

Proposed Action on Regulations

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.01 Model Performance Code

Authority: Public Safety Article, §§12-201—12-204,
Annotated Code of Maryland

Notice of Proposed Action

[09-237-P-1]

The Secretary of Housing and Community Development proposes to amend Regulations .02-1 and .03 under COMAR 05.02.01 Model Performance Code.

Statement of Purpose

The purpose of this action is to update the referenced codes as required by Public Safety Article, §12-201, Annotated Code of Maryland. The amendments make other minor clarifications by removing certain cross-references to the Maryland Building Performance Standards (COMAR 05.02.07) and incorporating the applicable provisions into the Model Performance Code. These amendments will adopt: (1) the 2009 Edition of the International Building Code and the 2009 Edition of the International Residential Code for One- and Two-Family Dwellings, as modified by the Department; (2) the updated editions of the International Mechanical Code, the International Plumbing Code and the National Electrical Code; and (3) the 2009 Edition of the International Energy Conservation Code (IECC), as the Model Performance Code.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposal to adopt the 2009 Edition of the International Building Code (IBC), the 2009 Edition of International Residential Code for One- and Two-Family Dwellings (IRC) and the 2009 Edition of the International Energy Conservation Codes (IECC), as the Model Performance Code, has some economic impact. This proposal essentially updates the current standards as required by Public Safety Article, §12-201, Annotated Code of Maryland. The Department will be required to provide training to the building code officials to keep them informed of the revisions and the updated standards.

The Model Performance Code is only applicable to industrialized buildings regulated by the Department. Industrialized buildings include certain factory built homes that do not fall under the jurisdiction of the U.S. Department of Housing and Urban Development's manufactured housing program. The IRC will require new single-family homes to have automatic sprinkler systems beginning January 1, 2011. This requirement will have a positive and negative economic impact on single-family homes that are considered industrialized buildings.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
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:	(-)	Minimal
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+) (-)	\$5,000 \$1,600

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

A. The Department estimates that the cost to provide training to 250 building officials for 3 years will be covered under the Maryland Building Performance Standards COMAR 05.02.07 program.

D. Businesses that manufacture and sell industrialized buildings as single-family homes may see an increase in the cost to produce these units. Any additional cost of manufacturing should not have a significant impact because: (1) the IRC is a national code applicable in most states; (2) any additional cost will be passed on to the end purchaser; and (3) industrialized building manufacturers and dealers will not be at a competitive disadvantage with builders of homes constructed on-site since these homes will also be subject to the IRC.

F. When a house fire occurs, the significant estimated benefits of a residential fire sprinkler system include a 100 percent reduction in civilian fatalities, a 57 percent reduction in civilian injuries, and a 32 percent reduction of both direct property damage and indirect property costs. In addition, houses with sprinklers and smoke alarms also save approximately 8 percent in homeowner insurance premiums. As a result, the economic benefit of a residential fire sprinkler system to homeowners, over a 30-year period would be approximately \$5,000. Results of the cost-benefit analysis show that the multipurpose network residential fire sprinkler systems provide a net benefit to a homeowner. There is a small average cost of approximately \$1,600 for adding a multipurpose network sprinkler system to a house under construction.

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

August 31, 2009. A public hearing will be held at 1 p.m. on August 14, 2009, at 100 Community Place, Conference Room 1.100, Crownsville, MD 21032. Anyone requiring auxiliary aids, services, or accommodations is invited to contact Mr. Jim Magliano at 410-514-7216, TDD 410-514-7531, at least 5 days before the hearing. E

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the 2009 International Building Code, 2009 International Plumbing Code, 2008 National Electrical Code, 2009 International Residential Code for One- and Two-Family Dwellings, 2009 International Mechanical Code, and 2009 International Energy Conservation Code have been declared documents generally available to the public and appropriate for incorporation by reference. For this reason, they will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of these documents 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.

.02-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1)) [International Building Code 2006 (International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401)] *2009 International Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001)*.

