

Code Amendment Proposal Application

NH Department of Safety
Office of the State Fire Marshal
Board of Fire Control
33 Hazen Drive, Concord, NH 03305
Phone: 603-223-4289 Fax: 603-223-4284
www.nh.gov/safety/divisions/firesafety

APPLICANT INFORMATION

Name:

Ari B. Pollack, Esq.

Date:

Nov. 14, 2016

Representing:

New Hampshire Homebuilders Association

Phone:

603-228-1181

Address:

214 N. Main Street

Fax:

603-228-8396

City:

Concord

State:

NH

Zip:

03301

E-Mail Address:

pollack@gcglaw.com

PROPOSED CODE LANGUAGE

This proposed code amendment (check one):

- Amends (code, edition, section)
- Adopts a new code section (code, edition)
- Repeals (code, edition, section)

Code, Edition, and/or section affected:

NFPA 1 Fire Code, 2015 Ed.
Section 20.11.4

You must provide language for review by the Board of Fire Control. Failure to provide language will invalidate the application. Please use the following format to show additions and deletions from the code: Strikethrough = deleted text. Underline and Bold = **New Text** (Right mouse click and/or Ctrl+E to access Strikethrough, Underline, and Bold).

Proposed Language

In the event the 2015 Edition of the NFPA 1 Fire Code is adopted in New Hampshire, repeal Section 20.11.4 entitled "Fire Protection of Floors" in its entirety. See also, Letter of Paul Morin, Chairperson, dated Nov. 1, 2016 (attached).

APPLICATION CRITERIA

Attach to this application written responses to the following questions. If needed, include in the response an explanation as to why a question does not apply to your proposed code amendment. The Board may reject an incomplete application.

Questions:

1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?
2. Is your proposed code amendment needed to protect the health, safety, welfare, comfort and/or security of occupants and the public, and if so, why?
3. Does your proposed code amendment correct inadequate application by a code section to a method, material, or design, and if so, why?
4. Is your proposed code amendment necessary to correct unique geographic or climatic conditions within New Hampshire, and if so, why?
5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?
6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?
7. Does your proposed code amendment create any adverse fiscal impact or cost savings for the general public, the construction industry, local and state governments, or small businesses? If so, please describe the added or reduced cost of the proposed code amendment, the adverse fiscal impact or cost savings in relation to the current NH State Fire Code, and any standards of measure used to arrive at the result given.

APPLICANT SIGNATURE

Signature: CB

Date:

11/14/2016

Copyright Notice: By signing this proposed code amendment application, I understand and acknowledge that the work contained in this application is original, or if not original, I have the right to copy the work. By signing this work, I understand that any rights I may have in this work, including any form of derivative works and compilations, are assigned to the N.H. Board of Fire Control. I also understand that I do not retain or acquire any rights once this work is used in an NH Board of Fire Control publication.

APPLICATION PROCESSING

The Office of the State Fire Marshal reviews all applications and will determine if the application is in conflict with any existing law or rule. The division will return any application found to be in conflict with any existing statute or rule along with the specific reasons for the returned application.

Not approved: _____ Approved: _____ Approved with modifications _____
Hearing Date: 11-16-16 Voting Date: _____

Chair's Signature: _____ Date: _____

Printed Name: _____

Fire Marshal's Signature: _____ Date: _____

Printed Name: _____

Commissioner's Signature: _____ Date: _____

Printed Name: _____



November 1, 2016

Via E-mail Only

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Kurt Clason
Alternate National Director

