



Philip Sherman
Chair
**Designee of the
Commissioner of
Safety**

MEMBERS

Arthur Guadano
Board of Architects

Jeffrey Trexler, PE
Board of Engineers

Beverly Kowalik, PE
Board of Engineers

Lee F. Carroll, PE
Board of Engineers

Med Kopczyński
NH Municipal Association

Michael Hagan, CFM
NH Building Officials
Association

Mark Tetreault, Chief
NH Assoc. of Fire Chiefs

**Peter Lennon, Fire Marshal,
Manchester**
NH Assoc. of Fire Chiefs

Arthur Rose
Associated General Contractors

**Vice-Chair
John Tuttle**
NH Home Builders Assoc.

Kenneth Walsh
NH Public Utilities Commission

Tedd Evans
Mechanical Licensing Board

Roger Maynard
P•FGF•HVAC of NH

James Grant
Bureau of Electrical Safety and
Licensing

Mariellen MacKay
Governor's Commission on
Disability

William Fraser
NH Electrical Contractors
Business Assoc.

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Office: 110 Smokey Bear Blvd, Concord, NH 03301

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AGENDA

Regular Meeting

Friday, February 11, 2022

10:00am – 12:00pm

Second floor, Conference Room

33 Hazen Drive

Concord, NH 03301

1. Call to Order
 - a. Roll call and declaration of quorum
 - b. Acceptance of January 14, 2022 minutes
2. Old Business
 - a. Web site updates
 - b. 2021 code updates
 - i. Terminology
 - ii. Alternates
 - iii. Adoption schedule
 - iv. Committee reports
 1. IBC
 2. IEBC
 3. IECC
 4. IMC/IPC/SPSC
 5. IRC
 - v. Cost analysis
3. Legislation tracking
 - a. HB1681
 - b. SB398
 - c. SB443
 - d. HB1312
 - e. HB1014
 - f. General issues
4. New Business
5. Next Meeting

Draft – MINUTES

These minutes are DRAFT minutes and are posted to comply with RSA 91-A: 2 The Board has not voted to accept them. Changes may/may not be made prior to their adoption at the next Board meeting.

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

In-person regular meeting January 14, 2022

Members Present:

Philip Sherman, P.E., Chair
Roger Maynard, P•FGF•HVAC of NH
Michael Hagan, CFM, NH Building Officials Association
Art Guadano, Board of Architects
Tedd Evans, Mechanical Licensing Board
Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)
Beverly Kowalik, P.E. Mechanical Engineer
Med Kopczynski, NH Municipal Association
William Fraser, NH Electrical Contractors Business Association
John Tuttle, Vice-Chair, NH Home Builders Association
Peter Lennon, Fire Marshal - Manchester, NH Association of Fire Chiefs
Mariellen MacKay, Governor's Commission on Disability – Via conference phone
Dean Sotirakopoulos (James Grant alternate), representing the Electricians board

Absent:

Arthur Rose, Associated General Contractors of NH, Inc.
Jeffrey Trexler, Board of Engineers (Structural Engineer)
Kenneth Walsh, NH Public Utilities Commission
Mark Tetreault, Fire Chief, NH Association of Fire Chiefs
James Grant, Electricians Board

Also Present:

Erica Webb, Administrative Secretary NH State Fire Marshal's Office
Michael Grandy, Assistant Attorney General

Guests:

Jerry Tepe
Chris Skoglund
Griffin Roberge

The meeting, held in-person, was called to order at 10:04am by Chair Sherman. Chair Philip Sherman proceeded with roll call. A quorum was declared.

Motion to accept the meeting minutes from December 10, 2021: Michael Hagan

Seconded: Lee Carroll

John Tuttle abstained.

No one opposed, Motion Carried

OLD BUSINESS

Website: The chairman informed the board that the update to the BRCB website, which was originally scheduled for this month, has been postponed by DoIT until possibly March. The FMO will update as able.

Code books: Chair Sherman advised the board that the 2021 ICC Code Books the BCRB had been waiting on have been delivered and would be available later for use in the sub-committee meetings. The FMO is still working on how to get the “significant changes” documents for the board members to have access to outside of meetings and would update when he had more information.

