

Summary of Public Comments on the Proposed Ordinance to Revise and Amend Chapter 5 (*Buildings and Building Regulations*)
(Includes comments received through 5/24/2012)

#	Commenter	Date	Issue/Topic	Comment Summary	Response/Change to Ordinance
1	Eric Mayl, P.E. (Via email, see full comment in Attachment E)	4/30/2012	IBC Sec. 501.3	Adding a requirement for a stair adjacent to the main entrance of a building would aid fire department operation but is not warranted by any fire loss data and severely limits design options.	Staff recommends changing language in Section 501.3 (Page A-27) to clarify the language of this requirement so as to more clearly describe the intent of the code section. The prescriptive requirement for the stair will remain, however the location requirements will be clarified allowing the stair to be in the vicinity of the main fire department access point as opposed to the current language which requires it to be located immediately adjacent to said entry. The requirement, as written, is currently present in the Montgomery County amendments to the 2012 edition of the IBC and is planned to be an amendment to the 2012 edition of the State Fire Code.
2	Errol Nicholson Md. Master HVAC (Via email, see full comment in Attachment F)	5/04/2012	HVAC equipment efficiency	Commenter requested clarification on Energy Star requirements for heating and cooling equipment. Commenter asked if requiring heating and cooling equipment to be more efficient than the minimum standard set by the Department of Energy is allowed.	Staff recommends removing the requirement to comply with federal laws. Recent litigation has involved state and local government efforts to integrate HVAC and appliance efficiency standards into green building codes. Pursuant to the Energy Policy Conservation Act (EPCA), federal law regulates uniform standards for energy use and efficiency of some specific products and appliances used in buildings, such as heating and air conditioning systems, refrigerators, washers and dryers, dishwashers, and lighting. For manufacturers and businesses, this minimizes the regulatory burden of fulfilling different state-level energy mandates. However, this federal ceiling preemption may prevent state and local governments from adopting certain prescriptive building appliance efficiency standards that are stricter than federal standards. State and local governments are not permitted to change that law – they are preempted unless a state or local code adheres to an exception provision. The federal preemption requirement would affect the energy and water efficiency standards outlined in:

Summary of Public Comments on the Proposed Ordinance to Revise and Amend Chapter 5 (*Buildings and Building Regulations*)
(Includes comments received through 5/24/2012)

#	Commenter	Date	Issue/Topic	Comment Summary	Response/Change to Ordinance
					<ul style="list-style-type: none"> • M1401.1.1 Energy Star equipment (page A-52) • Table P2903.2 Maximum flow rates and consumption for plumbing fixtures and fixture fittings (page A-54) • Table 604.4 Maximum flow rates and consumption for plumbing fixtures and fixture fittings (page A-108) • Sec. 5-326 Energy Star appliance required (page A-127) • Sec. 5-333 Energy Star appliance required (page A-128)
3	Caroline Levine 1502 Auburn Ave. (Via email, see full comment in Attachment G)	5/18/2012	Lot coverage	Commenter requested changes to zoning laws to prevent from allowing too-large homes on small lots and structures that block sun.	No change proposed. Lot coverage and building height requirements are established in the Zoning Ordinance (Chapter 25) and are not included Chapter 5.
4	Michael Luzier NAHB Research Center (Via letter, see full comment in Attachment H)	5/18/2012	Use of the National Green Building Standard (NGBS)	Requests that the National Green Building Standard (NGBS) be explicitly listed in Section 5-311. Administration.	<p>No change proposed at this time. Currently, LEED-Equivalent systems, such as NGBS, may be used if the applicant demonstrates equivalency. At this time, only minor changes are proposed to the <i>Green Building Regulations</i> to ensure that the residential energy requirements are consistent with the 2012 IECC.</p> <p>New green building systems have been published since 2010 and updates to existing systems are currently in development. Staff does not recommend listing only the NGBS until all of these green building systems are finalized and the City can comprehensively assess all options. For example, the new 2012 International Green Construction Code (IgCC) was published in March of 2012, ASHRAE 189.1-2011 is updated, the 2012 version of LEED is in development, and the 2012 update of the National Green Building Standard (NGBS) is underway.</p>

Summary of Public Comments on the Proposed Ordinance to Revise and Amend Chapter 5 (*Buildings and Building Regulations*)
(Includes comments received through 5/24/2012)

#	Commenter	Date	Issue/Topic	Comment Summary	Response/Change to Ordinance
5*	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment A)	5/17/2012	Dwelling unit equipment trade-offs (2012 IECC & IRC)	Modify Table R405.5.2 (1) to reinstate equipment trade-offs in the performance section of the 2012 IECC Residential Energy Efficiency.	* No change proposed. In the 2009 IECC, the ICC voted to eliminate trade-offs of longer term building envelope efficiency measures (e.g. insulation and windows) for efficiency gains in heating and cooling equipment in the performance path. Such trade-offs were already prohibited under the prescriptive path. This prevents claiming a “trade-off credit” for installing high- efficiency furnaces or other more efficient equipment and installing less insulation or less efficient windows when such furnaces and equipment already account for a substantial part of the U.S. market. Eliminating such tradeoffs effectively closed a major a loophole in the IECC.
6*	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment B)	5/17/2012	Dwelling unit air leakage (2012 IECC & IRC)	Add exception when using the Simulated Performance Alternative, to allow an air leakage rate of up to a maximum of 7 air changes per hour at 50 Pascals in lieu of the mandatory 3 air changes per hour when greater energy efficiency trade-offs are provided.	* No change proposed. The exception reduces the energy efficiency of a home by allowing greater air leakage (7 air changes per hour, as compared to the required 3) when an energy efficiency trade-off is utilized. As discussed in comment 5, such energy efficiency trade-offs were rejected by the ICC. In addition, allowing greater air leakage rates may reduce the stringency of the energy code and would not be permitted by the State.

