

**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

**Subtitle 12 BUILDING AND MATERIAL CODES**

**Chapter 50 Model Performance Code**

Authority: Public Safety Article, §12-201(f), Annotated Code of Maryland

**.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Department" means the Department of Labor, Licensing, and Regulation.
- (2) "ICC" means the organization known as the International Code Council.
- (3) "High performance home" has the meaning stated in Public Safety Article, §12-509(a), Annotated Code of Maryland.
- (4) Hotel.
  - (a) "Hotel" means an establishment that offers sleeping accommodations for compensation.
  - (b) "Hotel" does not include a bed and breakfast establishment.
- (5) "Industrialized building" has the meaning stated in Public Safety Article, §12-301(d), Annotated Code of Maryland.
- (6) "Master control device" means:
  - (a) A control that is activated when a person enters the room through the primary room-access method; or
  - (b) An occupancy sensor control that is activated by a person's presence in the room.
- (7) "Model Performance Code" or "Model Code" means the Model Performance Code for building construction as detailed in Regulation .03 of this chapter.
- (8) "NFPA" means National Fire Protection Association, Inc.
- (9) "Person" means any private individual, firm, or corporation and any public officer or agency.
- (10) "Regulations" means the regulations as defined in Regulation .02 of this chapter.
- (11) "Secretary" means the Secretary of Labor, Licensing, and Regulation or a designated representative.
- (12) "State certified inspector" means an individual qualified by reason of experience, training, and/or examination, to inspect buildings for compliance with the State Model Performance Code, and certified pursuant to Regulation .07 of this chapter.

**.02 General.**

A. Title. These regulations shall be known and may be cited as the Model Performance Code. Except as otherwise indicated, "regulations" as used in this chapter shall mean the Model Performance Code.

B. Application.

(1) These regulations may not be binding upon any subdivision of the State unless the subdivision adopts the Model Performance Code, by law, ordinance, or resolution of its governing body referring to the Model Performance Code.

(2) For industrialized buildings approved by an approved testing facility under COMAR 09.12.52 after the effective date of these regulations:

- (a) This chapter and the codes incorporated by reference apply to any approved building provided that construction begins prior to 6 months after the Department's adoption of the 2021 edition of the International Building Code; and
- (b) The approved testing facility shall state in its approval letter to the Department and the manufacturer of the building:
  - (i) The date of approval; and
  - (ii) That approval will expire for a building unless construction begins prior to 6 months after Department's adoption of the 2021 edition of the International Building Code.

09.12.50.02

(3) For industrialized buildings approved by an approved testing facility under COMAR 09.12.52 prior to the effective date of these regulations, the previous version of this chapter and the 2015 International Building Code shall apply provided that construction begins prior to 6 months after the effective date of these regulations.

C. Equivalency. Nothing in the Model Performance Code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by the Model Code, providing technical documentation is submitted to the authority having jurisdiction to demonstrate equivalency, and the system, method, or device is approved for the intended purpose.

D. The Department encourages home builders to construct new high performance homes.

#### **.02-1 Incorporation by Reference.**

A. In this chapter, the following documents are incorporated by reference, except as modified in Regulation .03 of this chapter.

B. Documents Incorporated.

(1) International Building Code (International Code Council), which is incorporated by reference in COMAR 09.12.51.04A(1).

(2) 2018 International Plumbing Code (International Code Council).

(3) National Electric Code, 2017 Edition (NFPA 70).

(4) International Residential Code for One- and Two-Family Dwellings (International Code Council), which is incorporated by reference in COMAR 09.12.51.04A(2).

(5) 2018 International Mechanical Code (International Code Council).

(6) International Energy Conservation Code (International Code Council), which is incorporated by reference in COMAR 09.12.51.04A(3).

(7) 2012 International Green Construction 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:

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

101.2.1 Appendices: All the provisions in the Appendices are adopted as part of the IBC except those in Appendices A, B, D, E, and K;

(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 09.12.53;

(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) International Plumbing Code with the following modification: Delete all of §404.0 — the subject matter is covered by Maryland Accessibility Code, COMAR 09.12.53;

(c) National Electrical Code,

(d) International Mechanical Code;

(e) International Residential Code for One- and Two-Family Dwellings with the following modifications:

(i) Chapter 1. Delete the Section 102.5 Appendices and replace with the following: 102.5 Appendices: All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J, and L;

(ii) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the Simulated Performance Path listed in Section N1105 (R405);

(iii) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the Energy Rating Index Compliance Alternative Section N1106 (R406);

(iv) Modify Table N1105.5.2(1) (R405.5.2(1)) for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”; and

(v) Add exception to Section N1106.2 (R406.2): The maximum of 5 air changes per hour tested in accordance with Section N1102.4.1.2 (R402.4.1.2) may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design;

(f) International Energy Conservation Code with the following modification:

(i) Add a note to Section C405.2.4 Specific Application Controls: For the new construction of hotels, each hotel guest room shall be equipped with a master control device in compliance with COMAR 09.12.51.04D(2);

(ii) Add to Section R402.4.1.2: Except as provided for in the Simulated Performance Path listed in Section R405;

(iii) Add to Section R402.4.1.2: Except as provided for in the Energy Rating Index Compliance Alternative in Section R406;

(iv) Modify Table R405.5.2(1) for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”; and

(v) Add exception to Section R406.2: The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design;

(g) If an industrialized building manufacturer desires to or has been requested to construct a building to the International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in §A(1) with the following modifications:

(i) Chapter 1. Delete Section 101.4 Appendices and replace with the following: All the provisions in the appendices are adopted as part of the IGCC except those in the appendices C and D;

(ii) Chapter 3. Add following note to Section 302.1 Item 1: In Table 302.1, Select “Yes” for residential buildings as indicated in Exception 1 to Section 101.3; and

(iii) The §A(1)(g) does not preempt the authority reserved to local jurisdictions to regulate matters in the IGCC including land use, site placement, and other matters that do not affect the structure or design of the industrialized building; and

(h) The Department encourages home builders to construct new high-performance homes.

(2) For all other building construction:

(a) The International Building Code with modifications related to building standards, as adopted under COMAR 09.12.51.04;

09.12.50.04

(b) Plumbing Code requirements adopted under Business Occupations and Professions Article, §§12-101—12-702, Annotated Code of Maryland;

(c) National Electrical Code;

(d) International Mechanical Code;

(e) The International Residential Code for One- and Two-Family Dwellings with modifications related to building standards, as adopted under COMAR 09.12.51.04;

(f) International Energy Conservation Code with modifications related to building standards, as adopted under COMAR 09.12.51.04; and

(g) If a builder desires to or has been requested to construct a building to the International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in §A(2).

B. Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us).

#### **.04 Modifications to Model Performance Code.**

A. As stated in Regulation .02B of this chapter, the Model Performance Code is not binding on any subdivision of the State unless specifically adopted by it. A copy of the law, ordinance, or resolution adopting the Model Code shall be sent by the governing body of the adopting subdivision to the Secretary. Copies of all subsequent laws, ordinances, or resolutions pertaining to the Model Code shall similarly be sent by the governing body to the Secretary.

B. After adoption by a subdivision, alteration or modification of the Model Code is prohibited without prior concurrence of the Secretary.

C. The Department will regularly consult with local officials to review the application and effectiveness of the Model Code in each adopting subdivision.

D. Requests for Changes.

(1) Requests for changes, modifications, or exceptions to make the Model Code more effective and useful in any subdivision shall be submitted in writing by certified mail, return receipt requested, to the Secretary by the appropriate authority in the subdivision, together with the reasons for the request.

(2) Upon receipt of a request, the Secretary may:

(a) Concur with it;

(b) Take no action for a period of 30 days after receipt of the request, which shall be deemed concurrence; or

(c) Deny the request and notify the requesting subdivision in writing. The Secretary may utilize the 30-day period provided hereby for informal consultation with the requesting subdivision and with any other individuals or groups.

(3) Concurrence with requests for special Model Code provisions to meet local conditions will not be unreasonably withheld.

E. The administrative sections of Article 1 of the International Building Code are entirely administrative and may require alteration to adapt them to local use. Alterations to these sections of Article 1 are therefore excluded from the requirement of concurrence by the Secretary. However, any alterations shall be forwarded to the Secretary for the Department's records.

#### **.05 Appeals of Code Interpretations or Applications.**

A. If a subdivision provides for a body and procedures to hear building appeals, any person aggrieved by any application or interpretation of the Model Code may obtain review under the procedures.

B. Review by this Department shall be granted:

(1) If requested by the appeals body referred to in §A.

(2) If requested by the aggrieved party before commencement of appeal procedures provided by the subdivision. In that case, the Director of the Building Codes Administration may, in the Director's discretion, decline to review the question of interpretation or application and remand the question to the subdivision, because the question is of insufficient importance or can be resolved more readily at a local level, or for other reasons. The action is not reviewable.

(3) When a building appeals procedure is not provided by the subdivision.

C. An aggrieved person requesting review by the Department of an application or interpretation of the Model Code shall do so in writing, addressed to the Director of the Building Codes Administration in the Department, together with a full statement of the circumstances and the reasons for challenge.

D. The Director of the Building Codes Administration will normally refer the question of interpretation or application to ICC or NFPA, as the case may be, for answer by their respective interpretation services. The Director is not required to refer the question to ICC or NFPA. The Director shall notify the parties of the referral.

E. Within 10 days from the receipt by the Director of the Building Codes Administration of the request for review, or within 10 days from receipt by the Director of an answer from ICC or NFPA when the question has been referred, the Director shall notify the parties of the Director's decision, with a statement of the reasons for it, including a copy of any communication from ICC or NFPA.

F. Review of an adverse decision of the Director of the Building Codes Administration shall be by appeal to the Secretary, filed within 30 days after issuance of the decision by the Director.

**.06 Code Improvements.**

Any recommendations for changes to improve these regulations should be submitted to the Secretary with an explanation of the modification desired.

**.07 Training and Certification of Building Inspectors.**

In order to assist local jurisdictions to effectively administer the Model Performance Code, the Department has the responsibility to train and certify building code enforcement officials in any jurisdiction where the Model Performance Code is in effect.

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

09.12.50.07

**Administrative History**

Effective date: April, 1973

Regulation .01 amended effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .02C adopted effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .03 amended effective August 6, 1975 (2:17 Md. R. 1188); March 3, 1976 (3:5 Md. R. 295); June 29, 1979 (6:13 Md. R. 1124); March 1, 1983 (10:3 Md. R. 208); December 30, 1985 (12:26 Md. R. 2542)

Regulations .04 and .05 amended effective November 3, 1978 (5:22 Md. R. 1671)

Regulations .04E and .05C amended effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .07A amended effective December 30, 1985 (12:26 Md. R. 2542)

Regulation .07B amended effective August 6, 1975 (2:17 Md. R. 1188) and November 3, 1978 (5:22 Md. R. 1671); repealed effective December 30, 1985 (12:26 Md. R. 2542)

Chapter recodified from COMAR 05.01.03 to COMAR 05.02.01

Regulation .01B amended effective June 1, 1988 (15:11 Md. R. 1329); July 28, 1997 (24:15 Md. R. 1061); October 15, 2001 (28:1 Md. R. 25); September 20, 2004 (31:6 Md. R. 507); January 1, 2012 (38:24 Md. R. 1499); January 7, 2013 (39:26 Md. R. 1663)

Regulation .02B amended effective January 1, 2012 (38:24 Md. R. 1499); January 1, 2015 (41:25 Md. R. 1476)

Regulation .02D adopted effective January 1, 2012 (38:24 Md. R. 1499)

Regulation .02-1 adopted effective July 28, 1997 (24:15 Md. R. 1061)

Regulation .02-1B amended effective October 15, 2001 (28:1 Md. R. 25); September 20, 2004 (31:6 Md. R. 507); July 1, 2007 (34:7 Md. R. 696); January 1, 2010 (36:22 Md. R. 1722); January 1, 2012 (38:24 Md. R. 1499); January 7, 2013 (39:26 Md. R. 1663); January 1, 2015 (41:25 Md. R. 1476)

Regulation .03 amended effective June 1, 1988 (15:11 Md. R. 1329); July 22, 1991 (18:14 Md. R. 1609); July 28, 1997 (24:15 Md. R. 1061); October 15, 2001 (28:1 Md. R. 25)

Regulation .03A amended effective January 1, 2010 (36:22 Md. R. 1722); January 1, 2012 (38:24 Md. R. 1499); January 7, 2013 (39:26 Md. R. 1663); January 1, 2015 (41:25 Md. R. 1476)

Regulation .04D amended effective July 1, 2007 (34:7 Md. R. 696)

Regulation .04E amended effective June 1, 1988 (15:11 Md. R. 1329); October 15, 2001 (28:1 Md. R. 25); September 20, 2004 (31:6 Md. R. 507); July 1, 2007 (34:7 Md. R. 696); January 1, 2012 (38:24 Md. R. 1499); January 1, 2015 (41:25 Md. R. 1476)

Regulation .05D, E amended effective October 15, 2001 (28:1 Md. R. 25)

Chapter recodified from COMAR 05.02.01 to COMAR 09.12.50 effective March 25, 2019 (46:6 Md. R. 345)

Regulation .01B amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .02A, B amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .02-1B amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .03 amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .04A, E amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .05 amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .07 amended effective March 25, 2019 (46:6 Md. R. 345)

**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

**Subtitle 12 BUILDING AND MATERIAL CODES**

**Chapter 51 Maryland Building Performance Standards**

Authority: Public Safety Article, §§12-503, 12-507(a)(2), 12-508(g), and 12-510(d), Annotated Code of Maryland

**.01 Title.**

This chapter shall be known and may be cited as the Maryland Building Performance Standards Regulations.