Beaudoin’s Email: Chair Sherman thanked everyone for their assisted responses to former State Representative Steve Beaudoin’s email. A response was sent to Rep. McGuire from the chairman. A copy of that response was provided for the Board.

Legislative Tracking: The Chairman notified the board of five bills coming before legislation; HB72 ratifies amendments having to do with the Building Code Review Board and State Fire Code. This bill is a 2015 code hold over from last year and no action is required.

HB1681 relative to the State Building Code. This bill will update the code, ratify the amendments, and provide housekeeping updates to RSA 155-A

SB398 relative to the joint committee for code enforcement. This bill will eliminate the joint committee on code enforcement, and will create a legislative standing committee to deal with code issues.

HB1014 relative to holding electronic meetings.

The board discussed taking up an official position regarding HB 1014.

Motion to support HB1014: Fraser

Seconded: Carroll

All in favor, motion carried.

SB443 relative to the BCRB and municipalities amendment adoption process.

The board discussed the language in the proposed bill and while it was agreed that the bill needed more defined language before the BCRB could take an official position and the BCRB would discuss at a later date. The chair will pursue better language with stakeholders.

NEW BUSINESS

Vice Chairman Nomination: John Tuttle was nominated by Fraser. Hagan seconded his nomination. John Tuttle abstained from the vote. John Tuttle was elected Vice Chair.

Chairman Sherman adjourned the meeting at 11:00am. Next meeting to be held on February 11th, 2022.

MEETING ADJOURNED

2022 SESSION

22-3121

05/10

HOUSE BILL **1681-FN**

AN ACT relative to the state building code.

SPONSORS: Rep. McGuire, Merr. 29; Rep. Pimentel, Merr. 6; Sen. Reagan, Dist 17; Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill revises the definition of the state building code, addresses the version of the building code applicable immediately following adoption of an updated edition, and clarifies the role of the state building code review board. The bill also requires municipalities to submit local building ordinances to the state building code review board for informational purposes.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the state building code.

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

1 1 New Hampshire Building Code; Definition of Building. Amend RSA 155-A:1, I to read as
2 follows:

3 I. "Building" means building as defined and interpreted by the International Code Council's
4 International Building Code [2015] **adopted under RSA 155-A:1, IV**, as amended by the state
5 building code review board and ratified by the legislature in accordance with RSA 155-A:10.

6 2 New Hampshire Building Code; Definition. Amend RSA 155-A:1, IV to read as follows:

7 IV. "New Hampshire building code" or "state building code" means the adoption by reference
8 of the International Building Code [2015] **2018**, the International Existing Building Code [2015]
9 **2018**, the International Plumbing Code [2015] **2018**, the International Mechanical Code [2015] **2018**,
10 the International Energy Conservation Code [2015] **2018**, the International Swimming Pool and Spa
11 Code [2015] **2018**, and the International Residential Code [2015] **2018**, as published by the
12 International Code Council **Inc.**, and the National Electrical Code [2017] **2020, as published by the**
13 **Nation Fire Protection Association, Inc.**, as [amended] **reviewed and recommended** by the
14 state building code review board, **including all amendments reviewed and approved by the**
15 **board as of November 30, 2021**, and ratified by the legislature in accordance with RSA 155-A:10.
16 The provisions of any other national code or model code referred to within a code listed in this
17 definition shall not be included in the state building code unless specifically included in the codes
18 listed in this definition.

19 3 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, IV to read as
20 follows:

21 VI. "Structure" means structure as defined and interpreted by the International Code
22 Council's International Building Code [2015] **adopted under RSA 155-A:1, IV**, as amended by the
23 state building code review board and ratified by the legislature in accordance with RSA 155-A:10.