* Comment relates to the energy code. According to COMAR, local jurisdictions may not adopt any amendments that weaken the requirements of the 2012 International Energy Conservation Code (IECC). In other words, amendments to the energy code must be more stringent, not less. The State has neither adopted the amendment nor indicated that the amendment does not weaken the requirements of the IECC so that local jurisdictions may adopt the amendment.

Summary of Public Comments on the Proposed Ordinance to Revise and Amend Chapter 5 (*Buildings and Building Regulations*)
(Includes comments received through 5/24/2012)

#	Commenter	Date	Issue/Topic	Comment Summary	Response/Change to Ordinance
7*	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment C)	5/17/2012	Dwelling unit hot water pipe insulation (2012 IECC & IRC)	Add exception: Insulating hot water pipe is not required when one of the following off- setting energy savings alternatives is instituted. Increase any one of the prescriptive; ceiling, wood frame wall, mass wall, floor, basement wall, slab, or crawlspcace insulation R-value requirements, as per Table R402.1.1, by R-1.	* No change proposed. The IECC incorporates pipe insulation to provide both energy and water saving benefits, which are dependent on the system configuration, material, flow rates, and hot water use profiles. Pipe insulation reduces the convective heat loss from pipes, reduces the amount of water wasted to get the desired temperature at the tap, and raises water temperature at the tap which allows for a reduced hot water heater temperature setting. With a lower set temperature, the rate of heat loss also decreases.
8*	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment D)	5/17/2012	Dwelling unit wood frame insulation (2012 IECC & IRC)	Modify prescriptive insulation requirements to allow a wood frame wall R-value of 18 with a framing factor of 19% or less. This would provide a prescriptive option for 24" O.C. cavity insulated wood wall assemblies.	* No change proposed. In the prescriptive pathway, <i>R402.1.3 U factor alternative</i> , allows alternative insulation values if a calculation determines that the U-factor of the assembly is equal or less than that specified in Table R 402.1.3. Local amendment R402.1.5 provides default values to be used to calculate equivalency for 24" O.C. (advanced framing).

* Comment relates to the energy code. According to COMAR, local jurisdictions may not adopt any amendments that weaken the requirements of the 2012 International Energy Conservation Code (IECC). In other words, amendments to the energy code must be more stringent, not less. The State has neither adopted the amendment nor indicated that the amendment does not weaken the requirements of the IECC so that local jurisdictions may adopt the amendment.

Summary of Public Comments on the Proposed Ordinance to Revise and Amend Chapter 5 (*Buildings and Building Regulations*)
(Includes comments received through 5/24/2012)

#	Commenter	Date	Issue/Topic	Comment Summary	Response/Change to Ordinance
9	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment E)	5/17/2012	Domestic kitchen exhaust make-up air (2012 IMC & IRC)	Add an exception to the 2012 IMC Section 505.2 to increase the threshold triggering the makeup air requirement for a kitchen exhaust system to a system that exhausts 600 cubic feet per minute (instead of 400 cubic feet per minute).	No proposed change to the threshold adopted by the ICC. An exhaust fan that requires makeup air will create a backdraft where instead of the air moving out of the house from fireplaces, heating appliances, dryer vents, garages, etc., the fan will suck the air through these areas into the home (drawing in dirt, moisture and other contaminants). If sufficient makeup is not available, the fan performance will also be compromised.
10	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment F)	5/17/2012	Window sill height (IBC)	Allow window sill height to be 18 inches (<i>instead of 36 inches</i>) above the finished floor surface; where the opening of the sill portion of an operable window is located more than 72 inches above the finished grade.	No change proposed. Amending this section from the standard code requirement is a reduction in the life safety features for windows in which this code section was intended to protect. Should lower windows sill heights be desired, window fall prevention devices or window opening control devices can be used.
11	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment G)	5/17/2012	Window sill height (IRC)	Allow window sill height to be 18 inches (<i>instead of 24 inches</i>) above the finished floor surface; where the opening of the sill portion of an operable window is located more than 72 inches above the finished grade.	No change proposed. Amending this section from the standard code requirement is a reduction in the life safety features for windows in which this code section was intended to protect. Should lower windows sill heights be desired, window fall prevention devices or window opening control devices can be used.

Summary of Public Comments on the Proposed Ordinance to Revise and Amend Chapter 5 (*Buildings and Building Regulations*)
(Includes comments received through 5/24/2012)

#	Commenter	Date	Issue/Topic	Comment Summary	Response/Change to Ordinance
12	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I, Amendment H)	5/17/2012	Cripple wall bracing (2012 IRC)	Modify the 2012 IRC Section R602.10.11 to remove the spacing reduction for low-seismic areas due to a perceived error in the model code development process.	No change proposed. Should a builder choose to use a reduced distance between adjacent edges of braced wall panels (per the proposed change), the project could always be submitted as a performance based approach to wall bracing. If there was an error made by International Residential Code (IRC)-building/Energy Committee, it should be addressed during the next code development cycle.
13	Randy Melvin MD-National Capital Building Industry Association (Via letter, see full comment in Attachment I)	5/17/2012	Phase-in period	Requests that the transition or phase-in period be six months from the signing date or effective date of the regulation.	No change proposed. The 2012 Maryland Building Performance Standards (COMAR 05.02.07) requires local jurisdictions to implement and enforce the Standards and any local amendments within six months of the effective date set by the Maryland Department of Housing and Community Development, which is on/around July 1, 2012. Permit applications submitted on/after this date will need to comply with this State requirement.