

HOUSE BILL 757

E4, C8, O3

0lr1130

By: **Delegates Niemann, Ali, Gilchrist, Glenn, Hecht, Hucker, Lafferty, and V. Turner**

Introduced and read first time: February 5, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Maryland Building Performance Standards – Accessibility**
3 **Standards for Dwelling Units**

4 FOR the purpose of requiring the Department of Housing and Community
5 Development to adopt as a modification of the Maryland Building Performance
6 Standards a requirement that each dwelling unit have at least one entrance
7 that meets certain accessibility standards; providing for the application of this
8 Act; defining a certain term; and generally relating to accessibility standards for
9 dwelling units.

10 BY repealing and reenacting, with amendments,
11 Article – Public Safety
12 Section 12–503
13 Annotated Code of Maryland
14 (2003 Volume and 2009 Supplement)

15 BY adding to
16 Article – Public Safety
17 Section 12–503.1
18 Annotated Code of Maryland
19 (2003 Volume and 2009 Supplement)

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

22 **Article – Public Safety**

23 12–503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The Department shall adopt by regulation, as the Maryland
2 Building Performance Standards, the International Building Code, including the
3 International Energy Conservation Code, with the modifications incorporated by the
4 Department under subsection (b) of this section.

5 (2) The Department shall adopt each subsequent version of the
6 Standards within 12 months after it is issued.

7 (b) (1) Before adopting each version of the Standards, the Department
8 shall:

9 (i) review the International Building Code to determine
10 whether modifications should be incorporated in the Standards;

11 (ii) consider changes to the International Building Code to
12 enhance energy conservation and efficiency;

13 (iii) accept written comments;

14 (iv) consider any comments received; and

15 (v) hold a public hearing on each proposed modification.

16 (2) (i) Except as provided in subparagraph (ii) of this paragraph
17 **AND § 12-503.1 OF THIS SUBTITLE**, the Department may not adopt, as part of the
18 Standards, a modification of a building code requirement that is more stringent than
19 the requirement in the International Building Code.

20 (ii) The Department may adopt energy conservation
21 requirements that are more stringent than the requirements in the International
22 Energy Conservation Code, but may not adopt energy conservation requirements that
23 are less stringent than the requirements in the International Energy Conservation
24 Code.

25 (c) The Standards apply to each building or structure in the State for which
26 a building permit application is received by a local jurisdiction on or after August 1,
27 1995.

28 **12-503.1.**

29 (A) IN THIS SECTION, "DEVELOPMENT" MEANS A PLANNED
30 RESIDENTIAL COMMUNITY THAT INCLUDES DWELLING UNIT STRUCTURES.

31 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS
32 SECTION APPLIES ONLY TO NEWLY CONSTRUCTED DWELLING UNIT
33 STRUCTURES CONSISTING OF THREE OR FEWER DWELLING UNITS FOR WHICH A
34 BUILDING PERMIT IS ISSUED ON OR AFTER OCTOBER 1, 2013.

1 **(C) (1) THIS SECTION DOES NOT APPLY TO A DWELLING UNIT:**

2 **(I) THAT IS LOCATED ABOVE OTHER DWELLING UNITS;**

3 **(II) THAT IS AN ATTACHED DWELLING UNIT:**

4 **1. WITH A WIDTH OF LESS THAN 18 FEET; OR**

5 **2. THAT DOES NOT HAVE ON THE GROUND FLOOR**
6 **EITHER A BATHROOM OR A KITCHEN;**

7 **(III) THAT DOES NOT HAVE A GARAGE AND THE SLOPE**
8 **BETWEEN THE FINISH GROUND LEVEL AT ALL DWELLING UNIT ENTRANCES TO**
9 **THE NEAREST POINT ALONG A PROPERTY LINE THAT BORDERS A PUBLIC**
10 **RIGHT-OF-WAY IS GREATER THAN 10%; OR**

11 **(IV) IN WHICH COMPLIANCE WITH THE DESIGN FLOOD**
12 **ELEVATION RESTRICTIONS WILL CAUSE:**

13 **1. THE FINISH FLOOR TO BE MORE THAN 30 INCHES**
14 **ABOVE THE FINISH GROUND LEVEL AT ALL DWELLING UNIT ENTRANCES; OR**

15 **2. THE SLOPE BETWEEN THE FINISH FLOOR AT ALL**
16 **DWELLING UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY LINE**
17 **THAT BORDERS A PUBLIC RIGHT-OF-WAY TO BE GREATER THAN 10%.**

18 **(2) (I) THIS SECTION DOES NOT APPLY TO A DEVELOPMENT OF**
19 **FIVE OR FEWER DWELLING UNITS.**

20 **(II) IN A DEVELOPMENT OF SIX OR MORE DWELLING UNITS,**
21 **THIS SECTION SHALL APPLY TO AT LEAST 50% OF THE DWELLING UNITS.**

22 **(D) THE DEPARTMENT SHALL ADOPT AS A MODIFICATION OF THE**
23 **STANDARDS A REQUIREMENT THAT EACH DWELLING UNIT HAVE AT LEAST ONE**
24 **ENTRANCE THAT HAS:**

25 **(1) LANDINGS AND FLOORS THAT ARE NOT MORE THAN ONE AND**
26 **ONE-HALF INCHES LOWER THAN THE TOP OF THE DOOR THRESHOLD OF THE**
27 **ENTRANCE; AND**

28 **(2) A CIRCULATION ROUTE FROM THE ENTRANCE TO A GARAGE,**
29 **PARKING SPACE, OR PUBLIC RIGHT-OF-WAY THAT IS FREE OF ANY VERTICAL**
30 **CHANGES IN LEVEL THAT ARE MORE THAN ONE-HALF INCH.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.