24 4 State Building Code. Amend RSA 155-A:2, I to read as follows:

25 I. All buildings, building components, and structures constructed in New Hampshire shall
26 comply with the state building code and state fire code. The construction, design, structure,
27 maintenance, and use of all buildings or structures to be erected and the alteration, renovation,
28 rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall
29 be governed by the provisions of the state building code. **The state building code in effect at the**
30 **time that the application for the building permit required by RSA 155-A:4 is received by the**
31 **governing authority shall remain in effect for the duration of the work covered by that**

HB 1681-FN - AS INTRODUCED
- Page 2 -

1 *permit. This requirement notwithstanding, for a period of 6 months after the effective date*
 2 *of the code adopted under RSA 155-A:1, IV, a concurrency period is established, allowing*
 3 *building permits, and other required documents, at the election of the applicant, to show*
 4 *compliance using either the code in effect just prior the effective date of the code adopted*
 5 *under RSA 155-A:1, IV, or the code adopted under RSA 155-A:1, IV, but not a combination of*
 6 *the 2 codes.*

7 5 State Building Code. Amend RSA 155-A:2, X and XI to read as follows:

8 X. No state agency, authority, board, or commission shall vary, modify, or waive the
 9 requirements of the state building code or state fire code, unless approved by the state building code
 10 review board pursuant to RSA 155-A relative to the state building code or the state fire marshal
 11 pursuant to RSA 153:8-a, I(c) for the state fire code. Nothing in this chapter shall affect the
 12 statutory authority of the commissioner of labor, the state board for the licensing and regulation of
 13 plumbers, or the state electricians' board to administer their respective programs, provided that any
 14 changes to codes proposed under the rulemaking authority of these agencies shall not be enforced
 15 until approved by the state building code review board ***and ratified by the legislature in***
 16 ***accordance with RSA 155-A:10.***

17 XI. Notwithstanding the ~~[inclusion]~~ ***adopted edition*** of the National Electrical Code ~~[2017]~~
 18 in the state building code under RSA 155-A:1, IV, ~~[the amended provisions of section 210.12]~~ ***any***
 19 ***provision*** of the National Electrical Code, which ~~[modify the National Electrical Code 2014 version~~
 20 ~~to add]~~ ***requires*** arc-fault circuit interrupter ~~[requirements for dormitory unit devices and~~
 21 ~~bathrooms, guest rooms and guest suites, and branch circuit extensions or modifications for~~
 22 ~~dormitory units]~~ ***protection in excess of the requirements of the 2014 National Electrical***
 23 ***Code*** shall not be enforced under the state building code or this chapter.

24 6 New Paragraph; Local Amendments Submitted to State Building Code Review Board. Amend
 25 RSA 155-A:3 by inserting after paragraph IV the following new paragraph:

26 V. Any ordinance adopted under RSA 674:51 by a local legislative body shall be submitted to
 27 the state building code review board for informational purposes.

28 7 Code Requirements for Biomass Burning Boilers and Log Structures. Amend RSA 155-A:3-a
 29 and 155-A:3-b to read as follows:

30 155-A:3-a Code Requirements; Biomass Burning Boilers.

31 I. Notwithstanding any provisions of the state building code or state fire code, the board
 32 shall ~~[adopt]~~ ***review and recommend*** a code and amendments thereto which shall regulate the
 33 installation and operation of biomass burning boilers. The code adopted shall include the ~~[1999]~~ EN
 34 303-5 standard established by the European Committee for Standardization, and shall include
 35 requirements for the safe installation, operation, and repair of such boilers, and for data plates and
 36 warning labels written in English, limits on temperature and pressure with associated relief valves,
 37 and the filing of construction and emissions specifications written in English.

HB 1681-FN - AS INTRODUCED
- Page 3 -

1 II. The inspection procedures and enforcement requirements for the commissioner of labor
2 in RSA 157-A shall apply to boilers installed according to the code and amendments adopted by the
3 board under this section.

4 ~~III. The code and amendments thereto adopted under paragraph I shall be ratified by~~
5 ~~appropriate legislation within 2 years of their adoption. If such code and amendments are not~~
6 ~~ratified, then the code and amendments shall expire at the end of the 2-year period.]~~

7 155-A:3-b Code Requirements; Log Structures.

8 ~~IV.~~ Notwithstanding any provisions of the state building code or state fire code, the state
9 building code review board shall ~~adopt~~ **review and recommend** amendments to the state building
10 code regulating the design and construction of log structures. The adopted amendments shall
11 include ICC 400 Standard on the Design and Construction of Log Structures.