**.02 Purpose and Scope.**

The purpose of this chapter is to adopt the International Building Code (IBC), 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.

**.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Agricultural Building.

(a) "Agricultural building", for purposes of Regulation .06B of this chapter only, means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

(b) "Agricultural building" does not include a place of human residence.

(2) Agritourism.

(a) "Agritourism" means tourism of agricultural farms and buildings by members of the general public for recreational, entertainment, or educational purposes for which tourists may or may not pay fees.

(b) Agritourism includes the following activities, when performed by a tourist:

(i) Viewing rural activities, farming, ranching, and wine making;

(ii) Viewing natural, historical, and cultural resources; and

(iii) Harvesting agricultural products.

(3) "Building" has the meaning and interpretation set forth in the International Building Code.

(4) "Codes Administration" means the Building Codes Administration, an administration within the Department.

(5) "County" means any of the 23 counties of the State and the Mayor and City Council of Baltimore.

(6) "Department" means the Department of Labor, Licensing, and Regulation.

(7) "High performance home" has the meaning stated in Public Safety Article, §12-509(a), Annotated Code of Maryland.

(8) Hotel.

(a) "Hotel" means an establishment that offers sleeping accommodations for compensation.

(b) "Hotel" does not include a bed and breakfast establishment.

(9) "IBC" means the International Building Code, as incorporated by reference in this chapter.

(10) "ICC" means the organization known as the International Code Council.

(11) "Local amendment" means:

(a) An amendment to the Standards that has been adopted by a local jurisdiction in accordance with applicable local laws and regulations; and

09.12.51.04

(b) A copy of the amendment has been provided to the Department for inclusion in the data base within the following time period:

- (i) At least 15 days before the effective date of the amendment, or
- (ii) In the case of an emergency adoption of an amendment, within 5 days of the emergency amendment's adoption.

(12) "Local jurisdiction" means the county or municipality responsible for implementation and enforcement of the Maryland Building Performance Standards.

(13) "Master control device" means:

- (a) A control that is activated when a person enters the room through the primary room-access method; or
- (b) An occupancy sensor control that is activated by a person's presence in the room.

(14) "MBPS" or "Standards" means the Maryland Building Performance Standards established by these regulations.

(15) "Municipality" means a municipal corporation subject to the provisions of Article XI-E of the State Constitution.

(16) "Person" means an individual, corporation, partnership, association, or any other legal entity authorized to do business in the State.

(17) "Structure" has the meaning and interpretation set forth in the IBC.

#### **.04 Incorporation by Reference.**

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

- (1) 2018 International Building Code (International Code Council);
- (2) 2018 International Residential Code for One- and Two-Family Dwellings (International Code Council);
- (3) 2018 International Energy Conservation Code (International Code Council); and
- (4) 2012 International Green Construction Code (International Code Council, 500 New Jersey Avenue, N. W., 6th Floor, Washington DC 20001).

B. Modifications to the International Building Code.

(1) Chapter 1. Add note to Chapter 1 of the IBC: Local jurisdictions are responsible for the implementation and enforcement of the Maryland Building Performance Standards. Refer to each local jurisdiction for local amendments to Chapter 1 of the IBC. Each local jurisdiction having authority shall establish, on or before the application date in Regulation .06 of this chapter, implementation and enforcement procedures that include:

- (a) Review and acceptance of appropriate plans;
- (b) Issuance of building permits;
- (c) Inspection of the work authorized by the building permits; and
- (d) Issuance of use and occupancy certificates.

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

(a) Exception: 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code;

(b) Exception: 2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall comply with the Maryland Building Rehabilitation Code set forth in COMAR 09.12.58; and

(c) Exception: 3. Maintenance of residential structures and premises shall comply with the Minimum Livability Code COMAR 09.12.54.

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

101.2.1 Appendices: All the provisions in the Appendices are adopted as part of the IBC except those in Appendices A, B, D, E, and K.

(4) 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. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

(5) 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. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

(6) Chapter 11. Chapter 11 of the IBC related to accessibility requirements is hereby replaced with the Maryland Accessibility Code set forth in COMAR 09.12.53. 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 09.12.53.

(7) 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.

(8) Chapter 27. ELECTRICAL. Add note to Section 2701.1 Scope: The subject matter of this chapter 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.

(9) Chapter 28. MECHANICAL SYSTEMS. Add note to Section 2801.1 Scope: The subject matter of this chapter is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provision of Business Regulation Article, §9A-205, Annotated Code of Maryland.

(10) Chapter 29. PLUMBING SYSTEMS. Add note to Section 2901.1 Scope: The subject matter of this chapter 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.

(11) 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.

(12) Chapter 34. Any rehabilitation work undertaken in an existing building as defined in COMAR 9.12.58 shall comply with the requirements of Maryland Building Rehabilitation Code set forth in COMAR 09.12.58.

C. Modifications to the International Residential Code for One- and Two-Family Dwellings:

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

102.5 Appendices: All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J, and L.

(2) ENERGY. Chapter 11. ENERGY EFFICIENCY.

(a) Add to Section N1102.4.1.2 (R402.4.1.2): Except as provided for in the:

(i) Simulated Performance Path listed in Section N1105 (R405); and

(ii) Energy Rating Index Compliance Alternative in Section N1106 (R406);

(b) Modify Table N1105.5.2(1) (R405.5.2(1)) for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”; and

(c) Add exception to Section N1106.2 (R406.2): The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.

(3) **MECHANICAL.** Chapter 12. **MECHANICAL ADMINISTRATION.** Add note to Section M1201.1 Scope: The subject matter of chapters 12 through 24 is not within the scope of the Maryland Building Performance Standards. For the applicable requirements concerning the mechanical systems, refer to the local mechanical code and the mechanical code adopted pursuant to the provisions of Business Regulation Article, §9A-205, Annotated Code of Maryland.

(4) **PLUMBING.** Chapter 25. **PLUMBING ADMINISTRATION.** Add note to Section P2501.1 Scope: The subject matter of chapters 25 through 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.

(5) **ELECTRICAL.** Chapter 34. **GENERAL REQUIREMENTS.** Add note to Section E3401.1 Applicability: The subject matter of chapters 34 through 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 International Energy Conservation Code.**

(1) Add a note to Section C101, Scope and General Requirements: 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.

(2) Add a note to Section C405.2.4 Specific Application Controls: For the new construction of hotels:

(a) Each hotel guest room shall be equipped with a master control device that automatically turns off the power to all of the lighting fixtures in the guest room no more than 30 minutes after the room has been vacated; and

(b) A master control device may also control the heating, ventilation, or air conditioning default settings in hotel guest rooms 30 minutes after a room has been vacated by:

- (i) Increasing the set temperature by at least 3 degrees Fahrenheit when in the air conditioning mode; or
- (ii) Decreasing the set temperature by at least 3 degrees Fahrenheit when in the heating mode.

(3) Add to Section R402.4.1.2: Except as provided for in the:

- (a) Simulated Performance Path listed in Section R405;
- (b) Energy Rating Index Compliance Alternative in Section R406;

(4) Modify Table R405.5.2(1) for Air Exchange Rate line item under the proposed design add “not to exceed 5 air changes per hour with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for Standard Reference Design” after “The measured air exchange rate”; and

(5) Add exception to Section R406.2: The maximum of 5 air changes per hour tested in accordance with Section R402.4.1.2 may be used to determine the Energy Rating index score with baseline of 3 air changes per hour in climate zones 4 and 5 maintained for ERI Reference Design.

**E. The Department encourages:**

- (1) Home builders to construct new high performance homes; and
- (2) Local jurisdictions to amend these standards to allow builders to construct high performance homes.

**.05 Maryland Building Performance Standards.**

A. The IBC, 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 by local amendment modify the provisions of the Standards to address conditions peculiar to the local jurisdiction's community;

(b) May adopt and amend the IGCC to be part of the Standards applicable in the local jurisdiction.

- (c) May not adopt any amendments that weaken the requirements of the IECC or Chapter 13 of the IBC;
  - (d) Except as set forth in Public Safety Article, §12-504(a)(1)(iii), Annotated Code of Maryland, may not adopt any amendments that weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; and
  - (e) May not adopt amendments that weaken the wind design and wind-borne debris provisions contained in the Standards.
- (2) If a local jurisdiction adopts a local amendment, the Standards as amended by the local jurisdiction shall apply in that local jurisdiction.
  - (3) If a local amendment conflicts with the provisions of the Standards, the provisions of the local amendment shall prevail in the local jurisdiction.
  - (4) Local amendments shall be submitted to the Department:
    - (a) At least 15 days before the effective date of the amendment; or
    - (b) In the case of an emergency adoption of a local amendment, within 5 days after the local amendment's adoption.

#### **.06 Application of the Standards.**

- A. Except as provided in §§B and C of this regulation, the Standards shall apply to all buildings and structures within the State for which a building permit application is received by a local jurisdiction.
- B. A local jurisdiction shall implement and enforce the Standards and any local amendments within 12 months of the effective date of any amendments by the Department to this chapter.
- C. The provisions of Public Safety Article, §12-508, Annotated Code of Maryland, modify and determine the applicability of the Standards to agritourism.

#### **.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) The Standards;
    - (b) Local amendments;
    - (c) State Fire Prevention Code and amendments to the State Fire Prevention Code promulgated by the State Fire Prevention Commission, or the State Fire Prevention Commission's successor;
    - (d) The fire codes adopted by the local jurisdictions and any amendments to them;
    - (e) The electrical code required under Public Safety Article, §12-603, Annotated Code of Maryland;
    - (f) Local amendments to the electrical code required under Public Safety Article, §12-603, Annotated Code of Maryland;
    - (g) Local code provisions that are more restrictive than the IECC as modified in Regulation .04 of this chapter and the energy code defined under Public Utilities Article, §7-401, Annotated Code of Maryland;
    - (h) The Maryland Building Rehabilitation Code; and
    - (i) Local amendments to the Maryland Building Rehabilitation Code.
  - (2) The Department may compile and include in the central data base:
    - (a) Any information provided by the local jurisdiction on the implementation and interpretation of the Standards by the local jurisdiction;
    - (b) Interim amendments to the IBC and IRC, including subsequent printing of the most recent edition; and
    - (c) Any other information the Department determines is relevant to the construction or rehabilitation of buildings and structures in the State.

09.12.51.08

(3) Software.

(a) The Department shall be responsible for the development and distribution among the local jurisdictions of software related to the operation of the central data base.

(b) Any software developed by or on behalf of the Department shall be owned by the Department, or the developer of the software.

(c) Neither the local jurisdiction nor any other user acquires any proprietary right in any of the ICC copyrighted material or ICC trademark contained in the software.

B. Voluntary Dispute Resolution.

(1) Upon the written request of a local jurisdiction and any person aggrieved by the Standards or any local amendments to them, the Codes Administration shall conduct an informal mediation or conciliation with the local jurisdiction and any person aggrieved by the Standards or any local amendments to them.

(2) The aggrieved person and the local jurisdiction shall each submit to the Codes Administration a written statement of the dispute and include any related material either party feels is appropriate. In addition to the written statement, either party may request a meeting with the other party and the Codes Administration to discuss the dispute.

(3) Within the latter to occur of 30 days of receipt of both statements of the disputed and any related material, or 30 days after a meeting conducted in accordance with §B(2) of this regulation, the Director of the Codes Administration shall issue a decision on behalf of the Department regarding resolution of the dispute.

(4) Within 15 days of the date of the decision of the Director of the Codes Administration, either party may appeal to the Secretary of the Department or the Secretary's designee, in writing. The Secretary of the Department or the Secretary's designee shall respond to the appeal within 15 days of receipt of the appeal.

(5) Neither a decision by the Codes Administration nor the Department under §B(3) or (4) of this regulation shall constitute a contested case proceeding under the Maryland Administrative Procedure Act and is not subject to the provisions of COMAR 09.01.02.

**.08 Enforcement of the Standards.**

Enforcement of the Standards shall be the responsibility of the local jurisdiction in which the building or structure is located.

**.09 Enforcement of State Fire Code Requirements.**

There is a State Fire Code, Public Safety Article 38A, §§6-101—6-602, Annotated Code of Maryland, and COMAR 29.06.01, which requires enforcement of the Fire Code by the State Fire Marshal or authorized fire official.