(2) [International Plumbing Code 2006 (International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401)] *2009 International Plumbing Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001)*.

(3) National Electrical Code, [2005] *2008 Edition* (National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269).

(4) [International Residential Code for One- and Two-Family Dwellings 2006 (International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401)] *2009 International Residential Code for One- and Two-Family Dwellings (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001)*.

(5) [International Mechanical Code 2006 (International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401)] *2009 International Mechanical Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001)*.

(6) *2009 International Energy Conservation Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001)*.

.03 Model Performance Code.

A. The standards incorporated by reference in Regulation .02-1 of this chapter, and modified as follows, constitute the Model Performance Code for building construction in the State:

(1) For industrialized building construction:

(a) International Building Code with *the following* modifications [related to building standards, as adopted under COMAR 05.02.07.04,]:

(i) Chapter 1. Delete Section 101.2.1 Appendices and replace with the following:

101.2.1 Appendices: Provisions in Appendix C, GROUP U—Agricultural Buildings; Appendix F, Rodent Proofing; Appendix G, Flood Resistant Construction; Appendix H, Sign; and Appendix I, Patio Covers, are adopted as part of the IBC. Provisions in Appendix A, Employee Qualifications; Appendix B, Board of Appeals; Appendix D, Fire Districts; Appendix E, Supplementary Accessibility Requirements; Appendix J, Grading; and Appendix K, Administrative Provisions, do not apply;

(ii) Chapter 9. Add note to Section 901.1 Scope: Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-202, Annotated Code of Maryland, and COMAR 29.06.01;

(iii) Chapter 10. Add note to Section 1001.1 General: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-602, Annotated Code of Maryland, and COMAR 29.06.01;

(iv) Chapter 11. Chapter 11, related to accessibility requirements, is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02;

(v) Chapter 24. The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406, of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail;

(vi) Chapter 30. The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail;

(b)—(c) (text unchanged)

(d) International Mechanical Code[, and];

(e) International Residential Code for One- and Two-Family Dwellings with *the following* modifications [related to building standards, as adopted under COMAR 05.02.07.04;]:

(i) Chapter 1. Delete the Section 102.5 Appendices and replace with the following:

102.5 Appendices: Provisions in Appendix A, Appendix B, Appendix C, Appendix D, Appendix F, Appendix N, and Appendix Q are adopted as part of the IRC. Provisions in Appendix E, Appendix G, Appendix H, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix O, and Appendix P do not apply;

(ii) Chapter 11 of the IRC is deleted and replaced with the 2009 International Energy Conservation Code; and

(f) 2009 International Energy Conservation Code.

(2) For all other building construction:

(a)—(c) (text unchanged)

(d) International Mechanical Code[, and];

(e) The International Residential Code for One- and Two-Family Dwellings with modifications related to building standards, as adopted under COMAR 05.02.07.04[.]; *and*

(f) *2009 International Energy Conservation Code with modifications related to building standards, as adopted under COMAR 05.02.07.04.*

B. (text unchanged)

RAYMOND A. SKINNER
Secretary of Housing and Community Development

Subtitle 02 BUILDING AND MATERIAL CODES

05.02.07 Maryland Building Performance Standards

Authority: Public Safety Article, §§12-501—12-507,
Annotated Code of Maryland

Notice of Proposed Action

[09-238-P-1]

The Secretary of Housing and Community Development proposes to amend Regulations .02 and .04—.07 under **COMAR 05.02.07 Maryland Building Performance Standards**.

Statement of Purpose

The purpose of this action is to update the Maryland Building Performance Standards as required by Public Safety Article, §12-503, Annotated Code of Maryland, by adopting: (1) the 2009 Edition of the International Building Code (IBC); (2) the 2009 Edition of International Residential Code for One- and Two-Family Dwellings (IRC); and (3) the 2009 Edition of International Energy Conservation Code (IECC), each as modified by the Department as the Maryland Building Performance Standards.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposal to adopt the 2009 Edition of the International Building Code (IBC), the 2009 Edition of International Residential Code for One and Two Unit Family Dwellings (IRC), and the 2009 Edition of the International Energy Conservation Codes (IECC), as the Maryland Building Performance Standards, has some economic impact. This proposal essentially updates the current standards as required by Public Safety Article, §12-503, Annotated Code of Maryland. The Department will be required to provide training to the building code officials to keep them informed of the revisions and the updated standards.

