

## AGENDA

UNIFORM BUILDING CODE COMMISSION  
ARCHITECTURAL ADVISORY COMMITTEE  
UNIFIED CODE ANALYSIS COUNCIL  
JOINT MEETING

May 6, 2014 9:00 AM

**Sandy City Hall Room 201**

**10000 Centennial Pkwy, Sandy, UT**

*This agenda is subject to change up to 24 hours prior to the meeting.*

Sign attendance sheet

1. Approve minutes from the April 15, 2014 joint meeting and Unified Code Analysis Council March 11, 2014 meeting
2. Review proposed amendment to IEBC as proposed at 4-15 meeting
  - Section 705.1 General
  - Section 705.2 Alterations affecting an area containing a primary function
  - Section 1012.8 Accessibility
  - Section 1012.8 Complete change of occupancy
3. Approve the 2012 IEBC as amended
4. Review proposed amendment to Title 15A-1-204(6)(a)
5. Discuss changing code cycle

### INFO ITEMS

- a. IBC Amendment Status Log
- b. IEBC Amendment Status Log

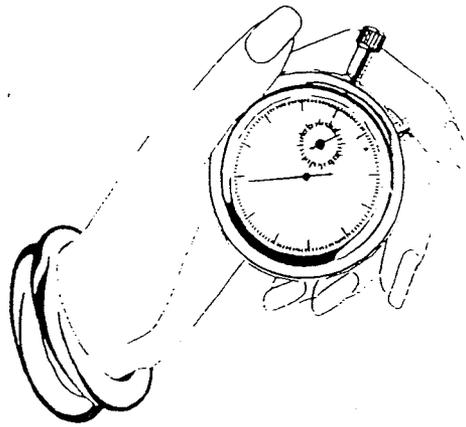
Next Scheduled Meeting: as needed

If you do not plan on attending this meeting, please call Sharon at 530-6163 or email at [ssmalley@utah.gov](mailto:ssmalley@utah.gov) or [dansjones@utah.gov](mailto:dansjones@utah.gov).



**In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Dave Taylor, ADA Coordinator, at least three working days prior to the meeting. Division of Occupational and Professional Licensing, 160 East 300 South, Salt Lake City UT 84115, Phone 530-6628 or toll-free in Utah only 866-275-3675.**

AGENDA  
ITEM # 1



MINUTES

UNIFORM BUILDING CODE COMMISSION

ARCHITECTURAL ADVISORY COMMITTEE  
UNIFIED CODE ANALYSIS COUNCIL

April 15, 2014  
Sandy City Hall Room 201  
10000 Centennial Pkwy Sandy, UT

MINUTES

STAFF:

Dan S. Jones, Bureau Manager  
Sharon Smalley, Board Secretary

ARCHITECTURAL ADVISORY COMMITTEE

|                        |                          |
|------------------------|--------------------------|
| William Hall           | Chris Jensen             |
| Ron McArthur           | Kenny Nichols            |
| Scott Marsell          | Gary Payne               |
| Jerry Jensen (excused) | James Sullivan (excused) |

UNIFIED CODE ANALYSIS COUNCIL

|                        |                          |
|------------------------|--------------------------|
| Jim McClintic          | Martha Ellis (excused)   |
| Jim Pedersen (excused) | Wendy Johnson (excused)  |
| Jeff Darr              | Deanne Mousley (excused) |
| Scott Adams            | Andrew Baxter (excused)  |
| Kevin Bell (excused)   |                          |

VISITORS:

MINUTES

A motion was made by Kenny Nichols for the Architectural Advisory Committee to approve the minutes from the March 11, 2014 joint meeting as written. The motion was seconded by Chris Jensen and passed unanimously. Approval of the minutes for the Unified Code Analysis Council was deferred until the next meeting.

REVIEW PROPOSED AMENDMENT TO  
IEBC SECTIONS

Those present reviewed the proposed amendments. Scott Adams gave a report on his contact with Steve Orłowski, the proponent of this proposed amendment.

705.1 GENERAL

During the discussion on the proposal for 705.1, it was proposed that besides deleting the words "undergoing less than a Level III alteration" in exception three, add the words "unless otherwise required

by the Federal Fair Housing Act." This modification will be reviewed at the next meeting after further study can be done by the committee members.

