

**Department of Legislative Services**  
 Maryland General Assembly  
 2025 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 436

(Senator Waldstreicher)

Education, Energy, and the Environment

Environment and Transportation

**Maryland Department of Labor - Study on Building Code Requirements for  
 Single-Staircase Buildings**

This bill requires the Maryland Department of Labor (MD Labor) to (1) conduct a study on building code requirements for single-staircase buildings in the State and other states and (2) make recommendations regarding potential legislative or regulatory changes to authorize the construction of single-staircase buildings up to six stories above grade plane in the State for the purpose of increasing the affordable housing supply. By December 1, 2026, MD Labor must report its findings and recommendations to the Governor, the General Assembly, and specified standing committees of the General Assembly. **The bill takes effect July 1, 2025.**

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$58,200 in FY 2026 and by \$21,300 in FY 2027 for contractual staff to complete the required report. No effect on revenues.

| (in dollars)   | FY 2026    | FY 2027    | FY 2028 | FY 2029 | FY 2030 |
|----------------|------------|------------|---------|---------|---------|
| Revenues       | \$0        | \$0        | \$0     | \$0     | \$0     |
| GF Expenditure | 58,200     | 21,300     | 0       | 0       | 0       |
| Net Effect     | (\$58,200) | (\$21,300) | \$0     | \$0     | \$0     |

*Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The study must survey and document a representative sampling of state and local laws, ordinances, and policies in North America. The study must also analyze best practices for state and local governments when drafting building code requirements for single-staircase buildings up to six stories above grade, taking into consideration (1) the availability of an adequate water supply; (2) the presence and response capability of a professional fire department; (3) the practicality or feasibility of compliance with modern fire codes, as specified; (4) the practicability or feasibility of building in urban or infill settings; (5) the viability of redevelopment or adaptive reuse of historic properties; (6) any impacts of laws, ordinances, or policies on housing development or the cost of housing; and (7) any other relevant factors, as determined by MD Labor.

The study must also make legislative and regulatory recommendations, including potential amendments to the Maryland Building Performance Standards (MBPS), to authorize the construction of single-staircase buildings up to six stories above grade plane in the State for the purpose of increasing the affordable housing supply by reducing barriers to multifamily housing development.

In carrying out the study, MD Labor must consult with (1) a fire engineer who is a faculty member at a public institution of higher education that has a fire protection program; (2) a representative of the Professional Fire Fighters of Maryland, designated by its president; (3) a representative of the Maryland State Firefighters Association, designated by its president; (4) a representative of the Maryland Fire Chiefs Association, designated by its president; (5) a representative of the Metropolitan Fire Chiefs Association, designated by its president; (6) a representative of the Office of the State Fire Marshal; and (7) a representative of a Maryland nonprofit organization that advocates for safe and affordable housing.

### **Current Law:**

#### *Maryland Building Performance Standards*

MD Labor currently incorporates by reference the International Building Code (2021 Edition), including the International Energy Conservation Code (IECC) (2021 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. Chapter 38 of 2022 (the Climate Solutions Now Act) required MD Labor to adopt IECC (2018 Edition) by January 1, 2023, and to adopt each subsequent version of IECC within 18 months after it is issued. Each local jurisdiction must implement and enforce the most current version of MPBS and any local amendments to MPBS. In addition, any modification to MBPS adopted by the State after December 31, 2009, must

be implemented and enforced by a local jurisdiction no later than 12 months after the modifications are adopted by the State.

Generally, the International Building Code (2021 Edition) establishes minimum standards for the number of stairwells in buildings based on occupancy, the number of dwelling units, the maximum exit access travel distance, and other specified criteria.

### *State Fire Prevention Code*

The State Fire Marshal must enforce all laws of the State relating to, among other things, the prevention of fire and the installation and maintenance of all kinds of equipment intended to control, detect, or extinguish fire. The State Fire Marshal must also enforce regulations adopted by the State Fire Prevention Commission (SFPC). SFPC within the Department of State Police (DSP) 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 as the State Fire Prevention Code. The State Fire Prevention Code has the force and effect of law in the political subdivisions of the State, and enforcement is the responsibility of the State Fire Marshal, a legally designated fire official of a county or municipal corporation of the State, or other persons legally appointed by the State Fire Marshal (as specified under the Public Safety Article).

Generally, NFPA 101 (2018 Edition) establishes minimum standards for the number of stairwells in all buildings based on building type, occupancy, and other specified criteria.

### *Workgroup to Develop Fire Safety Best Practices for Pre-1974 High-rise Apartment Buildings*

Chapter 744 of 2024, among other things, established the Workgroup to Develop Fire Safety Best Practices for Pre-1974 High-rise Apartment Buildings. Staffed by DSP, the workgroup was required to (1) study fire safety risks in high-rise apartment buildings that do not have automatic sprinkler systems or other fire safety technology; (2) study current strategies, practices, and technology to mitigate fire risks, maximize evacuation of occupants, and allow for greater access and more expedient responses by emergency response professionals; and (3) develop recommendations and best practices for the improvement of fire safety in high-rise apartment buildings that do not have fire sprinkler systems and other fire safety technology. In developing its recommendations, the workgroup was required to consider (1) the availability, feasibility, and degree of fire hazard mitigation of each alternative fire protection system or arrangement; (2) the cost, design, installation, testing, and maintenance of each fire protection system; and (3) the duration of installation for each alternative fire protection system and the intensity of the

disruption of normal occupancy caused by installation. The workgroup submitted its [final report](#) on December 23, 2024.

**State Expenditures:** MD Labor lacks the expertise to conduct the required study and is unable to absorb the additional duties required by the bill. The study (1) involves complex regulatory and statutory analysis from other states and municipalities and (2) must consider complex fire protection and fire suppression measures. Consequently, two temporary contractual staff members are needed to conduct the required study.

Therefore, general fund expenditures increase by \$58,222 in fiscal 2026, which assumes that contractual staff begin work on the bill’s July 1, 2025 effective date, and by \$21,317 in fiscal 2027. This estimate reflects the cost of hiring one part-time (25%) contractual assistant attorney general and one part-time (25%) contractual regulatory economist to consult with specified entities, compile relevant data, and submit the required report. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

|                                      | <u>FY 2026</u>  | <u>FY 2027</u>  |
|--------------------------------------|-----------------|-----------------|
| Contractual Positions (New)          | 0.5             | -               |
| Salaries and Fringe Benefits (Total) | \$44,589        | \$21,038        |
| Operating Expenses                   | <u>13,633</u>   | <u>279</u>      |
| <b>Total State Expenditures</b>      | <b>\$58,222</b> | <b>\$21,317</b> |

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

This estimate reflects termination of the contractual positions midway through fiscal 2027, following the completion of the required study.

The Office of the State Fire Marshal can consult with MD Labor using existing budgeted resources.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 489 (Delegate Stewart, *et al.*) - Environment and Transportation.

**Information Source(s):** University System of Maryland; Maryland Department of Labor; Department of State Police; International Code Council; National Fire Protection Association; Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2025  
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Analysis by: Thomas S. Elder

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510