

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 323 (Delegate Impallaria)
Environment and Transportation

Maryland Building Performance Standards - Energy Codes - Local Authority

This bill authorizes a local jurisdiction to adopt local amendments to the Maryland Building Performance Standards (MBPS) that are equivalent to the requirements of the International Energy Conservation Code (IECC), Chapter 13, “Energy Efficiency,” of the International Building Code (IBC), or Chapter 11, “Energy Efficiency,” of the International Residential Code.

Fiscal Summary

State Effect: Special fund expenditures may increase to the extent that the Maryland Energy Administration (MEA) must evaluate local energy code compliance standards if local governments elect to implement alternative energy codes as a result of the bill.

Local Effect: Expenditures for local governments that elect to implement alternative energy codes as a result of the bill may increase to train local building inspectors on the new standards.

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 IBC, including 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 and consider modifications. 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 town houses 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.

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.

IECC regulates the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. The code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. The code has specified provisions for residential buildings and specified provisions for commercial buildings.

The International Code Council 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.

As a condition of receiving State Energy Program American Recovery and Reinvestment Act funding, the State must show at least a 90% compliance rate with certain energy code requirements by 2017. MEA advises that it has taken on the role of ensuring compliance. MEA provides code compliance assistance in the form of training for design professionals and code officials on site, by video, and through webinars. MEA also provides web-based energy coach services, maintains compliance provider lists, and conducts onsite local jurisdiction compliance testing. Since 2010, MEA advises that it has spent more than \$1.0 million in special and federal funds on energy code compliance

activities. The Governor's proposed fiscal 2016 budget includes approximately \$200,100 in federal funds for programs related to energy code compliance. MEA indicates that, as of January 2015, no local government has amended IECC upon or after its adoption.

Small Business Effect: To the extent that local governments elect to implement alternative energy codes as a result of the bill, small construction businesses may incur an increase in expenditures to ensure compliance with the new codes.

Additional Information

Prior Introductions: SB 1053 of 2014 passed the Senate as amended and received a hearing in the House Environmental Matters Committee. No further action was taken.

Cross File: SB 262 (Senator Jennings) - Finance.

Information Source(s): cities of Salisbury and Westminster; Department of Housing and Community Development; Maryland Energy Administration; Montgomery, Washington, and Worcester counties; Town of Leonardtown; Department of Legislative Services

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