12 ~~II. The amendments adopted under paragraph I shall be ratified by appropriate legislation~~
13 ~~within 2 years of their adoption. If such amendments are not ratified, then the amendments shall~~
14 ~~expire at the end of the 2-year period.]~~

15 8 State Building Code Review Board. 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) Amendments to the codes shall be reviewed and approved by the board, then
26 submitted annually to the legislature for ratification by the adoption of appropriate legislation before
27 they become effective.

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

33 (d) Amendments adopted by municipalities **and submitted to the board under the**
34 **provisions of RSA 674:51, II**, shall be published by the board.

35 9 Effective Date. This act shall take effect 60 days after its passage.

LBA
22-3121
Revised 1/5/22

HB 1681-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the state building code.

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety and New Hampshire Municipal Association

2022 SESSION

22-3109

07/10

SENATE BILL **398**

AN ACT relative to building code and fire code enforcement.

SPONSORS: Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. McGuire, Merr. 29; Rep. Goley, Hills. 8; Rep. Pimentel, Merr. 6

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill replaces the joint committee on code enforcement with the advisory committee on state building and fire codes, and establishes a grace period for the applicable state building code on building permit applications.

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 building code and fire code enforcement.

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

1 1 State Board of Fire Control; Joint Committee on Code Enforcement; Advisory Committee on
2 State Building and Fire Codes. RSA 153:4-b is repealed and reenacted to read as follows:

3 153:4-b Advisory Committee on State Building and Fire Codes.

4 I. There is established the advisory committee to study the state building and fire codes.

5 II. The members of the committee shall be as follows:

6 (a) Two members of the senate, appointed by the president of the senate.

7 (b) Three members of the house of representatives, 2 of whom shall be members of the
8 house executive departments and administration committee and one of whom shall be a member of
9 the finance committee, appointed by the speaker of the house of representatives.

10 III. Members of the committee shall receive mileage at the legislative rate when attending
11 to the duties of the committee.

12 IV. The committee shall work with the building code review board and board of fire control.
13 The committee shall meet at least annually and on an as-needed basis to address building and fire
14 code issues identified by the committee.

15 V. The members of the committee shall elect a chairperson from among the members. The
16 first meeting of the committee shall be called by the first-named house member. The first meeting of
17 the committee shall be held within 45 days of the effective date of this section. Three members of
18 the committee shall constitute a quorum.

19 VI. Beginning November 1, 2022 and each November 1 thereafter, the committee shall
20 report its findings and any recommendations for proposed legislation to the commissioner of the
21 department of safety, the president of the senate, the speaker of the house of representatives, the
22 senate clerk, the house clerk, the governor, and the state library on or before.

23 2 New Paragraph; New Hampshire Building Code; Permit Required; Grace Period Established.
24 Amend RSA 155-A:4 by inserting after paragraph III the following new paragraph:

25 IV. The version of the state building code in effect on the date of receipt of the application for
26 a building permit shall be followed for the project, except that for projects started within 6 months
27 after the effective date of a change to the state building code, either the version of the state building
28 code in effect immediately prior to the change or the amended version of the state building code shall
29 be permissible.

30 3 Effective Date. This act shall take effect 60 days after its passage.

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.

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:

SB 443-FN - AS INTRODUCED
- 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***

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- Page 3 -

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.

LBA
22-3031
12/27/21

**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

1 Sherman – 2/4/22 Revised

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

14 **674:51 Power to Amend State Building Code and Establish Enforcement**
 15 **Procedures. –**

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

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

28

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

34

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

37 (a) The date of first enactment of any building code regulations in the municipality and of each
 38 subsequent amendment thereto.

39 (b) Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V;
 40 673:3, IV; and 673:5.

41 (c) Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The

42 building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and
43 any certificates of occupancy as enacted pursuant to paragraph III, and to perform inspections as may be
44 necessary to assure compliance with the local building code.

45 (d) A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for
46 building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III.