705.2 ALTERATIONS AFFECTING AN  
AREA CONTAINING A PRI  
MARY FUNCTION

During the review of this proposal, it was determined that no change should be made to this section. The decision on this was delayed until the next meeting.

1012.8 ACCESSIBILITY

It was agreed that the proposed change to 1012.8 should be reviewed at the next meeting as it was recommended that the same words that are being proposed for 705.1 also be added to this proposal.

1012.8.2 COMPLETE CHANGE OF OC  
CUPANCY

It was determined that no change should be made to this section. The decision on this proposed change was delayed until the next meeting.

APPROVE THE 2012 IEBC AS  
AMENDED

Since the decision on the proposed amendments was deferred until the next meeting, approval of the 2012 IEBC was also deferred.

DISCUSS A NEW MEETING DAY

It was agreed that the new meeting day for both committees will be the first Tuesday of the month at 9:00. The next meeting to review the modified proposals will be held on May 6th.

Dan Jones addressed the committees in connection with an amendment he received that has been proposed by Brian Romney with the University of Utah. This proposal would add the ICC Performance Code and the International Green Construction Code as approved codes. The committee suggested that further clarification is necessary and should be reviewed at a later meeting.

Ron McArthur suggested that the committees consider the possibility of changing to a six year code review cycle and decide what steps would need to be taken before a recommendation would be made to the Legislature. He pointed out that if changes are necessary it could be done by an amendment and that it would give the committees more time to do the review of the new code books. Scott Adams suggested that this should be addressed with the

Uniform Building Code Commission and the Fire Prevention Board. Jeff Darr pointed out the codes were brought about to protect life and property as technology changes and that it is important for contractors to be able to stay current. It was decided to add this as an agenda item for the next meeting.

The meeting adjourned at 10:13.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

UNIFORM BUILDING CODE COMMISSION  
ARCHITECTURAL ADVISORY COMMITTEE  
UNIFIED CODE ANALYSIS COUNCIL

March 11, 2014  
Sandy City Hall Room 341  
10000 Centennial Pkwy Sandy, UT

MINUTES

STAFF:

Sharon Smalley, Board Secretary

ARCHITECTURAL ADVISORY COMMITTEE

|                       |                         |
|-----------------------|-------------------------|
| William Hall          | Chris Jenen             |
| Ron McArthur (absent) | Kenny Nichols           |
| Scott Marsell         | Gary Payne (excused)    |
| Jerry Jensen          | James Sullivan (absent) |

UNIFIED CODE ANALYSIS COUNCIL

|                         |                         |
|-------------------------|-------------------------|
| Jim McClintic           | Martha Ellis            |
| Mike Pedersen (excused) | Wendy Johnson           |
| Jeff Darr               | Deanne Mousley          |
| Scott Adams             | Andrew Baxter (excused) |
| Kevin Bell (absent)     |                         |

MINUTES

A motion was made by William Hall to approve the minutes from February 11, 2014 joint meeting as written. The motion was seconded by Chris Jensen and passed unanimously.

REVIEW PROPOSED AMENDMENT TO  
IEBC SECTIONS:

705.1 GENERAL  
705.2 ALTERATIONS AFFECTING AN  
AREA CONTAINING A PRIMARY  
FUNCTION  
1012.8 ASSESSIBILITY  
1012.8.2 COMPLETE CHANGE OF OC-  
CUPANCY

Those present reviewed the proposed amendments. During the discussion several concerns were expressed as to if this would make modifications more restrictive and costly. Following the discussion, a motion was made by Scott Adams to table the decision on these proposed amendments until further clarification and study can be done and to contact Steve Orłowski with the National Association of Home Builders to have some of the questions raised during the discussion clarified. The motion was seconded by William Hall and passed unanimously.

Scott Adams will contact Mr. Orłowski to get clarification on the proposals and report back at the next meeting.

Page 2 of 2  
Joint Meeting  
Uniform Building Code Commission  
Architectural Advisory Committee  
Unified Code Analysis Council  
March 11, 2014

APPROVE THE 2012 IEBC AS  
AMENDED

A motion was made by Martha Ellis to table approval of the 2012 IEBC until the next meeting. The motion was seconded by Kenny Nichols and passed unanimously.

