



House Bill 769

Public Safety – Maryland Building Performance Standards – Local Wind Design and Wind-Borne Debris Standards

MACo Position: **OPPOSE**

To: Environmental Matters Committee

Date: February 21, 2013

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **OPPOSES** House Bill 769. The bill would prohibit a local jurisdiction from adopting amendments to the Maryland Building Performance Standards that would weaken the wind design and wind-borne debris provisions contained in the Standards.

While MACo recognizes the important safety implications of wind resistant construction, MACo believes that the bill's prohibition would constitute a tacit acknowledgment that local jurisdictions cannot be trusted to make proper safety decisions on behalf of their citizens. A local jurisdiction should be trusted to make decisions regarding both the quality and affordability of homes and the safety of citizens located within its boundaries.

Furthermore, HB 769 is part of a developing pattern to remove a local jurisdiction's traditional authority to modify the Standards to suit local conditions and needs. Until recently a local jurisdiction could not amend the Standards to prohibit certain minimum implementation and enforcement activities. Other than that reasonable limitation, a local jurisdiction could amend the Standards in whatever manner the jurisdiction deemed necessary.

However, SB 625 of 2009 prohibited a local jurisdiction from weakening energy conservation and efficiency provisions contained in the Standards. HB 366/SB 602 of 2012 limited a local jurisdiction's ability to weaken the automatic fire sprinkler system provisions for townhomes and family dwellings contained in the Standards. Instead of deferring to local autonomy, the approach in recent times has been to increasingly limit the ability of a local jurisdiction to adjust the Standards for local preferences and instead apply a "one-size-fits-all" approach in the form of the Standards.

MACo believes that HB 769 would needlessly limit the ability of a local jurisdiction to modify the Standards to account for local preferences and represents an ongoing erosion of local autonomy. Accordingly, MACo urges the Committee to adopt an **UNFAVORABLE** report on HB 769.