

CHAPTER 294

(Senate Bill 625)

AN ACT concerning

Maryland Building Performance Standards – Energy Conservation and Efficiency

FOR the purpose of requiring the Department of Housing and Community Development to adopt the International Energy Conservation Code as part of the Maryland Building Performance Standards; ~~altering the time at which the Department is required to adopt each subsequent version of the Standards;~~ requiring the Department of Housing and Community Development to consider certain changes to the International Building Code before adopting each new version into the Standards; authorizing the Department to adopt certain modifications of the building code as part of the Standards; prohibiting the Department from adopting certain other modifications of the building code as part of the Standards; ~~requiring any version of the Standards adopted after a certain date~~ date to include certain additional energy savings in new buildings; prohibiting local jurisdictions from adopting certain local amendments to the Standards; requiring local jurisdictions to implement and enforce a certain version of the Standards ~~by a certain date;~~ requiring certain modifications of the Standards to be implemented and enforced by a local jurisdiction no later than a certain period of time after the modifications are adopted; defining a certain term; and generally relating to energy efficiency requirements under the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–501, 12–503, 12–504(a), and 12–505(a)(1)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

Article – Public Safety

12–501.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Building” has the meaning stated in the International Building Code.

(c) “Department” means the Department of Housing and Community Development.

(d) (1) “International Building Code” means the first printing of the most recent edition of the International Building Code issued by the International Code Council.

(2) “International Building Code” does not include interim amendments or subsequent printings of the most recent edition of the International Building Code.

(e) (1) **“INTERNATIONAL ENERGY CONSERVATION CODE” MEANS THE FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.**

(2) **“INTERNATIONAL ENERGY CONSERVATION CODE” DOES NOT INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST RECENT EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.**

(F) “Local jurisdiction” means the county or municipal corporation that is responsible for implementation and enforcement of the Standards under this subtitle.

[(f)] (G) “Standards” means the Maryland Building Performance Standards.

[(g)] (H) “Structure” has the meaning stated in the International Building Code.

12-503.

(a) (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, **INCLUDING THE INTERNATIONAL ENERGY CONSERVATION CODE**, with the modifications incorporated by the Department under subsection (b) of this section.

(2) The Department shall adopt each subsequent version of the Standards within ~~12~~ **9** months after it is issued.

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

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

(II) CONSIDER CHANGES TO THE INTERNATIONAL BUILDING CODE TO ENHANCE ENERGY CONSERVATION AND EFFICIENCY;

[(ii)] (III) accept written comments;

[(iii)] (IV) consider any comments received; and

[(iv)] (V) hold a public hearing on each proposed modification.

(2) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** THE Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.

(II) THE DEPARTMENT MAY ADOPT ENERGY ~~SAVINGS CONSERVATION~~ REQUIREMENTS THAT ARE MORE STRINGENT THAN THE REQUIREMENTS IN THE INTERNATIONAL ENERGY CONSERVATION CODE, BUT MAY NOT ADOPT ENERGY ~~SAVINGS CONSERVATION~~ REQUIREMENTS THAT ARE LESS STRINGENT ~~THAT~~ THAN THE REQUIREMENTS IN THE INTERNATIONAL ENERGY CONSERVATION CODE.

~~(c) (1) ANY VERSION OF THE STANDARDS ADOPTED AFTER DECEMBER 31, 2012, SHALL INCLUDE ENERGY CONSERVATION REQUIREMENTS THAT ACHIEVE ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS THAT ARE AT LEAST 30% GREATER THAN THE SAVINGS ACHIEVED BY COMPARABLE BUILDINGS MEETING THE REQUIREMENTS OF THE 2006 VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.~~

~~(2) ANY VERSION OF THE STANDARDS ADOPTED AFTER DECEMBER 31, 2018, SHALL INCLUDE ENERGY CONSERVATION REQUIREMENTS THAT ACHIEVE ADDITIONAL ENERGY SAVINGS IN NEW BUILDINGS THAT ARE AT LEAST 50% GREATER THAN THE SAVINGS ACHIEVED BY COMPARABLE BUILDINGS MEETING THE REQUIREMENTS OF THE 2006 VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.~~

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

12-504.

(a) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

(1) prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle; **OR**

(2) WEAKEN ENERGY CONSERVATION AND EFFICIENCY PROVISIONS CONTAINED IN THE STANDARDS.

12-505.

(a) (1) (I) Each local jurisdiction shall implement and enforce the **MOST CURRENT VERSION OF THE** Standards and any local amendments to the Standards.

(II) **ANY MODIFICATION OF THE STANDARDS ADOPTED BY THE STATE AFTER DECEMBER 31, 2009, SHALL BE IMPLEMENTED AND ENFORCED BY A LOCAL JURISDICTION NO LATER THAN ~~90~~ 120 DAYS 6 MONTHS AFTER THE MODIFICATIONS ARE ADOPTED BY THE STATE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 7, 2009.