**Administrative History**

## Effective date:

Regulations .01—.09 adopted as an emergency provision effective January 13, 1995 (22:3 Md. R. 148); adopted permanently effective June 5, 1995 (22:11 Md. R. 818)

Regulation .02 amended effective October 15, 2001 (28:5 Md. R. 548); September 20, 2004 (31:6 Md. R. 507); January 1, 2010 (36:22 Md. R. 1722)

Regulation .03B amended effective April 7, 1997 (24:7 Md. R. 552); October 15, 2001 (28:5 Md. R. 548); September 20, 2004 (31:6 Md. R. 507); July 16, 2007 (34:14 Md. R. 1245); January 1, 2012 (38:24 Md. R. 1500)

Regulation .04 amended effective October 15, 2001 (28:5 Md. R. 548); September 20, 2004 (31:6 Md. R. 507); July 1, 2007 (34:7 Md. R. 696); January 1, 2010 (36:22 Md. R. 1722); January 1, 2012 (38:24 Md. R. 1500); October 29, 2012 (39:21 Md. R. 1377); January 1, 2015 (41:25 Md. R. 1476)

Regulation .04A, B amended and C adopted effective April 7, 1997 (24:7 Md. R. 552)

Regulation .04A, D amended effective October 29, 2012 (39:21 Md. R. 1377)

Regulation .05 amended effective March 15, 2001 (28:5 Md. R. 548); September 20, 2004 (31:6 Md. R. 507); January 1, 2010 (36:22 Md. R. 1722)

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Regulation .05C adopted effective October 29, 2012 (39:21 Md. R. 1377)

Regulation .05C repealed effective January 1, 2015 (41:25 Md. R. 1476)

Regulation .06 amended effective April 7, 1997 (24:7 Md. R. 552); October 15, 2001 (28:5 Md. R. 548); September 20, 2004 (31:6 Md. R. 507); July 16, 2007 (34:14 Md. R. 1245)

Regulation .06B amended effective January 1, 2010 (36:22 Md. R. 1722)

Regulation .07 amended effective April 7, 1997 (24:7 Md. R. 552); October 15, 2001 (28:5 Md. R. 548); September 20, 2004 (31:6 Md. R. 507)

Regulation .07A amended effective January 1, 2010 (36:22 Md. R. 1722)

Regulation .09 amended effective April 7, 1997 (24:7 Md. R. 552)

Chapter recodified from COMAR 05.02.07 to COMAR 09.12.51 effective March 25, 2019 (46:6 Md. R. 345)

Regulation .03B amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .04 amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .06B, C amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .07B amended effective March 25, 2019 (46:6 Md. R. 345)

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**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**  
**Subtitle 12 BUILDING AND MATERIAL CODES**  
**Chapter 52 Industrialized Buildings and Manufactured Homes**

Authority: Public Safety Article, §12-305, Annotated Code of Maryland

**.01 Authority and Scope.**

A. This chapter is adopted pursuant to Public Safety Article, §12-305, Annotated Code of Maryland, in order to implement, interpret, make specific, and otherwise carry out the provisions of Public Safety Article, Title 12, Subtitle 3, Annotated Code of Maryland, known as the Industrialized Building and Manufactured Homes Act.

B. Former regulations as originally adopted effective July 1, 1972, included industrialized buildings and manufactured homes. The HUD Manufactured Home Construction and Safety Standards superseded the State standards for manufactured homes on June 15, 1976. Approval of manufactured home inspection agencies and manufactured home plans is also now a responsibility of HUD or its agent, so these regulations pertain primarily to industrialized buildings. Regulation .15 does, however, cover the functions of the Department as a State Administrative Agency under HUD programs. Related manufactured home functions, such as handling of consumer complaints and monitoring of primary inspection agencies, are not covered by this chapter.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means the Industrialized Buildings and Manufactured Homes Act, Public Safety Article, Title 12, Subtitle 3, Annotated Code of Maryland.

(2) "Add-on" means any structure (except a structure designed or produced as an integral part of a manufactured home) that, when attached to the basic manufactured home unit, increases the area, either living or storage, of the manufactured home.

(3) Alteration.

(a) "Alteration" means the installation, replacement, addition, modification, or removal of any equipment after sale by a manufacturer to a dealer or distributor, but before sale by a dealer to a purchaser, that may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system.

(b) "Alteration" includes any modification made in the manufactured home that may affect the compliance of the home with the standards.

(c) "Alteration" does not include the:

(i) Repair or replacement of a component or appliance requiring plug-in to an electrical receptacle when the replaced item is of the same configuration and ratings as the one being replaced; or

(ii) Addition of an appliance, not provided with the manufactured home by the manufacturer, requiring plug-in to an electrical receptacle, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

(4) "Federal Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, codified as 42 U.S.C. §5401 et seq., as amended.

(5) "Federal Regulations" means the Manufactured Home Construction and Safety Standards, 24 CFR Part 3280, the Manufactured Home Procedural and Enforcement Regulations, 24 CFR Part 3282, and the Manufactured Home Consumer Manual Requirements, 24 CFR Part 3283.

(6) "HUD label" means the approved form of certification by the manufacturer that, under the federal regulations, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

(7) Manufactured Home.

(a) "Manufactured home" (formerly called a mobile home in the Act and in the Federal Act) means a structure, transportable in one or more sections, that is:

(i) In the traveling mode, 8 body feet or more in width or 40 body feet or more in length;

09.12.52.03

- (ii) When erected on site, 320 or more square feet;
  - (iii) Built on a permanent chassis;
  - (iv) Designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
  - (v) Includes the plumbing, heating, air-conditioning, and electrical systems contained in it.
- (b) "Manufactured home" includes any structure that meets all the requirements of §B(7)(a) of this regulation except the size requirements, with respect to which the manufacturer voluntarily:
- (i) Files a certification required by the Secretary of HUD; and
  - (ii) Complies with the standards established under the Federal Act.
- (8) "Model" means a specific design, as designated by the producers of an industrialized building unit and submitted for approval to the Department.
- (9) "Open frame construction" means any building, building component, assembly, or system manufactured in such manner that all portions can be readily inspected at the building site without disassembly, damage, or destruction and to which no more than one fixed interior or exterior surface has been applied.
- (10) "Regulations" means the Industrialized Buildings and Manufactured Homes Regulations (COMAR 09.12.52.01—18).
- (11) "Stabilizing devices" means all components of the anchoring and support systems, such as:
- (a) Piers;
  - (b) Footing;
  - (c) Ties;
  - (d) Anchoring equipment;
  - (e) Ground anchors; and
  - (f) Any other equipment that supports the manufactured home and secures it to the ground.
- (12) The terms "approved testing facility", "Department", "first user", "industrialized building", "installed", "local enforcement agency", "manufactured home", "Manufactured Home Construction and Safety Standards Act", "Secretary", and "site" have the meanings stated in Public Safety Article, §12-301, Annotated Code of Maryland.

### **.03 Enforcement Generally.**

- A. General. These regulations shall be enforced as prescribed by the Act.
- B. Inspection by Department. The Department may enter any industrialized building unit or manufactured home, at a reasonable time and manner, to inspect it for compliance with this chapter. If the inspection shows a violation, the Department may order the responsible person to bring the unit into compliance within a reasonable time fixed in the order. The order may be appealed to the Secretary who will investigate promptly and affirm, revoke, or modify the order.
- C. Failure to Comply with Department Order. If the Department has determined, under Regulation .03B, that a violation exists, and the responsible person fails to bring the unit into compliance, the Secretary may refer the violation to the appropriate state's attorney, or suspend or cancel the manufacturer's approval, or both, as necessary to ensure compliance.
- D. Limitation of Manufacturer's Liability. The manufacturer of the unit may not be required to remedy violations caused by on-site work by others not under his control or violations involving components and material furnished by others and not included with the unit.

### **.04 Enforcement in Localities.**

- A. Reports to the Secretary. Each governmental jurisdiction shall furnish monthly notice to the Department, on forms supplied by the Department, of each industrialized building being erected or installed in its jurisdiction, giving the State insignia number, type or model, manufacturer's name, and any other data needed to properly identify each unit. In lieu of these reports, the jurisdiction may complete and forward the location report form shipped with each unit. Manufacturers shall also furnish this same information to the Department on a monthly basis, indicating the destination of all units shipped for erection or installation in the State. These reports shall be submitted no later than the 10th day of the following month.

B. Unlabelled Industrialized Building Units. Any industrialized building which does not carry the insignia of the Department, but which by reason of date of manufacture, may lawfully be sold or installed, is subject to the control of the local governing body within whose jurisdiction it is to be installed. When this building is offered for sale, the person to whom it is offered shall be specifically advised in writing by the seller or manufacturer that the building does not carry State certification and, therefore, is subject to local building code requirements.

C. Local Enforcement Requirements. In addition to the matters reserved to city and county government by Public Safety Article, §12-303, Annotated Code of Maryland, the local enforcement agency shall verify that the unit bears the required insignia and inspect the unit for damage in transit. Local enforcement agencies shall be responsible for inspecting all the work to be done at site, including, but not limited to the installation, erection, foundation, site work, and utilities connections, for compliance with the terms of certification and applicable law. If local enforcement agencies find violations of the Department's requirements, either due to transit damage or improper construction in the factory, they shall forward notice of these violations to the Department. If violations or defects are created by the on-site builder, the local enforcement agency is responsible for insuring that the unit is brought back into compliance, or for bringing the violation to the attention of the Department.

#### **.05 Variance from Regulations.**

The Department shall have the power to authorize variances from the regulations to permit specified alternative methods of construction which will fulfill the objectives of the Act. Requests for variances shall be in writing and shall be accompanied by the plans, specifications, and other information necessary for adequate evaluation. Before any variance is authorized, the local building officer having jurisdiction may be afforded an opportunity to present his views and recommendations.

#### **.06 Requirements.**

Industrialized building units shall be reasonably safe for the users, shall be designed to conserve energy, and shall provide reasonable protection to the public against hazards to life, health, and property. Compliance with all applicable requirements of the standards and codes specified in Regulations .07 and .08 shall be acceptable evidence of compliance with this provision. When industrialized building units are combined with each other or with other components, compliance of the entire resulting building with all applicable requirements of the standards and codes specified in Regulations .07 and .08 shall be acceptable evidence of compliance with this provision.

#### **.07 Reference Standards.**

The standards identified in the Model Performance Code which are incorporated by reference in COMAR 09.12.50 shall constitute the reference standards for industrialized building construction in the State.

#### **.08 Energy Conservation Standards.**

All industrialized buildings shall be designed to meet all the applicable energy conservation standards as identified in the State Model Performance Code (COMAR 09.12.50). In using these standards, the design shall be based on a minimum of 5,200 degree days.

#### **.09 Application for Plan Approval by Manufacturers.**

A. General. A plan approval shall be obtained from the Department for each model of industrialized building which is subject to these regulations. Approved models shall be accepted by the local enforcement agency as approved for the purpose of granting an installation permit when the design loads are safe for the locality as determined by the local enforcement agency. Installation permits shall be issued subject to compliance with Public Safety Article, §12-305, Annotated Code of Maryland, and provisions of this regulation.

B. Application. An application to the Department for plan approval shall include:

- (1) A completed application in duplicate on forms obtainable from the Department.
- (2) Two complete sets of plans and specifications for the prototype model. When additional models use the same systems as in the prototype, two sets of the floor plans only must be submitted for each of the additional models. Calculations and any required test results will be submitted through the approved test facility or may be prepared by the approved test facility and included in their submission.
- (3) Quality control procedures manual or manuals pursuant to §C of this regulation.
- (4) Plan filing fee pursuant to Regulation .12 of this chapter.

(5) Certificate by Approved Test Facility. The manufacturer shall contract with an approved testing facility to review his plans for code compliance and to monitor his factory operations and quality assurance program. To save processing time, the application, plans, specifications, and quality control manual may be submitted directly to the Department. However, before approval can be given, the approved test facility, which has been selected by the manufacturer, shall submit a letter certifying that the manufacturer's designs, plans, factory operations, specifications, and quality control practices have been reviewed and are approved as complying with all the current code requirements of the Department. A design analysis of critical features will be included with the certification letter. In special situations such as a newly approved manufacturer on a temporary basis, or a limited production manufacturer, the Department may waive the requirement of the contract with an approved testing facility and provide plan review and monitoring for factory operations and the quality assurance program directly, charging the fees prescribed in Regulation .12 of this chapter.

(6) New Models and Changes. When new models or alterations are desired to be manufactured after the initial application approval, a request for approval for the new model or modification in the prototype unit shall be submitted before any production of these models for shipment to this State. Two copies of the plans or changes shall be provided. A certification letter shall also be received from the approved testing facility showing its review and approval for code compliance of the new models or alterations. The fee prescribed in Regulation .12C of this chapter shall be paid.

#### C. In-Plant Quality Assurance.

(1) The quality control manual required by §B(3) of this regulation, will outline the manufacturer's program to insure compliance with his approved plans and specifications. It will list the various tests and checks that must be recorded for each unit being manufactured. The manufacturer and approved testing facility shall maintain records for not less than 2 years after shipment to verify that each unit has been inspected and complies with the plans as approved by the Department.

(2) In order to assure an independent check on the units being produced for use in this State, the manufacturer's approved testing facility shall check the units being produced. For dwelling units, or larger structures, the approved testing facility inspector shall check some phase of each unit being fabricated for delivery in the State. He shall also observe the entire production line for compliance with approved plans, materials, and test requirements including required unit records. For subsystems or components, the approved testing facility may recommend a lesser frequency of inspection and submit its recommendation to the Department for approval. The State insignias will be issued and controlled by the approved testing facility. The approved testing facility inspector shall apply insignias to completed units, or, if the units are incomplete, he may leave the insignias with the plant quality control inspector for application upon completion of the units.

D. Unannounced Inspections. In accordance with Public Safety Article, §12-311, Annotated Code of Maryland, the Department shall make periodic unannounced inspections, in addition to those of the approved testing facility, to verify that the units produced comply with the plans, inspection procedures and quality assurance program as approved by the Department. The cost of two of these inspections per year may be charged to the manufacturer in accordance with the fee schedule specified in Regulation .12 of this chapter.

#### .10 Label.

A. Approved Testing Facility Label. Every approved industrialized building unit shall be marked with a label identifying the approved testing facility which performed the inspection. Each label shall bear the following information directly or by reference:

- (1) Name of approved testing facility;
- (2) Type of industrialized building unit;
- (3) Serial number of the label;
- (4) "See Data Plate for Special Instructions".

B. Manufacturer's Data Plate and Other Markings. The information listed below shall be placed on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The approved testing facility shall approve the form, completeness, and location of the data plate.

- (1) Manufacturer's name and address.
- (2) Manufacturer's serial number for the unit and model name.
- (3) Name of manufacturer and model designation of major factory installed appliances.

(4) Wind, snow and floor loads, and any other special use limitations will be shown. Also, if any unit requires additional on-site work, the data plate will show the specific features which were inspected and those which shall be inspected locally.

(5) Where applicable, identification of permissible type of gas or fuel for appliances, designation of electrical ratings, direction for water and drain connection and pressures.

(6) List of codes and standards for which the unit has been evaluated, inspected and found in compliance by the approved testing facility.

