

LEGISLATIVE COMMITTEE MINUTES

SB443

Bill as
Introduced

SB 443-FN - AS INTRODUCED

2022 SESSION

22-3031
05/08

SENATE BILL **443-FN**
AN ACT relative to municipal authority regarding the state building code.
SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Rep. McGuire, Merr. 29
COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill:

- I. Requires the building code review board to approve local amendments to the state building code prior to their adoption and enforcement and requires the board to maintain and publish a catalog of local amendments to the state building code and state fire code.
- II. Requires the fire marshal to approve local amendments to the state fire code prior to their adoption and enforcement and requires the fire marshal, with the assistance of the board of fire control, to maintain and publish a catalog of local fire safety codes and ordinances.
- III. Prohibits municipalities from imposing a fee to appeal the decision of a code compliance official.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to municipal authority regarding the state building code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Duties of the State Fire Marshal; Approval of Local Amendments. Amend RSA 153:4-a, I to
2 read as follows:

3 I. The state fire marshal shall have the power to approve, disapprove, or allow exceptions to
4 any fire safety rule of any state agency except fire safety rules established under RSA 227-L. The
5 state fire marshal shall be responsible for supervising and enforcing all laws of the state relative to
6 the protection of life and property from fire, fire hazards and related matters, and for certifying
7 private firefighting units. The state fire marshal shall also ***review and approve any local code,***
8 ***bylaw, or ordinance relative to fire safety prior to its adoption and enforcement by the***
9 ***municipality. The state fire marshal shall*** assist the several counties, cities, towns, village
10 districts, and precincts in supervising and enforcing local laws, bylaws, and ordinances where
11 existent, relative to (a) the prevention of fires; (b) the storage, sale and use of combustibles; (c) the
12 installation and maintenance of automatic or other fire alarm systems and fire extinguishing
13 equipment; (d) the construction, maintenance, and regulation of fire escapes; (e) the means and
14 adequacy of exit, in case of fire, from factories, asylums, hotels, hospitals, churches, schools, halls,
15 theaters, amphitheaters, nursing and convalescent homes, and all other places in which numbers of
16 persons work, live or congregate from time to time for any purpose; (f) the investigation of the cause,
17 origin, and circumstances of fires; and (g) the transportation, storage, and physical handling of
18 flammable liquids and gases which he believes dangerous to the lives or safety of the citizens of the
19 state.

20 2 New Paragraph; Duties of the State Fire Marshal; Local Amendments to the State Fire Code.
21 Amend RSA 153:4-a by inserting after paragraph IV the following new paragraph:

22 V. The state fire marshal, in consultation with the state advisory board of fire control, shall
23 review and approve any local code, bylaw, or ordinance relative to fire safety prior to its adoption
24 and enforcement by the municipality. The fire marshal may limit approval to the submitting
25 municipality or the fire marshal may permit its adoption and enforcement on a statewide basis. A
26 local fire safety code, bylaw, or ordinance approved on a statewide basis may be subsequently
27 adopted and enforced by municipalities upon notice to the fire marshal of its adoption. The fire
28 marshal, with the assistance of the state advisory board of fire control, shall maintain and publish a
29 catalog of all municipal fire safety codes, bylaws, and ordinances.

30 3 State Fire Code; Rules. Amend RSA 153:5, V to read as follows:

1 V. The state fire marshal, and the local fire chief, in accordance with RSA 154:2, shall use
2 the state fire code, including rules adopted under paragraph I, and any local codes adopted in
3 accordance with *RSA 153:4-a and* RSA 47:22 or RSA 155-A:3, for the purposes of new construction,
4 additions, and alterations. It is the intent of the legislature to avoid conflicts in the adoption and
5 application of the state building code and the state fire code.

6 4 New Paragraph; New Hampshire Building Code; Local Amendment; Approval By Building
7 Code Review Board or State Fire Marshal Required. Amend RSA 155-A:3 by inserting after
8 paragraph IV the following new paragraph:

9 V. The municipality shall not adopt or enforce a local ordinance or regulation amending the
10 state building code or state fire code unless approved by the state building code review board
11 pursuant to RSA 155-A:10, IV-a relative to the state building code or the state fire marshal pursuant
12 to RSA 153:4-a, V relative to the state fire code.

13 5 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local Enforcement
14 Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

15 IV. All local enforcement agencies and selectmen and the state fire marshal in those
16 communities without a local enforcement agency shall provide information on the local and state
17 appeals process when issuing a building permit or notice of violation. *No fee shall be required to*
18 *appeal a notice of violation or other decision of a code compliance officer.*

19 6 New Paragraph; State Building Code Review Board; Approval of Local Amendments. Amend
20 RSA 155-A:10 by inserting after paragraph IV the following new paragraph:

21 IV-a. Any local ordinance or regulation that amends the state building code shall be
22 approved by the board prior to its adoption and enforcement by the municipality. The board may
23 limit its approval to the municipality submitting the amendment or the board may issue approval on
24 a statewide basis. Any amendment approved on a statewide basis may be subsequently adopted and
25 enforced by municipalities upon notice to the board of adoption.

26 7 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire
27 Code. Amend RSA 155-A:10, V to read as follows:

28 V. The board shall maintain a publicly accessible list of applicable building codes and
29 amendments to such codes. Amendments proposed by municipalities shall be listed, with specific
30 applicability if not statewide. *The board shall also maintain a publicly accessible copy of the*
31 *state fire code, with a list of municipal amendments thereto.*

32 8 Local Land Use Planning and Regulatory Powers; Power to Amend State Building Code and
33 Establish Enforcement Procedures. Amend RSA 674:51, I and II to read as follows:

34 I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures
35 of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and
36 maintenance of all buildings and structures in the municipality, provided that *prior to its adoption*
37 *and enforcement, the local ordinance or regulation is approved by the state building code*

1 **review board and** such additional regulations are not less stringent than the requirements of the
2 state building code. The local legislative body may also enact a process for the enforcement of the
3 state building code and any additional regulations thereto~~], and the provisions of a nationally~~
4 ~~recognized code that are not included in and are not inconsistent with the state building code].~~ Any
5 local enforcement process adopted prior to the effective date of this paragraph shall remain in effect
6 unless it conflicts with the state building code or is amended or repealed by the municipality.

7 II. Any such ordinance adopted under paragraph I by a local legislative body shall be
8 submitted to the state building code review board for ~~[informational purposes]~~ **approval prior to**
9 **its adoption and enforcement.**

10 9 Powers of Building Code Board of Appeals. Amend RSA 674:34 to read as follows:

11 674:34 Powers of Building Code Board of Appeals. The building code board of appeals shall hear
12 and decide appeals of orders, decisions, or determinations made by the building official or fire official
13 relative to the application and interpretation of the state building code or state fire code as defined
14 in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code
15 or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not
16 fully apply, or an equally good or better form of construction is proposed. **No fee shall be required**
17 **to file an appeal under this section.** The board shall have no authority to waive requirements of
18 the state building code or the state fire code.

19 10 Effective Date. This act shall take effect 60 days after its passage.

**SB 443-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to municipal authority regarding the state building code.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$72,000	\$71,000	\$74,000
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

The Department of Safety states this bill would require the building code review board to approve local amendments to the state building code prior to their adoption and enforcement and requires the board to maintain and publish a catalog of local amendments to the state building code and state fire code. This bill also would require the state fire marshal to approve local amendments to the state fire code prior to their adoption and enforcement and requires the fire marshal, with assistance of the board of fire control, to maintain and publish a catalog of local fire safety codes and ordinances. The bill prohibits municipalities from imposing a fee to appeal the decision of a code compliance official.

The Department assumes the bill will require additional work within the Division of Fire Safety, Board of Fire Control and Building Code Review Board to review, approve and catalog local amendments. The Department indicates an additional full-time Program Assistant II would be needed to perform the following duties:

- Coordinate, collect, maintain and process the local amendments.
- Work with the local municipalities to collect the information and work with the State Fire Marshal, Board of Fire Control and Building Code Review Board to process the reviews and approvals.
- Establish, publish and maintain the necessary catalog of approved amendments.

The cost of a full-time Program Assistant II position will be \$72,000 in FY 2023, \$71,000 in FY 2024 and \$74,000 in FY 2024. This cost includes salary, benefits and necessary equipment.

The bill does not make an appropriation or authorize an additional position.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Department of Safety, Division of Fire Safety

SB 443-FN - AS AMENDED BY THE SENATE

03/17/2022 0819s

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SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code. The bill also clarifies that fee schedules are not considered amendments to the code and that no fee shall be required to appeal a notice of code violation.

Explanation: Matter added to current law appears in ***bold italics***.
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to municipal authority regarding the state building code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Hampshire Building Code; Local Amendments; Application. Amend RSA 155-A:3, I to
2 read as follows:

3 I. The municipality may adopt local amendments to the state building code [~~which do not~~
4 ~~prohibit minimum implementation and enforcement of the state building code~~] *pursuant to RSA*
5 *674:51. The issuance of permits and the collection of fees pursuant RSA 155-A:2, III and*
6 *issuance of permits and certificates of occupancy pursuant to RSA 155-A:2, IV shall not be*
7 *considered amendments to the building code and shall not be subject to RSA 674:51, II.*

8 2 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local Enforcement
9 Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

10 IV. All local enforcement agencies and selectmen and the state fire marshal in those
11 communities without a local enforcement agency shall provide information on the local and state
12 appeals process when issuing a building permit or notice of violation. *No fee shall be required to*
13 *appeal a notice of violation or other decision of a code official.*

14 3 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire
15 Code. Amend RSA 155-A:10, IV to read as follows:

16 IV. The board shall meet to review and assess the application of the state building code and
17 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
18 building code in order to provide consistency with the application of other laws, rules, or regulations,
19 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
20 promote public safety and best practices.

21 (a) The board [~~may recommend adoption of~~] *shall review* a newer version of a code that
22 has been published for [~~at least~~] 2 years, and shall provide a summary of all significant changes, cost
23 estimates of these changes, and documentation of the need for the change in [~~the~~] *any* recommended
24 legislation.

25 (b) *Statewide* amendments to the [~~codes~~] *state building code* shall be reviewed and
26 approved by the board, then submitted annually to the legislature for ratification by the adoption of
27 appropriate legislation before they become effective.

28 (c) *Municipal amendments: municipalities shall submit proposed amendments*
29 *to the state building code to the board for review and confirmation prior to adoption.*
30 *Municipalities may submit proposed language to the board for an advisory opinion at any*
31 *time. Cities shall submit the final proposed building code amendment no later than 90*

1 *days before final adoption. Towns shall submit the final proposed building code*
 2 *amendment no later than 10 days after the conclusion of the final public hearing.*
 3 *Municipal submissions shall include the final text for each amendment. The board shall*
 4 *act to review and confirm proposed municipal amendments within 90 days of submission*
 5 *for cities, and 45 days for towns. Failure of the board to act within these timeframes shall*
 6 *constitute a confirmation of the municipal amendment. The board's review shall be*
 7 *limited to a confirmation that the local amendment does not establish requirements*
 8 *conflicting with, or less stringent than, the requirements of the state building code, and to*
 9 *verify with the state fire marshal that there is no conflict with the fire code.*

10 (d) *Once an amendment is approved by the legislative body, the municipality*
 11 *shall submit documentation to the building code review board within 30 days, pursuant to*
 12 *subparagraph (c), that the public hearing was properly noticed and held, and that the*
 13 *provision was adopted by the local legislative body.*

14 (e) *The board may hear appeals of final decisions of any local building code board of*
 15 *appeals established under RSA 674, provided that the appeal shall be based on a claim that the*
 16 *intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the*
 17 *provisions of the code do not fully apply, or there is an alternative construction. The board shall not*
 18 *have authority to waive or grant variances to requirements of the code.*

19 ~~[(d)]~~ (f) *Amendments adopted by municipalities and confirmed by the board shall be*
 20 *published by the board after notification of adoption is received from the municipality.*

21 4 *Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA*
 22 *674:51, II to read as follows:*

23 II. *Any such ordinance enacted or adopted under paragraph I by a local legislative body*
 24 *~~[shall be submitted to the state building code review board for informational purposes]~~ shall not be*
 25 *enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,*
 26 *IV(c). The procedural history of local adoption relating to published notice, public*
 27 *hearing, and vote of approval shall be submitted to the board within 30 days of enactment*
 28 *or adoption.*

29 5 *Effective Date. This act shall take effect January 1, 2023.*

SB 443-FN- FISCAL NOTE
 AS AMENDED BY THE SENATE (AMENDMENT #2022-0819s)

AN ACT relative to municipal authority regarding the state building code.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
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Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill requires the Building Code Review Board to approve local amendments to the state building code prior to their adoption and enforcement and requires the board to maintain and publish a catalog of local amendments to the state building code and state fire code. The bill further prohibits municipalities from imposing a fee to appeal the decision of a code compliance official. The Department states these changes would require additional work within the Division of Fire Safety and would necessitate the hiring of a new full-time program assistant II position (LG 15). Assuming a start date of July 1, 2022, the estimated costs for this position would be \$72,000 in FY 2023, \$71,000 in FY 2024, and \$74,000 in FY 2025. This bill provides neither authorization nor appropriation for new personnel.

