

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 940 (Senator Feldman)
Education, Health, and Environmental Affairs

Public Safety - Fire Prevention Codes and Maryland Building Performance
Standards - Solar Energy Generating Systems

This bill authorizes a local government to require the installation of a solar energy generating system of any size on the rooftop of a single-family residential dwelling, for which a permit is required, to include (1) a fire protection pathway of not more than 18-inches downward from each side of the rooftop's horizontal ridge or, if that is not feasible, (2) a 36-inch pathway on one side of the rooftop's horizontal ridge. If it is not feasible to meet either of those standards, a local government may use an alternative performance-based method that meets the requirements of the current National Fire Protection Association (NFPA) standards. The bill also requires the Maryland Department of Labor (MDL), before it adopts a new version of the Maryland Building Performance Standards (MBPS), to consider the bill's fire prevention provisions for solar energy generating systems.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances, as it primarily pertains to local governments. MDL can update MBPS in accordance with the bill with existing resources.

Local Effect: No direct effect on local government finances, as the bill is authorizing in nature. The application of any existing penalty provisions, or new penalties established in conjunction with the bill's provisions, is not expected to materially affect local government finances.

Small Business Effect: Minimal.

Analysis

Current Law:

State Fire Prevention Code

The State Fire Prevention Commission within the Department of State Police must adopt comprehensive regulations as a State Fire Prevention Code. The commission adopted by reference, subject to some exceptions noted in the regulations, the NFPA 1 Fire Code (2018 Edition), the NFPA 101 Life Safety Code (2018 Edition), and some requirements of the International Building Code (IBC) (2018 Edition) as the State Fire Prevention Code. The State Fire Commission recommends the use of the NFPA National Fire Codes or other nationally recognized standards in technical matters not specifically addressed in regulation.

As incorporated by the State Fire Prevention Code, the NFPA 1 Fire Code requires photovoltaic systems (*e.g.*, solar panels) installed in one- and two-family dwellings and townhouses to provide roof access. Generally, a pathway must be at least 36 inches wide on each side of the photovoltaic system, with an additional pathway (also at least 36 inches wide) from the ridge of the roof to the top of the system, as specified.

Local Authority to Adopt Fire Prevention Codes

Local governments are authorized to 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. A fire prevention code of a county or municipal corporation may incorporate by reference a code or part of a code prepared by a governmental unit or a trade or professional association for general distribution in printed form as a standard or model on any subject that relates to fire prevention, fire hazards, or flammable or dangerous substances. An amendment to a standard or model code is not effective until specifically incorporated into the fire prevention code of the county or municipal corporation.

Maryland Building Performance Standards

MDL currently incorporates by reference the IBC (2018 Edition), including the International Energy Conservation Code (2018 Edition), with modifications, as MBPS. In general, the standards apply to all buildings and structures within the State for which a building permit application is received by a local government.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Prince George's County; Maryland Municipal League; Department of State Police; Maryland Energy Administration; Public Service Commission; National Fire Protection Association; Department of Legislative Services

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