C. State Certification Insignia. In addition to the approved testing facility label and the manufacturer's data plate, each unit shall be marked by a State certification insignia secured from the Department of Labor, Licensing, and Regulation which shall identify the unit by State serial number. This serial number shall be the control number for location in the State.

D. Mounting of Labels and State Certification Insignias. To the extent practicable, the labels and insignias shall be so installed that they cannot be removed without being destroyed. They shall be applied in the vicinity of the electrical distribution panel or other location that is readily accessible for inspection. They may not be placed on the panel cover or any other readily removable feature. When the unit comprises a system of sub-assemblies, the required label and insignia may be applied using one of each type and the data plate for the system, provided each sub-assembly is listed on or with the approved testing facility label and is marked by the approved testing facility in some clearly identifiable manner that relates it to the label.

#### **.11 State Certification Insignias.**

A. Effect of Affixing State Certification Insignias. The approved testing facility shall affix a State certification insignia to every industrialized building unit which has been found to be in full compliance with all applicable standards of the Department. The manner of affixing is prescribed in Regulation .10 of this chapter. The legal effect of affixing the State certification insignia is a certification by the approved testing facility, additional to the certification represented by the label of the approved testing facility, that the unit has been inspected and complies in all respects with the requirements of these regulations.

B. Issue of Certification Insignias. Approved State certification insignias shall be purchased from the Department. The insignias will be issued to the approved testing facilities only upon written request, accompanied by advance payment.

C. Control of Insignias. Each approved testing facility shall maintain close control of the State certification insignias to insure their proper use. The facility shall submit to the Department a monthly report itemizing the insignias issued to the manufacturers by serial numbers, and stating the number of State insignias on hand at the end of each month.

D. Report of Shipments. The manufacturer shall send to the Department a monthly report of units shipped, showing the State certification insignia numbers, manufacturer's serial numbers, approved testing facilities' serial numbers, type or model, and destination in the State. The report shall be sent no later than the 10th day of the following month.

#### **.12 Fees.**

A. The annual application fee is \$500. When a manufacturer has more than one plant producing approved models, an additional \$500 application fee for each additional plant, with details on each plant as part of the quality control manuals, will be required.

B. When a design is unusual, and involves special analysis, the Department will also charge a rate of \$25 per man-hour to cover its added costs. When practical, the Department will estimate costs before submittal and provide a report on hourly activities. If the complexity or sophistication of the system requires, or if the applicant so chooses, the Department may submit the plan for the system to an approved independent testing agency or consulting engineer for evaluation. In this case, the applicant will be required to pay whatever costs the agency may charge. If the applicant chooses to obtain prior analysis by an approved testing agency before submission, the Secretary will consider this in determining the charges to be made by the Department. However, test reports from the approved agency shall be submitted with the original application.

C. State Insignia Fees.

(1) Insignia fees for the certification of industrialized building construction at the manufacturing facility are as follows:

- (a) Residential structures — \$50 for each insignia;
- (b) Other structures — \$90 for each insignia.

09.12.52.13

(2) The number of "insignias of approval" required are as follows:

(a) Modular construction — one insignia for each individual module which is transported in a separate frame to the site;

(b) Panelized closed construction—one insignia for each increment (or part of it) of 1,000 square feet of building floor area.

(3) For residential structures, instead of the \$50 insignia fee described in §C(1)(a) and (2)(a) of this regulation, the manufacturer, at the time of filing of a new or annual application with the Department, may elect a \$65 insignia fee for a floor area of 1,200 square feet or less, plus an additional \$65 insignia fee for each increment of 500 square feet, or part of it, over 1,200 square feet.

D. The Department reserves the right to establish separate fees where the product is produced in such a volume or has unique features that would, in the Department's opinion, warrant individual consideration.

E. When the Department is directly providing services for plan review and monitoring for factory operations and quality assurance programs:

(1) Plan review — \$25 per hour (\$100 minimum fee);

(2) Inspection fees and field services as in §F of this regulation.

F. Inspection fees and field services per man-hour:

(1) \$10 per half man-hour, including travel time.

(2) Travel Expense. Where travel by auto is used to make inspections, cost will be charged at the current State allowance for mileage, meals and lodging, incidental expenses, and car rental where applicable. For air travel, the fee will be the total travel cost based on published air fare, or equivalent rate, between Baltimore, Maryland and the location of the factory, plus necessary supplemental surface transportation, and reimbursement for food and lodging consistent with State allowances.

G. When the Department is directly providing services for monitoring of industrialized building installation at sites, the fee for these services will be \$20 per hour, including travel time (\$50 minimum fee).

H. Unannounced Inspection Fees. The cost of unannounced inspections as provided by Regulation .09D of this chapter may be charged to the manufacturer. The fee for these inspections will be as prescribed in §F, of this regulation. The minimum fee will be \$100.

I. Application Fee for Approved Testing Facilities.

(1) Each testing facility requesting approval by the Secretary shall submit a fee of \$100 with its application. This fee will be non-returnable.

(2) Each approved testing facility shall file an annual request for renewal of its approval, accompanied by a non-returnable fee of \$100. This request shall include information concerning changes in personnel, operating procedures, and any other matters pertinent to its capability to continue performing as an approved testing facility.

(3) Each application for approval or renewal shall be accompanied by a list of all current clients for whom they are performing services as a State approved testing facility, showing the location of and estimated production capacity of each plant of each client. A fee of \$50 per client shall be submitted with the application for approval or renewal. The names of additional clients added during the period of approval shall be submitted at the time that a contract for services is signed, accompanied by a payment of \$50 per client. No returns will be made for clients that sever their contractual relationship during the approval period.

### **.13 Approval of Testing Facilities.**

A. Application and Criteria. A testing facility shall apply to the Department to be designated an approved testing facility. The application shall be verified and shall contain information enabling the Department to determine whether the applicant is specially qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate industrialized building units for compliance with these regulations, and to provide adequate follow-up and quality assurance services at the point of manufacture. This information shall include:

(1) Names of officers and location of offices;

(2) Specification and description of services proposed to be furnished under these regulations;

(3) Description of qualifications of personnel and their responsibilities;

- (4) Summary of organization experience;
- (5) General description of procedures and facilities to be used in proposed services, including evaluation of the model unit, factory follow-up, quality assurance, labeling of production units, and specific information to be furnished on or with labels;
- (6) How defective units resulting from oversight are to be dealt with;
- (7) Acceptance of these services by independent accrediting organizations and by other jurisdictions;
- (8) Proof of independence and absence of conflict of interest;
- (9) Compliance with federal and State requirements concerning equal employment opportunities.

B. Fees. Fees for approval and annual renewal are stated in Regulation .12 of this chapter.

C. Independence and Absence of Conflicts. An approved testing facility may not be affiliated with or influenced or controlled by producers, suppliers, or vendors of products in any manner which might affect its capacity to render reports of findings objectively without bias. An approved testing facility is judged to be free of affiliation, influence and control if it complies with all of the following:

- (1) Has no managerial affiliation with producers, suppliers, or vendors and is not engaged in the sale or promotion of any product or material;
- (2) The results of its work accrue no financial benefit to the agency via stock ownership, and the like, of any producers, supplier, or vendors of the products involved;
- (3) Its directors and other management personnel, in those capacities, receive no stock option, or other financial benefits from any producer, supplier, or vendor of the product involved;
- (4) Has sufficient breadth of interest or activity that the loss or award of a specific contract to determine compliance of a producer's, supplier's, or vendor's product with these regulations would not be a determinative factor in its financial well-being;
- (5) The employment security status of its personnel is free of influence or control of producers, suppliers, or vendors.

#### **.14 Reciprocity with Other States.**

Upon the application of another state for reciprocity, or upon his own initiative, the Secretary shall investigate if the other state has adopted and promulgated a code and enforcement procedures which establish standards and safeguards at least equal to those contained in these regulations. He will hold a public hearing to state the findings of his investigation and give interested parties the opportunity to submit their comments both for and against the adoption of a reciprocity agreement with the other state. Following the hearing, the Secretary shall decide whether a reciprocity agreement will be granted. As part of the finding by the Secretary granting reciprocity to another state, the Department shall set out the specific terms and conditions of the reciprocity agreement as it applies to that state and manufacturers of industrialized buildings under that state's program. As part of the reciprocity agreement, each state will keep the other informed of any changes in its regulations and maintain a current list of manufacturers that have been approved under its program. Upon application by any person adversely affected by the reciprocity agreement, the Secretary may investigate the allegations, and if necessary, hold a public hearing. Based on the results of his investigation, the Secretary may rescind, modify, or continue in effect the reciprocity agreement.

#### **.15 Manufactured Home Procedures.**

A. General. The Federal Act gives the U.S. Department of Housing and Urban Development (HUD) complete jurisdiction over the design and construction of manufactured homes, effective June 15, 1976. The Federal Act supersedes all state laws on this subject. All manufactured home units manufactured after the effective date of the Federal Act shall bear the HUD label to be lawfully sold anywhere in the United States.

B. Authority of the Department. The Department is a State Administrative Agency pursuant to the Federal Act, authorized to administer and enforce the federal program in the State. The powers and responsibilities of the Department are set forth in Public Safety Article, §12-312, Annotated Code of Maryland.

C. Manufactured Homes Not Bearing HUD Label. A person may not sell or offer for sale to the first user in Maryland any manufactured home that is manufactured after January 1, 1973, unless it bears the insignia of the Department or is certified and labeled under the Federal Act.

D. Repealed.

09.12.52.16

E. Manufactured Home Installation.

(1) Stabilizing devices for manufactured homes bearing HUD labels shall be installed in accordance with the manufacturer's installation instructions provided with the unit pursuant to §3280.306 of the federal regulations.

(2) When the information for stabilizing device materials is not provided in the manufacturer's installation instructions, the materials shall be as approved by the local enforcement agency.

(3) When a manufactured home is located in an area subjected to frost heave, the footings and load-carrying portion of the ground anchors shall extend below the frost line or as per the requirements established by the local enforcement agency.

F. Enforcement Generally. Enforcement shall be in accordance with the Federal Regulations, codified at 24 CFR Part 3282, Subpart G.

G. Enforcement in Localities.

(1) Manufactured homes bearing the HUD label shall be acceptable in all localities as meeting the requirements of the Act, and shall be acceptable as meeting the requirements of safety to life, health, and property imposed by any local enforcement agency in this State without further investigation, testing, or inspection.

(2) Notwithstanding §G(1) of this regulation, local enforcement agencies are responsible for the following functions with respect to manufactured homes bearing the HUD labels:

(a) Verification that the unit has not been damaged in transit;

(b) Verification that the unit bears the HUD label and all other pertinent documents, including consumer manuals, installation manuals, and record of purchase cards provided with the unit pursuant to the Federal Regulations;

(c) Inspection and verification to assure that the unit is installed in accordance with these regulations; and

(d) Inspection of manufactured home alteration and add-ons to ensure that they do not cause a failure of the manufactured home to conform with the Federal Regulations.

(3) Local enforcement agencies may enforce local requirements for zoning, fire limits or fire districts, utility connections, site preparation and issuance of all required permits.

(4) Action Upon Violation.

(a) When the local enforcement agencies find violations of the Federal Regulations concerning construction of the manufactured homes, they shall forward notice of these violations to the Department.

(b) When damage is discovered or suspected, local enforcement agencies may require tests on plumbing, fuel burning, and electrical systems to determine the extent of damage.

(c) If it is determined that manufactured home installations, alterations, or add-ons are not in accordance with this chapter, local enforcement agencies are responsible for ensuring that the unit is brought into compliance. Local enforcement agencies may refer apparent violations of this chapter to the appropriate State's attorney for enforcement of the Act.

H. Restrictions on Distributors and Dealers.

(1) Alterations. A distributor or dealer may not perform or cause to be performed any alteration affecting any requirements of the Federal Regulations, without approval of the local enforcement agency. In handling and approving dealer requests for alterations, the local enforcement agency may be assisted by the Department.

(2) Prohibited Sale. A distributor or dealer may not offer for sale any manufactured home containing any violation of the Federal Act or Federal Regulations.

**.16 Vacant.**

**.17 Code Enforcement Certification Board.**

A. The Secretary shall appoint the members of the Code Enforcement Certification Board, to serve at the Secretary's pleasure. There are nine members of the Board, including four certified code enforcement officials, and one from each of the following areas: licensed architect; registered engineer; representative of the Department of Labor, Licensing, and Regulation; educator; building industry representative. Members of the Board shall be citizens and residents of the United States and the State.

B. The responsibilities of the Board are: To recommend standards for certification of code enforcement; to examine and certify applicants as code enforcement officials; to review qualifications for certification; to revoke certification where warranted; to keep records of all its proceedings; to maintain a current list of certified code enforcement officials; to make an annual report to the Secretary. The Board shall meet at least once each year for the purpose of examining applicants. The members shall serve without compensation, but shall be reimbursed for out-of-pocket expenses and travel in accordance with the Standard State Travel Regulations.

C. An applicant for certification shall submit to the Board written evidence, in verified form, that he is of good moral character and has work experience, education or training meeting the requirements of the Department. An applicant shall take and pass a written examination on pertinent building codes. The Board shall recommend to the Secretary that certification be denied, revoked, or suspended when in the opinion of the Board the person is unfit by reason of incompetence or habitual neglect or has been guilty of fraud or deceit in procuring or attempting to procure certification.

D. The Board shall cooperate with any educational or training institution desiring to conduct a code enforcement training program, so that the program will:

- (1) Meet standards recommended by the Board;
- (2) Upgrade the code enforcement program; or
- (3) Serve as an entrance training program for persons not presently involved in the building trades.