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

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

62 **155-A:3 Local Amendments; Application. –**

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

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

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

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

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

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

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

88 **155-A:7 Enforcement Authority**

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

93 **155-A:10 State Building Code Review Board. –**

94 I. There is established a state building code review board consisting of the commissioner of safety or the
 95 commissioner's designee, and the following members, appointed by the commissioner of safety:
 96 (a) One architect licensed in this state for a minimum of 5 years, nominated by the board of architects
 97 established in RSA 310-A:29.
 98 (b) One structural engineer licensed in this state for a minimum of 5 years, nominated by the board of
 99 professional engineers established in RSA 310-A:3.
 100 (c) One mechanical engineer licensed in this state for a minimum of 5 years, nominated by the board of
 101 professional engineers established in RSA 310-A:3.
 102 (d) One electrical engineer licensed in this state for a minimum of 5 years, nominated by the board of
 103 professional engineers established in RSA 310-A:3.
 104 (e) One representative of the state's municipalities, nominated by the New Hampshire Municipal
 105 Association.
 106 (f) One municipal building official, nominated by the New Hampshire Building Officials Association.
 107 (g) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.
 108 (h) One active fire prevention officer, nominated by the New Hampshire Association of Fire Chiefs.
 109 (i) One building contractor, primarily engaged in the business of constructing nonresidential buildings,
 110 nominated by the Associated General Contractors of New Hampshire.
 111 (j) One building contractor primarily engaged in the business of constructing residential buildings,
 112 nominated by the New Hampshire Home Builders Association.
 113 (k) One representative from the New Hampshire department of energy, nominated by the commissioner
 114 of the department of energy.
 115 (l) One master plumber licensed in this state for a minimum of 5 years, nominated by the mechanical
 116 licensing board established in RSA 153:27-a.
 117 (m) One mechanical contractor, primarily engaged in the business of mechanical construction,
 118 nominated by the Plumbers, Fuel Gas Fitters, and HVAC Association of New Hampshire.
 119 (n) One master electrician licensed in this state for a minimum of 5 years, nominated by the electricians'
 120 board established in RSA 319-C.
 121 (o) One representative of the Committee on Architectural Barrier-Free Design nominated by the
 122 governor's commission on disability.

123 (p) One electrical contractor, nominated by Electrical Contractors Business Association.
 124

125 II. The term of each member shall be 3 years. The chair of the board shall be appointed by the
 126 commissioner of safety after meeting with the board. Board members shall be appointed for no more
 127 than 3 consecutive 3-year terms. The board shall elect from among the members a vice-chair, who shall
 128 assume the responsibilities of the chair in the event of the chair's absence. Each appointing authority
 129 may appoint one alternate member, qualified as defined in subparagraphs I(a) through (p), who shall
 130 serve at the pleasure of the appointing authority.
 131

132 III. The board shall be administratively attached to the department of safety under RSA 21-G:10.
 133

134 IV. The board shall meet to review and assess the application of the state building code and shall
 135 recommend legislation, as the board deems necessary, to amend the requirements of the state building
 136 code in order to provide consistency with the application of other laws, rules, or regulations, to avoid
 137 undue economic impacts on the public by considering the cost of such amendments, and to promote
 138 public safety and best practices.
 139

140 (a) The board ~~shall review~~ ~~may recommend adoption of~~ a newer version of a code that has been
 141 published for ~~at least~~ 2 years, and shall provide a summary of all significant changes, cost estimates of
 142 these changes, and documentation of the need for the change in ~~any the~~ recommended legislation^[PS1].
 143

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

147 (c) Municipal amendments: Municipalities shall submit proposed amendments to the state building
 148 code to the board for review and confirmation prior to adoption. 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.

162 ~~(e)(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)(d)~~ 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 [PS2]

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.

2022 SESSION

22-2452

05/08

HOUSE BILL **1312**

AN ACT relative to water pollution and waste disposal rulemaking.

SPONSORS: Rep. Aron, Sull. 7; Rep. McGuire, Merr. 29; Rep. McConkey, Carr. 3

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill provides that department of environmental services rules regarding grease traps or other plumbing components shall be no more restrictive than the International Plumbing Code, as adopted in the state building 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 water pollution and waste disposal rulemaking.