AGENCIES CONTACTED:

Department of Safety

LBA
22-3031
Amended 3/22/22

**SB 443-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-0819s)**

AN ACT relative to municipal authority regarding the state building code.

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Department of Safety

SB 443-FN - AS AMENDED BY THE SENATE

03/17/2022 0819s

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SENATE BILL **443-FN**

AN ACT relative to municipal authority regarding the state building code.

SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

QTP/A 5-0 CONSENT

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code. The bill also clarifies that fee schedules are not considered amendments to the code and that no fee shall be required to appeal a notice of code violation.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to municipal authority regarding the state building code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

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 5 ***674:51. The issuance of permits and the collection of fees pursuant RSA 155-A:2, III and***
 6 ***issuance of permits and certificates of occupancy pursuant to RSA 155-A:2, IV shall not be***
 7 ***considered amendments to the building code and shall not be subject to RSA 674:51, II.***

8 2 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local Enforcement
 9 Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

10 IV. All local enforcement agencies and selectmen and the state fire marshal in those
 11 communities without a local enforcement agency shall provide information on the local and state
 12 appeals process when issuing a building permit or notice of violation. ***No fee shall be required to***
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14 3 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire
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16 IV. The board shall meet to review and assess the application of the state building code and
 17 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
 18 building code in order to provide consistency with the application of other laws, rules, or regulations,
 19 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
 20 promote public safety and best practices.

21 (a) The board [~~may recommend adoption of~~] ***shall review*** a newer version of a code that
 22 has been published for [~~at least~~] 2 years, and shall provide a summary of all significant changes, cost
 23 estimates of these changes, and documentation of the need for the change in [~~the~~] ***any*** recommended
 24 legislation.

25 (b) ***Statewide*** amendments to the [~~codes~~] ***state building code*** shall be reviewed and
 26 approved by the board, then submitted annually to the legislature for ratification by the adoption of
 27 appropriate legislation before they become effective.

28 (c) ***Municipal amendments: municipalities shall submit proposed amendments***
 29 ***to the state building code to the board for review and confirmation prior to adoption.***
 30 ***Municipalities may submit proposed language to the board for an advisory opinion at any***
 31 ***time. Cities shall submit the final proposed building code amendment no later than 90***

1 *days before final adoption. Towns shall submit the final proposed building code*
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11 *shall submit documentation to the building code review board within 30 days, pursuant to*
12 *subparagraph (c), that the public hearing was properly noticed and held, and that the*
13 *provision was adopted by the local legislative body.*

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15 *appeals established under RSA 674, provided that the appeal shall be based on a claim that the*
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17 *provisions of the code do not fully apply, or there is an alternative construction. The board shall not*
18 *have authority to waive or grant variances to requirements of the code.*

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20 *published by the board after notification of adoption is received from the municipality.*

21 4 *Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA*
22 *674:51, II to read as follows:*

23 II. *Any such ordinance enacted or adopted under paragraph I by a local legislative body*
24 ~~*[shall be submitted to the state building code review board for informational purposes]*~~ *shall not be*
25 *enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,*
26 *IV(c). The procedural history of local adoption relating to published notice, public*
27 *hearing, and vote of approval shall be submitted to the board within 30 days of enactment*
28 *or adoption.*

29 5 *Effective Date. This act shall take effect January 1, 2023.*

**SB 443-FN- FISCAL NOTE
AS INTRODUCED**

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- Coordinate, collect, maintain and process the local amendments.
- Work with the local municipalities to collect the information and work with the State Fire Marshal, Board of Fire Control and Building Code Review Board to process the reviews and approvals.
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The bill does not make an appropriation or authorize an additional position.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Department of Safety, Division of Fire Safety

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AGENCIES CONTACTED:

Department of Safety

SB 443-FN - AS AMENDED BY THE HOUSE

03/17/2022 0819s
21Apr2022... 1504h

2022 SESSION

22-3031
05/08

SENATE BILL **443-FN**

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SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code, and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code.

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7 *considered amendments to the building code and shall not be subject to RSA 674:51, II.*

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14 3 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire
15 Code. Amend RSA 155-A:10, IV to read as follows:

16 IV. The board shall meet to review and assess the application of the state building code and
17 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
18 building code in order to provide consistency with the application of other laws, rules, or regulations,
19 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
20 promote public safety and best practices.

21 (a) The board [~~may recommend adoption of~~] *shall review* a newer version of a code that
22 has been published for [~~at least~~] 2 years, and shall provide a summary of all significant changes, cost
23 estimates of these changes, and documentation of the need for the change in [~~the~~] *any* recommended
24 legislation.

25 (b) *Statewide* amendments to the [~~codes~~] *state building code* shall be reviewed and
26 approved by the board, then submitted annually to the legislature for ratification by the adoption of
27 appropriate legislation before they become effective.

28 (c) *Municipal amendments: municipalities shall submit proposed amendments*
29 *to the state building code to the board for review and confirmation prior to adoption.*
30 *Municipalities may submit proposed language to the board for an advisory opinion at any*

1 *time. Cities shall submit the final proposed building code amendment no later than 90*
2 *days before final adoption. Towns shall submit the final proposed building code*
3 *amendment no later than 10 days after the conclusion of the final public hearing.*
4 *Municipal submissions shall include the final text for each amendment. The board shall*
5 *act to review and confirm proposed municipal amendments within 90 days of submission*
6 *for cities, and 45 days for towns. Failure of the board to act within these timeframes shall*
7 *constitute a confirmation of the municipal amendment. The board's review shall be*
8 *limited to a confirmation that the local amendment does not establish requirements*
9 *conflicting with, or less stringent than, the requirements of the state building code, and to*
10 *verify with the state fire marshal that there is no conflict with the fire code.*

11 *(d) Once an amendment is approved by the legislative body, the municipality*
12 *shall submit documentation to the building code review board within 30 days, pursuant to*
13 *subparagraph (c), that the public hearing was properly noticed and held, and that the*
14 *provision was adopted by the local legislative body.*

15 *(e) The board may hear appeals of final decisions of any local building code board of*
16 *appeals established under RSA 674, provided that the appeal shall be based on a claim that the*
17 *intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the*
18 *provisions of the code do not fully apply, or there is an alternative construction. The board shall not*
19 *have authority to waive or grant variances to requirements of the code.*

20 ~~[(d)]~~ *(f) Amendments adopted by municipalities and confirmed by the board shall be*
21 *published by the board after notification of adoption is received from the municipality.*

22 4 Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA
23 674:51, II to read as follows:

24 II. Any such ordinance *enacted or* adopted under paragraph I by a local legislative body
25 ~~[shall be submitted to the state building code review board for informational purposes]~~ *shall not be*
26 *enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,*
27 *IV(c). The procedural history of local adoption relating to published notice, public*
28 *hearing, and vote of approval shall be submitted to the board within 30 days of enactment*
29 *or adoption and prior to enforcement.*

30 5 Duties of State Fire Marshal; Review of Local Amendments Established. Amend RSA 153:4-a,
31 II to read as follows:

32 II. It shall be ~~[his]~~ *the fire marshal's* duty and responsibility to coordinate the activities of
33 *his or her* office with duly authorized city, town and village district, fire and building department
34 officials and other state and local agencies required and authorized by state statutes or local
35 ordinances to develop or enforce fire safety regulations. It shall further be the duty and
36 responsibility of the state fire marshal to assist, cooperate with, advise and counsel the officials
37 responsible as designated by local ordinance or charter for the organization and efficient operation of

1 fire departments and other fire protection organizations when held to be in the best interest of public
2 safety. *Local amendments to the state fire code shall be submitted to the state fire marshal*
3 *for review prior to enforcement. The state fire marshal shall confirm local amendments to*
4 *the state fire code are not in conflict or less restrictive than the state fire code and are*
5 *based on sound engineering practices. The state fire marshal shall confirm that the local*
6 *amendments are enacted and adopted by the local legislative body. The state fire marshal*
7 *shall publish local amendments to the state fire code.*

8 6 Effective Date. The act shall take effect January 1, 2023.

SB 443-FN- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-1504h)

AN ACT relative to municipal authority regarding the state building code.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$37,250*	\$71,000	\$74,000
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			
*FY 2023 amount represents 1/2 year as the effective date of the bill is January 1, 2023.				

METHODOLOGY:

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code, and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code.

The Department of Safety, Division of Fire Safety states these changes would require additional work within the Division of Fire Safety and would necessitate the hiring of a new full-time program assistant II position (LG 15). The estimated costs for this position would be \$37,250 in FY 2023, \$71,000 in FY 2024, and \$74,000 in FY 2025. FY 2023 amount represents 1/2 year as the effective date of the bill is January 1, 2023.

This bill provides neither authorization nor appropriation for new personnel.

AGENCIES CONTACTED:

Department of Safety

SB 443-FN - FINAL VERSION

03/17/2022 0819s
21Apr2022... 1504h

2022 SESSION

22-3031
05/08

SENATE BILL ***443-FN***

AN ACT relative to municipal authority regarding the state building code.

SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code, and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to municipal authority regarding the state building code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Hampshire Building Code; Local Amendments; Application. Amend RSA 155-A:3, I to
2 read as follows:

3 I. The municipality may adopt local amendments to the state building code [~~which do not~~
4 ~~prohibit minimum implementation and enforcement of the state building code~~] *pursuant to RSA*
5 *674:51. The issuance of permits and the collection of fees pursuant RSA 155-A:2, III and*
6 *issuance of permits and certificates of occupancy pursuant to RSA 155-A:2, IV shall not be*
7 *considered amendments to the building code and shall not be subject to RSA 674:51, II.*

8 2 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local Enforcement
9 Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

10 IV. All local enforcement agencies and selectmen and the state fire marshal in those
11 communities without a local enforcement agency shall provide information on the local and state
12 appeals process when issuing a building permit or notice of violation. *No fee shall be required to*
13 *appeal a notice of violation or other decision of a code official.*

14 3 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire
15 Code. Amend RSA 155-A:10, IV to read as follows:

16 IV. The board shall meet to review and assess the application of the state building code and
17 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
18 building code in order to provide consistency with the application of other laws, rules, or regulations,
19 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
20 promote public safety and best practices.

21 (a) The board [~~may recommend adoption of~~] *shall review* a newer version of a code that
22 has been published for [~~at least~~] 2 years, and shall provide a summary of all significant changes, cost
23 estimates of these changes, and documentation of the need for the change in [~~the~~] *any* recommended
24 legislation.

25 (b) *Statewide* amendments to the [~~codes~~] *state building code* shall be reviewed and
26 approved by the board, then submitted annually to the legislature for ratification by the adoption of
27 appropriate legislation before they become effective.

28 (c) *Municipal amendments: municipalities shall submit proposed amendments*
29 *to the state building code to the board for review and confirmation prior to adoption.*
30 *Municipalities may submit proposed language to the board for an advisory opinion at any*

1 *time. Cities shall submit the final proposed building code amendment no later than 90*
2 *days before final adoption. Towns shall submit the final proposed building code*
3 *amendment no later than 10 days after the conclusion of the final public hearing.*
4 *Municipal submissions shall include the final text for each amendment. The board shall*
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10 *verify with the state fire marshal that there is no conflict with the fire code.*

11 *(d) Once an amendment is approved by the legislative body, the municipality*
12 *shall submit documentation to the building code review board within 30 days, pursuant to*
13 *subparagraph (c), that the public hearing was properly noticed and held, and that the*
14 *provision was adopted by the local legislative body.*

15 *(e) The board may hear appeals of final decisions of any local building code board of*
16 *appeals established under RSA 674, provided that the appeal shall be based on a claim that the*
17 *intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the*
18 *provisions of the code do not fully apply, or there is an alternative construction. The board shall not*
19 *have authority to waive or grant variances to requirements of the code.*

20 *[(d)] (f) Amendments adopted by municipalities and confirmed by the board shall be*
21 *published by the board after notification of adoption is received from the municipality.*

22 4 Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA
23 674:51, II to read as follows:

24 II. Any such ordinance *enacted or* adopted under paragraph I by a local legislative body
25 ~~[shall be submitted to the state building code review board for informational purposes]~~ *shall not be*
26 *enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,*
27 *IV(c). The procedural history of local adoption relating to published notice, public*
28 *hearing, and vote of approval shall be submitted to the board within 30 days of enactment*
29 *or adoption and prior to enforcement.*

30 5 Duties of State Fire Marshal; Review of Local Amendments Established. Amend RSA 153:4-a,
31 II to read as follows:

32 II. It shall be ~~[his]~~ *the fire marshal's* duty and responsibility to coordinate the activities of
33 *his or her* office with duly authorized city, town and village district, fire and building department
34 officials and other state and local agencies required and authorized by state statutes or local
35 ordinances to develop or enforce fire safety regulations. It shall further be the duty and
36 responsibility of the state fire marshal to assist, cooperate with, advise and counsel the officials
37 responsible as designated by local ordinance or charter for the organization and efficient operation of

1 fire departments and other fire protection organizations when held to be in the best interest of public
2 safety. *Local amendments to the state fire code shall be submitted to the state fire marshal*
3 *for review prior to enforcement. The state fire marshal shall confirm local amendments to*
4 *the state fire code are not in conflict or less restrictive than the state fire code and are*
5 *based on sound engineering practices. The state fire marshal shall confirm that the local*
6 *amendments are enacted and adopted by the local legislative body. The state fire marshal*
7 *shall publish local amendments to the state fire code.*

8 6 Effective Date. The act shall take effect January 1, 2023.

