

NEW HAMPSHIRE STATE BUILDING CODE
PROPOSED AMENDMENT FORM

RE-15-35-18

Proposed amendment submitted by:

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Date: January 3, 2019

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Applicable code: IRC 2015

Applicable code section: R302.13

Current language (including section numbers and include prior adopted amendments):

R302.13 Fire protection of floors. Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a ½-inch (12.7 mm) gypsum wallboard membrane, 5/8-inch 916 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D, or other approved equivalent sprinkler system.
2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.
3. Portions of floor assemblies shall be permitted to be unprotected where complying with the following:
 - 3.1 The aggregate area of the unprotected portions does not exceed 80 square feet (7.4 m squared) per story.
 - 3.2 Fire blocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.
5. Floor assemblies having been protected by an alternative method that has been evaluated as meeting the criteria for alternative methods of construction as outlined in R104.11.
6. The completion and recording in the county registrar^{registrar} of deeds of the optional Fire Protection of Floors Omission Disclosure Document identified in 302.13.1 prior to the occupancy of the single-family detached dwelling and placed on file with the local municipality property records. This exception shall expire upon the fourth anniversary of the effective date of New Hampshire's adoption of the IRC 2015 provided that the registration of the property as compliant with R302.13 Exception 6 shall be perpetual or until it is certified as compliant without this exception.

Check one: Delete without substitution: Add new section to read as follows:
 Delete section and substitute the following: Revise section to read as follows:
~~Show Line through material to be deleted.~~ Underline material to be added.

Proposed code language: **Revise as described above**

Reason / Justification:

As evidenced by prior BCRB exhibits RE-15-28-17 (“not approved”) and RE 15-29-17 (“approved”, but superseded and incorporated herein), this section of the IRC 2015 entitled “Fire Protection of Floors” has been a longstanding point of contention between State regulators, stakeholders and other interested parties. The above-redlined text represents a compromise achieved through the cooperation of the NH Fire Marshal’s Office, the NH Building Officials Association and the NH Home Builders Association.

The proposed compromise would adopt IRC 2015 Section R302.13 in its entirety, but add subparagraphs (5) and (6). Subparagraph (5) recognizes that alternative means of compliance otherwise consistent with the spirit and intent of the section may exist now or in the future, including those means and methods publicized by the Engineered Wood Association (apawood.org).

Subparagraph (6) enables a homeowner (or builder-in-possession constructing on speculation) of a single-family detached dwelling to “opt out” of having to comply with the section. Said “opt out”, if exercised by the homeowner (or a builder-in-possession constructing on speculation), requires the written acknowledgment and signature of the electing party on a form of acknowledgment and notification as provided in Figure R302.13.1. Said original acknowledgement shall be recorded in the appropriate Registry of Deeds, with a copy filed with the Building Department, Building Inspector or if neither exist the Town or City Clerk, for the municipality wherein the premises is located to be placed in the property file. The opportunity to “elect out”, as stated in subparagraph (6), shall forever sunset upon the fourth (4th) anniversary of the effective date of New Hampshire’s adoption of the IRC 2015. Properties that elect to “opt out” of the floor protection requirements are required to maintain the omission form in perpetuity or until it is certified as compliant without use of NH Exception 6 of the IRC.

Financial Analysis/Fiscal Impact of proposed amendment:

If left unamended, this section would otherwise deprive homeowners/builders of a single-family detached dwelling of alternative and equivalent means and methods of compliance or responsible decision-making that may be more cost-effective than forcing strict compliance. For reference, compliance with this code section in some instances has been estimated to add more than \$2,000 to the cost of construction of a single family residence. The planned expiration of subparagraph (6) provides a reasonable period of time for educational outreach and lending practices to help the building trades and homeowners adjust to strict compliance.

For Building Code Review Board Use:

Not approved: _____ Approved: Approved with modifications: ^{SCB}

Scheduled Hearing Date: _____ Exhibit #: _____

Chair’s Signature: Shawn G. Berger Sr Date: 1-11-2019

Printed Name: Shawn G. Berger Sr