The IRC will require new single-family homes to have automatic sprinkler systems beginning January 1, 2011. This will not have an impact in the local jurisdictions that currently mandate sprinkler systems for single-family homes, but it may have an impact in jurisdictions that do not amend this provision out of the IRC. The updated energy conservation standards in the IBC, IRC, and IECC should provide a positive economic impact by increasing energy efficiency by 15 percent above the current building standards.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$150,000 (\$50,000 annually for 3 years)
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	(+)	Indeterminable
F. Direct and indirect effects on public:	(+) (-)	Indeterminable Indeterminable

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

A. The Department estimates that it will cost \$50,000 annually to provide training to 250 building officials for 3 years.

E. Businesses that sell and install automatic sprinkler systems may have expanded business opportunities in local jurisdictions that do not remove the sprinkler requirements for single family homes beginning on January 1, 2011. The number of jurisdictions that will require sprinkler systems in single-family homes and the amount of expanded business opportunities this will provide are indeterminable.

F. The updated energy conservation standards in the IBC, IRC, and IECC should improve energy efficiency and should increase energy efficiency by 15 percent above the current standards, which may result in financial savings.

Results of several cost-benefit analyses show that the multipurpose network residential fire sprinkler systems are cost-effective. There is a small average cost of approximately \$1,600 for adding a multipurpose network sprinkler system to a house under construction. However, when a house fire occurs, the significant estimated benefits of a residential fire sprinkler system include a 100 percent reduction in civilian fatalities, a 57 percent reduction in civilian injuries, and a 32 percent reduction of both direct property damage and indirect property costs. In addition, houses with sprinklers and smoke alarms also save approximately 8 percent in homeowner insurance premiums. As a result, the economic benefit of a residential fire sprinkler system to homeowners over a 30-year period would be approximately \$5,000.

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.02 Purpose and Scope.

The purpose of this chapter is to adopt the International Building Code (IBC), [and] *the International Residential Code (IRC), and the International Energy Conservation Code (IECC)*, as may be modified by the Department, as the Maryland Building Performance Standards, which will provide reasonable protection to the public against hazards to life, health, and property, and to establish the policies and procedures associated with the operation of a data base that contains the Standards, the local amendments, and other related information.

.04 Incorporation by Reference.

A. [The 2006 International Building Code, with the modifications found in §B of this regulation, is incorporated by reference under COMAR 05.02.01.02-1B(1).]

In this chapter, the following documents are incorporated by reference:

(1) 2009 International Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001);

(2) 2009 International Residential Code for One- and Two-Family Dwellings (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001); and

(3) 2009 International Energy Conservation Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

B. Modifications to the [2006] 2009 International Building Code.

(1) (text unchanged)

(2) Chapter 1. Delete Exception in the Section 101.2 Scope and replace with the following:

Exception: 1.—2. (text unchanged)

Exception: 3. Maintenance of residential structures and premises shall comply with the Minimum Livability Code COMAR 05.02.03.

(3) Chapter 1. Delete the Section 101.2.1 Appendices and replace with the following:

101.2.1 Appendices: Provisions in Appendix C, GROUP U—Agricultural Buildings; Appendix F, Rodent Proofing; Appendix G, Flood Resistant Construction; Appendix H, Sign; and Appendix I, Patio Covers, are adopted as part of the IBC. Provisions in Appendix A, Employee Qualifications; Appendix B, Board of Appeals; Appendix D, Fire Districts; Appendix E, Supplementary Accessibility Requirements; [and] Appendix J, Grading[,]; *and Appendix K, Administrative Provisions*, do not apply unless specifically adopted by authorities having jurisdiction.

