



Montgomery County

Office of Intergovernmental Relations

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SB 940

DATE: March 15, 2021

SPONSOR: Senator Feldman

ASSIGNED TO: Education, Health, and Environmental Affairs

CONTACT PERSON: Amy Samman (amy.samman@montgomerycountymd.gov)

POSITION: Support with Amendments (Department of Permitting Services)

Public Safety – Fire Prevention Codes and Maryland Building Performance Standards – Solar Energy Generating Systems

Senate Bill 940 allows a county or municipality to require the installation of a solar energy generating system on the rooftop of a single-family residential dwelling to include a fire protection pathway of not more than 18 inches downward from each side of the rooftop's horizontal ridge. If it is not feasible, the local government may require a 36-inch pathway on one side of the rooftop's horizontal ridge or, if that is not feasible, use an alternative performance-based method that meets the requirements of the current National Fire Protection Association standards to determine compliance.

Under Senate Bill 940 as introduced, a county or municipality could require that a rooftop solar installation include only certain specified fire protection pathways.

Montgomery County's Department of Permitting Services (MCDPS) supports Senate Bill 940 with amendments to narrow the bill. It is the understanding of MCDPS that the sponsor has proposed amendments to remove the specific roof clearance requirements in the bill as drafted, and substitute a requirement for the county or municipality to consider relevant provisions of the 2018 International Residential Code that may mitigate or otherwise affect fire setback requirements for the installation of a solar energy generating system.

MCDPS suggests that the bill be amended to allow a county or municipality to issue guidance addressing "the presence of automatic sprinklers or smoke alarms connected to the primary electrical system of the building, and any other performance measure presented by the applicant or their designee that may mitigate or avoid the need for fire setback provisions" if requested by an applicant.

MCDPS respectfully requests a favorable with amendments Committee report.