The meeting adjourned at 10:20.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

# Agenda Item #2

**National Association of Home Builders  
Recommended State & Local  
Amendments to the  
2012 Edition of the International Existing  
Building Code (IEBC)**

**Issue: Compliance with Federal Fair Housing Law**

**2012 IEBC Section Number: Various (705.1, 705.2, 1012.8, 1012.8.2)**

**Recommended Amendment: (as modified at 4-15-meeting)  
*Modify the sections as shown below:***

**705.1 General.** A *facility* that is altered shall comply with the applicable provisions in Sections 705.1.1 through 705.1.14, and Chapter 11 of the *International Building Code* unless it is *technically infeasible*. Where compliance with this section is *technically infeasible*, the alteration shall provide access to the maximum extent that is technically feasible.

A *facility* that is constructed or altered to be accessible shall be maintained accessible during occupancy.

**Exceptions:**

1. The altered element or space is not required to be on an accessible route unless required by Section 705.2.
2. Accessible means of egress required by Chapter 10 of the *International Building Code* are not required to be provided in existing *facilities*.
3. Type B dwelling or sleeping units required by Section 1107 of the *International Building Code* are not required to be provided in existing *facilities* ~~undergoing less than a Level III alteration~~ unless required by the Federal Fair Housing Act.
4. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provisions for Type B dwelling units.

**705.2 Alterations affecting an area containing a primary function.** Where an *alteration* affects the accessibility to a, or contains an area of, *primary function*, the route to the *primary function* area shall be accessible. The accessible route to the *primary function* area shall include toilet facilities or drinking fountains serving the area of *primary function*.

**Exceptions:**

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of *primary function*.

2. This provision does not apply to *alterations* limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to *alterations* limited solely to mechanical systems, electrical systems, installation or *alteration* of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to *alterations* undertaken for the primary purpose of increasing the accessibility of a *facility*.
5. This provision does not apply to altered areas limited to Type B dwelling and sleeping units.

**1012.8 Accessibility.** *Existing buildings* that undergo a change of group or occupancy classification shall comply with this section.

**Exception:** Type B dwelling or sleeping units required by Section 1107 of the *International Building Code* are not required to be provided in existing buildings and facilities undergoing a *change of occupancy* ~~in conjunction with less than a Level III alteration~~ unless required by the Federal Fair Housing Act.

**1012.8.2 Complete change of occupancy.** Where an entire building undergoes a *change of occupancy*, it shall comply with Section 1012.8.1 and shall have all of the following accessible features:

- At least one accessible building entrance.
- At least one accessible route from an accessible building entrance to *primary function* areas.
- Signage complying with Section 1110 of the *International Building Code*.
- Accessible parking, where parking is provided.
- At least one accessible passenger loading zone, where loading zones are provided.
- At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is *technically infeasible* to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible.

Exception: The accessible features listed in Items 1 through 6 are not required for an accessible route to Type B units.

**Reason:**

*These sections, new to the 2012 edition of the IEBC, should be stricken as they far exceed the Federal Fair Housing Act (FHAct) requirements for accessibility. Of most importance is that this change requiring compliance with IBC "Type B Units" in an alteration or change of use of an existing building is contrary to Federal law. First, these requirements expand the Federal law that only "multifamily buildings"*

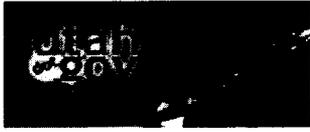
*constructed for first occupancy after March 13, 1991 need to be constructed to the FHAct requirements. Second, these requirements would apply to ALL existing buildings converted to multifamily use, no matter when they were first constructed. But, Federal law does not require existing buildings to comply with the FHAct. This is mainly due to the design and construction of the components of older buildings such as door and hallway widths, and the location of structural elements that that cannot be changed without great expense. This added expense can deter inner-city revitalization efforts of converting older existing buildings into residential occupancies.*

*Another problem is that this HUD supported change seems to be an attempt to circumvent and nullify the FHAct and the rulings handed down by the Federal Courts. The FHAct Rules includes a two-year statute of limitations on bringing suit and making corrections to an existing non-compliant multifamily building, a statute of limitations upheld by the Federal Circuit Courts of Appeals. It also appears this change is an attempt by a department of the federal government to mandate a change to the federal regulations without going through the Federal Administrative Procedure Act rulemaking process.*

*There is also the aspect of Federal preemption. The inclusion of these requirements in the IEBC is contrary to Federal Law. As Federal Law will preempt any state or local law, there will be challenges to the adoption of this Code. There is no benefit for any state or local jurisdiction to have to fight a challenge in court if the adoption of the IEBC contains these requirements. Until such time as the U.S. Congress passes Federal law, and HUD goes through the rule making process and develops such accessibility requirements for inclusion in the FHAct design manual, these requirements should not be included in the adoption of the IEBC.*

**Staff Contact:** Steve Orłowski – [sorlowsk@nahb.org](mailto:sorlowsk@nahb.org) 1-800-368-5242, ext. 8303

# Agenda Item #4



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## Fwd: Your request for code amendment.