SB 443-FN- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-1504h)

AN ACT relative to municipal authority regarding the state building code.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$37,250*	\$71,000	\$74,000
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other
*FY 2023 amount represents 1/2 year as the effective date of the bill is January 1, 2023.				

METHODOLOGY:

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code, and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code.

The Department of Safety, Division of Fire Safety states these changes would require additional work within the Division of Fire Safety and would necessitate the hiring of a new full-time program assistant II position (LG 15). The estimated costs for this position would be \$37,250 in FY 2023, \$71,000 in FY 2024, and \$74,000 in FY 2025. FY 2023 amount represents 1/2 year as the effective date of the bill is January 1, 2023.

This bill provides neither authorization nor appropriation for new personnel.

AGENCIES CONTACTED:

Department of Safety

CHAPTER 242
SB 443-FN - FINAL VERSION

03/17/2022 0819s
21Apr2022... 1504h

2022 SESSION

22-3031
05/08

SENATE BILL ***443-FN***

AN ACT relative to municipal authority regarding the state building code.

SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code, and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 242
SB 443-FN - FINAL VERSION

03/17/2022 0819s
21Apr2022... 1504h

22-3031
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to municipal authority regarding the state building code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 242:1 New Hampshire Building Code; Local Amendments; Application. Amend RSA 155-A:3, I
2 to read as follows:

3 I. The municipality may adopt local amendments to the state building code [~~which do not~~
4 ~~prohibit minimum implementation and enforcement of the state building code~~] *pursuant to RSA*
5 *674:51. The issuance of permits and the collection of fees pursuant RSA 155-A:2, III and*
6 *issuance of permits and certificates of occupancy pursuant to RSA 155-A:2, IV shall not be*
7 *considered amendments to the building code and shall not be subject to RSA 674:51, II.*

8 242:2 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local
9 Enforcement Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

10 IV. All local enforcement agencies and selectmen and the state fire marshal in those
11 communities without a local enforcement agency shall provide information on the local and state
12 appeals process when issuing a building permit or notice of violation. *No fee shall be required to*
13 *appeal a notice of violation or other decision of a code official.*

14 242:3 State Building Code Review Board; List of Municipal Amendments to Building Code and
15 Fire Code. Amend RSA 155-A:10, IV to read as follows:

16 IV. The board shall meet to review and assess the application of the state building code and
17 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
18 building code in order to provide consistency with the application of other laws, rules, or regulations,
19 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
20 promote public safety and best practices.

21 (a) The board [~~may recommend adoption of~~] *shall review* a newer version of a code that
22 has been published for [~~at least~~] 2 years, and shall provide a summary of all significant changes, cost
23 estimates of these changes, and documentation of the need for the change in [~~the~~] *any* recommended
24 legislation.

25 (b) *Statewide* amendments to the [~~codes~~] *state building code* shall be reviewed and
26 approved by the board, then submitted annually to the legislature for ratification by the adoption of
27 appropriate legislation before they become effective.

28 (c) *Municipal amendments: municipalities shall submit proposed amendments*
29 *to the state building code to the board for review and confirmation prior to adoption.*

CHAPTER 242
SB 443-FN - FINAL VERSION

- Page 2 -

1 *Municipalities may submit proposed language to the board for an advisory opinion at any*
2 *time. Cities shall submit the final proposed building code amendment no later than 90*
3 *days before final adoption. Towns shall submit the final proposed building code*
4 *amendment no later than 10 days after the conclusion of the final public hearing.*
5 *Municipal submissions shall include the final text for each amendment. The board shall*
6 *act to review and confirm proposed municipal amendments within 90 days of submission*
7 *for cities, and 45 days for towns. Failure of the board to act within these timeframes shall*
8 *constitute a confirmation of the municipal amendment. The board's review shall be*
9 *limited to a confirmation that the local amendment does not establish requirements*
10 *conflicting with, or less stringent than, the requirements of the state building code, and to*
11 *verify with the state fire marshal that there is no conflict with the fire code.*

12 (d) *Once an amendment is approved by the legislative body, the municipality*
13 *shall submit documentation to the building code review board within 30 days, pursuant to*
14 *subparagraph (c), that the public hearing was properly noticed and held, and that the*
15 *provision was adopted by the local legislative body.*

16 (e) *The board may hear appeals of final decisions of any local building code board of*
17 *appeals established under RSA 674, provided that the appeal shall be based on a claim that the*
18 *intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the*
19 *provisions of the code do not fully apply, or there is an alternative construction. The board shall not*
20 *have authority to waive or grant variances to requirements of the code.*

21 [(d)] (f) *Amendments adopted by municipalities and confirmed by the board shall be*
22 *published by the board after notification of adoption is received from the municipality.*

23 242:4 *Power to Amend State Building Code and Establish Enforcement Procedures. Amend*
24 *RSA 674:51, II to read as follows:*

25 II. *Any such ordinance enacted or adopted under paragraph I by a local legislative body*
26 *[shall be submitted to the state building code review board for informational purposes] shall not be*
27 *enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,*
28 *IV(c). The procedural history of local adoption relating to published notice, public*
29 *hearing, and vote of approval shall be submitted to the board within 30 days of enactment*
30 *or adoption and prior to enforcement.*

31 242:5 *Duties of State Fire Marshal; Review of Local Amendments Established. Amend RSA*
32 *153:4-a, II to read as follows:*

33 II. *It shall be [his] the fire marshal's duty and responsibility to coordinate the activities of*
34 *his or her office with duly authorized city, town and village district, fire and building department*
35 *officials and other state and local agencies required and authorized by state statutes or local*
36 *ordinances to develop or enforce fire safety regulations. It shall further be the duty and*
37 *responsibility of the state fire marshal to assist, cooperate with, advise and counsel the officials*

CHAPTER 242
SB 443-FN - FINAL VERSION
- Page 3 -

1 responsible as designated by local ordinance or charter for the organization and efficient operation of
2 fire departments and other fire protection organizations when held to be in the best interest of public
3 safety. *Local amendments to the state fire code shall be submitted to the state fire marshal*
4 *for review prior to enforcement. The state fire marshal shall confirm local amendments to*
5 *the state fire code are not in conflict or less restrictive than the state fire code and are*
6 *based on sound engineering practices. The state fire marshal shall confirm that the local*
7 *amendments are enacted and adopted by the local legislative body. The state fire marshal*
8 *shall publish local amendments to the state fire code.*

9 242:6 Effective Date. The act shall take effect January 1, 2023.

Approved: June 17, 2022
Effective Date: January 01, 2023

Amendments

Amendment to SB 443-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Hampshire Building Code; Local Amendments; Application. Amend RSA 155-A:3, I to
4 read as follows:

5 I. The municipality may adopt local amendments to the state building code ~~[which do not~~
6 ~~prohibit minimum implementation and enforcement of the state building code]~~ **pursuant to RSA**
7 **674:51. The issuance of permits and the collection of fees pursuant RSA 155-A:2, III and**
8 **issuance of permits and certificates of occupancy pursuant to RSA 155-A:2, IV shall not be**
9 **considered amendments to the building code and shall not be subject to RSA 674:51, II.**

10 2 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local Enforcement
11 Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

12 IV. All local enforcement agencies and selectmen and the state fire marshal in those
13 communities without a local enforcement agency shall provide information on the local and state
14 appeals process when issuing a building permit or notice of violation. **No fee shall be required to**
15 **appeal a notice of violation or other decision of a code official.**

16 3 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire
17 Code. Amend RSA 155-A:10, IV to read as follows:

18 IV. The board shall meet to review and assess the application of the state building code and
19 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
20 building code in order to provide consistency with the application of other laws, rules, or regulations,
21 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
22 promote public safety and best practices.

23 (a) The board ~~[may recommend adoption of]~~ **shall review** a newer version of a code that
24 has been published for ~~[at least]~~ 2 years, and shall provide a summary of all significant changes, cost
25 estimates of these changes, and documentation of the need for the change in ~~[the]~~ **any** recommended
26 legislation.

27 (b) **Statewide** amendments to the ~~[codes]~~ **state building code** shall be reviewed and
28 approved by the board, then submitted annually to the legislature for ratification by the adoption of
29 appropriate legislation before they become effective.

30 (c) **Municipal amendments: municipalities shall submit proposed amendments**
31 **to the state building code to the board for review and confirmation prior to adoption.**
32 **Municipalities may submit proposed language to the board for an advisory opinion at any**

1 *time. Cities shall submit the final proposed building code amendment no later than 90*
2 *days before final adoption. Towns shall submit the final proposed building code*
3 *amendment no later than 10 days after the conclusion of the final public hearing.*
4 *Municipal submissions shall include the final text for each amendment. The board shall*
5 *act to review and confirm proposed municipal amendments within 90 days of submission*
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8 *limited to a confirmation that the local amendment does not establish requirements*
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12 *shall submit documentation to the building code review board within 30 days, pursuant to*
13 *subparagraph (c), that the public hearing was properly noticed and held, and that the*
14 *provision was adopted by the local legislative body.*

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16 *appeals established under RSA 674, provided that the appeal shall be based on a claim that the*
17 *intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the*
18 *provisions of the code do not fully apply, or there is an alternative construction. The board shall not*
19 *have authority to waive or grant variances to requirements of the code.*

20 *~~(d)~~ (f) Amendments adopted by municipalities and confirmed by the board shall be*
21 *published by the board after notification of adoption is received from the municipality.*

22 *4 Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA*
23 *674:51, II to read as follows:*

24 *II. Any such ordinance enacted or adopted under paragraph I by a local legislative body*
25 *~~[shall be submitted to the state building code review board for informational purposes]~~ shall not be*
26 *enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,*
27 *IV(c). The procedural history of local adoption relating to published notice, public*
28 *hearing, and vote of approval shall be submitted to the board within 30 days of enactment*
29 *or adoption.*

30 *5 Effective Date. This act shall take effect January 1, 2023.*

2022-0746s

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than the state building code. The bill also clarifies that fee schedules are not considered amendments to the code and that no fee shall be required to appeal a notice of code violation.

UNAPPROVED

Amendment to SB 443-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Hampshire Building Code; Local Amendments; Application. Amend RSA 155-A:3, I to
4 read as follows:

5 I. The municipality may adopt local amendments to the state building code [~~which do not~~
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17 Code. Amend RSA 155-A:10, IV to read as follows:

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24 has been published for [~~at least~~] 2 years, and shall provide a summary of all significant changes, cost
25 estimates of these changes, and documentation of the need for the change in [~~the~~] *any* recommended
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9 *conflicting with, or less stringent than, the requirements of the state building code, and to*
10 *verify with the state fire marshal that there is no conflict with the fire code.*

11 *(d) Once an amendment is approved by the legislative body, the municipality*
12 *shall submit documentation to the building code review board within 30 days, pursuant to*
13 *subparagraph (c), that the public hearing was properly noticed and held, and that the*
14 *provision was adopted by the local legislative body.*

15 *(e) The board may hear appeals of final decisions of any local building code board of*
16 *appeals established under RSA 674, provided that the appeal shall be based on a claim that the*
17 *intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the*
18 *provisions of the code do not fully apply, or there is an alternative construction. The board shall not*
19 *have authority to waive or grant variances to requirements of the code.*

20 ~~(d)~~ *(f) Amendments adopted by municipalities and confirmed by the board shall be*
21 *published by the board after notification of adoption is received from the municipality.*

22 4 Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA
23 674:51, II to read as follows:

24 II. Any such ordinance *enacted or* adopted under paragraph I by a local legislative body
25 ~~[shall be submitted to the state building code review board for informational purposes]~~ *shall not be*
26 *enforced unless confirmed by the building code review board pursuant to RSA 155-A:10,*
27 *IV(c). The procedural history of local adoption relating to published notice, public*
28 *hearing, and vote of approval shall be submitted to the board within 30 days of enactment*
29 *or adoption.*

30 5 Effective Date. This act shall take effect January 1, 2023.