#### **.18 NCSBCS Reciprocity.**

A. General. The National Conference of States on Building Codes and Standards, Inc. (NCSBCS) has established a program for voluntary reciprocity between the states in the regulation of industrialized buildings for use as one- or two-family dwellings. States electing to participate in this program agree to accept any one- or two-family dwelling which bears the NCSBCS label and the label of the state where the dwelling is to be erected as complying with the state's design and construction standards for manufactured dwellings. Under the program, NCSBCS will accredit System Analysis Agencies and Compliance Assurance Agencies. System Analysis Agencies will evaluate manufacturer's Building System Certification Documents (BSCD's). Compliance Assurance Agencies will perform ongoing inspections to determine whether dwellings are built to BSCD requirements, including conformance to an approved Compliance Assurance Manual.

B. Determination. The Secretary determines, after public hearings, that it would be in the State's best interest to participate in the NCSBCS program, and adopts the standards established by the program, as they pertain to the evaluation, testing, and quality control of one- or two-family dwellings built by manufacturers participating in the program.

C. Reference Standards. The reference standards set forth in Regulation .07 of this chapter, are modified to the extent necessary to comport with the design and construction standards established by the program for one- and two-family dwellings built by manufacturers participating in the program.

D. Approved Testing Facilities. NCSBCS and those agencies accredited by it for participation in the program are designated as approved testing facilities, authorized to act as the Department's agents for the purpose of determining whether or not a one- or two-family dwelling built by a manufacturer participating in the program meets the standards of the Department.

E. Exemptions.

(1) Manufacturers participating in the program will be exempted from the provisions of Regulations .09 and .12 of this chapter, provided they file an application with the Department, on forms obtainable from the Department, and pay an annual administration fee of \$300.

(2) Any one- or two-family dwelling built by a manufacturer participating in the program to be sold, offered for sale, or installed in Maryland shall be exempt from the provisions of Regulation .10 of this chapter, provided it contains a Maryland State Certification Insignia, available from the Department for a \$25 fee, and a NCSBCS label, both of which shall be mounted in the manner specified by Regulation .10D of this chapter.

(3) NCSBCS and any inspection agency approved by NCSBCS for participation in the program is exempted from the requirements of Regulations .12K and .13 of this chapter, for the purposes of §D of this regulation, but is subject to those requirements if it acts as an Approved Testing Facility for any other purpose.

**Administrative History**

Effective date: July 1, 1972

Regulations .01—.10 amended effective July 23, 1975 (2:16 Md. R. 1137)  
Regulation .10 amended effective March 3, 1976 (3:5 Md. R. 295)  
Regulations .11 —.14 adopted effective July 23, 1975 (2:16 Md. R. 1137)  
Regulation .14 amended effective April 13, 1977 (4:8 Md. R. 632)  
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Chapter revised effective August 11, 1978 (5:16 Md. R. 1254)  
Regulation .02B and C amended effective January 1, 1984 (10:20 Md. R. 1783)  
Regulation .07 amended effective June 29, 1979 (6:13 Md. R. 1124); March 1, 1983 (10:3 Md. R. 208); February 1, 1986 (13:1 Md. R. 14)  
Regulation .07A amended effective January 7, 1982 (8:26 Md. R. 2104)  
Regulation .08 amended effective February 1, 1986 (13:1 Md. R. 14)  
Regulation .08B amended effective March 1, 1983 (10:3 Md. R. 208)  
Regulation .12E amended effective March 6, 1981 (8:5 Md. R. 471)  
Regulation .12 amended effective July 9, 1990 (17:13 Md. R. 1610)  
Regulation .15B—H amended effective January 1, 1984 (10:20 Md. R. 1783)  
Regulation .18 adopted effective September 21, 1979 (6:19 Md. R. 1518)

Chapter recodified from COMAR 05.01.01 to COMAR 05.02.04  
Regulation .01 amended effective July 17, 2006 (33:14 Md. R. 1162)  
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Regulation .03B amended effective July 17, 2006 (33:14 Md. R. 1162)  
Regulation .10D amended effective July 1, 1993 (20:12 Md. R. 996)  
Regulation .12 amended effective July 9, 1990 (17:13 Md. R. 1610)  
Regulation .12A amended effective July 17, 2006 (33:14 Md. R. 1162)  
Regulation .12C amended effective July 9, 1990 (20:12 Md. R. 996)  
Regulation .15 amended effective July 17, 2006 (33:14 Md. R. 1162)  
Regulation .16 repealed effective July 17, 2006 (33:14 Md. R. 1162)  
Regulation .17A amended effective July 17, 2006 (33:14 Md. R. 1162)

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Regulation .08 amended effective March 25, 2019 (46:6 Md. R. 345)  
Regulation .10C amended effective March 25, 2019 (46:6 Md. R. 345)  
Regulation .17A amended effective March 25, 2019 (46:6 Md. R. 345)

**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

**Subtitle 12 BUILDING AND MATERIAL CODES**

**Chapter 53 Maryland Accessibility Code**

Authority: Public Safety Article, §12-202(b), Annotated Code of Maryland

**.01 Title.**

This chapter shall be known as the Maryland Accessibility Code, and is referred to in these regulations as "this Code".

**.02 Purpose.**

A. The purpose of this Code is to carry out the mandate of Public Safety Article, §12-202, Annotated Code of Maryland, as amended (the "Act"), which requires the Department to establish minimum requirements that will provide for the accessibility and usability of buildings and facilities by individuals with disabilities.

B. The standards promulgated under this chapter are designed to carry out the purposes as set forth in §A of this regulation establishing minimum requirements for the construction, alteration, and changes in use of the buildings and facilities covered by this Code.

**.03 Scope.**

A. The following buildings and facilities are not covered by this Code:

- (1) Residential buildings consisting of less than four dwelling units;
- (2) Structures, sites, and equipment directly associated with the actual processes of construction, such as scaffolding, bridging, materials hoists, or construction trailers;
- (3) Observation galleries less than 150 square feet and used primarily for security purposes;
- (4) Nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or nonpassenger freight elevators and frequented only by service personnel for repair purposes including, but not limited to, elevator pits, elevator penthouses, and piping or equipment catwalks;
- (5) Transportation vehicles;
- (6) Existing buildings or facilities not undergoing any addition, alteration, or change in use as defined in Regulation .05 of this chapter; and
- (7) Existing buildings and facilities undergoing alteration for the sole purpose of complying with the Americans with Disabilities Act, which requires removal of architectural barriers in existing buildings and facilities where removal is readily achievable.

B. This Code applies to all new construction, additions, alterations, and changes of use of certain buildings and facilities in Maryland, as follows:

- (1) Covered multifamily dwellings as defined in Regulation .05 of this chapter;
- (2) State and local government buildings and facilities, including transit facilities;
- (3) All other buildings and facilities, including buildings and facilities used or owned by private clubs and religious organizations, except those listed in §A of this regulation.

**.04 Relationship to Federal Law.**

A. There is also federal law governing many of the buildings and facilities covered by this Code, and to the extent federal law is more restrictive than this Code, federal law shall control. Federal law also governs some buildings and facilities which are not covered by this Code. For instance, the Americans with Disabilities Act requires owners of existing buildings to make changes that are "readily achievable to accommodate individuals with disabilities".

B. The Department has no authority to interpret federal law. When this Code is parallel with federal law, the Department may only interpret the Code as State law and its interpretations are not binding interpretations of the concurrent federal law.

C. The Department has no authority to waive requirements imposed by federal law, and only where this Code is more restrictive than federal law can the Department exercise its waiver or exemption authority.

**.05 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accessible" means a site, building, facility, or portion of them that complies with these regulations and that can be approached, entered, and used by individuals with disabilities.

(2) "ADA" means the Americans with Disabilities Act of 1990, Public Law 101-336, 42 U.S.C. §12101 et seq.

(3) "2010 ADA Standards" means the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) developed by the United States Architectural and Transportation Barriers Compliance Board, and adopted by the United States Department of Justice in the 2010 Standards, including both the Title III regulations at 28 CFR Part 36, Subpart D, and the 2004 ADAAG at 36 CFR Part 1191, Appendices B and D.

(4) "Addition" means an expansion, extension, or increase in the gross floor area of a building or facility.

(5) Alteration.

(a) "Alteration" means a change to a building or facility made by, on behalf of, or for the use of a building or facility, that affects or could affect the usability of the building or facility or part of it.

(b) "Alteration" includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes in the plan configuration of walls and full-height partitions.

(c) "Alteration" does not include normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems unless they affect the usability of the building or facility.

(6) "ANSI A117.1-1986" means the 1986 Edition of American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People, which is incorporated by reference.

(7) "Building" means any structure used and intended for supporting or sheltering any use or occupancy.

(8) "Change of use" means an alteration in an existing building to a new use group which imposes special provisions of law governing building construction, equipment, or means of egress.

(9) "Covered multifamily dwelling" means:

(a) Buildings consisting of four or more dwelling units if the buildings have one or more elevators; and

(b) Ground floor dwelling units in buildings consisting of four or more dwelling units if there are no elevators in the building, although dwelling units within a single structure separated by fire walls do not constitute separate buildings.

(10) "Designated disability advisory group" means an individual, group of individuals, agency, or organization designated in writing by a local government or, in the absence of a written designation of a local government, by the Secretary, to advise the Department with respect to standards substantially equivalent to the 2010 ADA Standards under Regulation .08 of this chapter and waiver requests under Regulation .09 of this chapter.

(11) Dwelling Unit.

(a) "Dwelling unit" means a single unit of residence for a household of one or more individuals.

(b) "Dwelling unit" includes:

(i) Condominiums;

(ii) An apartment unit within an apartment building; and

(iii) Other types of units in which sleeping accommodations are provided but toilet or cooking facilities are shared by occupants of more than one room or portion of the dwelling unit, with examples of this including dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for homeless individuals.

(12) "Existing building" means a structure erected before the adoption of this Code, or one for which a legal building permit has been issued.

(13) "Facilities" means all or any portion of buildings, structures, site improvements, roads, walks, passageways, parking lots, or other real property, located on a site.

(14) "FHAA" means the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. §3604 et seq.

(15) "FHAG" means Fair Housing Accessibility Guidelines, adopted by the United States Department of Housing and Urban Development in 24 CFR Ch. 1, Part IV, to provide technical guidance on how to comply with the Federal Fair Housing Amendments Act (FHAA).

(16) "Historic properties" means a qualified historic building or facility that is:

- (a) Listed or eligible for listing in the National Register of Historic Places; or
- (b) Designated as historic under State or local law.

(17) "Mezzanine or mezzanine floor" means that portion of a story which is an intermediate floor level placed within the story and having occupiable space above and below its floor. For the purpose of these regulations, mezzanine or mezzanine floor is considered as a story.

(18) "Secretary" means the Secretary of the Department of Labor, Licensing, and Regulation.

(19) "Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

(20) "Story" means that portion of a building between the upper surface of a floor and the upper surface of the floor next above, or the roof above.

(21) "Structure" means that which is built or constructed.

(22) "UFAS" means Uniform Federal Accessibility Standards developed in accordance with the Architectural Barriers Act of 1968, as amended, Public Law No. 90-40, 42 U.S.C. §§4151—4157, and adopted by the Department of Housing and Urban Development in 24 CFR 40.

(23) "Use group" means the classification of a building based on the purpose for which the building is used as listed in the building code of the jurisdiction.

#### **.06 Implementation.**

##### **A. Application.**

(1) Except as set forth in §A(2) of this regulation, application and enforcement of this Code is the responsibility of the local subdivision or other governmental agency having primary jurisdiction over a building, structure, facility, or site.

(2) The application and enforcement of this Code as it pertains to State and local government buildings and facilities including public transit facilities shall be delegated as the responsibility of the governmental agency having jurisdiction over the building or facility.

**B. Interpretation.** The Department of Labor, Licensing, and Regulation shall decide all questions relating to interpretation of this Code and shall determine whether any requests for waivers or exemptions from this Code may be approved.

##### **C. Actions to Enforce.**

(1) Except as provided in §C(3) of this regulation, the Secretary may institute in any court of competent jurisdiction an action for equitable relief, if the Secretary determines that a violation of this Code exists.

(2) The Secretary may not institute an action under §C(1) of this regulation until 5 working days after the Secretary has sought to seek a resolution of the violation through informal mediation and conciliation.

(3) Enforcement of this Code as it pertains to a covered multifamily dwelling as defined in Regulation .05B of this chapter is also under the jurisdiction of the Human Relations Commission under Article 49B, §22, Annotated Code of Maryland. The Department is required to cooperate with and provide technical assistance to the Human Relations Commission.

#### **.07 Applicable Standards.**

##### **A. Dwelling Units.**

(1) This section is not applicable to the dwelling units used on a transient basis and covered under §§B and C of this regulation.

(2) New Construction—Covered Multifamily Dwellings. The design and construction of a newly constructed covered multifamily dwelling shall be in accordance with FHAG and subsequent federal standards issued in reference to FHAA.

(3) Additions, Alterations, or Change of Use of Existing Buildings of Four or More Dwelling Units. The alteration, change of use, or addition to an existing residential building of four or more units shall comply with this Code as follows:

(a) Dwelling units shall comply with this Code by either:

(i) Containing at least one dwelling unit for every 25 dwelling units, or fraction of dwelling units, in the structure that is accessible and usable according to the requirements pertaining to dwelling units in ANSI A117.1-1986, with the complying dwelling units proportionately distributed throughout all types of units, or

(ii) Having dwelling units at the accessible level comply with the standards under §A(2) of this regulation;

(b) If the addition or alteration involves common area facilities and parking, it shall be accessible in accordance with the standards under §A(2) of this regulation.

B. New Construction, Alterations, Additions, and Changes of Use of State and Local Government Buildings and Facilities.

(1) All State and local government-owned buildings and facilities, including public transit facilities, shall comply with the standards prescribed in Title II of ADA and 28 CFR 35.151, and the 2004 ADAAG at 36 CFR Part 1191, Appendices B and D.

