7 (g) (1) The Secretary of [Housing and Community Development] **LABOR,**  
8 **LICENSING, AND REGULATION** shall appoint the Director of the Council.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the functions, powers, and  
10 duties of the Department of Housing and Community Development relating exclusively to  
11 the administration of statewide building and material codes established under Title 12,  
12 Subtitles 2, 3, 4, 5, and 10 of the Public Safety Article shall be transferred from the  
13 Department of Housing and Community Development to the Department of Labor,  
14 Licensing, and Regulation on the effective date of this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are  
16 transferred to the Department of Labor, Licensing, and Regulation as a result of this Act  
17 shall be transferred on the effective date of this Act without any diminution of their rights,  
18 including collective bargaining rights, benefits, or employment or retirement status.

19 SECTION 4. AND BE IT FURTHER ENACTED, That all of the records, credits,  
20 assets, liabilities, obligations, rights, and privileges held by the Department of Housing and  
21 Community Development solely to carry out the responsibilities, authority, and functions  
22 transferred under this Act shall be transferred to the Department of Labor, Licensing, and  
23 Regulation on the effective date of this Act.

24 SECTION 5. AND BE IT FURTHER ENACTED, That, except as otherwise provided  
25 by law, all existing laws, regulations, proposed regulations, standards and guidelines,  
26 policies, orders and other directives, forms, plans, memberships, contracts, property,  
27 investigations, administrative and judicial responsibilities, rights to sue and be sued, and  
28 all other duties and responsibilities associated with the functions of the Division of Credit  
29 Assurance and the programs that are the subject of this Act prior to the effective date of  
30 this Act shall continue in effect under the Department of Labor, Licensing, and Regulation  
31 until completed, withdrawn, canceled, modified, or otherwise changed under the law.

32 SECTION 6. AND BE IT FURTHER ENACTED, That all appropriations, including  
33 State and federal funds, held by the Department of Housing and Community Development  
34 to carry out the exclusive functions of the Department of Housing and Community  
35 Development or any other program transferred under this Act shall be transferred to the  
36 Department of Labor, Licensing, and Regulation on the effective date of this Act.

1 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the  
2 Annotated Code of Maryland, in consultation with and subject to the approval of the  
3 Department of Legislative Services, shall correct, with no further action required by the  
4 General Assembly, cross-references and terminology rendered incorrect by this Act or any  
5 other Act of the General Assembly of 2018 that affects provisions enacted by this Act. The  
6 publisher shall adequately describe any such corrections in an editor's note following the  
7 section affected.

8 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2018.