Amendment to SB 443-FN
- Page 3 -

2022-0819s

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code. The bill also clarifies that fee schedules are not considered amendments to the code and that no fee shall be required to appeal a notice of code violation.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: January 3, 2022

HEARINGS

Thursday	01/13/2022	
(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 438-FN-LOCAL	establishing state and local procurement policies intended to promote the use of American materials.
9:20 a.m.	SB 434-FN	relative to the reduction in the calculation of state retirement annuities at age 65.
9:40 a.m.	SB 411-FN	relative to critical incident stress management for emergency services providers, and establishing a violent act injury disability retirement for public safety employees.
10:00 a.m.	SB 383-FN	relative to land surveying services.
10:20 a.m.	SB 433	relative to online access to state information on economic relief disbursements.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 438-FN-LOCAL

Sen. Sherman
Sen. Soucy
Sen. Carson
Rep. Malloy

Sen. Hennessey
Sen. Watters
Sen. Perkins Kwoka
Rep. Potucek

Sen. Ricciardi
Sen. Avard
Rep. Creighton

Sen. Birdsell
Sen. D'Allesandro
Rep. Hamblet

SB 434-FN

Sen. Cavanaugh
Rep. Pratt

Sen. Rosenwald
Rep. Merner

Rep. Deshaies

Rep. Allard

SB 411-FN

Sen. Cavanaugh

SB 383-FN

Sen. Ricciardi

Rep. Dolan

SB 433

Sen. Whitley
Sen. Sherman
Sen. Gannon
Rep. Espitia

Sen. Watters
Sen. Prentiss
Sen. Cavanaugh
Rep. Luneau

Sen. Perkins Kwoka
Sen. Rosenwald
Sen. Reagan
Rep. Myler

Sen. D'Allesandro
Sen. Soucy
Rep. Wilhelm

Chantell Wheeler 271-1403

Sharon M Carson
Chairman

AMENDED
SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: January 3, 2022

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10:00 a.m.	SB 383-FN	relative to land surveying services.
10:20 a.m.	SB 443-FN	relative to municipal authority regarding the state building code.

EXECUTIVE SESSION MAY FOLLOW

Chantell Wheeler 271-1403

Sharon M Carson
Chairman

Sponsors:

SB 438-FN-LOCAL

Sen. Sherman

Sen. Soucy

Sen. Carson

Rep. Malloy

SB 434-FN

Sen. Cavanaugh

Rep. Pratt

SB 411-FN

Sen. Cavanaugh

SB 383-FN

Sen. Ricciardi

SB 443-FN

Sen. Carson

Sen. Hennessey

Sen. Watters

Sen. Perkins Kwoka

Rep. Potucek

Sen. Rosenwald

Rep. Merner

Rep. Dolan

Sen. Giuda

Sen. Ricciardi

Sen. Avar

Rep. Creighton

Rep. Deshaies

Rep. McGuire

Sen. Birdsell

Sen. D'Allesandro

Rep. Hamblet

Rep. Allard

**Senate Executive Departments and Administration
Committee**

Chantell Wheeler 271-1403

SB 443-FN, relative to municipal authority regarding the state building code.

Hearing Date: January 13, 2022

Time Opened: 11:05 a.m.

Time Closed: 11:43 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill:

I. Requires the building code review board to approve local amendments to the state building code prior to their adoption and enforcement and requires the board to maintain and publish a catalog of local amendments to the state building code and state fire code.

II. Requires the fire marshal to approve local amendments to the state fire code prior to their adoption and enforcement and requires the fire marshal, with the assistance of the board of fire control, to maintain and publish a catalog of local fire safety codes and ordinances.

III. Prohibits municipalities from imposing a fee to appeal the decision of a code compliance official.

Sponsors:

Sen. Carson

Sen. Giuda

Rep. McGuire

Who supports the bill: Senators Carson and Giuda. Simon Thompson (Electricians), Hank Szumiesz (Longchamps Electric LLC), Steven Rancourt (ECBA), Gary Abbott (Association of General Contractors), Ari Pollack (Homebuilders), Jerry Tepe, Bill Trombly

Who opposes the bill: Natch Greyes (NH Municipal Association), Chris Skoglund (Clean Energy NH), Steven Paquin (NH Building Officials Association), Bruce Buttrick (Town of Hudson), Todd Selig (Town of Durham, NH)

Who is neutral on the bill: Philip Sherman, P.E.

**Summary of testimony presented in support:
Senator Carson**

- Requires the building code review board to approve local amendments to the state building code prior to their adoption and enforcement and requires the board to maintain and publish a catalog of local amendments to the state building code and state fire code.
- Requires the fire marshal to approve local amendments to the state fire code prior to their adoption and enforcement and requires the fire marshal, with the assistance of the board of fire control, to maintain and publish a catalog of local fire safety codes and ordinances.
- Prohibits municipalities from imposing a fee to appeal the decision of a code compliance official.
- This bill is the result of a study committee that looked at municipalities adopting local ordinances and the problems faced by trades people working across the state.
- The efforts that came from this committee is working wonderfully and the system is working well.
- Similar legislation from 2019 was retained.

Gary Abbott, Associated General Contractors of NH

- Currently there is conflict with local codes and state codes.
- Legally adopted municipal codes should be sent to the review board to be a central resource which will benefit the builders by having a single source of reference.
- Fire and building code experts will review the local ordinances. If the legislature adopts the current code, there will be less need for local code changes.
- Some towns issue recommendations that are not actually legally adopted amendments.
- Does not anticipate lots of local changes needed if the legislature adopts the latest building code.

Matt Connors, Gemini Electric

- Municipalities have made changes that were based on the decisions made by one person who thought he knew better than the code.
- Lebanon is very progressive and passed upgraded codes prior to the review process.
- The electricians board enforces licensing and there cannot be competing laws.
- The municipality cannot diminish the state code, it can only enhance the code.
- This bill is a great start to have synergy in the state and keep NH safe.

Sean Toomey, State Fire Marshall

- Supports the intent of the bill, with concerns.
- Concerned about the mechanics of how the approval process will go. Will there be public hearing? Is there a review process?
- Chief Alan Clark (Board of Fire Patrol) is also concerned about mechanics of the bill and wants to make sure the local ordinance is vetted and doesn't create conflicts with existing laws.
- Important to keep fire code with the Board of Fire Patrol and the building code stays with the Building Code Review Board.
- Willing to work with stakeholders moving forward.

Arie Pollack, Home Builders

- Supports bill and stated that it makes sense to have a clearing house to vet local ordinances.
- Questions what standards will apply to the review board in Sections 2 and 6 and asked if there are any justifiable reasons for the board not to approve a local ordinance.
- Concerned that a review board approval to adopt a local ordinance and make it effective state-wide could be used to avoid ratification through the General Court.
- Willing to work with stakeholders but opposes a study committee because there have been several past study committees.

Bill Frazier, Electrical Contractors Business Association, Building Code Review Board

- Notes that the BCRB has not formally reviewed the bill yet.
- Supports the bill in the intent but notes that the timing mechanism proposed needs to be submitted by November 1 to allow municipalities to implement.
- Provided a red line document of the bill with specific recommendations that will be distributed to the committee members by the committee aide.

Summary of testimony presented in opposition:

Steven Paquin, NH Building Officials Association

- Supports consistent administration of state building codes and limiting local amendments but does not support the bill as written.
- Notes that certain amendments are specific to that community. An example is permit fees. Towns can determine the cost of permit fees based on their specific needs and the work being done. Geographic and climate regulations are specific to different areas of the state.
- The bill does not have a time frame for the review board to review amendments.

- This bill could dramatically increase the amount of work by the review board.
- RSA 674:51 requires municipalities to submit ordinances to the Building Code Review Board (BCRB)

Senator Reagan asks for a copy of the written testimony which will be provided to the committee members by the committee aide.

Chris Skoglund, Clean Energy NH

- Opposed to the bill as written out of concerns over issues of local control by municipal members.
- Certain communities have established energy targets for residents, businesses, and government to reach certain energy goals. This places an undue burden on communities and their ability to adopt updated energy codes that would help to achieve their energy targets.
- NH lags in energy policy.
- The 2021 energy code is 8-9% more efficient than the 2018 code.
- Suggests that municipalities be allowed to adopt certain chapters of the established energy code which would then allow builders to incorporate these efficiencies into new construction which is the most cost-effective time to do so.
- Willing to work with stakeholders.

Natch Greyes, NH Municipal Association

- Opposes the bill as written but supports a study committee.
- It is not clear from the legislation how any state-level “review and approval” would function relative to the process followed at the local level for approvals of such amendments. Municipalities adopt these amendments during the town meeting process, and it is unclear what, if any, additional steps would be required during that process under this legislation.
- Local amendments are targeted to local conditions, this includes snow load.

Neutral Information Presented:

Philip Sherman, Building Code Review Board (BCRB)

- This bill will be brought to the BCRB at the next meeting.
- The BCRB is made up of volunteers and the work required may exceed the capabilities of a volunteer board.
- Each municipality is required to update their codes when the state code is updated.
- Currently, only 2 municipalities have forwarded amendments to the board, despite the requirement to do so.
- There would be delays and confusion if an amendment is denied by the board but has already been adopted at the local level. At least one municipality has code in conflict.
- Offers to work with other stakeholders.

- Offered written testimony to be distributed to the committee members by the committee aide.

cbw

Date Hearing Report completed: January 18, 2022

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB443 on 2022-01-13

Support: 4 Oppose: 2

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Giuda, Bob	An Elected Official	Senate District 2	Support
SZUMIESZ, HANK	A Member of the Public	Longchamps Electric LLC	Support
Buttrick, Bruce	A Member of the Public	Myself	Oppose
Town Manager, Todd Selig	An Elected Official	Town of Durham, NH	Oppose
Trombly, Bill	A Member of the Public	Myself	Support
Rancourt, Steven	A Member of the Public	ECBA	Support

Testimony



CLEAN ENERGY NH

Your Voice in All Energy Matters

14 Dixon Ave, Suite 202 | Concord, NH 03301 | 603.226.4732

January 13, 2022

Senator Sharon Carson, Chair
Senate Executive Departments and Administration
NH State House, Room 103
Concord, NH 03301

Testimony on SB443, relative to municipal authority regarding the state building code

Dear Chair Carson and members of the Committee,

Clean Energy NH (CENH) is a non-profit member-based organization. We are New Hampshire's leading clean energy advocate that is dedicated to supporting policies and programs that strengthen our state's economy by encouraging a transition to renewable energy and promoting energy efficiency.

CENH opposes as written SB443, relative to municipal authority regarding the state building code. In part, this bill proposes to restrict municipalities' capacity to adopt new building code amendments by requiring the building code review board to approve all local amendments to the state building code prior to their adoption and enforcement. CENH understands and appreciates the intent of the bill to limit the potential for a diverse patchwork of building codes being adopted across the state. Such a situation would place a burden on contractors, builders, and tradespeople. However, CENH believes there is good cause for the General Court to leave open the opportunity for municipalities to adopt newer versions of a published code chapter, if it is deemed by the local governing body to be in the best interest of the community as a whole.

Across the state, an increasing number of the municipalities, including some of our largest cities and towns, are setting community-wide energy targets as a means to reduce overall energy costs, improve public health, and increase environmental quality. These municipalities, which include Concord, Nashua, Portsmouth, Keene, and Claremont, are often working together to determine the most cost-effective means possible to achieve their energy goals and targets. Building energy

codes are one of the most cost-effective means to reduce energy costs for homeowners and building occupants.^{1,2}

Building energy codes are especially important as energy consumed for heating, cooling, and electrical use in residential and commercial buildings accounts for about half of all energy consumed in the state. By reducing building-energy consumption, energy-efficiency measures are recognized as having a direct, positive impact on public health and the quality of our natural environment.

Adoption of the 2015 International Energy Conservation Code (IECC) by the state in 2019 led to a significant reduction in energy consumption and energy demand in new buildings and major renovations. This reduction resulted in an immediate energy cost savings while also reducing the health impacts associated with energy consumption. An analysis conducted by the US Department of Energy projected that residential buildings in New Hampshire, including both single and multi-family dwellings, would experience a 20.8 percent reduction in energy consumption if built to the 2015 IECC when compared to the 2009 IECC.³

Such a reduced energy consumption equated to an average annual avoided energy cost of \$542 across single and multi-family homes in the southern tier of the state, and an average annual avoided-energy cost of \$693 in the northern tier.⁴ The analysis found that the energy cost savings would result in cash positive situations within three months and would pay for the energy efficiency measures in just three to four years.⁵ Over the life of a 30-year mortgage, homeowners were projected to realize \$8,575 in avoided energy costs in southern New Hampshire and \$10,258 in northern areas. As energy prices rise, as we have seen this year, the annual energy cost savings associated with the 2015 IECC will continue to increase.