(2) The federal regulations require that all State and local government-owned buildings comply with either:

(a) UFAS; or

(b) The 2010 ADA Standards, except that the elevator exemption set forth at §206.2.3 of the 2010 ADA Standards does not apply.

(3) Additional Maryland accessibility requirements for State and local government buildings are as follows:

(a) One in every four accessible parking spaces, but not less than one, shall be:

(i) Served by an access aisle at least 96 inches wide; and

(ii) Designated "Van Accessible" as specified in §D(4) of this regulation; and

(b) Accessibility for toilet stalls shall be assured as follows:

(i) The size of a wheelchair-accessible toilet stall shall be a minimum of 60 inches wide and 56 inches deep for wallhung water closets, and 59 inches deep for floor-mounted water closets;

(ii) In instances of alteration work when provision of this minimum stall size is structurally impracticable or when plumbing code requirements prevent combining existing stalls to provide space, the minimum dimensions of the wheelchair accessible stall are 48 inches wide and 66 inches deep for wall-hung water closets and 69 inches deep for floor-mounted water closets.

C. New Construction, Alterations, Additions, and Changes of Use of All Other Buildings and Facilities. The new construction of, alteration of, addition to, or change of use of buildings and facilities, including buildings and facilities owned or used by private entities such as private clubs and religious organizations, shall comply with:

(1) The 2010 ADA Standards and all federal accessibility regulations promulgated to carry out Title III of the ADA and set forth in 28 CFR Part 36, Subpart D, and the 2004 ADAAG at 36 CFR Part 1191, Appendices B and D; and

(2) The following additional Maryland requirements:

(a) For new construction, accessibility shall be assured for the second story of a two-story nonresidential building if the gross floor area of the second story exceeds 4,000 square feet;

(b) For alterations to an existing nonresidential building with a second story that has a gross floor area between 4,000 square feet and 8,000 square feet, existing accessibility to the second story shall be maintained;

(c) For alterations to an existing nonresidential building with a second story that has a gross floor area that exceeds 8,000 square feet, accessibility to the second story shall be assured;

(d) One in every four accessible parking spaces, but not less than one, shall be served by an access isle 96 inches minimum width and the accessible parking space shall be designated "van accessible" as specified in §D(4) of this regulation; and

(e) Accessibility for toilet stalls shall be assured as follows:

(i) The size of a wheelchair-accessible toilet stall shall be a minimum of 60 inches wide and 56 inches deep for wall-hung water closets, and 59 inches deep for floor-mounted water closets,

(ii) In instances of alteration work when provision of this minimum stall is structurally impracticable or when plumbing code requirements prevent combining existing stalls to provide space, the minimum dimensions of the wheelchair accessible stall shall be 48 inches wide and 66 inches deep for wall-hung water closets, and 69 inches deep for floor-mounted water closets.

**D. Parking Space Signs — Public and Private Facilities.**

(1) The parking areas of all buildings and facilities, including the buildings and facilities of State and local governments, shall identify each accessible parking space by a sign.

(2) If the sign in §D(1) of this regulation is:

(a) Not placed flush against a building, structure, or other location that does not obstruct vehicle or pedestrian traffic, it shall be at least 7 feet above the ground;

(b) Placed flush against a building structure or other location that does not obstruct vehicle or pedestrian traffic, it shall be at least 6 feet, and not more than 10 feet, above the ground.

(3) Signs shall bear the international symbol of access and the words "Reserved Parking", and shall be in conformance with the requirements for uniform traffic control devices under Transportation Article, §25-104, Annotated Code of Maryland. (See Regulation .12 of this chapter for explanatory material.)

(4) Each van-accessible parking space shall be identified with a supplemental "Van Accessible" sign in conformance with the requirements for uniform traffic control devices under Transportation Article, §25-104, Annotated Code of Maryland (See Regulation .12 of this chapter for explanatory material.)

(5) Each van-accessible parking space aisle shall be identified with a supplemental "No Parking" sign in conformance with the requirements for uniform traffic control devices under Transportation Article, §25-104, Annotated Code of Maryland (See Regulation .12 of this chapter for explanatory material.)

(6) A new sign posted after October 1, 2002, that designates a parking space or zone for the use of individuals with disabilities shall be identified with a supplemental "Maximum Fine" sign in conformance with the requirements for uniform traffic control devices under Transportation Article, §25-104, Annotated Code of Maryland. (See Regulation .12 of this chapter for explanatory material.)

**.08 Standards Substantially Equivalent to 2010 ADA Standards.**

**A. Applicability.**

(1) Standards substantially equivalent to the 2010 ADA Standards may be used only when a building or facility elects to or is required by these regulations to comply with the 2010 ADA Standards.

(2) This regulation does not apply to the additional Maryland requirements set forth in Regulation .07A(3), B(3), and C(2) of this chapter. A request for a waiver of the additional Maryland requirements shall be submitted in accordance with the provisions of Regulation .09 of this chapter.

**B. Substantially Equivalent Standards for State and Local Government Buildings and Facilities.** A State-owned or government-owned building or facility which has elected to comply with the 2010 ADA Standards instead of the UFAS may depart from particular technical and scoping requirements of the 2010 ADA Standards by using alternative designs or technologies that are substantially equivalent to the 2010 ADA Standards, or that provide greater access to and usability of the building or facility.

**C. Substantially Equivalent Standards for Other Buildings and Facilities.** Other buildings and facilities that are required to comply with the 2010 ADA Standards may depart from particular technical and scoping requirements of the 2010 ADA Standards by using alternative designs and technologies that are substantially equivalent to the 2010 ADA Standards, or that provide greater access to and usability of the building or facility.

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**D. Determination of Substantial Equivalency.**

(1) Proposed alternative designs or technologies shall be submitted to the Department before beginning construction, alteration, addition, or change of use of the building or facility by the owner or other person identified as the responsible person in the submission to the Department.

(2) The Department shall issue a written determination to the responsible party identified in the submission as to whether the Department considers that the alternative design or technology is substantially equivalent to the 2010 ADA Standards, or provides greater access to or usability of the building or facility than the applicable 2010 ADA Standards.

(3) Construction, alteration, addition, or change of use of the building or facility may not begin until the responsible person has received a favorable determination from the Department.

(4) A determination by the Department of substantially equivalent or greater access relates only to the requirements imposed under these regulations. The determination by the Department does not apply as to whether the building or facility complies with ADA.

(5) The Department may consult with public building officials, the designated disability advisory group, or the State historic preservation officer or the designee of the State historic preservation officer, in a determination of substantial equivalency.

(6) A request for a determination under this regulation does not constitute a contested case proceeding under the Maryland Administrative Procedure Act and is not subject to the provisions of COMAR 09.01.02.

**.09 Waiver Request.****A. Standards Covered.**

(1) If strict compliance with the additional Maryland requirements set forth in Regulation .07A(3), B(3), and C(2) of this chapter will cause undue hardship because of the nature of use, occupancy, or other factors, a waiver from these requirements may be requested.

(2) The Department has no authority to waive requirements imposed by federal law and shall only exercise its waiver authority when this Code is more restrictive than federal law in connection with the additional Maryland requirements set forth in Regulation .07A(3), B(3), and C(2) of this chapter.

**B. Procedures.**

(1) A written waiver request form and supporting documents shall be submitted in triplicate to the Director, Building Codes Administration, Department of Labor, Licensing, and Regulation.

(2) The Building Codes Administration shall review the documents submitted for completeness, and shall contact the applicant promptly for any additional information needed to process the request.

(3) Upon receipt of all required documents, the Building Codes Administration shall send one copy of the waiver request documents to the local government officials and one copy to the designated disability advisory group.

(4) The local government officials and the designated disability advisory group may provide their written comments jointly or separately to the Building Codes Administration within 21 days of dated transmittal from the Building Codes Administration.

(5) The Building Codes Administration shall review the waiver documents and any comments received from the local building officials and the agency or organization advocating for individuals with disabilities. For historic properties, the Building Codes Administration shall make its decisions in consultation with the State historic preservation officer or the officer's designee.

(6) The investigation may include a site visit by a State official, local government official, designated disability advisory group, and, for historic properties, the State historic preservation officer or the officer's designee.

(7) Upon completion of the investigation, the Director of the Building Codes Administration, or the Director's designee, shall determine if a waiver should be granted or denied based upon factors such as, but not limited to:

(a) Feasibility hardship due to unusual building or site conditions which prevent the construction of access facilities as described in supporting documentation, such as plans, sketches, and site drawings provided for clarification by the applicant;

(b) Financial hardship when the cost of compliance is disproportionate to the cost of construction, if the applicant has provided financial statements; or

(c) The information supplied by the designated disability advisory group, State and local government officials, and, for historic properties, the State historic preservation officer or the officer's designee.

(8) Notice of the waiver determination shall be delivered to:

- (a) The local government official;
- (b) The designated disability advisory group;
- (c) The waiver applicant; and
- (d) For historic properties, the State historic preservation officer or the officer's designee.

(9) The applicant may request reconsideration of the decision of the Building Codes Administration within 45 days by writing to the Commissioner of the Division of Labor and Industry for a final administrative decision. The reconsideration review may include additional site visits and meetings with the applicants, the designated disability advisory group, and local building officials. The decision by the Commissioner of the Division of Labor and Industry is final and binding upon the parties.

C. A waiver request and decision on it under §B(7) or (9) of this regulation does not constitute a contested case proceeding under the Maryland Administrative Procedure Act and is not subject to the provisions of COMAR 09.01.02.

**.10 Private Action.**

This Code is not intended to grant or imply a private cause of action to an individual against the State, the Department, its employees, agents, or assignees for violations of this Code.

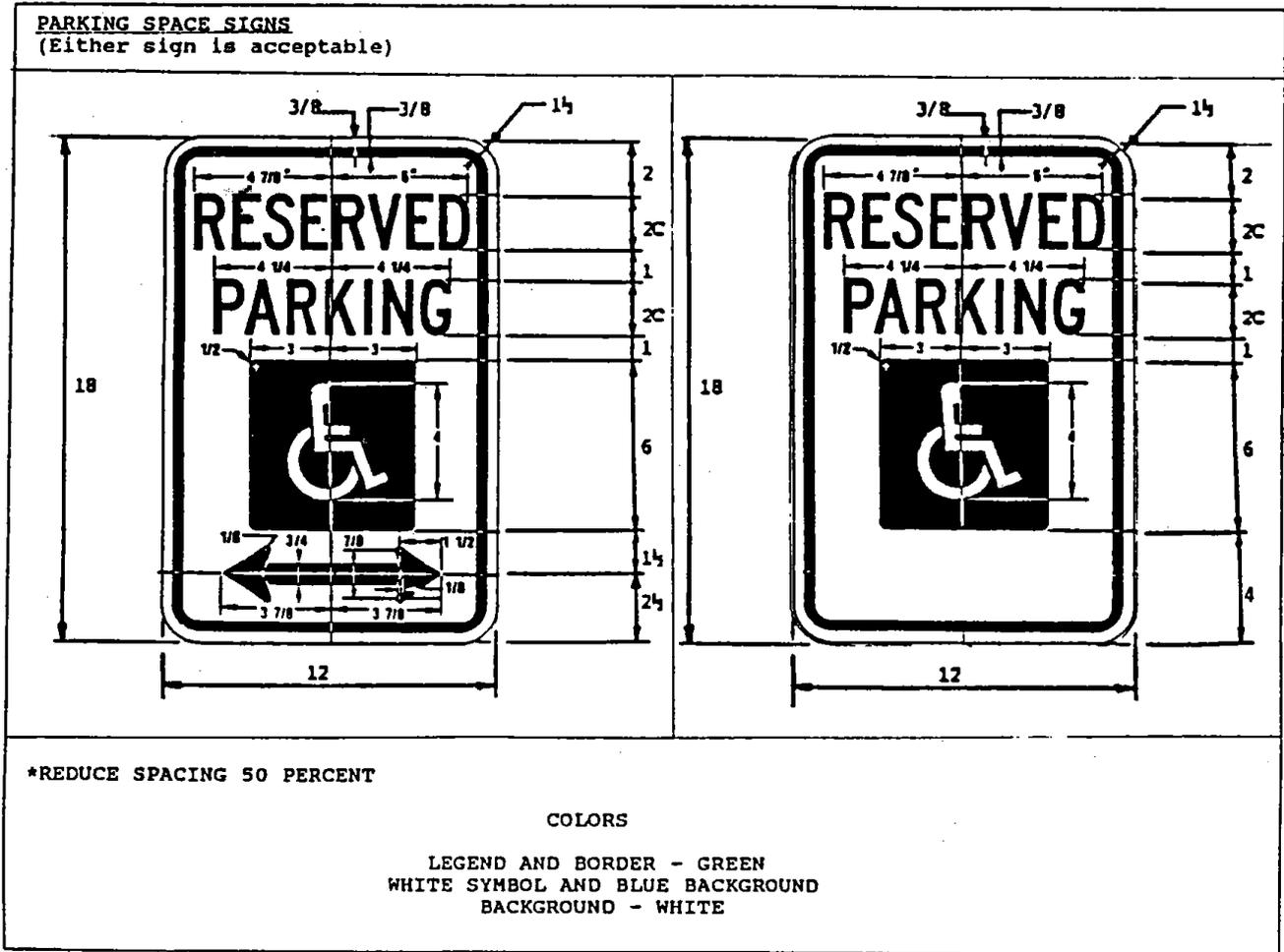
**.11 Copies of Standards and Code.**

Copies of these documents are filed in special public depositories located throughout the State. A list of these depositories is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us).