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Dan S. Jones <dansjones@utah.gov>  
To: Sharon Smalley <:ssmalley@utah.gov>

Fri, Apr 25, 2014 at 3:52 PM

Sharon,

Please advise Mr. Romney of the time and date that this will be on the Committee agenda.

Also please make a copy of his response for the Committee to consider along with his request.

Thanks  
Dan

----- Forwarded message -----

From: **Bryan Romney** <bryan.romney@fm.utah.edu>

Date: Thu, Apr 17, 2014 at 2:39 PM

Subject: RE: Your request for code amendment.

To: "Dan S. Jones" <dansjones@utah.gov>

Cc: Sharon Smalley <:ssmalley@utah.gov>, Mark Steinagel <msteinagel@utah.gov>

Dan: My intent is to include the ICCPC and IgCC as noted below (annotated in red). The individual jurisdictions will enforce these codes as prescribed in Chapter 1 Administration of each code. I believe that each jurisdiction has the ability to issue permit fees to cover any additional fees for general or special inspections. Each jurisdiction by ordinance or rule may establish the conditions under which these approved codes may be utilized. Adoption of these codes is not mandatory and is certainly discretionary by each individual jurisdiction.

*Title 15A-1-204-(6) (a) The division, in consultation with the commission, may approve, without adopting, one or more approved codes, including a specific edition of a construction code, for use by a compliance agency.*

*(b) If the code adopted by a compliance agency is an approved code described in Subsection (6)(a), the compliance agency may:*

*(i) adopt an ordinance requiring removal, demolition, or repair of a building;*

*(ii) adopt, by ordinance or rule, a dangerous building code; or*

*(iii) adopt, by ordinance or rule, a building rehabilitation code.*

**(iv) adopt, by ordinance or rule, a performance code**

**(v) adopt by ordinance or rule, a green construction code**

**15A-2-105. Scope of application.**

(1) *To the extent that a construction code adopted under Section 15A-2-103 establishes a local administrative function or establishes a method of appeal which pursuant to Section 15A-1-207 is designated to be established by the compliance agency:*

(a) *that provision of the construction code is not included in the State Construction Code; and*

(b) *a compliance agency may establish provisions to establish a local administrative function or a method of appeal.*

(2) (a) *To the extent that a construction code adopted under Subsection (1) establishes a provision, standard, or reference to another code that by state statute is designated to be established or administered by another state agency, or a local city, town, or county jurisdiction:*

(i) *that provision of the construction code is not included in the State Construction Code; and*

(ii) *the state agency or local government has authority over that provision of the construction code.*

(b) *Provisions excluded under this Subsection (2) include:*

(i) *the International Property Maintenance Code;*

(ii) *the International Private Sewage Disposal Code, authority over which is reserved to the Department of Health and the Department of Environmental Quality;*

(iii) *the International Fire Code, authority over which is reserved to the board, pursuant to Section 15A-1-403;*

(iv) *a day care provision that is in conflict with Title 26, Chapter 39, Utah Child Care Licensing Act, authority over which is designated to the Utah Department of Health; and*

(v) *a wildland urban interface provision that goes beyond the authority under Section 15A-1-204, for the State Construction Code, authority over which is designated to the Utah Division of Forestry or to a local compliance agency.*

**(vi) the International Code Council Performance Code.**

**(vii) the International Green Construction Code.**

(3) *If a construction code adopted under Subsection 15A-2-103(1) establishes a provision that exceeds the scope described in Chapter 1, Part 2, State Construction Code Administration Act, to the extent the scope is exceeded, the provision is not included in the State Construction Code.*

Thank you for your consideration in this matter.