By adopting those 2015 codes into state statute, the legislature established a floor for all new buildings needed to meet, guaranteeing significant cost saving over the entire life of those buildings. In addition to saving money for owners and occupants, the reduced energy demand also can reduce energy costs for all New Hampshire ratepayers by delaying or eliminating the need for additional electric generation facilities or transmission upgrades. In turn, those saved

¹ The 2009 New Hampshire Climate Action Plan (“the Plan”) recognized the importance of building codes as a strategy in mitigating climate change impacts. CCPTF (2009). The 2009 NH Climate Action Plan: A Plan for New Hampshire’s Energy, Environmental and Economic Development Future, http://des.nh.gov/organization/divisions/air/tsb/tps/climate/action_plan/nh_climate_action_plan.htm.

² The Edison Foundation. Utilities and Building Energy Codes: Air Quality and Energy Savings Opportunities. Available at: http://www.imt.org/uploads/resources/files/IEE-IMT-UtilitiesAndBuildingEnergyCodes_FactSheet.pdf. (Describing the cost of energy codes and standards as 1.1 cents/kWh, or 1/3 the cost of the average residential program.

³ US DOE (2015). National Cost-Effectiveness of the Residential Provisions of the 2015 IECC, Pacific Northwest National Labs, https://www.energycodes.gov/sites/default/files/documents/2015IECC_CE_Residential.pdf.

⁴ This assumes \$2.96/gallon of heating oil, \$1.28/therm of natural gas, and \$0.18/kWh. Information was obtained from the New Hampshire Office of Strategic Initiatives “Fuel Prices” website: <https://www.nh.gov/osi/energy/energy-nh/fuel-prices/index.htm> on March 12, 2018.

⁵ US DOE (2015). Cost-Effectiveness Analysis of the Residential Provisions of the 2015 IECC for New Hampshire, Pacific Northwest National Labs, https://www.energycodes.gov/sites/default/files/documents/NewHampshireResidentialCostEffectiveness_2015.pdf.

energy dollars may be spent on goods and services that more directly support the local economy.

Adoption of the 2018 family of International Codes (I-Codes), including the 2018 IECC, will come before the General Court this session. The 2018 IECC, however, will only offer a slight improvement in energy efficiency compared to the 2015 IECC.⁶ Those communities seeking to pursue deeper energy savings and further energy cost savings for all the buildings constructed within their community may have an interest in adopting the 2021 IECC. According to the US DOE, the 2021 IECC, which is already published and available, offers an additional 9.4 percent energy savings and a 8.5 percent energy cost savings compared to the 2018 IECC.⁷ The 2021 IECC code, and other chapters of the 2021 I-Codes, was developed through the same rigorous process broad stakeholder process that was used in the development of the 2015 and 2018 I-Codes. Both the 2015 and 2018 I-Codes did undergo amendment by the BCRB during their review, but largely the amendments were to modify the codes slightly rather than to excise whole sections.

Achieving the environmental and economic goals that communities have set for themselves may be restricted if they must undergo a lengthy code approval process before the BCRB, especially if multiple cities and towns elected to do so. The BCRB already has an extensive workload, and its members are uncompensated for their time. Rather than force communities to undergo a long bureaucratic process, it seems more prudent to allow them the option to adopt specific published chapters. Such an option would limit the potential for communities to create an unwieldy set of codes to navigate as they work across the state. Further, by allowing municipalities to adopt published modern energy code chapters, not only would the owners and occupants of these buildings realize greater energy benefits from day one, but incorporating energy efficiency measures at the time of construction is one of the most cost-effective strategies for reducing fuel and utility costs otherwise borne by the consumer.⁸

For the reasons described above, CENH asks you to find that SB443, relative to municipal authority regarding the state building code, ought to be amended.

Sincerely,



Chris Skoglund
Director of Energy Transition
Clean Energy NH

⁶ ICC (2020). DOE Analysis Finds the 2018 IECC Increases Energy Efficiency. International Code Council, <https://www.iccsafe.org/building-safety-journal/bsj-hits/doe-analysis-finds-the-2018-iecc-increases-energy-efficiency/>.

⁷ NEEP (2021). The 2021 International Energy Conservation Code. Northeast Energy Efficiency Partnership, <https://neep.org/2021-iecc-modules>.

⁸ The Edison Foundation (2018). Utilities and Building Energy Codes: Air Quality and Energy Savings Opportunities. Available at: http://www.jmt.org/uploads/resources/files/IEE-IMT-UtilitiesAndBuildingEnergyCodes_FactSheet.pdf. (Describing the cost of energy codes and standards as 1.1 cents/kWh, or 1/3 the cost of the average residential program).

SB 443-FN - AS INTRODUCED

2022 SESSION

22-3031
05/08

SENATE BILL **443-FN**

AN ACT relative to municipal authority regarding the state building code.

SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Rep. McGuire, Merr. 29

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill:

- I. Requires the building code review board to approve local amendments to the state building code prior to their adoption and enforcement and requires the board to maintain and publish a catalog of local amendments to the state building code and state fire code.
- II. Requires the fire marshal to approve local amendments to the state fire code prior to their adoption and enforcement and requires the fire marshal, with the assistance of the board of fire control, to maintain and publish a catalog of local fire safety codes and ordinances.
- III. Prohibits municipalities from imposing a fee to appeal the decision of a code compliance official.

.....

.....

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
 22-3031
 05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to municipal authority regarding the state building code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Duties of the State Fire Marshal; Approval of Local Amendments. Amend RSA 153:4-a, I to read as follows:

I. The state fire marshal shall have the power to approve, disapprove, or allow exceptions to any fire safety rule of any state agency except fire safety rules established under RSA 227-L. The state fire marshal shall be responsible for supervising and enforcing all laws of the state relative to the protection of life and property from fire, fire hazards and related matters, and for certifying private firefighting units. The state fire marshal shall also *review and approve any local code, bylaw, or ordinance relative to fire safety prior to its adoption and enforcement by the municipality. The state fire marshal shall* assist the several counties, cities, towns, village districts, and precincts in supervising and enforcing local laws, bylaws, and ordinances where existent, relative to (a) the prevention of fires; (b) the storage, sale and use of combustibles; (c) the installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment; (d) the construction, maintenance, and regulation of fire escapes; (e) the means and adequacy of exit, in case of fire, from factories, asylums, hotels, hospitals, churches, schools, halls, theaters, amphitheatres, nursing and convalescent homes, and all other places in which numbers of persons work, live or congregate from time to time for any purpose; (f) the investigation of the cause, origin, and circumstances of fires; and (g) the transportation, storage, and physical handling of flammable liquids and gases which he believes dangerous to the lives or safety of the citizens of the state.

2 New Paragraph; Duties of the State Fire Marshal; Local Amendments to the State Fire Code. Amend RSA 153:4-a by inserting after paragraph IV the following new paragraph:

V. The state fire marshal, in consultation with the state advisory board of fire control, shall review and approve any local code, bylaw, or ordinance relative to fire safety prior to its adoption and enforcement by the municipality. The fire marshal may limit approval to the submitting municipality or the fire marshal may permit its adoption and enforcement on a statewide basis. A local fire safety code, bylaw, or ordinance approved on a statewide basis may be subsequently adopted and enforced by municipalities upon notice to the fire marshal of its adoption. The fire marshal, with the assistance of the state advisory board of fire control, shall maintain and publish a catalog of all municipal fire safety codes, bylaws, and ordinances.

3 State Fire Code; Rules. Amend RSA 153:5, V to read as follows:

V. The state fire marshal, and the local fire chief, in accordance with RSA 154:2, shall use the state fire code, including rules adopted under paragraph I, and any local codes adopted in accordance with *RSA 153:4-a and* RSA 47:22 or RSA 155-A:3, for the purposes of new construction, additions, and alterations. It is the intent of the legislature to avoid conflicts in the adoption and application of the state building code and the state fire code.

4 New Paragraph; New Hampshire Building Code; Local Amendment; Approval By Building Code Review Board or State Fire Marshal Required. Amend RSA 155-A:3 by inserting after paragraph IV the following new paragraph:

V. The municipality shall not adopt or enforce a local ordinance or regulation amending the state building code or state fire code unless approved by the state building code review board pursuant to RSA 155-A:10, IV-a relative to the state building code or the state fire marshal pursuant to RSA 153:4-a, V relative to the state fire code.

V. Creates and defines a mechanism for a municipality to amend the state building code (SBC), via a new paragraph, specifically 155-A:10, IV-a

5 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local Enforcement Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

IV. All local enforcement agencies and selectmen and the state fire marshal in those communities without a local enforcement agency shall provide information on the local and state appeals process when issuing a building permit or notice of violation. ***No fee shall be required to appeal a notice of violation or other decision of a code compliance officer.***

6 New Paragraph; State Building Code Review Board; Approval of Local Amendments. Amend RSA 155-A:10 by inserting after paragraph IV the following new paragraph:

IV-a. Any local ordinance or regulation that amends the state building code shall be approved by the board prior to its adoption and enforcement by the municipality. The board may limit its approval to the municipality submitting the amendment or the board may issue approval on a statewide basis. Any amendment approved on a statewide basis may be subsequently adopted and enforced by municipalities upon notice to the board of adoption.

IV-a is the paragraph identified in 155-A:3, new paragraph V as the means by which a municipality can amend the SBC. However, IV-a appears to be granting the building code review board (BCRB) authority to amend the SBC for a municipality which presents a contradiction. The BCRB does not have the authority amend the SBC.

Suggest IV-a be revised as follows or similarly, to avoid any ambiguity about how building codes are amended

IV-a. Any local ordinance or regulation that amends the state building code shall be ~~[approved by the board]~~ ***submitted to the building code review board for approval pursuant to 155-A:10, IV(b)*** prior to its adoption and enforcement by the municipality. ~~[The board may limit its]~~ ~~[a]~~ ***Approval may be limited*** to the municipality submitting the amendment or ~~[the board]~~ ***may be [issue approval]*** ***approved*** on a statewide basis. Any amendment approved on a statewide basis may be subsequently adopted and enforced by municipalities upon notice to the board of adoption.

7 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire Code. Amend RSA 155-A:10, V to read as follows:

Revise this section, for clarity and uniformity

V. The board shall maintain a publicly accessible list of applicable building codes and amendments to such codes. Amendments ~~[proposed by]~~ ***approved for*** municipalities shall be listed, with specific applicability if not statewide. ***The board shall also maintain a publicly accessible copy of the state fire code, with a list of municipal amendments thereto.***

8 Local Land Use Planning and Regulatory Powers; Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA 674:51, I and II to read as follows:

Revise this section for clarity and uniformity

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that ***prior to its adoption and enforcement, the local ordinance or regulation is [approved by the state building code review board] submitted to the building code review board for approval pursuant to 155-A:10, IV(b) and*** such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, ~~and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code].~~ Any local enforcement

process adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended or repealed by the municipality.

II. Any such ordinance adopted under paragraph I by a local legislative body shall be submitted to the state building code review board for ~~[informational purposes]~~ **approval pursuant to 155-A:10, IV(b) prior to its adoption and enforcement.**

9 Powers of Building Code Board of Appeals. Amend RSA 674:34 to read as follows:

674:34 Powers of Building Code Board of Appeals. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. **No fee shall be required to file an appeal under this section.** The board shall have no authority to waive requirements of the state building code or the state fire code.

10 Effective Date. This act shall take effect 60 days after its passage.

Chantell Wheeler

From: HANK <HANK@longchampselectric.com>
Sent: Wednesday, January 12, 2022 1:39 PM
To: Sharon Carson; John Reagan; Kevin Cavanaugh; Denise Ricciardi; Suzanne Prentiss; Chantell Wheeler
Subject: SB 443 Municipal authority regarding the state building code

Dear Senator Carson,
This email is to inform you, Longchamps Electric LLC is in favor to SB 443.

When the state approved the building code review board a few years back, it was an awesome step in unifying what codes are to be followed in the state of NH.

I have in the past, amended the National Electrical code for NH and this amendment is still approved each code cycle.

The ability to amend the code through the building code review board, gives everyone in the state access at one central place.

All amendments to any state code is published and access to them is 24 hours a day 7 days a week.

When an municipality sets up their own amendment to building codes, we now loose the central point for allowable codes in the state.

This bill will correct this issue!

If the municipality wants to entertain an amendment, they can do so, just like all the other people in the state.

Thank you Senator, and please let me know if you have any questions.

Hank Szumiesz
Sales/Estimator

Longchamps Electric LLC
700 Harvey Road
Manchester, NH 03103
603-625-5954 x114 - 603-231-4951 (cell)
www.longchampselectric.com



Chantell Wheeler

From: Buttrick, Bruce <bbuttrick@hudsonnh.gov>
Sent: Wednesday, January 12, 2022 2:34 PM
To: Sharon Carson; John Reagan; Kevin Cavanaugh; Denise Ricciardi; Suzanne Prentiss;
Chantell Wheeler
Subject: SB 443 opposition

*Dear Chairman and Committee members,
I am opposed to SB 443 as written, for the following concerns:*

5. Amend RSA 155-A:7, IV

A definition of Code Compliance Official is needed.

6. New Paragraph; State Building Code Review Board; Approval of Local Amendments. Amend RSA 155-A:10 by inserting after paragraph IV.

