

NEW HAMPSHIRE STATE BUILDING CODE
PROPOSED AMENDMENT FORM

RE-15-36-18

Proposed amendment submitted by:

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Date: January 3, 2019

Company /Organization: NHBOA; NHHBA; NH Fire Marshal

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Applicable code: IRC 2015

Applicable code section: R302.13

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

Add New Subsection 302.13.1

R302.13.1 Fire Protection of Floors Omission Disclosure Document

The Fire Protection of Floors Omission Disclosure Document shall be completed by the legal owner of record of the single-family detached dwelling and recorded in the Registry of Deeds for the appropriate county, a copy of which shall be filed with the local municipality property files in which the premises is located. The document format shall be as provided by Figure R302.13.1 and contain language relative to the potential increased risk factors by the omission of the floor protection and that the owner understands of the increased risks. This section, and the provisions herein, 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: **Add new subsection 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As evidenced by prior BCRB exhibits RE-15-28-17 ("not approved") and RE 15-29-17 ("approved", but superseded and incorporated herein), this section of the IRC 2015 entitled "Fire Protection of Floors" has been a longstanding point of contention between State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 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 in its entirety, but add subsection **302.13.1 Fire Protection of Floors Omission Disclosure Document.**

Subsection 302.13.1 would enable 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 302. 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 acknowledgement 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 subsection 302.13.1 shall forever sunset upon the fourth (4th) 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.

Financial Analysis/Fiscal Impact of proposed amendment:

This subsection would provide homeowners/builders of a single-family detached dwelling with an option 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 subsection 302.13.1 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. Bezenbr

Date: 1-11-2011

Printed Name: Shawn G. Bezenbr