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OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

HAROLD L. HIGGINS, CPA  
CHIEF ADMINISTRATIVE OFFICER  
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COUNTY ATTORNEY

COMMISSIONERS  
JOSEPH M. MITRECIC, PRESIDENT  
THEODORE J. ELDER, VICE PRESIDENT  
ANTHONY W. BERTINO, JR.  
MADISON J. BUNTING, JR.  
JAMES C. CHURCH  
JOSHUA C. NORDSTROM  
DIANA PURNELL

July 29, 2021

The Honorable Brian E. Frosh  
Maryland Attorney General  
200 St. Paul Place  
Baltimore, Maryland 21202  
opinions@oag.state.md.us

Dear Attorney General Frosh:

On behalf of the County Commissioners of Worcester County, I write to seek the opinion of the Maryland Attorney General on the following question:

- Does Maryland law require the installation of fire sprinkler systems in manufactured homes that are constructed in accordance with the standards set by the U.S. Department of Housing and Urban Development?

Sincerely,

Joseph M. Mitrecic, President



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### LEGAL MEMORANDUM

To: Maryland Attorney General

From: Roscoe R. Leslie, County Attorney for Worcester County

Date: July 29, 2021

RE: Sprinklers in Manufactured Homes

#### Issue

Should Worcester County continue to enforce the State-imposed mandate requiring new manufactured homes to have fire sprinkler systems?

#### Background and Relevant Law

Maryland's law related to building codes is called the Maryland Building Performance Standards (Maryland Standards). Each jurisdiction in Maryland is required to use the same edition of the same building codes that are the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC).<sup>1</sup>

Generally, the Maryland Standards apply to all buildings for which a building permit application is received by a local jurisdiction.<sup>2</sup> A building permit application is required for a manufactured home in Worcester County. IRC 313.2 requires fire sprinkler systems to be installed in all new one- and two-family dwellings.

Manufactured homes are homes built as dwelling units of at least 320 square feet in size with a permanent chassis to assure the initial and continued transportability of the home. All transportable

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<sup>1</sup> COMAR 09.12.51.05.

<sup>2</sup> COMAR 09.12.51.06.

sections of manufactured homes built in the U.S. after June 15, 1976 must contain a certification label. The label certifies that the manufacturer has built the home in accordance with HUD's Manufactured Home Construction and Safety Standards (HUD Standards). The HUD Standards cover Body and Frame Requirements, Thermal Protection, Plumbing, Electrical, Fire Safety, and other aspects of the home, published under 24 CFR Part 3280.

Federal law indicates that states can assert jurisdiction over any manufactured home safety issue if no federal standard has been established.<sup>3</sup> According to HUD's website, state-mandated fire sprinkler system requirements are not preempted by the HUD Standards:

Fire sprinkler systems are being increasingly required by state and local governments for all new single-family homes. Though HUD always had general fire safety standards, HUD had no standard for mechanical fire suppression. HUD has long held that **state and local sprinkler requirements are, therefore, not preempted** by the general fire safety standards.<sup>4</sup> [emphasis added]

COMAR mandates that HUD-approved manufactured homes are acceptable as meeting safety requirements imposed by local enforcement agencies without further investigation.<sup>5</sup>

On May 17, 2021, the Office of the State Fire Marshal issued guidance regarding fire sprinkler requirements for one- and two-family dwellings. The guidance indicated sprinklers were required for "stick built" and modular homes, but not for manufactured homes. The guidance cites federal preemption by the HUD standards as its basis for HUD-approved manufactured homes being exempt from the sprinkler requirements of the Maryland Standards. It is unclear if any new law or regulation precipitated the issuance of the guidance.

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<sup>3</sup> 42 U.S.C.A. § 5422(a).

<sup>4</sup> See [FAQs - The 2000 Act | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#), last accessed July 27, 2021.

<sup>5</sup> COMAR 09.12.52.15(G)(1).

## **Analysis and Opinion**

Manufactured homes are single family dwellings that require the application of a building permit. Accordingly, the Maryland Standards apply and fire sprinkler systems are required for all new manufactured homes.

Worcester County enforces the Maryland Standards with respect to fire sprinkler systems in new single-family dwellings—there are no additional standards imposed by local law enforcement.

Because the HUD Standards have no standard for mechanical fire suppression, the Maryland Standards are not preempted and appear to apply to manufactured homes.

In conclusion, it appears that Worcester County is required to enforce Maryland's mandated fire sprinkler requirements for new manufactured homes. However, this analysis is inconsistent with the guidance issued by the Office of the State Fire Marshal on May 17, 2021.