Sandy LaMontagne
Past Presidents' Council

Sharon Wayman
Accounting Manager
NH State Home Show Manager

Senator Sharon Carson, New Hampshire Senate District 14

sharon.carson@leg.state.nh.us

Representative Peter Hansen, New Hampshire House Hillsborough District 04

peter.hansen@leg.state.nh.us

Representative Andrew Christie, New Hampshire House Hillsborough District 04

andrew.christie@leg.state.nh.us

Representative Steven Beaudoin, New Hampshire House Strafford District 09

steven.beaudoin@leg.state.nh.us

Representative Jeffrey Goley, New Hampshire House Hillsborough District 04

jgoley03104@yahoo.com

Representative Carol Roberts, New Hampshire House Hillsborough District 04

Carol.Roberts@leg.state.nh.us

Chairman Shawn Bergeron, New Hampshire State Building Code Review Board

shawn.bergeron@bergerontechnical.com

Re: Proposed Adoption of IRC 2015/
Uniform Fire Code NFPA 1 – 2015 Edition

Dear Members of the HB427 Legislative Committee to Study the 2015 Edition of the Uniform Fire Code NFPA 1, Representative Roberts and Chairman Bergeron:

Please accept this letter from the NH Homebuilders Association ("the Homebuilders") in your Legislative or Administrative capacities relative to the proposed statewide adoptions of IRC 2015 and the Uniform Fire Code NFPA 1 –

Affiliated With



New Hampshire Home Builders Association
"Professionals Committed to Excellence"
The Housing Center • 119 Airport Road • Concord, New Hampshire 03301
603-228-0351 • info@nhhba.com • www.nhhba.com

Members of the HB427 Legislative Committee
Representative Roberts
Chairman Shawn Bergeron
November 1, 2016
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2015 Edition. Specifically, this correspondence relates to proposed IRC 2015 Section R302.13 and proposed Uniform Fire Code NFPA – 2015 Edition Section 20.11.4. Both of these sections are entitled “Fire Protection of Floors”. Both, if adopted as proposed, would impose new construction obligations upon New Hampshire homebuilders and homebuyers.

Each of the Fire Protection of Floors sections require that certain common floor assemblies in new construction be protected against structural failures during fire events. The practical effect of this requirement is that many basement ceilings – often left unfinished to curb expenses and provide unimpeded access to plumbing, electrical and HVAC systems – would require protection in the form of drywall, an automatic fire suppression sprinkler system, or more substantial wood joists. All of these additional protective measures would add new and additional expense to the cost of New Hampshire residential construction.

Over the past year, the Homebuilders have worked cooperatively with the Office of the State Fire Marshal, the New Hampshire Association of Fire Chiefs and the New Hampshire Building Officials Association to explore compromise relative to the respective Fire Protection of Floors sections. Our discussions have focused on whether there is a cost-effective alternative to drywall that would protect basement spaces. Discussions to date, however, have not resulted in any consensus or end result. Instead, these good faith discussions continue to lead to more and more questions from our members about increased building costs, sprinkler system requirements, water supply requirements, and the availability of qualified installation contractors. Simply put, after much research, the Homebuilders are left to speculate as to how local code officials would interpret inherent system ambiguities and how adding basement sprinkler systems would increase the costs of housing in New Hampshire.

Rather than delay or unnecessarily complicate the proposed adoption of IRC 2015 and the Uniform Fire Code NFPA 1 – 2015 Edition, the Homebuilders recommend deletion of the entirety of both sections relating to Fire Protection of Floors. This way, the remainder of the proposed codes, including compromises between the Homebuilders and the Building Code Review Board in the form of Code Amendments 15-17-16 to 15-23-16, can proceed towards adoption in New Hampshire.

Thank you for your consideration and efforts.

Very Truly Yours,



Paul Morin

paul@tarkka.com

Chairperson of the Government Affairs Committee

NH Homebuilders Association

Members of the HB427 Legislative Committee
Representative Roberts
Chairman Shawn Bergeron
November 1, 2016
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CC: All Recipients Via E-mail Only

J. William Degnan, State Fire Marshal

Carrie Rouleau-Côté, President, NH Building Officials Association

Steve Carrier, President, NH Association of Fire Chiefs

Richard Heath, Chair, NH Board of Fire Control

John Tuttle, NH Homebuilders Association representative to BCRB

Ari B. Pollack, Esq., Counsel for the NH Homebuilders Association