**.12 Explanatory Material.**

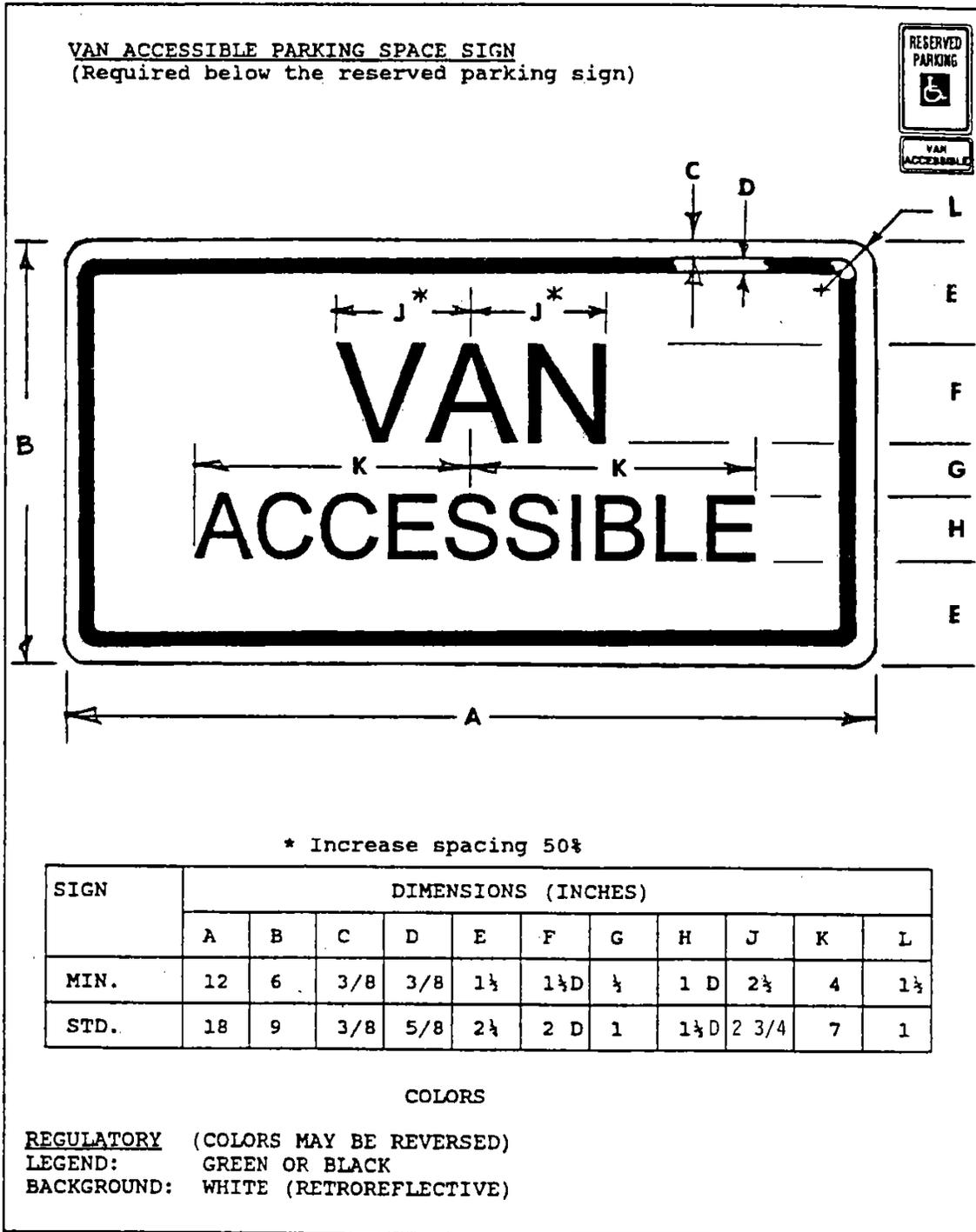
For purposes of Regulation .07D of this chapter, the following signs may be used:

- A. Parking Space Signs.



FINAL AC

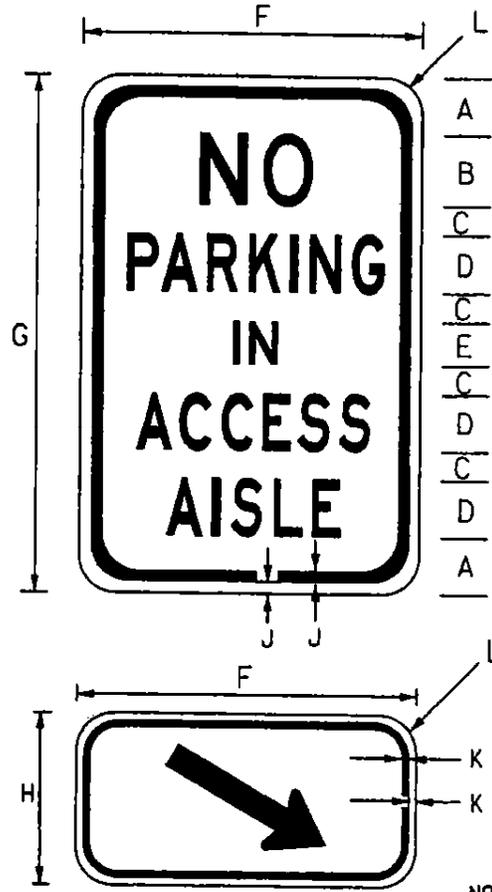
B. Van Accessible Parking Space Sign.



09.12.53.12

C. Access Aisle Sign.

R8-1(2)



2 1/2" ARROWHEAD

NOTE: APPROPRIATE ARROW PLATE MAY BE USED WHEN IT IS NECESSARY TO OFFSET INSTALLATION LOCATION DUE TO ACCESS RAMP.

SIGN SIZE	DIMENSIONS (INCHES)										
	A	B	C	D	E	F	G	H	J	K	L
STANDARD	1 3/4	2 1/2 D	1	2 C	1 1/2 D	12	18	6	3/8	1/4	1 1/2

REFERENCES

- MUTCD SECTION - 2B-35
- MUTCD SUPPLEMENT - 2B-31

COLORS

- LEGEND - RED
- BACKGROUND - WHITE

D. Reserved Parking Maximum Fine \$XXX Sign.



NOTE: ARROW MAY BE REMOVED OR MODIFIED AS NECESSARY

\* - SPACING REDUCED 50%

SIGN SIZE	DIMENSIONS (INCHES)							
	A	B	C	D	E*	F	G	H
STD	12	24	3/8	2	2C	1	6	1-3/4

SIGN SIZE	DIMENSIONS (INCHES)								
	J	K	L	M	N	P	Q	R	S
STD	2B	3/4	1-1/4	3	1/2	4	3/4	3-7/8	1-1/2

REFERENCES

MUTCD SECTION - 2B-31, 2B-32  
 MUTCD SUPPLEMENT - 2B-31, 2B-32, 2B-33

COLORS

LEGEND & BORDER - GREEN  
 WHITE SYMBOL ON BLUE BACKGROUND  
 BACKGROUND - WHITE

APPROVED <u>Tom Hicks (signature on file) 11/18/04</u> DIRECTOR - TRAFFIC & SAFETY DATE		MARYLAND DEPARTMENT OF TRANSPORTATION State Highway Administration OFFICE OF TRAFFIC & SAFETY RESERVED PARKING (HANDICAP SYMBOL) MAXIMUM FINE \$XXX	
REVISIONS: FEDERAL HIGHWAY ADMINISTRATION DATE APPROVAL			
			Sections: SIGNING _____ Standard No. R7-8(5) Drawn By: _____ Date: _____

09.12.53.12

E. Maximum Fine \$XXX Sign.

SIGN SIZE	DIMENSIONS (INCHES)							
	A	B	C	D	E	F	G	H
STD	12	9	3/8	1-3/4	2B	1-1/2	1-1/4	1-1/2

**REFERENCES**

MUTCD SECTION - NONE  
MUTCD SUPPLEMENT - NONE

**COLORS**

LEGEND - GREEN  
BACKGROUND - WHITE

APPROVED <u>Tom Hicks (signature on file) 11/18/04</u>		DIRECTOR - TRAFFIC & SAFETY		DATE		<b>MARYLAND DEPARTMENT OF TRANSPORTATION</b> <i>State Highway Administration</i> <b>OFFICE OF TRAFFIC &amp; SAFETY</b> MAXIMUM FINE \$XXX			
		REVISIONS: DATE      APPROVAL		FEDERAL HIGHWAY ADMINISTRATION					
						Drawn By: _____ Date: _____			

5

FR

**Administrative History**

Effective date: April 16, 1975 (2:8 Md. R. 563)

Regulations .01—.11 amended effective March 3, 1976 (3:5 Md. R. 295)

Chapter revised effective September 5, 1980 (7:18 Md. R. 1736)

Chapter revised effective January 1, 1985 (11:26 Md. R. 2277)

Chapter recodified from COMAR 05.01.07 to COMAR 05.02.02

Appendix A recodified as Regulation .07

Regulations .01—.07, Maryland Building Code for the Handicapped, repealed and new Regulations .01—.12, Maryland Accessibility Code, adopted effective February 1, 1995 (21:24 Md. R. 1986)

Regulation .05B amended effective January 1, 2012 (38:24 Md. R. 1499)

Regulation .07B amended effective June 19, 2006 (33:12 Md. R. 996)

Regulation .07B, C amended effective January 1, 2012 (38:24 Md. R. 1499)

Regulation .07C amended effective March 18, 2002 (29:5 Md. R. 500)

Regulation .07D amended effective March 18, 2002 (29:5 Md. R. 500); June 19, 2006 (33:12 Md. R. 996)

Regulation .08 amended effective January 1, 2012 (38:24 Md. R. 1499)

Regulation .09B amended effective September 6, 1999 (26:18 Md. R. 1373)

Regulation .12C adopted effective March 18, 2002 (29:5 Md. R. 500)

Regulation .12.D, E adopted effective June 19, 2006 (33:12 Md. R. 996)

Chapter recodified from COMAR 05.02.02 to COMAR 09.12.53 effective March 25, 2019 (46:6 Md. R. 345)

Regulation .05B amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .06B amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .08D amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .09B, C amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .11 amended effective March 25, 2019 (46:6 Md. R. 345)

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**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

**Subtitle 12 BUILDING AND MATERIAL CODES**

**Chapter 54 Minimum Livability Code**

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

**.01 General.**

A. Title. This chapter shall be known as the Minimum Livability Code or "the Code".

B. Scope. The Code is created to protect the public health, safety, and welfare in residential structures and premises by:

(1) Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating, and sanitation for residential structures and premises, and for safe and sanitary maintenance of residential structures and premises;

(2) Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems, and other equipment and devices necessary for safety from fire;

(3) Fixing the responsibilities of property owners, operators, and tenants of residential structures and premises; and

(4) Providing for administration, enforcement, and penalties.

C. Intent. The Code shall be construed liberally and justly to protect public health, safety, and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means Public Safety Article, §12-203, Annotated Code of Maryland.

(2) "Code" means the Minimum Livability Code Regulations.

(3) "Code official" means the official or any duly authorized agent or designee of the local political subdivision in which the housing is located who is authorized to enforce the Code.

(4) "Department" means the Department of Labor, Licensing, and Regulation.

(5) "IPMC" means the most recent version of the International Property Maintenance Code adopted by the Department and incorporated by reference in Regulation .03 of this chapter.

(6) "Person" includes an individual, partnership, limited partnership, trust, estate, association, or corporation or any other group acting as a unit.

(7) "Property owner" means a person having a legal or equitable interest in the premises, including the guardian of the estate of the person, or the executor or administrator of the estate of the person if ordered to take possession of the premises by a court.

(8) "Structure" means a residential structure used for human habitation.

(9) "Tenant" means an occupant other than a property owner.

(10) "Unit" means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.

**.03 Incorporation by Reference.**

A. The 2012 International Property Maintenance Code (International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC 20001), as modified in this chapter, is incorporated by reference.

B. Modifications to the IPMC.

(1) Chapter 1. Add the note to Chapter 1: Each local political subdivision is responsible for the implementation and enforcement of the Minimum Livability Code. Refer to each local political subdivision for local amendments to Chapter 1 of the IPMC.

09.12.54.04

(2) The following definitions in section 202 of the IPMC are deleted and replaced with the pertinent definitions in .02(B) of this chapter:

- (a) Code official;
- (b) Person; and
- (c) Tenant.

(3) Appendix A of the IPMC is adopted as part of the Code.

C. This chapter and the IPMC, as modified in §B of this regulation, shall constitute the Minimum Livability Code.

#### **.04 Application.**

A. The Minimum Livability Code shall apply to residential structures used for human habitation except:

- (1) Owner-occupied single family housing units;
- (2) Housing located in a political subdivision that has adopted a local housing code containing provisions that substantially conform to the provisions of the Code; or
- (3) Housing exempted by the Department.

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

#### **.05 Code Enforcement.**

A. Local Enforcement. It shall be the duty and responsibility of the local political subdivision in which the housing is located to enforce the provisions of the Code.

B. Local Waiver.

(1) A local political subdivision may waive applicability of the Code, in whole or part, to a unit of rental housing on application of the property owner if:

- (a) Adequate notice in a form and manner specified by the subdivision is afforded a tenant of the unit;
- (b) The tenant is afforded an opportunity to comment on the application either in writing or in person; and
- (c) The waiver would not threaten the health or safety of a tenant.

(2) A local political subdivision may waive applicability of the Code if the waiver is granted on the basis of the religious practices of the occupant of the unit of rental housing.

C. Departmental Authority. The Department shall decide questions of interpretation of the Code, including questions relating to uniform enforcement by political subdivisions, and may authorize any waiver or exemption requested by a local political subdivision.