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

- 1 1 New Section; Water Pollution and Waste Disposal; Rulemaking Regarding Plumbing Code.
- 2 Amend RSA 485-A by inserting after section 6 the following new section:
- 3 485-A:6-a Rulemaking Regarding Plumbing Code. Any specification in department rules regarding
- 4 grease traps or other plumbing components shall be no more restrictive than the International
- 5 Plumbing Code, as adopted in RSA 155-A:1, IV.
- 6 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1014 - AS INTRODUCED

2022 SESSION

22-2054

08/10

HOUSE BILL **1014**

AN ACT allowing public meetings to be conducted virtually.

SPONSORS: Rep. Simpson, Rock. 36; Rep. Cushing, Rock. 21; Rep. Cote, Hills. 31; Rep. Weber, Ches. 1; Rep. Ebel, Merr. 5; Rep. Marsh, Carr. 8; Rep. Wilhelm, Hills. 42

COMMITTEE: Judiciary

ANALYSIS

This bill establishes requirements for remote access to public meetings under RSA 91-A, the right-to-know law.

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 allowing public meetings to be conducted virtually.

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

1 1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-
2 A:2, III to read as follows:

3 III. A public body may, but is not required to, allow one or more members of the body to
4 participate in a meeting by electronic or other means of communication for the benefit of the public
5 and the governing body, subject to the provisions of this paragraph.

6 ~~[(a) A member of the public body may participate in a meeting other than by attendance~~
7 ~~in person at the location of the meeting only when such attendance is not reasonably practical. Any~~
8 ~~reason that such attendance is not reasonably practical shall be stated in the minutes of the~~
9 ~~meeting.~~

10 ~~(b) Except in an emergency, a quorum of the public body shall be physically present at~~
11 ~~the location specified in the meeting notice as the location of the meeting. For purposes of this~~
12 ~~subparagraph, an "emergency" means that immediate action is imperative and the physical presence~~
13 ~~of a quorum is not reasonably practical within the period of time requiring action. The~~
14 ~~determination that an emergency exists shall be made by the chairman or presiding officer of the~~
15 ~~public body, and the facts upon which that determination is based shall be included in the minutes of~~
16 ~~the meeting.~~

17 ~~(c) Each part of a meeting required to be open to the public shall be audible or otherwise~~
18 ~~discernable to the public at the location specified in the meeting notice as the location of the~~
19 ~~meeting.]~~

20 ***(a) A physical location is not required for any meeting, provided the meeting***
21 ***complies with the provisions of this paragraph.***

22 ***(b) If a meeting has no physical location, public access shall be provided to the***
23 ***public by telephone, and additional access may be provided by video or other electronic***
24 ***means.***

25 ***(c) If a meeting has no physical location, public notice of the meeting, with all***
26 ***information necessary to access the meeting telephonically and by other means, shall be***
27 ***given as provided in this chapter. The notice shall provide a mechanism for the public to***
28 ***alert the public body during the meeting if there are problems with access. The meeting***
29 ***shall be adjourned if the public is unable to access the meeting.***

30 ***(d) Each member participating electronically or otherwise [must] in a meeting***
31 ***required to be open to the public shall be able to simultaneously hear each other and speak to***

HB 1014 - AS INTRODUCED

- Page 2 -

1 each other during the meeting, and shall be audible or otherwise discernable to the public in
2 attendance at the meeting's location, ***if the meeting has a physical location***. Any member
3 participating in such fashion shall identify ***the location from which the person is participating***
4 ***and*** the persons present in the location from which the member is participating. No meeting shall
5 be conducted by electronic mail or any other form of communication, ***including an online chat***
6 ***function***, that does not permit the public to hear, read, or otherwise discern meeting discussion
7 contemporaneously at the meeting location specified in the meeting notice.

8 ~~(e)~~ **(e)** Any meeting held pursuant to the terms of this paragraph shall comply with all
9 of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit
10 and purpose of this chapter as expressed in RSA 91-A:1.

11 ~~(e)~~ **(f)** A member participating in a meeting by the means described in this paragraph
12 is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting
13 shall be by roll call vote.

14 2 Effective Date. This act shall take effect 60 days after its passage.