

HB 710-FN - AS AMENDED BY THE HOUSE

19Mar2019... 1024h

2019 SESSION

19-0269

05/04

HOUSE BILL **710-FN**

AN ACT relative to adoption of state building code and fire code amendments.

SPONSORS: Rep. McGuire, Merr. 29; Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Sen. Reagan, Dist 17

COMMITTEE: Executive Departments and Administration

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AMENDED ANALYSIS

This bill:

I. Provides for the appointment of alternative members of the state building code review board.

II. Revises the procedure for amendment to the state building code.

III. Requires the state building code review board to maintain a publicly accessible list of applicable building codes and amendments.

IV. Provides for an appeal to the state building code review board from decisions of a local building code board of appeals.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Nineteen*

AN ACT relative to adoption of state building code and fire code amendments.

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

1 1 State Building Code Review Board; Membership. Amend RSA 155-A:10, II to read as follows:

2 II. The term of each member shall be 3 years. The chair of the board shall be appointed by  
3 the commissioner of safety after meeting with the board. Board members shall be appointed for no  
4 more than [2] 3 consecutive 3-year terms. The board shall elect from among the members a vice-  
5 chair, who shall assume the responsibilities of the chair in the event of the chair's absence. ***Each***  
6 ***appointing authority may appoint one alternate member, qualified as defined in***  
7 ***subparagraphs I(a) through (p), who shall serve at the pleasure of the appointing***  
8 ***authority.***

9 2 State Building Code Review Board; Amendments to the State Building Code. Amend RSA  
10 155-A:10, IV and V to read as follows:

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

16 (a) ***The board may recommend adoption of a newer version of a code that has***  
17 ***been published for at least 2 years, and shall provide a summary of all significant***  
18 ***changes, cost estimates of these changes, and documentation of the need for the change in***  
19 ***the recommended legislation.***

20 (b) ***Amendments to the codes shall be reviewed and approved by the board, then***  
21 ***submitted annually to the legislature for ratification by the adoption of appropriate***  
22 ***legislation before they become effective.***

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

29 (d) ***Amendments adopted by municipalities shall be published by the board.***

30 V. ~~The board may adopt rules to amend the state building code for the codes described in~~  
31 ~~RSA 155-A:1, IV and IV a, to the extent the board deems that such amendments are necessary,~~

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1 ~~provided that any such amendments are ratified by the adoption of appropriate legislation within 2~~  
2 ~~years of their adoption. If such amendments are not ratified, then the rules shall expire,~~  
3 ~~notwithstanding RSA 541 A:17, I, at the end of the 2-year period. With the approval of the~~  
4 ~~commissioner of safety, the board shall be authorized, pursuant to RSA 541 A, to adopt rules~~  
5 ~~relative to procedures of its operation and appeals to the board.]~~ ***The board shall maintain a***  
6 ***publicly accessible list of applicable building codes and amendments to such codes.***  
7 ***Amendments proposed by municipalities shall be listed, with specific applicability if not***  
8 ***statewide.***

9       3 Applicability. Any code amendment in effect on the effective date of this act shall expire 18  
10 months from the effective date of this act unless prior to such date, the amendment is approved by  
11 the board of fire control or building code review board and ratified by the adoption of appropriate  
12 legislation.

13       4 New Section; Appeal of Decisions of Local Building Code Board of Appeals. Amend RSA 155-  
14 A by inserting after section 11-a the following new section:

15       155-A:11-b Appeal of Decisions of Local Building Code Board of Appeals.

16       I. The board shall hear appeals of final decisions of any local building code board of appeals  
17 established under RSA 674.

18       II. An application for appeal shall be based on a claim that the intent of the code or the  
19 rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not  
20 fully apply, or an alternative construction is proposed. The board shall not have authority to waive  
21 or grant variances to requirements of the code.

22       III. The board shall hold a hearing within 40 days of the receipt of an appeal, unless an  
23 extension of time has been granted by the board at the written request of one of the parties, and  
24 shall render a decision within 30 days of the conclusion of the hearing.

25       5 Effective Date. This act shall take effect 30 days after its passage.

**HB 710-FN- FISCAL NOTE**  
 AS INTRODUCED

AN ACT relative to adoption of state building code and fire code amendments.

**FISCAL IMPACT:**     State             County             Local             None

| STATE:                 | Estimated Increase / (Decrease)             |                                    |                                  |                                |
|------------------------|---|------------------------------------|----------------------------------|--------------------------------|
|                        | FY 2020                                     | FY 2021                            | FY 2022                          | FY 2023                        |
| <b>Appropriation</b>   | \$0   | \$0                                | \$0                              | \$0                            |
| <b>Revenue</b>         | \$0   | \$0                                | \$0                              | \$0                            |
| <b>Expenditures</b>    | \$110,000                                   | \$85,000                           | \$88,000                         | \$91,000                       |
| <b>Funding Source:</b> | <input checked="" type="checkbox"/> General | <input type="checkbox"/> Education | <input type="checkbox"/> Highway | <input type="checkbox"/> Other |

**METHODOLOGY:**

This bill amends RSA 155-A:10 and RSA 153:5 by providing for the appointment of alternative members of the Building Code Review Board, revising the procedures for amendments to the Board, requiring the Board to maintain a publicly accessible list of applicable building codes and amendments, and exempting certain rulemaking requirements.

The Department of Safety anticipates two additional part-time positions will be necessary to implement requirements of the bill. It states that based on the number or variance or waiver requests received by the Board, that one part-time position will need to be a qualified building code official who could research the waiver and report their recommendation to the Board after the code evaluation while the other part-time position will provide administrative and clerical assistance that currently does not exist within the Board. The Department also notes the Board's budget only provides for current member mileage expenses. It estimates the following additional expenditures associated with a part-time Program Specialist III position and a part-time Administrative Secretary position:

| <b>Part-time Expenses</b>       | <b>FY 2020</b>   | <b>FY 2021</b>  | <b>FY 2022</b>  | <b>FY 2023</b>  |
|---------------------------------|------------------|-----------------|-----------------|-----------------|
| <b>Program Assistant III</b>    |                  |                 |                 |                 |
| Salary and Benefits             | \$41,000         | \$44,000        | \$46,000        | \$48,000        |
| Equipment, travel, other        | \$33,000         | \$5,000         | \$5,000         | \$5,000         |
| <b>Administrative Secretary</b> |                  |                 |                 |                 |
| Salary and Benefits             | \$31,000         | \$33,000        | \$34,000        | \$35,000        |
| Equipment, travel, other        | \$5,000          | \$3,000         | \$3,000         | \$3,000         |
| <b>Total</b>                    | <b>\$110,000</b> | <b>\$85,000</b> | <b>\$88,000</b> | <b>\$91,000</b> |

**AGENCIES CONTACTED:**

Department of Safety