Thanks

Bryan M. Romney, AIA – ICC

BUILDING OFFICIAL

University of Utah – Facilities Management

1795 East South Campus Drive, Room 211

Salt Lake City, Utah 84112-9404

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*Thank you*

**From:** Dan S. Jones [mailto:dansjones@utah.gov]

**Sent:** Thursday, April 17, 2014 11:31 AM

**To:** Bryan Romney

**Cc:** Sharon Smalley; Mark Steinagel

**Subject:** Re: Your request for code amendment.

Bryan,

I think you would need different language than "approved code" that is currently used for a specific purpose. That is when an "approved code" is adopted by the local compliance agency it becomes the mandated code for that jurisdiction. A local compliance agency does not have the right to pick and choose, by project, what codes it will enforce.

Maybe the language could be something such as "approved for owner voluntary use".

Then the change would clarify that it is not be the local compliance agency which determines whether it must be used but the owner of the project.

There would also be a question of the building inspectors obligation to enforce higher standards. The local compliance agency may have issue with being mandated to use their resources to enforce the voluntary choices of an owner.

It may need clarification that it is the owners responsibility to enforce the higher standards.

Thanks

Dan

On Thu, Apr 17, 2014 at 10:30 AM, Bryan Romney <bryan.romney@fm.utah.edu> wrote:

Dan: I appreciate your request for clarification. It is my understanding that jurisdictions are required to enforce the Adopted codes as listed in Title 15A with the associated amendments. The Approved codes shown in Title 15A can be enforced by jurisdictions provided that those codes are adopted by ordinance in that jurisdiction. However, jurisdictions are limited in enforcing only those codes or standards included in the list of adopted and approved codes in Title 15A. For this reason I would like to include ICCPC and IgCC as approved codes so that not only the University but all jurisdictions in the state can legally, by ordinance, adopt these two approved codes.

If there is some other method of utilizing whatever codes or standards a state agency or jurisdiction desires to enforce, I would certainly appreciate an understanding of this option. Please let me know if my understanding is correct.

Thanks

Bryan M. Romney, AIA – ICC

BUILDING OFFICIAL

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Thank you

**From:** Dan S. Jones [mailto:dansjones@utah.gov]  
**Sent:** Thursday, April 17, 2014 10:06 AM  
**To:** Bryan Romney  
**Cc:** Sharon Smalley; Mark Steinagel  
**Subject:** Your request for code amendment.

Bryan,

We need some clarification of your recent request.

You asked that IGCC be added as an approved code.

When a local compliance agency adopts an "approved code" it then becomes mandated for use in that jurisdiction.

I believe what you may want is to have the IGCC listed as a voluntary code that may be used at the option of the owner of a project.

Going above and beyond the requirements of the currently adopted code is always an option, so long as it does not violate the existing code requirements.

I understand that the IGCC does not lighten the requirements of any other adopted or approved code.

As to the mandate of DFCM to use Leeds Silver. I do not believe this is a mandate that is included in the adopted building codes under Title 15A.

You may need to speak the DFCM to determine the appropriate forum to change their mandate.

Could you provide a clarification of your intent for the Building Code Commission's consideration.

Thanks

Dan S. Jones  
Bureau Manager  
dansjones@utah.gov  
Phone 801-530-6720  
DOPL internet site [www.dopl.utah.gov](http://www.dopl.utah.gov)

--  
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Bureau Manager  
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# Info Items



IEBC AMENDMENT STATUS LOG  
PENDING

| Section to Amend  | Proponent & Agency                    | Approved/Denied by Committee                     | Commission Appr/Deny for Hearing                   | Published | Public Hearing | Commission Appr/Deny Amendment | Effective Date |
|---|---------------------------------------|--|--|-----------|----------------|--------------------------------|----------------|
| 2012 IEBC   | Structural Advisory Committee         | Approved 11-7-13                                 | 1-15-14 sent to Arch, Mech, and Unified for review |           |                |                                |                |
| 705.1 General   | National Association of Home Builders | 4-15-14 Modified and deferred until next meeting |  |           |                |                                |                |
| 705.2 Alterations affecting an area containing a primary function | National Association of Home Builders | 4-15-14 Modified and deferred until next meeting |  |           |                |                                |                |
| 1012.8 Accessibility  | National Association of Home Builders | 4-15-14 Modified and deferred until next meeting |  |           |                |                                |                |
| 1012.8.2 Complete change of occupancy                             | National Association of Home Builders | 4-15-14 Modified and deferred until next meeting |  |           |                |                                |                |