

SENATE BILL 940

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By: **Senator Feldman**

Introduced and read first time: February 12, 2021

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Fire Prevention Codes and Maryland Building Performance**
3 **Standards – Solar Energy Generating Systems**

4 FOR the purpose of subjecting the adoption of a certain fire prevention code to certain
5 authorizations granted to a county or municipal corporation for the installation of
6 certain solar energy generating systems; authorizing a county or municipal
7 corporation to require the installation of a certain solar energy generating system to
8 include a certain fire protection pathway, subject to certain exceptions; requiring the
9 Maryland Department of Labor to consider certain authorizations granted to a
10 county or municipal corporation for the installation of certain solar energy
11 generating systems before adopting each version of the Maryland Building
12 Performance Standards; providing for the application of certain provisions of this
13 Act; and generally relating to solar energy generating systems and the Maryland
14 Building Performance Standards.

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 9–701(a) and 12–503
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2020 Supplement)

20 BY adding to
21 Article – Public Safety
22 Section 9–1002
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2020 Supplement)

25 Preamble

26 WHEREAS, The General Assembly has expressed its intent to recognize the
27 economic, environmental, fuel diversity, and security benefits of renewable energy

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



resources; and

WHEREAS, The General Assembly has found that the benefits of electricity from renewable energy resources, including long-term decreased emissions, a healthier environment, increased energy security, and reduced vulnerability due to decreased reliance on imported energy sources, accrue to the public at large; and

WHEREAS, This finding by the General Assembly requires the State to increase its reliance on renewable energy resources to reduce greenhouse gas emissions; and

WHEREAS, In 2019, the General Assembly passed the Clean Energy Jobs Act, substantially increasing the amount of electricity required to be produced from renewable energy resources, including solar energy; and

WHEREAS, A principal method for deploying solar energy is the installation of solar energy generating systems on the rooftops of single-family residential dwellings; and

WHEREAS, Local governments in the State issue building permits for the installation of solar energy generating systems in their jurisdictions in accordance with standards for fire protection and prevention; and

WHEREAS, The installation of solar energy generating systems may conflict with the application of standards for fire protection and prevention by a local government; and

WHEREAS, It is desirable to have a standard procedure by which the respective public policies of increasing electricity produced from renewable energy resources and maintaining standards for fire protection and prevention may be reconciled; now, therefore,

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

Article – Public Safety

9–701.

(a) Subject to subsection (e) of this section **AND § 9–1002 OF THIS TITLE**, the local governing body of each county and the legislative body of each municipal corporation in the State may adopt by ordinance or resolution a fire prevention code to:

(1) provide for protection against fires and the removal of fire hazards;

(2) provide for the appointment of inspectors to enforce the fire prevention code; and

(3) establish penalties for violation of the fire prevention code or an ordinance, resolution, or regulation for the prevention of fires or removal of fire hazards.

1 **9-1002.**

2 **(A) THIS SECTION APPLIES TO THE INSTALLATION OF A SOLAR ENERGY**
3 **GENERATING SYSTEM OF ANY SIZE ON THE ROOFTOP OF A SINGLE-FAMILY**
4 **RESIDENTIAL DWELLING FOR WHICH A PERMIT IS REQUIRED.**

5 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
6 **COUNTY OR MUNICIPAL CORPORATION MAY REQUIRE THE INSTALLATION OF A**
7 **SOLAR ENERGY GENERATING SYSTEM ON THE ROOFTOP OF A SINGLE-FAMILY**
8 **RESIDENTIAL DWELLING TO INCLUDE A FIRE PROTECTION PATHWAY OF NOT MORE**
9 **THAN 18 INCHES DOWNWARD FROM EACH SIDE OF THE ROOFTOP'S HORIZONTAL**
10 **RIDGE.**

11 **(2) (I) IF IT IS NOT FEASIBLE FOR THE INSTALLATION OF A SOLAR**
12 **ENERGY GENERATING SYSTEM TO MEET THE REQUIREMENTS UNDER PARAGRAPH**
13 **(1) OF THIS SUBSECTION, A COUNTY OR MUNICIPAL CORPORATION MAY REQUIRE A**
14 **36-INCH PATHWAY ON ONE SIDE OF THE ROOFTOP'S HORIZONTAL RIDGE.**

15 **(II) IF IT IS NOT FEASIBLE FOR THE INSTALLATION OF A SOLAR**
16 **ENERGY GENERATING SYSTEM TO MEET THE REQUIREMENTS UNDER**
17 **SUBPARAGRAPH (I) OF THIS PARAGRAPH OR PARAGRAPH (1) OF THIS SUBSECTION,**
18 **A COUNTY OR MUNICIPAL CORPORATION MAY USE AN ALTERNATIVE**
19 **PERFORMANCE-BASED METHOD THAT MEETS THE REQUIREMENTS OF THE**
20 **CURRENT NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS TO DETERMINE**
21 **COMPLIANCE WITH THIS SUBSECTION.**

22 **12-503.**

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

27 (2) The Department shall adopt each subsequent version of the Standards
28 within 18 months after it is issued.

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

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

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

34 **(III) CONSIDER THE FIRE PREVENTION PROVISIONS FOR SOLAR**

1 **ENERGY GENERATING SYSTEMS DESCRIBED UNDER § 9-1002 OF THIS ARTICLE;**

2 [(iii)] **(IV)** subject to the provisions of paragraph (2)(ii) of this
3 subsection, adopt modifications to the Standards that allow any innovative approach,
4 design, equipment, or method of construction that can be demonstrated to offer
5 performance that is at least the equivalent to the requirements of:

6 1. the International Energy Conservation Code;

7 2. Chapter 13, "Energy Efficiency", of the International
8 Building Code; or

9 3. Chapter 11, "Energy Efficiency", of the International

10 Residential Code;

11 [(iv)] **(V)** accept written comments;

12 [(v)] **(VI)** consider any comments received; and

13 [(vi)] **(VII)** hold a public hearing on each proposed modification.

14 (2) (i) Except as provided in subparagraph (ii) of this paragraph and §
15 12-510 of this subtitle, the Department may not adopt, as part of the Standards, a
16 modification of a building code requirement that is more stringent than the requirement in
17 the International Building Code.

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

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

24 (d) In addition to the Standards, the Department may adopt by regulation the
25 International Green Construction Code.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2021.