



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Acting Housing Commissioner *ak*

Date: June 9, 2021

Re: City Council Bill 21-0096 Building Code – Permit Exemption for Shed, Etc. Construction

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 21-0096 for the purpose of adopting a provision of the International Building Code exempting certain one story detached accessory structures used as tool and storage sheds, playhouses and similar uses from construction permitting requirements; and conforming related provisions.

The International Building Code (2018 Edition) was adopted as part of the Building, Fire, and Related Codes (BRFC) of Baltimore City and signed into law on June 15, 2020. The purpose of the BRFC is to provide minimum standards for safety, health, and general welfare including structural integrity, mechanical integrity (including sanitation, water supply, light, and ventilation), means of egress, fire prevention and control, and energy conservation.

By adopting this IBC provision City Council Bill 21-0096 would exempt from permitting requirements work on “one story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²)”

In general alterations require a permit, but ordinary repairs which are in fact maintenance activities generally do not require a permit. In general permits are not required for the following Building activities:

- Interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar interior finish work.
- Shade cloth or plastic film structures, commonly known as “hoophouses”, constructed for nursery or agricultural purposes. Not including service systems.
- Removal of debris, except in cases of interior or exterior demolition.
- Boarding exterior openings with plywood.
- Minor repair or patching of drywall or plaster.
- Replacing roof shingles.
- Replacing roof tarring.
- Installing a temporary door on a structure subject to a vacant building notice.

DHCD supports the sponsors intent to streamline the installation or repair of sheds for constituents throughout the City of Baltimore however, this legislation raises a number of concerns.

One of the main purposes of the BFRC is to provide standards for human health and safety. As these sheds and playhouses are actively used for both tool storage and recreation, it is important to consider the benefits of the permitting and inspection process.

When reviewing a permit DHCD's main considerations are where the shed will be located, what it will be used for, and how the structure is tied down. Additionally, there may be additional life and safety issues around fire separation in our more densely populated neighborhoods. Tool sheds are often used for the storage of flammable materials such as gasoline, oil, and paint, it is important that the structures be built according to plan and inspected to make sure they meet material requirements and have proper ventilation for fire prevention and control.

Finally, this legislation may cause conflicts with the Zoning Code. The current permitting process for sheds allows for site plan and zoning review. The current Zoning Code only permits sheds, tool houses, or similar storage structures, of no more than 180 sq. ft., in the rear yards of residential zoning districts. They are not permitted in front yards, corner-side yards or interior-side yards.

If these types of structures did not require building permits and the subsequent site plan and zoning review it is possible that they will be constructed outside of the allowable permitted encroachments or bulk requirements of the Code. This could create enforcement issues since we wouldn't get a permit to review in advance, we wouldn't know there was a problem until a complaint arrived. The homeowner may have to move or remove the shed as a result of code enforcement.

DHCD is happy to work with the Bill sponsor around ways to assist constituents move quickly and effectively through the permitting process. Epermits is available 24 hours a day to apply for permits, send and receive messages about permits, pay for permits and receive permits via email. We look forward to working with the Committee to ensure constituents have all of the tools and resources they need to undertake work in the City of Baltimore.

DHCD **objects** to the passage of City Council Bill 21-0096.

AK/sm

cc: Ms. Nina Themelis, *Mayor's Office of Government Relations*