What about existing Municipality amendments?

Do these have to get "approved" by the BCRB?

6. New Paragraph; State Building Code Review Board; Approval of Local Amendments. Amend RSA 155-A:10 by inserting after paragraph IV

Does the municipality get to appeal a "dis-approval" by the BCRB of a legal local approval of an amendment?

This Bill does not have any provision for such.

Fiscal notes:

This is an Unfunded mandate/burden upon the Municipality.

Does the Municipality gather/compile the amendments and bring forward to the BCRB?

Or does this new "full time" Program Assistant II go around to each municipality?

I don't think there would be a full time job, and it mirrors what the OSI has done in the past for gathering amended codes as a directory.

Sincerely,

*Bruce Buttrick
50 Gorham Pond Rd
Goffstown, NH 03045*

Chantell Wheeler

From: Philip Sherman <prsherman@prsherman.com>
Sent: Monday, February 14, 2022 9:38 AM
To: Sharon Carson; John Reagan; Kevin Cavanaugh; Denise Ricciardi; Suzanne Prentiss; Chantell Wheeler
Cc: Carol McGuire; McKinneyW@nashuanh.gov; bfraser@geicorp.net; spaquin@townofnewingtonnh.com; Sean.P.Toomey@dos.nh.gov; sthompson@sheehan.com; gabbott@agcnh.org; pollack@gcglaw.com; mbyrnes@nhmunicipal.org; steve rancourterprises.com; DOS: Bldgcodebrd
Subject: SB443 - Building Code Review Board comments
Attachments: 2022_02_12 SB443 BCRB working draft to Senate Committee.docx

Chair Carson and members of the committee – Attached please find proposed technical changes to this bill, dealing only with the portion of the bill that deals with municipal amendments to the building code, and the involvement of the Building Code Review Board. Discussion of changes to RSA 153-A, as it involves the fire code, are left for others.

I'm happy to report that after many hours working with the New Hampshire Building Officials Association, the Electrical Contractors Business Association, representative of the Electrical Licensing Board, the Associated General Contractors, the Home Builders Association, the New Hampshire Municipal Association, the Building Code Review Board, individuals who have provided valuable input, and keeping the State Fire Marshal informed, I believe we have reached a consensus on an approach acceptable to all.

The proposed amended language addresses the original desire for some level of BCRB review of municipal amendments to the state building code, and addresses both the timing of the submission for BCRB review by cities and towns, and the need to allow time for the BCRB itself to review the amendment. We have used the term "confirm" to stress that our review is only for the purpose of confirming that a proposed amendment does not conflict with, and is no less stringent than, the state building code, and to confirm with the State Fire Marshal that it does not conflict with the state fire code. We further have clarified that things reserved for the local jurisdiction by statute, such as fee schedules, are not considered amendments and therefore do not need to come before the BCRB. After the amendment is adopted locally, we require the municipality to forward the procedural details of the adoption process, in order to provide a high level check that an amendment was legally adopted.

An important last point: We request an extended timeframe for this bill to become effective. The BCRB will need to update its rules to address this topic, and it is clear that at least some cities and towns will time need to review their current ordinances and start the process of drafting updates, prior to submitting to the BCRB for review. At least one city, for instance, has yet to update their ordinances to the 2015 codes. There is the potential that the BCRB receives a large number of complicated amendments in a short timeframe. We therefore suggest a timeframe of nine months before the bill takes effect, and look forward to working with the cities and towns during this timeframe.

Thank you in advance for your efforts on this topic, and we are happy to discuss further if that would be helpful.

Philip R. Sherman, P.E.
P.O. Box 216
444 Wilmot Center Road
Elkins, NH 03233
603-526-6190 – Office
603-731-9533 - Cell

1 2/12/22 Revised

- 2 1. These comments are limited to BCRB only. Changes to RSA 153 are not addressed here.
- 3 2. There are other changes in current HB1681 that are not shown here. Only changes that occur in
- 4 the paragraphs addressed in SB443 addressed here.
- 5 3. Assumption: keep current language and approach to BCRB: updates on codes and amendments
- 6 a. Recommend adoption of newer code, language changed per current HB1681 155-A:10
- 7 IV(a)
- 8 b. Review and approve amendments then submit annually for ratification 155-A:10 IV (b)
- 9 c. Maintain list of applicable codes and amendments. Amendments proposed by
- 10 municipalities shall be listed, with specific applicability if not statewide. 155-A:10 V
- 11 4. Assumption: BCRB involvement with local amendments is limited to confirming local
- 12 amendments adopted per RSA 674:51 and posting.

13 **674:51 Power to Amend State Building Code and Establish Enforcement**

14 **Procedures. –**

15 The state building code established in RSA 155-A shall be effective in all towns and cities in the state and
16 shall be enforced as provided in RSA 155-A:7. In addition, towns and cities shall have the following
17 authority:

18 I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA
19 675:2-4, additional provisions of the state building code for the construction, remodeling, and
20 maintenance of all buildings and structures in the municipality, provided that such additional regulations
21 are not less stringent than the requirements of the state building code. The local legislative body may
22 also enact a process for the enforcement of the state building code and any additional regulations
23 thereto, and the provisions of a nationally recognized code that are not included in and are not
24 inconsistent with the state building code. Any local enforcement process adopted prior to the effective
25 date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended
26 or repealed by the municipality.

28 II. Any such ordinance enacted or adopted under paragraph I by a local legislative body shall be
29 submitted to the state building code review board for informational purposes not be enforced unless
30 confirmed by the Building Code Review Board pursuant to RSA 155-A:10 IV (c). The procedural history
31 of local adoption relating to published notice, public hearing and vote of approval shall be submitted to
32 the board within 30 days of enactment or adoption.

33 III. The local ordinance or amendment adopted according to the provisions of paragraph I shall include,
34 at a minimum, the following provisions:

- 35 (a) The date of first enactment of any building code regulations in the municipality and of each
- 36 subsequent amendment thereto.
- 37 (b) Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V;
- 38 673:3, IV; and 673:5.
- 39 (c) Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The
- 40 building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and
- 41

42 any certificates of occupancy as enacted pursuant to paragraph III, and to perform inspections as may be
43 necessary to assure compliance with the local building code.
44 (d) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for
45 building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III.

46
47 IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of
48 occupancy to be issued prior to the use or occupancy of any building or structure that is erected or
49 remodeled, or undergoes a change or expansion of use, subsequent to the effective date of such
50 requirement.

51
52 V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation,
53 code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any
54 new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes.
55 Notwithstanding any provision of law to the contrary, no municipality or local land use board shall
56 enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or
57 use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA 674:31
58 situated in a manufactured housing park as defined in RSA 205-A:1, II. Nothing in this paragraph shall
59 affect the ability of an applicant for a local land use permit to include the installation of fire suppression
60 sprinklers pursuant to RSA 674:36, IV, or affect the validity or enforceability of such inclusion.

61 **155-A:3 Local Amendments; Application. –**

62 For a municipality which has adopted an enforcement mechanism or additional regulations to the state
63 building code pursuant to RSA 674:51:

64
65 I. The municipality may adopt local amendments to the state building code ~~which do not prohibit~~
66 ~~minimum implementation and enforcement of the state building code pursuant to RSA 674:51. The~~
67 issuance of permits and the collection of fees pursuant RSA 155-A:2, III and issuance of permits and
68 certificates of occupancy pursuant to RSA 155-A:2, IV shall not be considered amendments to the
69 building code and not be subject to RSA 674:51, II.
70

71 II. The procedure for amendment shall be in accordance with applicable statutes and local regulations.

72
73 III. At a minimum, the municipality shall ensure that implementation and enforcement includes:

- 74 (a) Review and acceptance of appropriate plans.
75 (b) Issuance of building permits.
76 (c) Inspection of the work authorized by the building permits.
77 (d) Issuance of appropriate use and occupancy certificates.

78
79 IV. (a) The provisions of this chapter and any local amendments under this section shall not be
80 construed to restrict or encumber the local governing body's authority relative to the appointment,
81 removal, or duties of municipal employees and the organization of municipal departments.

82 (b) Any provision of the state building code that conflicts with existing or amended local ordinances,
83 regulations, policies, practices, or procedures regarding the appointment, removal, or duties of
84 municipal employees and the organization of municipal departments, shall not apply provided that the
85 ordinances, regulations, policies, practices, or procedures do not prevent effective enforcement of the
86 state building code or state fire code.

87 **155-A:7 Enforcement Authority**

88 IV. All local enforcement agencies and selectmen and the state fire marshal in those communities
89 without a local enforcement agency shall provide information on the local and state appeals process
90 when issuing a building permit or notice of violation. No fee shall be required to appeal a notice of
91 violation or other decision of a code official.

92 **155-A:10 State Building Code Review Board. –**

93 I. There is established a state building code review board consisting of the commissioner of safety or the
94 commissioner's designee, and the following members, appointed by the commissioner of safety:

95 (a) One architect licensed in this state for a minimum of 5 years, nominated by the board of architects
96 established in RSA 310-A:29.

97 (b) One structural engineer licensed in this state for a minimum of 5 years, nominated by the board of
98 professional engineers established in RSA 310-A:3.

99 (c) One mechanical engineer licensed in this state for a minimum of 5 years, nominated by the board of
100 professional engineers established in RSA 310-A:3.

101 (d) One electrical engineer licensed in this state for a minimum of 5 years, nominated by the board of
102 professional engineers established in RSA 310-A:3.

103 (e) One representative of the state's municipalities, nominated by the New Hampshire Municipal
104 Association.

105 (f) One municipal building official, nominated by the New Hampshire Building Officials Association.

106 (g) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.

107 (h) One active fire prevention officer, nominated by the New Hampshire Association of Fire Chiefs.

108 (i) One building contractor, primarily engaged in the business of constructing nonresidential buildings,
109 nominated by the Associated General Contractors of New Hampshire.

110 (j) One building contractor primarily engaged in the business of constructing residential buildings,
111 nominated by the New Hampshire Home Builders Association.

112 (k) One representative from the New Hampshire department of energy, nominated by the commissioner
113 of the department of energy.

114 (l) One master plumber licensed in this state for a minimum of 5 years, nominated by the mechanical
115 licensing board established in RSA 153:27-a.

116 (m) One mechanical contractor, primarily engaged in the business of mechanical construction,
117 nominated by the Plumbers, Fuel Gas Fitters, and HVAC Association of New Hampshire.

118 (n) One master electrician licensed in this state for a minimum of 5 years, nominated by the electricians'
119 board established in RSA 319-C.

120 (o) One representative of the Committee on Architectural Barrier-Free Design nominated by the
121 governor's commission on disability.

122 (p) One electrical contractor, nominated by Electrical Contractors Business Association.

123

124 II. The term of each member shall be 3 years. The chair of the board shall be appointed by the
125 commissioner of safety after meeting with the board. Board members shall be appointed for no more
126 than 3 consecutive 3-year terms. The board shall elect from among the members a vice-chair, who shall
127 assume the responsibilities of the chair in the event of the chair's absence. Each appointing authority
128 may appoint one alternate member, qualified as defined in subparagraphs (a) through (p), who shall
129 serve at the pleasure of the appointing authority.

131 III. The board shall be administratively attached to the department of safety under RSA 21-G:10.

133 IV. The board shall meet to review and assess the application of the state building code and shall
134 recommend legislation, as the board deems necessary, to amend the requirements of the state building
135 code in order to provide consistency with the application of other laws, rules, or regulations, to avoid
136 undue economic impacts on the public by considering the cost of such amendments, and to promote
137 public safety and best practices.

139 ~~(a) The board shall review and recommend adoption of a newer version of a code that has been~~
140 ~~published for at least 2 years, and shall provide a summary of all significant changes, cost estimates of~~
141 ~~these changes, and documentation of the need for the change in any the recommended legislation.~~

Commented [PS1]: These changes are in current HB1681

143 (b) ~~Statewide amendments~~ Amendments to the state building code codes shall be reviewed and
144 approved by the board, then submitted annually to the legislature for ratification by the adoption of
145 appropriate legislation before they become effective.

146 ~~(c) Municipal amendments: Municipalities shall submit proposed amendments to the state building~~
147 ~~code to the board for review and confirmation prior to adoption. Municipalities may submit proposed~~
148 ~~language to the board for an advisory opinion at any time. Cities shall submit the final proposed~~
149 ~~building code amendment no later than 90 days before final adoption. Towns shall submit the final~~
150 ~~proposed building code amendment no later than 10 days after the conclusion of the final public~~
151 ~~hearing. Municipal submissions shall include the final text for each amendment. The board shall act to~~
152 ~~review and confirm proposed municipal amendments within 90 days of submission for cities, and 45~~
153 ~~days for towns. Failure of the board to act within these timeframes shall constitute a confirmation of~~
154 ~~the municipal amendment. The board's review shall be limited to a confirmation that the local~~
155 ~~amendment does not establish requirements conflicting with, or less stringent than, the requirements of~~
156 ~~the state building code, and to verify with the State Fire Marshal that there is no conflict with the fire~~
157 ~~code.~~

158 ~~(d) Once an amendment is approved by the legislative body, the municipality shall submit~~
159 ~~documentation to the Building Code Review Board within 30 days, pursuant to RSA 155-A:10, IV(c), that~~
160 ~~the public hearing was properly noticed and held, and that the provision was adopted by the local~~
161 ~~legislative body.~~

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162 (e) The board may hear appeals of final decisions of any local building code board of appeals
163 established under RSA 674, provided that the appeal shall be based on a claim that the intent of the
164 code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the

165 code do not fully apply, or there is an alternative construction. The board shall not have authority to
166 waive or grant variances to requirements of the code.