D. Departmental Waiver. Upon the written request of a local political subdivision, the Department may waive or vary particular provisions of the Code to the extent that the waiver is not inconsistent with the Act if:

- (1) Geographic differences or unique local conditions justify the waiver;
- (2) The waiver would not threaten the health or safety of any tenant; and
- (3) The application of the particular provision to the local political subdivision would be inequitable or contrary to the purposes of the Act.

E. Displacement. A person may not be displaced by enforcement of the Minimum Livability Code unless alternate housing of comparable affordability is available within a reasonable distance of the vacated premises.

F. Enforcement and waiver application are not intended to supersede any State laws pursuant to the Annotated Code of Maryland as follows:

- (1) State fire laws, Public Safety Article, Annotated Code of Maryland;
- (2) State elevator laws, Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland; and

(3) State boiler laws, Public Safety Article, Title 12, Subtitle 9, Annotated Code of Maryland.

**.06 Violations.**

A. Penalty. A property owner who willfully violates any provision of the Code is guilty of a misdemeanor and on conviction for each violation is subject to a fine not exceeding \$500 for each day that the violation exists or imprisonment not exceeding 3 months, or both.

B. Other Penalties. A penalty ordered under the Code is in addition to and is not a substitute for any other penalty authorized under a federal, State, or local law.

**.07 Right to Appeal.**

A person affected by a decision of the code official which has been made in connection with the enforcement of any provision of the Code, or of a regulation adopted pursuant to the Code, may request and may be granted a hearing in a manner prescribed by the local political subdivision.

**Administrative History**

Effective date: April 6, 1987 (14:7 Md. R. 829)

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Chapter recodified from COMAR 05.01.31 to COMAR 05.02.03

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Chapter revised effective January 14, 2010 (37:1 Md. R. 14)

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Regulations .01—.12 repealed and new Regulations .01—.07 adopted effective September 17, 2012 (39:18 Md. R. 1196)

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Chapter recodified from COMAR 05.02.03 to COMAR 09.12.54 effective March 25, 2019 (46:6 Md. R. 345)

Regulation .02B amended effective March 25, 2019 (46:6 Md. R. 345)

FINAL ACTION EFFECTIVE 3/25

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**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**  
**Subtitle 12 BUILDING AND MATERIAL CODES**  
**Chapter 55 Safety Glazing**

Authority: Public Safety Article, §§12-403 and 12-404, Annotated Code of Maryland

**.01 Purpose and Authority.**

A. These regulations are adopted pursuant to Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland. This law provides for determinations by the Secretary of Labor, Licensing, and Regulation as to three subjects: Further requirements for standards of safety glazing material; additional glazed elements to be designated “hazardous locations”; and exceptions of certain panels from the definition of “hazardous locations”.

B. These regulations are to be read in conjunction with the Safety Glazing Law, Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland.

**.02 Reference Standards and Specific Hazardous Locations.**

A. The reference standards and specific hazardous locations applicable to safety glazing shall be those identified in COMAR 09.12.50 Maryland Model Performance Code.

B. In addition to the specific hazardous locations indicated in the Maryland Model Performance Code, hazardous locations shall include the first fixed glazed panel on either or both sides of the door, or doors, which have a glazing less than 18 inches from the finished floor or whose least dimension is 18 inches or more, which may be mistaken as a means of egress or ingress.

**Administrative History**

Effective date: October 1, 1974 (1:1 Md. R. 22)

Regulations .02—.05 repealed and new Regulation .02 adopted effective September 1, 1986 (13:12 Md. R. 1373)

Chapter recodified from COMAR 05.01.06 to COMAR 05.02.06

Chapter recodified from COMAR 05.02.06 to COMAR 09.12.55 effective March 25, 2019 (46:6 Md. R. 345)

Regulation .01A amended effective March 25, 2019 (46:6 Md. R. 345)

Regulation .02A amended effective March 25, 2019 (46:6 Md. R. 345)

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FINAL ACTION EFFECTIVE 3/25

**Title 09**  
**DEPARTMENT OF LABOR, LICENSING, AND REGULATION**  
**Subtitle 12 MARYLAND BUILDING REHABILITATION CODE**  
**Chapter 58 Maryland Building Rehabilitation Code Regulations**

Authority: Public Safety Article, §§12-1004 and 12-1007(a), Annotated Code of Maryland

**.01 Title.**

This chapter shall be known and cited as the Maryland Building Rehabilitation Code Regulations.

**.02 Purpose and Applicability.**

A. The purpose of this chapter is to adopt the International Existing Building Code (IEBC), as described in this chapter, to encourage the continued use or reuse of legally existing buildings and structures.

B. This chapter applies to all rehabilitation projects for which a construction permit application is received after the effective date of this chapter by:

- (1) A local jurisdiction;
- (2) The Maryland-National Capital Park and Planning Commission; or
- (3) The Washington Suburban Sanitary Commission.

**.03 Incorporation by Reference.**

A. The 2015 International Existing Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001), as described in this chapter, is incorporated by reference.

B. The 2015 International Existing Building Code, as described in this chapter, shall constitute the Maryland Building Rehabilitation Code.

C. Modifications to the 2015 International Existing Building Code.

(1) Chapter 1. Add note to Chapter 1 of the IEBC: Local jurisdictions are responsible for the implementation and enforcement of the Maryland Building Rehabilitation Code. Refer to each local jurisdiction for local amendments to Chapter 1 of the IEBC.

(2) Chapter 1. Delete Section 101.6 Appendices and replace with the following: 101.6 Appendices. The Appendices A through C and Resource A are adopted as part of this code.

(3) Chapter 2. Delete the definition of "Addition" in Section 202 and replace with the following: "Addition" means an increase in:

- (a) a building or a structure area;
- (b) aggregate floor area of a building or a structure;
- (c) height of a building or a structure; or
- (d) number of stories of a building or a structure.

(4) Chapter 2. Delete the definition of "Change of Occupancy" in Section 202 and replace with the following: "Change of Occupancy" means a change in the purpose or level of activity in a building or structure that involves a change in application of the local building code requirements.

(5) Chapter 2. Delete the definition of "Existing Building" in Section 202 and replace with the following: "Existing Building" means a building or structure that was erected and occupied, or was issued a certificate of occupancy, at least 1 year before a construction permit application for the building or structure was made to a local jurisdiction, the Maryland National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission.

(6) Chapter 4. Delete Section 410.1 Scope and replace with the following: 410.1 Scope. The provisions of Sections 410.1 through 410.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings including those

09.12.58.04

identified as historic buildings. For additions, alterations, or change of use of existing buildings of four or more dwelling units, the alteration, change of use or addition to an existing residential building of four or more units shall comply as follows:

(a) Dwelling units shall comply by either:

(i) Containing at least one dwelling unit for every 25 dwelling units, or fraction of dwelling units, in the structure that is accessible and usable according to the requirements pertaining to dwelling units in ANSI A117.1-1986, with the complying dwelling units proportionally distributed throughout all types of units, or

(ii) Having dwelling units at the accessible levels comply with the requirements for Type B dwelling units.

(b) If the addition or alteration involves common area facilities and parking, it shall be accessible in accordance with the Maryland Accessible Code pertaining to covered multifamily dwellings.

(7) Chapter 4. Delete Exception to Section 410.4 Change of Occupancy.

(8) Chapter 4. Delete Exception 3 and Exception 4 to Section 410.6 Alterations.

(9) Chapter 4. Delete Section 410.8.8 Type B dwelling or sleeping units.

#### **.04 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Advisory Council" means the Maryland Building Rehabilitation Code Advisory Council established by Public Safety Article, §12-1003, Annotated Code of Maryland.

(2) "Complex rehabilitation project involving multiple codes" means a rehabilitation project or portion of a project that involves two or more construction codes listed in Regulation .11B of this chapter and is in:

(a) One of the following categories of work:

(i) Addition;

(ii) Change of occupancy; or

(iii) Reconstruction; or

(b) Any category of work and involves the installation of sprinklers.

(3) "Construction permit application" means an application made to a local jurisdiction for a permit or other governmental approval for a rehabilitation project.

(4) "Department" means the Department of Labor, Licensing, and Regulation.

(5) "International Existing Building Code (IEBC)" means the 2015 International Existing Building Code, as incorporated by reference under Regulation .03 of this chapter.

(6) "Local jurisdiction" means any of the 23 counties in Maryland, the City of Baltimore, and any municipal corporation in Maryland subject to the provisions of Article XI-E of the Maryland Constitution.

(7) "Minimum Livability Code" means COMAR 09.12.54, exclusive of any local amendments or codes that may have been adopted.

(8) "Secretary" means the Secretary of the Department of Labor, Licensing, and Regulation.

#### **.05 Enforcement and Administration.**

A. The enforcement and administration of this chapter shall be the responsibility of local jurisdictions, using existing procedures.

B. Refer to each local jurisdiction for the local administrative and enforcement procedures described in Chapters 1 and 15 of the IEBC.

#### **.06 Preliminary Meeting.**

A. If a building permit is required for a complex rehabilitation project involving multiple codes, at the request of the prospective permit applicant, after payment of a fee, if required, and before the submission of the construction permit application,

the authority having jurisdiction, or the authority's designee, and individuals who are agency representatives in accordance with §B of this regulation, shall meet with the prospective applicant to discuss plans for any proposed work or change of occupancy under this chapter before the application for the permit is submitted.

B. The preliminary meeting, to the extent possible, shall include the officials responsible for permit approval and enforcement in the following areas, as may be applicable to the rehabilitation project:

- (1) Building code;
- (2) Mechanical code;
- (3) Plumbing code;
- (4) Electrical code;
- (5) Fire code;
- (6) Boiler code;
- (7) Energy code;
- (8) Elevator code; and
- (9) Local historic preservation ordinances.

C. When possible, a single meeting of all the parties shall be arranged.

D. The purpose of the preliminary meeting is for the prospective applicant to present its intentions for the proposed work to the responsible code officials so that together they can determine which specific requirements of this chapter and the codes listed in §B of this regulation are to be applied to the proposed project.

E. Decisions made at the preliminary meeting regarding the specific requirements of this chapter and the codes listed in §B of this regulation that are to be applied to the proposed project are binding on the prospective applicant and the code officials, their respective agencies, and local jurisdictions unless circumstances arise that were unknown or could not be ascertained by the prospective applicant at the time of the preliminary meeting.

F. For a rehabilitation project or portion of a project that is in the repair, renovation, or modification category of work, a preliminary meeting may be granted at the discretion of the authority having jurisdiction when a request for a preliminary meeting is made by the prospective applicant before the submission of the construction permit application.

#### **.07 Maryland Building Rehabilitation Code Advisory Council.**

The responsibilities and duties of the Advisory Council are as follows:

- A. Advise the Department on development, adoption, and revisions to this chapter;
- B. Provide technical advice on the interpretation of this chapter to property owners, design professionals, contractors, local jurisdiction code officials, and local jurisdiction code appeal boards;
- C. To the extent possible, develop this chapter in a way that avoids increased costs to local jurisdictions arising from implementation of this chapter; and
- D. To the extent provided for in the State budget, provide training on this chapter to code officials and other public and private construction-related professionals.

#### **.08 Review Process for Proposed Amendments by Local Governments.**

- A. A local government or an organization that represents a local government may propose an amendment to this chapter that will be applicable statewide.
- B. Proposed Amendment. A proposed amendment shall:
  - (1) Be submitted in writing to the Director of the Advisory Council;
  - (2) Identify the section or sections of this chapter involved; and
  - (3) Include proposed deletions or additions to this chapter, the reasons for the request, and any supporting documentation.

09.12.58.08

C. Within 10 business days of receipt, the Director shall forward a proposed amendment to the Advisory Council and provide a copy to the Secretary.

D. The Advisory Council shall consider a proposed amendment not later than at its next regular meeting that is at least 30 days after the Director forwards a proposed amendment.

E. The Advisory Council may request additional information from:

- (1) The local government or organization proposing an amendment;
- (2) Staff of the Department;
- (3) Other State agencies; or
- (4) Others with experience in the subject matter of a proposed amendment.

F. Within 120 days of receipt by the Advisory Council of a proposed amendment or any requested additional information, whichever is later, the Advisory Council shall make a recommendation to the Secretary on whether to adopt, modify, or reject a proposed amendment.

G. The Secretary shall decide whether to adopt, modify, or reject a proposed amendment and whether to adopt any change to this chapter necessary to implement that decision in accordance with the Administrative Procedure Act.

H. Subject to Public Safety Article, §12-1007(d), Annotated Code of Maryland, a local jurisdiction may adopt amendments to the IEBC that apply only to the local jurisdiction without submitting the amendments to the Advisory Council for approval.

I. A local jurisdiction that amends the IEBC shall provide a copy of the amendment to the Department:

- (1) At least 15 days before the effective date of the amendment; or
- (2) Within 5 days after the adoption of an emergency local amendment.

#### **Administrative History**

Effective date: June 1, 2001 (28:10 Md. R. 946)

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Regulations .01—.09 repealed and new Regulations .01—.13 adopted effective July 16, 2007 (34:14 Md. R. 1245)  
Regulation .03 amended effective July 1, 2010 (37:13 Md. R. 851)  
Regulation .04B amended effective July 1, 2010 (37:13 Md. R. 851)

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Regulations .01—.13 repealed and new Regulations .01—.08 adopted effective April 1, 2013 (40:6 Md. R. 472)  
Regulation .03 amended effective April 11, 2016 (43:7 Md. R. 448)  
Regulation .04B amended effective April 11, 2016 (43:7 Md. R. 448)

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Chapter recodified from COMAR 05.16.01 to COMAR 09.12.58 effective March 25, 2019 (46:6 Md. R. 345)  
Regulation .04B amended effective March 25, 2019 (46:6 Md. R. 345)