

Title 05
DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.03 Minimum Livability Code

Authority: Public Safety Article, §12-203,
Annotated Code of Maryland

Notice of Proposed Action

[09-342-P-I]

The Secretary of Housing and Community Development proposes to amend Regulation .02, repeal existing Regulations .10—.14, adopt new Regulation .10, and recodify existing Regulations .15 and .16 to be Regulations .11 and .12 under **COMAR 05.02.03 Minimum Livability Code**.

Statement of Purpose

The purpose of this action is to update the Minimum Livability Code by adopting the property maintenance standards in the latest edition of the International Property Maintenance Code (IPMC) and removing defined terms and property requirements that are contained in the IPMC.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The Minimum Livability Code applies to residential rental properties in jurisdictions that do not have a housing code that substantially conforms to the Minimum Livability Code. The proposal to adopt the property requirements of the International Property Maintenance Code (IPMC), as modified by the Department, as part of the Minimum Livability Code, has minimal economic impact. The Department will benefit from the adoption of the IPMC because it will be able to receive interpretation assistance from the International Code Council (ICC) on difficult code issues. In addition, the ICC publishes a new version of the IPMC every 3 years, which reduces staff time in researching and preparing amendments to the Minimum Livability Code.

Although this action replaces most of the current property requirements contained in COMAR 05.02.03 with the requirements of the IPMC, the code requirements for each are essentially identical. Individuals, code officials and business entities will experience minimal or no additional costs by the adoption of the IPMC since the actual code requirements are not changing. These groups should benefit from the adoption of the IPMC because it is a standard code in the industry which builders, architects and property owners are accustomed to using.

**II. Types of
Economic Impact.**

Revenue (R+/R-)	Magnitude
Expenditure (E+/E-)	

A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. The IPMC is part of the building code series published by the International Code Council (ICC). Currently, under COMAR 05.02.07, Maryland has adopted the International Building Code (IBC), International Residential Code (IRC), and International Existing Building Code (IEBC), published by the ICC, as the codes for new and existing building construction. Architects, engineers and builders are accustomed to using the ICC codes, and the adoption of the IPMC should benefit these groups because it will be easier to use than the current regulations. The actual amount of benefit is indeterminable.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Ed Landon, Codes Administration, Division of Credit Assurance, Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, or call 410-514-7444, or email to landon@mdhousing.org, or fax to 410-987-8902. Comments will be accepted through November 23, 2009. A public hearing has not been scheduled.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2009 International Property Maintenance Code has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 36:3 Md. R. 194 (January 30, 2009), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

[(2) “Basement” means that portion of a structure which is partly or completely below grade.]

[(3)] (2) (text unchanged)

[(4) “Central heating” means the heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable areas from a source outside of these areas.]

[(5)] (3)—[(10)] (8) (text unchanged)

[(11) “Habitable area” means the space in a structure used for living, sleeping, eating, or cooking, including bathrooms and toilet compartments. Closets, halls, storage or utility space, and similar areas are not considered habitable areas.]

[(12)] (9)—[(18)] (15) (text unchanged)

[(19) “Plumbing” means the practice, materials, facilities, and fixtures used in the installation, maintenance, extension, or alteration of all piping, fixtures, appliances, and appurtenances within the scope of the applicable plumbing code.

(20) “Plumbing fixture” means a receptacle or device which:

(a) Is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from it;

(b) Discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or

(c) Requires both a water supply connection and a discharge to the drainage system of the premises.]

[(21)] (16)—[(22)] (17) (text unchanged)

[(23) “Rubbish” means paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials as well as the residue from the burning of wood, coal, coke, and other combustible materials.]

[(24)] (18)—[(26)] (20) (text unchanged)

[(27) Ventilation.

(a) “Ventilation” means the process of supplying and removing air by natural or mechanical means to or from a space.

(b) “Mechanical ventilation” means ventilation by power-driven devices.

(c) “Natural ventilation” means ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without power-driven devices.]

.10 Property Standards.

A. The 2009 International Property Maintenance Code (International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001), as described in this chapter, is incorporated by reference.

B. Each residential structure and premise subject to the International Property Maintenance Code shall comply with Chapters 2 through 7 of this Code.

C. In addition to any fire safety requirements contained in the International Property Maintenance Code, the State fire safety laws, Public Safety Article, Title 9, Annotated Code of Maryland, and the State Fire Prevention Code, COMAR 29.06.01, may contain additional fire safety requirements. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

RAYMOND A. SKINNER
Secretary of Housing and Community Development