167

168 (f)(4) Amendments adopted by municipalities and confirmed by the board shall be published by the
169 board after notification of adoption is received from the municipality.

170

171 V. The board shall maintain a publicly accessible list of applicable building codes and amendments to
172 such codes. Amendments proposed by municipalities shall be listed, with specific applicability if not
173 statewide.

174

175 VI. The state building code review board shall not adopt or enforce any rule requiring the installation of
176 fire sprinkler systems in any new or existing detached one- or 2-family dwelling unit in a structure used
177 only for residential purposes. This paragraph shall not prohibit a duly adopted requirement mandating
178 that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

179 VII. Members of the board shall receive mileage at the rate established in the United States Internal
180 Revenue Code and Regulations when attending meetings of the board for the round trip distance from
181 their residences to the location of the board meeting.

Commented [P52]: This modifies language in the current HB1681 which requires us to post amendments only if they are submitted to the board by the municipality.



Structural Engineers of New Hampshire, P.O. Box 226, Manchester, NH 03105 – www.senh.org

Senate Executive Departments and Administration Committee

RE: Senate Bill SB443

Date: February 15, 2022

The Structural Engineers of New Hampshire (SENH) are writing to express our support for SB443, last revised on 2/4/22 by Phil Sherman.

We support the licensed professionals on the Building Code Review Board reviewing all proposed local amendments to the State Building Code. We believe they will ensure the intent of the amendments is consistent with the Code, and that no amendments will be less restrictive than the Code.

We support the comprehensive roster of the Building Code Review Board, and their charge to review and recommend legislation for the State Building Code.

We support a regular and planned schedule of State Building Code Adoption. Because editions of the ICC reference various editions of referenced standards that can change significantly, such as ASCE-7, we support adoption of the ICC codes every other edition, or every 6 years.

Sincerely,

The Board of Directors of the Structural Engineers of New Hampshire

Signed by:

Josif Bich, PE
SENH President



Member NCSEA

memo

To: Executive Departments and Administration Committee
From: Philip R. Sherman, P.E.
Date: January 13, 2022
Re: SB443

While I act as the chair of the Building Code Review Board, the schedule for this hearing prevented me from bringing this to the board until tomorrow's monthly meeting, therefore I speak as an individual and will bring up my concerns without offering conclusions. To this end, I ask the following:

1. Please consider the potential for the workload of the BCRB to exceed the capabilities of a board made up of volunteers, especially after each time that the state building code is updated, resulting in the need for each municipality to update their amendments, thereby requiring review by the board.
2. Please consider the risk that volunteers are put in the position of certifying that a municipal amendment complies with the RSA requirement to be not less restrictive than the state code, and the confusion as to responsibility if there is an error. This is currently the responsibility of the municipality.
3. Please consider that language in HB1681, which requires BCRB to post municipal amendments only after they tell us about them is not included. This leaves the BCRB in the position of searching for municipal amendments if a municipality violates 674:51, which already requires them to forward amendments to the board. Currently, only two municipalities have provided their amendments to the board.
4. Please consider that the provisions for BCRB approval of statewide amendments conflict with the required need for amendments to be ratified by the general court.
5. I do not understand why the BCRB should have any involvement in maintaining records dealing with the state fire code
6. The proposed legislation results in a move from simply reporting what the municipalities report to the BCRB, to some level of state control over what a municipality may adopt. The proposed language does not address the possibility that the BCRB denies approval because they think an amendment is not warranted, rather than that it complies with the legislation.

7. Please consider that there is a potential that a municipality may effectively adopt a newer model code than the edition currently adopted as by the state, by amending the current code with dozens of amendments. This would require a detailed comparison that the BCRB is not staffed to provide.
8. Please consider the potential for delays between municipal adoption and BCRB review and posting, resulting in potential design or construction errors due to effectiveness at an unknown date the amendment is approved by the board.
9. Please consider the confusion that might result if a municipal amendment were to be denied by the board, resulting in an unenforceable ordinance that had been approved locally but could not be enforced.
10. Lastly, please consider the fact that even under the current process, at least one municipality has adopted a newer model code, which may be in violation of existing state law. The enforcement of this issue is not thought to be within the scope of the BCRB.

Again, I speak as an individual, however, this bill will be put before the BCRB at our monthly meeting tomorrow. Given the above concerns, I would ask that we be given sufficient time to work with the organizations represented on the BCRB, and with the State Fire Marshal, to return to you with a proposed approach that addresses these issues. Thank you.



New Hampshire Building Officials Association

Established in 1965

*c/o NH Municipal Association
25 Triangle Park Drive
Concord, New Hampshire 03301
603-224-7447*

January 10, 2022

William McKinney
President
City of Nashua

Steve Paquin
Vice-President
Town of Belmont

Dario Carrara
Secretary
City of Concord

Scott Tenney
Treasurer
Town of Amherst

Michael Hagan
*Assistant
Treasurer/Secretary*
City of Keene

Tim Herlihy
Director
Town of Peterborough

Everett Hodge
Director
Town of Chichester

Robert Wentworth
Director
Town of Derry

Dawn Michaud
Director
City of Nashua

Myrick Bunker
*Training & Education
Director*
Town of Chester

Vacant
Director
LRSOA

Shanti Wolph
Director
NHSCOA

Carrie Rouleau-Cote
*Immediate Past
President*
Town of Auburn

Position and concerns relative to Senate Bill 443

The New Hampshire Building Officials Association (NHBOA) supports consistent administration of the state adopted building codes and we support limiting local amendments of the state building codes. However, NHBOA does not support Senate Bill 443 as written for the following reasons:

In 2019, there was similar language proposed in SB 113 and two primary concerns of NHBOA at that time was how this would work in conjunction with required local amendments and the local legislative process, particularly in communities with town meeting? These concerns remain with SB 443. Concerns of NHBOA with SB 443 are:

- Each community is required to make specific amendments to the building code for their specific needs. Two examples are:
 - Permit Fees Section R108 of the Residential Code (Each code requires fees to be adopted and published)
 - Climatic and Geographic Region, Table R301.2(1) of the Residential CodeWill every community be required to submit to BCRB for review and approval?
- The proposed amendments do not specify a time limit for review and approval or denial by the BCRB before the town can submit it to a town meeting vote?
 - There is a strict process for amending regulations at the local level with specific dates for when an amendment has to be posted in time for hearings and when a hearing must be scheduled prior to town meeting. (RSA 675:4; RSA 40:13, VII)
- SB 443 could drastically increase the workload to the BCRB particular in November and December with reviewing and acting upon proposed local amendments in time to comply with other state statutes.
- Statutes already exist that prohibits a municipality from adopting any code provision that are less stringent than or would contradict the state code. (RSA 155-A:2, V)
- Reporting of local amendment to the BCRB is already required (RSA 674:51 II)
- There is currently no penalty or enforcement process for communities that disregard existing statutes and amend or adopt codes contrary to the state code. Senate Bill 443 does not address this either.

The NHBOA urges not passing of SB 443, as written, due to these concerns and others that may arise if passed in its current form.

*New Hampshire Building Officials Association
Over 50 Years of Promoting Building Safety
Established 1965
www.NHBOA.net*



New Hampshire Building Officials Association

Established in 1965

*c/o NH Municipal Association
25 Triangle Park Drive
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155-A:2 State Building Code. –

I. All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

II. To the extent that there is any conflict between the state building code and the state fire code, the code creating the greater degree of life safety shall take precedence, subject to the review provisions contained in RSA 155-A:10. If the municipal building and fire code officials cannot agree which code creates the greater degree of life safety, the property owner may notify the 2 officials in writing that if agreement is not reached within 2 business days of delivery of said notification, that the decision shall be made by the property owner to comply with either the applicable building code or fire code. Such decision by the property owner after proper notification shall not be grounds for the denial of a certificate of occupancy.

III. To the extent that it does not conflict with any other provision of law, and except as otherwise provided in this paragraph, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts where such activities have been authorized in accordance with RSA 674:51 and RSA 47:22. Pursuant to the state fire marshal's authority to enforce the state building code under RSA 155-A:7, I, the fire marshal may establish for municipalities that do not have a building inspector or other enforcement mechanism authorized in RSA 155-A:4, with approval of the commissioner of safety and by rules adopted under RSA 541-A, fees to defray the cost of issuing building permits in accordance with the state building code. Such fees shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

IV. Except for buildings owned by the state, the community college system of New Hampshire, or the university system, the issuance of permits and certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts. The state fire marshal shall issue permits, conduct inspections, and issue certificates of occupancy for buildings owned by the state, the community college system of New Hampshire, and the university system. Nothing in this section shall prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other qualified third party for these services, provided the fees for such services are paid for by the applicant. Any municipality that has adopted an enforcement mechanism under RSA 674:51 alternatively may request the services of the state fire marshal under the state building permit system, including issuance of permits, conducting inspections, and issuance of certificates of occupancy, for buildings or projects owned by the counties, town, cities, or village districts, if a project requires specialized knowledge of the fire marshal or due to staffing limitations of the municipality. Nothing in this section shall require the state fire marshal to accept a project under the state building permit system when requested by a municipality.

V. Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 or RSA 47:22 any additional regulations provided that such regulations are not less stringent than the requirements of the state building code and the state fire code.

V-a. Any event tent erected on public or private property shall comply with the applicable provisions of the state building code and state fire code. Notwithstanding paragraph V, counties, towns, cities, and village districts shall not adopt any rule, regulation, or ordinance regarding event tents erected on public or private property in addition



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to those established in the state building code and state fire code. A building permit shall not be required for a tent of any size erected as an accessory structure on property that is an owner-occupied, one or 2-family dwelling.

VI. For any municipality which has not adopted an enforcement mechanism under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA 674:51 may contract with a local enforcement agency or a qualified third party for these services as an alternative to establishing the position of building inspector under RSA 674:51, III(c), and such agency or third party shall have the same authority as a building inspector as provided in that section.

VII. The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the state building code and state fire code. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

VIII. Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local code requirements that are less stringent than the state building code or state fire code, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

IX. Nothing in this chapter shall be construed to permit or encourage the state to initiate or assume an independent role in the administration and enforcement of the New Hampshire building code for a building or structure that is not owned by the state unless otherwise authorized by law.

X. No state agency, authority, board, or commission shall vary, modify, or waive the requirements of the state building code or state fire code, unless approved by the state building code review board pursuant to RSA 155-A relative to the state building code or the state fire marshal pursuant to RSA 153:8-a, I(c) for the state fire code. Nothing in this chapter shall affect the statutory authority of the commissioner of labor, the state board for the licensing and regulation of plumbers, or the state electricians' board to administer their respective programs, provided that any changes to codes proposed under the rulemaking authority of these agencies shall not be enforced until approved by the state building code review board.

XI. Notwithstanding the inclusion of the National Electrical Code 2017 in the state building code under RSA 155-A:1, IV, the amended provisions of section 210.12 of the National Electrical Code, which modify the National Electrical Code 2014 version to add arc-fault circuit interrupter requirements for dormitory unit devices and bathrooms, guest rooms and guest suites, and branch circuit extensions or modifications for dormitory units shall not be enforced under the state building code or this chapter.

674:51 Power to Amend State Building Code and Establish Enforcement Procedures. –

The state building code established in RSA 155-A shall be effective in all towns and cities in the state and shall be enforced as provided in RSA 155-A:7. In addition, towns and cities shall have the following authority:

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized

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New Hampshire Building Officials Association

Established in 1965

*c/o NH Municipal Association
25 Triangle Park Drive
Concord, New Hampshire 03301
603-224-7447*

code that are not included in and are not inconsistent with the state building code. Any local enforcement process adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended or repealed by the municipality.

II. Any such ordinance adopted under paragraph I by a local legislative body shall be submitted to the state building code review board for informational purposes.

III. The local ordinance or amendment adopted according to the provisions of paragraph I shall include, at a minimum, the following provisions:

- (a) The date of first enactment of any building code regulations in the municipality and of each subsequent amendment thereto.
- (b) Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V; 673:3, IV; and 673:5.
- (c) Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and any certificates of occupancy as enacted pursuant to paragraph III, and to perform inspections as may be necessary to assure compliance with the local building code.
- (d) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III.

IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of such requirement.

V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park as defined in RSA 205-A:1, II. Nothing in this paragraph shall affect the ability of an applicant for a local land use permit to include the installation of fire suppression sprinklers pursuant to RSA 674:36, IV, or affect the validity or enforceability of such inclusion.

Amendment to SB 113

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Duties of the State Fire Marshal; Approval of Local Amendments. Amend RSA 153:4-a, I to
4 read as follows:

5 I. The state fire marshal shall have the power to approve, disapprove, or allow exceptions to
6 any fire safety rule of any state agency except fire safety rules established under RSA 227-L. The
7 state fire marshal shall be responsible for supervising and enforcing all laws of the state relative to
8 the protection of life and property from fire, fire hazards and related matters, and for certifying
9 private firefighting units. The state fire marshal shall also *review and approve any local code,*
10 *bylaw, or ordinance relative to fire safety prior to its adoption and enforcement by the*
11 *municipality. The state fire marshal shall* assist the several counties, cities, towns, village
12 districts, and precincts in supervising and enforcing local laws, bylaws, and ordinances where
13 existent, relative to (a) the prevention of fires; (b) the storage, sale and use of combustibles; (c) the
14 installation and maintenance of automatic or other fire alarm systems and fire extinguishing
15 equipment; (d) the construction, maintenance, and regulation of fire escapes; (e) the means and
16 adequacy of exit, in case of fire, from factories, asylums, hotels, hospitals, churches, schools, halls,
17 theaters, amphitheaters, nursing and convalescent homes, and all other places in which numbers of
18 persons work, live or congregate from time to time for any purpose; (f) the investigation of the cause,
19 origin, and circumstances of fires; and (g) the transportation, storage, and physical handling of
20 flammable liquids and gases which he believes dangerous to the lives or safety of the citizens of the
21 state.

22 2 New Paragraph; Duties of the State Fire Marshal; Local Amendments to the State Fire Code.
23 Amend RSA 153:4-a by inserting after paragraph IV the following new paragraph:

24 V. The state fire marshal, in consultation with the state advisory board of fire control, shall
25 review and approve any local code, bylaw, or ordinance relative to fire safety prior to its adoption
26 and enforcement by the municipality. The fire marshal may limit approval to the submitting
27 municipality or the fire marshal may permit its adoption and enforcement on a statewide basis. A
28 local fire safety code, bylaw, or ordinance approved on a statewide basis may be subsequently
29 adopted and enforced by municipalities upon notice to the fire marshal of its adoption. The fire
30 marshal, with the assistance of the state advisory board of fire control, shall maintain and publish a
31 catalog of all municipal fire safety codes, bylaws, and ordinances.

32 3 State Fire Code; Rules. Amend RSA 153:5, V to read as follows:

Amendment to SB 113

- Page 2 -

1 V. The state fire marshal, and the local fire chief, in accordance with RSA 154:2, shall use
2 the state fire code, including rules adopted under paragraph I, and any local codes adopted in
3 accordance with *RSA 153:4-a and RSA 47:22* or RSA 155-A:3, for the purposes of new construction,
4 additions, and alterations. It is the intent of the legislature to avoid conflicts in the adoption and
5 application of the state building code and the state fire code.

6 4 New Paragraph; New Hampshire Building Code; Local Amendment; Approval By Building
7 Code Review Board or State Fire Marshal Required. Amend RSA 155-A:3 by inserting after
8 paragraph IV the following new paragraph:

9 V. The municipality shall not adopt or enforce a local ordinance or regulation amending the
10 state building code or state fire code unless approved by the state building code review board
11 pursuant to RSA 155-A:10, IV-a relative to the state building code or the state fire marshal pursuant
12 to RSA 153:4-a, V relative to the state fire code.

13 5 Enforcement Authority; Building Code Violation; Fee to Appeal Decision of Local Enforcement
14 Agency Prohibited. Amend RSA 155-A:7, IV to read as follows:

15 IV. All local enforcement agencies and selectmen, and the state fire marshal in those
16 communities without a local enforcement agency shall provide information on the local and state
17 appeals process when issuing a building permit or notice of violation. *No fee shall be required to*
18 *appeal a notice of violation or other decision of a code compliance officer.*

19 6 New Paragraph; State Building Code Review Board; Approval of Local Amendments. Amend
20 RSA 155-A:10 by inserting after paragraph IV the following new paragraph:

21 IV-a. Any local ordinance or regulation that amends the state building code shall be
22 approved by the board prior to its adoption and enforcement by the municipality. The board may
23 limit its approval to the municipality, submitting the amendment or the board may issue approval on
24 a statewide basis. Any amendment approved on a statewide basis may be subsequently adopted and
25 enforced by municipalities upon notice to the board of adoption.

26 7 State Building Code Review Board; List of Municipal Amendments to Building Code and Fire
27 Code. Amend RSA 155-A:10, V to read as follows:

28 V. The board shall maintain a publicly accessible list of applicable building codes and
29 amendments to such codes. Amendments proposed by municipalities shall be listed, with specific
30 applicability if not statewide. *The board shall also maintain a publicly accessible copy of the*
31 *state fire code, with a list of municipal amendments thereto.*

32 8 Local Land Use Planning and Regulatory Powers; Power to Amend State Building Code and
33 Establish Enforcement Procedures. Amend RSA 674:51, I and II to read as follows:

34 I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures
35 of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and
36 maintenance of all buildings and structures in the municipality, provided that prior to its adoption
37 and enforcement, the local ordinance or regulation is approved by the state building code

Amendment to SB 113

- Page 3 -

~~review board and~~ such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, ~~and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code~~. Any local enforcement process adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended or repealed by the municipality.

II. Any such ordinance adopted under paragraph I by a local legislative body shall be submitted to the state building code review board for ~~informational purposes~~ **approval prior to its adoption and enforcement.**

9 Powers of Building Code Board of Appeals. Amend RSA 674:34 to read as follows:

674:34 Powers of Building Code Board of Appeals. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. **No fee shall be required to file an appeal under this section.** The board shall have no authority to waive requirements of the state building code or the state fire code.

10 Effective Date. This act shall take effect 60 days after its passage.

2019-2894s

AMENDED ANALYSIS

This bill:

I. Requires the building code review board to approve local amendments to the state building code prior to their adoption and enforcement and requires the board to maintain and publish a catalog of local amendments to the state building code and state fire code.

II. Requires the fire marshal to approve local amendments to the state fire code prior to their adoption and enforcement and requires the fire marshal, with the assistance of the board of fire control, to maintain and publish a catalog of local fire safety codes and ordinances.

III. Prohibits municipalities from imposing a fee to appeal the decision of a code compliance official.

UNAPPROVED

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD
2022 Session**

Bill # SB443

Hearing date: 4/13/2022

Executive Session date: 2/23/2022

Motion of: ~~OTR~~ / A 746s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP / A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Carson

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB 443-FN

Hearing date: N/A

Executive session date: 03/22/22

Motion of: Interim Study

VOTE: 5-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, February 23, 2022

THE COMMITTEE ON Executive Departments and Administration

to which was referred SB 443-FN

AN ACT

relative to municipal authority regarding the state
building code.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0819s

Senator Sharon Carson
For the Committee

This bill, as amended, provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code. The board will publish adopted municipal amendments that have been approved by the board after receiving notification of adoption from the municipality. The bill also clarifies that fee schedules are not considered amendments to the code and that no fee shall be required to appeal a notice of code violation.

Chantell Wheeler 271-1403

Docket of SB443

Docket Abbreviations

Bill Title: relative to municipal authority regarding the state building code.*Official Docket of SB443.:*

Date	Body	Description
12/30/2021	S	To Be Introduced 01/05/2022 and Referred to Executive Departments and Administration; SJ 1
1/4/2022	S	Hearing: 01/13/2022, Room 103, SH, 10:20 am; SC 2
3/8/2022	S	Committee Report: Ought to Pass with Amendment #2022-0819s , 03/17/2022; Vote 5-0; CC; SC 11
3/17/2022	S	Committee Amendment #2022-0819s , AA, VV; 03/17/2022; SJ 5
3/17/2022	S	Ought to Pass with Amendment 2022-0819s, MA, VV; Refer to Finance Rule 4-5; 03/17/2022; SJ 5
3/23/2022	S	Committee Report: Referred to Interim Study, 03/31/2022; SC 13
3/31/2022	S	Refer to Interim Study, RC 4Y-20N , MF; 03/31/2022; SJ 7
3/31/2022	S	Sen. Carson Moved Ought to Pass; 03/31/2022; SJ 7
3/31/2022	S	Ought to Pass: RC 23Y-1N , MA; OT3rdg; 03/31/2022; SJ 7
4/1/2022	H	Introduced 03/31/2022 and referred to Executive Departments and Administration
4/4/2022	H	Public Hearing: 04/08/2022 01:00 pm LOB 302-304
4/14/2022	H	Executive Session: 04/08/2022 01:00 pm LOB 302-304
4/14/2022	H	Committee Report: Ought to Pass with Amendment #2022-1504h (Vote 18-1; CC) HC 15 P. 9
4/21/2022	H	Amendment # 1504h: AA VV 04/21/2022 HJ 10
4/21/2022	H	Ought to Pass with Amendment 1504h: MA VV 04/21/2022 HJ 10
4/21/2022	H	Referred to Finance 04/21/2022 HJ 10
4/22/2022	H	Division Work Session: 04/26/2022 02:30 pm LOB 212
4/22/2022	H	Executive Session: 04/27/2022 03:00 pm LOB 210-211
4/28/2022	H	Committee Report: Ought to Pass (Vote 21-0; CC)
5/4/2022	H	Ought to Pass: MA VV 05/04/2022 HJ 11
5/12/2022	S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 05/12/2022; SJ 12

NH House

NH Senate

Docket of SB443

Docket Abbreviations

Bill Title: relative to municipal authority regarding the state building code.*Official Docket of SB443.:*

Date	Body	Description
12/30/2021	S	To Be Introduced 01/05/2022 and Referred to Executive Departments and Administration; SJ 1
1/4/2022	S	Hearing: 01/13/2022, Room 103, SH, 10:20 am; SC 2
3/8/2022	S	Committee Report: Ought to Pass with Amendment #2022-0819s , 03/17/2022; Vote 5-0; CC; SC 11
3/17/2022	S	Committee Amendment #2022-0819s , AA, VV; 03/17/2022; SJ 5
3/17/2022	S	Ought to Pass with Amendment 2022-0819s, MA, VV; Refer to Finance Rule 4-5; 03/17/2022; SJ 5
3/23/2022	S	Committee Report: Referred to Interim Study, 03/31/2022; SC 13
3/31/2022	S	Refer to Interim Study, RC 4Y-20N , MF; 03/31/2022; SJ 7
3/31/2022	S	Sen. Carson Moved Ought to Pass; 03/31/2022; SJ 7
3/31/2022	S	Ought to Pass: RC 23Y-1N , MA; OT3rdg; 03/31/2022; SJ 7
4/1/2022	H	Introduced 03/31/2022 and referred to Executive Departments and Administration
4/4/2022	H	Public Hearing: 04/08/2022 01:00 pm LOB 302-304
4/14/2022	H	Executive Session: 04/08/2022 01:00 pm LOB 302-304
4/14/2022	H	Committee Report: Ought to Pass with Amendment #2022-1504h (Vote 18-1; CC) HC 15 P. 9
4/21/2022	H	Amendment # 1504h: AA VV 04/21/2022 HJ 10
4/21/2022	H	Ought to Pass with Amendment 1504h: MA VV 04/21/2022 HJ 10
4/21/2022	H	Referred to Finance 04/21/2022 HJ 10
4/22/2022	H	Division Work Session: 04/26/2022 02:30 pm LOB 212
4/22/2022	H	Executive Session: 04/27/2022 03:00 pm LOB 210-211
4/28/2022	H	Committee Report: Ought to Pass (Vote 21-0; CC)
5/4/2022	H	Ought to Pass: MA VV 05/04/2022 HJ 11
5/12/2022	S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 05/12/2022; SJ 12
6/7/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/6/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/22/2022	S	Signed by the Governor on 06/17/2022; Chapter 0242; Effective 01/01/2023

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 443

Senate Committee: ED A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 046s _____ - amendment # _____
- amendment # 08PS _____ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- _____ - amendment # _____ _____ - amendment # _____
- _____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- _____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- _____ Enrolled Bill Amendment(s)
- _____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate _____ as amended by the house
- _____ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

CRW
Committee Aide

3.1.2022
Date

Senate Clerk's Office AK

Senate Inventory Checklist for Archives

Bill Number: SB 443-FN

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

____ - amendment # _____ ____ - amendment # _____
 ____ - amendment # _____ ____ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

____ - amendment # _____ ____ - amendment # _____
 ____ - amendment # _____ ____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate as amended by the house
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Mantore
 Committee Aide

06/27/22
 Date

Senate Clerk's Office AK