[(4)]—[(5)] (proposed for repeal)

(6) (text unchanged)

[(7) Chapter 10.]

[(a)]—[(b)] (proposed for repeal)

[(c)] (7) (text unchanged)

(8) Chapter 11. Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02. *A local jurisdiction may adopt and enforce the requirements of Chapter 11 of the IBC to the extent the requirements meet or exceed the requirements set forth in COMAR 05.02.02.*

[(9)] (proposed for repeal)

(10)—(15) (text unchanged)

C. [The 2006 International Residential Code for One- and Two-Family Dwellings, under the following modifications, is incorporated by reference under COMAR 05.02.01.02-1B(4):] *Modifications to the 2009 International Residential Code for One- and Two-Family Dwellings:*

[(1)]—[(2)] (proposed for repeal)

(1) Chapter 1. Delete the Section 102.5 Appendices and replace with the following:

102.5 Appendices: Provisions in Appendix A; Appendix B; Appendix C; Appendix D; Appendix F; Appendix N; and Appendix Q, are adopted as part of the IRC. Provisions in Appendix E; Appendix G; Appendix H; Appendix I; Appendix J; Appendix K; Appendix L; Appendix M; Appendix O; and Appendix P, do not apply unless specifically adopted by authorities having jurisdiction.

(2) Chapter 11 of the IRC is deleted and replaced with the 2009 International Energy Conservation Code.

[(3)] (proposed for repeal)

(4) (text unchanged)

(5) PLUMBING. Chapter 25. PLUMBING ADMINISTRATION. Add note to Section P2501.1 Scope: The subject matter of chapters 25 through [32] 33 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the plumbing systems, refer to the local plumbing code and the plumbing code adopted pursuant to the provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

(6) ELECTRICAL. Chapter [33.] 34. GENERAL REQUIREMENTS. Add note to Section E3301.1 Applicability: The subject matter of chapters [33] 34 through [42] 43 is not within the scope of the Maryland Building Performance Standards. For the applicable electrical requirements, refer to the local electrical code and the National Electrical Code as adopted and enforced by the State Fire Marshal, authorized fire officials, or building officials pursuant to the provisions of Public Safety Article, Title 12, Subtitle 6, Annotated Code of Maryland.

D. Modifications to the 2009 International Energy Conservation Code. Add a note to Section 101 Scope and General Requirement: Additional requirements concerning energy conservation for buildings and structures may be required by the Energy Conservation Building Standards, Public Utility Companies Article, §§7-401—7-408, Annotated Code of Maryland, as amended.

.05 Maryland Building Performance Standards.

A. The IBC [and], IRC, *and* IECC, as modified in Regulation .04 of this chapter, shall constitute the Maryland Building Performance Standards.

B. Local Amendments.

(1) Each local jurisdiction:

(a) [may] *May* by local amendment modify the provisions of the Standards to address conditions peculiar to the local jurisdiction's community[.]; *and*

(b) *May not adopt any amendments that weaken the requirements of the IECC or Chapter 13 of the IBC.*

(2)—(4) (text unchanged)

.06 Application of the Standards.

A. (text unchanged)

B. A local jurisdiction [may] *shall* implement and enforce the Standards and any local amendments [on or before the dates specified in this regulation] *within 6 months of the effective date of any amendments by the Department to this chapter.*

C. (text unchanged)

.07 Utilization of Standards.

A. Central Data Base.

(1) The Department shall establish an automated central data base which shall contain or provide a link to access the following information:

(a)—(f) (text unchanged)

[(g) The energy code required under Public Utility Companies Article, §7-401, Annotated Code of Maryland;]

[(h)] (g) Local code provisions that are more restrictive than *the IECC as modified in Regulation .04 of this chapter* and the energy code [required] *defined* under Public Utility Companies Article, §7-401, Annotated Code of Maryland;

[(i)] (h)—[(j)] (i) (text unchanged)

(2)—(3) (text unchanged)

B. (text unchanged)

RAYMOND A. SKINNER
Secretary of Housing and Community Development
