

CHAPTER 311
HB 1681-FN - FINAL VERSION

10Mar2022... 0422h
03/31/2022 1196s
26May2022... 2117EBA

2022 SESSION

22-3121
05/10

HOUSE BILL ***1681-FN***

AN ACT relative to the state building code and the state fire 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

AMENDED ANALYSIS

This bill:

I. Revises the definition of the state building code.

II. 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.

III. Requires municipalities to submit local building ordinances to the state building code review board for informational purposes.

IV. Revises the definition of the New Hampshire fire code.

V. Ratifies amendments to the state fire 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the state building code and the state fire code.

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

1 311:1 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 building
5 code review board and ratified by the legislature in accordance with RSA 155-A:10.

6 311:2 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 of
8 the International Building Code [2015] ***2018***, the International Existing Building Code [2015] ***2018***, the
9 International Plumbing Code [2015] ***2018***, the International Mechanical Code [2015] ***2018***, the
10 International Energy Conservation Code [2015] ***2018***, the International Swimming Pool and Spa Code
11 [2015] ***2018***, and the International Residential Code [2015] ***2018***, as published by the International Code
12 Council *Inc.*, and the National Electrical Code [2017] ***2020, as published by the National Fire Protection***
13 ***Association, Inc.***, as [amended] ***reviewed and recommended*** by the state building code review board,
14 ***including all amendments reviewed and approved by the board as of November 30, 2021***, and ratified by
15 the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model
16 code referred to within a code listed in this definition shall not be included in the state building code unless
17 specifically included in the codes listed in this definition.

18 311:3 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, VI to read as
19 follows:

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

23 311:4 State Building Code. Amend RSA 155-A:2, I to read as follows:

24 I. All buildings, building components, and structures constructed in New Hampshire shall comply
25 with the state building code and state fire code. The construction, design, structure, maintenance, and
26 use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair,
27 removal, or demolition of all buildings and structures previously erected shall be governed by the
28 provisions of the state building code. ***The state building code in effect at the time that the application for***
29 ***the building permit required by RSA 155-A:4 is received by the governing authority shall remain in effect***
30 ***for the duration of the work covered by that permit. This requirement notwithstanding, for a period of 6***
31 ***months after the effective date of the code adopted under RSA 155-A:1, IV, a concurrency period is***

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1 *established, allowing building permits, and other required documents, at the election of the applicant, to*
2 *show compliance using either the code in effect just prior the effective date of the code adopted under*
3 *RSA 155-A:1, IV, or the code adopted under RSA 155-A:1, IV, but not a combination of the 2 codes.*

4 311:5 State Building Code. Amend RSA 155-A:2, X and XI to read as follows:

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

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

20 311:6 New Paragraph; Local Amendments Submitted to State Building Code Review Board. Amend
21 RSA 155-A:3 by inserting after paragraph IV the following new paragraph:

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

24 311:7 Code Requirements for Biomass Burning Boilers and Log Structures. Amend RSA 155-A:3-a
25 and 155-A:3-b to read as follows:

26 155-A:3-a Code Requirements; Biomass Burning Boilers.

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

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

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

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1 155-A:3-b Code Requirements; Log Structures.

2 ~~[I.]~~ Notwithstanding any provisions of the state building code or state fire code, the state building
3 code review board shall ~~[adopt]~~ **review and recommend** amendments to the state building code regulating
4 the design and construction of log structures. The adopted amendments shall include ICC 400 Standard
5 on the Design and Construction of Log Structures.

6 ~~[II. The amendments adopted under paragraph I shall be ratified by appropriate legislation within
7 2 years of their adoption. If such amendments are not ratified, then the amendments shall expire at the
8 end of the 2-year period.]~~

9 311:8 State Building Code Review Board. Amend RSA 155-A:10, IV to read as follows:

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

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

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

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

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

29 311:9 New Hampshire Fire Code. Amend RSA 153:1, VI-a to read as follows:

30 VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life
31 Safety Code, ~~[2015]~~ **NFPA 101, 2018** edition, and the Uniform Fire Code NFPA 1, ~~[2015]~~ **2018** edition, as
32 published by the National Fire Protection Association and as amended by the state board of fire control
33 and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model
34 code, or standard referred to within a code listed in this definition shall be included in the state fire code
35 unless amended in accordance with RSA 153:5.

36 311:10 State Fire Code; Ratification of Amendments; State Board of Fire Control. Pursuant to RSA
37 153:5, I, the general court hereby ratifies all amendments reviewed and approved by the board of fire
38 control as of January 30, 2021.

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1 311:11 State Building Code Review Board. RSA 155-A:10, IV is repealed and reenacted to read as
2 follows:

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

8 (a) The board shall review a newer version of a code that has been published for 2 years,
9 and shall provide a summary of all significant changes, cost estimates of these changes, and
10 documentation of the need for the change in any recommended legislation.

11 (b) Statewide amendments to the state building code shall be reviewed and approved by the
12 board, then submitted annually to the legislature for ratification by the adoption of appropriate legislation
13 before they become effective.

14 (c) Municipal amendments: municipalities shall submit proposed amendments to the state
15 building code to the board for review and confirmation prior to adoption. Municipalities may submit
16 proposed language to the board for an advisory opinion at any time. Cities shall submit the final proposed
17 building code amendment no later than 90 days before final adoption. Towns shall submit the final
18 proposed building code amendment no later than 10 days after the conclusion of the final public hearing.
19 Municipal submissions shall include the final text for each amendment. The board shall act to review and
20 confirm proposed municipal amendments within 90 days of submission for cities, and 45 days for towns.
21 Failure of the board to act within these timeframes shall constitute a confirmation of the municipal
22 amendment. The board's review shall be limited to a confirmation that the local amendment does not
23 establish requirements conflicting with, or less stringent than, the requirements of the state building code,
24 and to verify with the state fire marshal that there is no conflict with the fire code.

25 (d) Once an amendment is approved by the legislative body, the municipality shall submit
26 documentation to the building code review board within 30 days, pursuant to subparagraph (c), that the
27 public hearing was properly noticed and held, and that the provision was adopted by the local legislative
28 body.

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

34 (f) Amendments adopted by municipalities, submitted to the board under the provisions of
35 RSA 674:51, II, and confirmed by the board, shall be published by the board after notification of adoption
36 is received from the municipality.

37 311:12 Contingency. If SB 443-FN of the 2022 regular legislative session becomes law, then section
38 11 of this act shall take effect on January 1, 2023 at 12:01 a.m., and section 8 of this act shall not take

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1 effect. If SB 443-FN does not become law, then section 8 of this act shall take effect as provided in
2 section 13 of this act, and section 11 of this act shall not take effect.

3 311:13 Effective Date.

4 I. Section 11 of this act shall take effect as provided in section 12 of this act.

5 II. The remainder of this act shall take effect upon its passage.

Approved: July 01, 2022

Effective Date:

I. Section 11 shall take effect as provided in section 12

II. Remainder effective July 1, 2022

