

AGENDA

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

March 11, 2014 9:00 AM

Sandy City Hall Room 341

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 February 11, 2014 joint meeting
2. Review proposed amendment to IEBC
 - 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

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 or 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

MECHANICAL ADVISORY COMMITTEE
ARCHITECTURAL ADVISORY COMMITTEE
UNIFIED CODE ANALYSIS COUNCIL

February 11, 2014
Sandy City Hall
10000 Centennial Pkwy Sandy, UT

MINUTES

STAFF:

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

MECHANICAL ADVISORY COMMITTEE:

David Wilson	Tyler Lewis
Trent Hunt	Brent Ursenbach
Dennis Thatcher	Roger Hamlet
Randy Beckstead	John Gassman (absent)

ARCHITECTURAL ADVISORY COMMITTEE

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

UNIFIED CODE ANALYSIS COUNCIL

Jim McClintic	Martha Ellis
Jim Pedersen	Wendy Johnson
Jeff Darr	Deanne Mousley
Scott Adams	Andrew Baxter (absent)
Kent Mann (absent)	Keith Davis (absent)
Richard Lyman (absent)	Dave Vickers (absent)

VISITORS:

John Harrington, DFCM	Roger Evans, Park City Bldg Dept
Justin Naser	Maud deBel BarGen Technologies
Enrique Mora, Salt Lake Community College	
Sara Baldwin, Utah Clean Energy	Ricy Jones, Army National Guard
Rob Adams, S Power	Craig Hassell, Magleby Construction
John Burningham, DFCM	Brant Johnson, Russell & Co Construction

ELECT A CHAIRMAN AND VICE
CHAIRMAN FOR THE UNIFIED CODE
ANALYSIS COUNCIL

A motion was made by Wendy Johnson to nominate Scott Adams as chairman. The motion was seconded by Martha Ellis and passed unanimously.

A motion was made by Martha Ellis to nominate Wendy Johnson as vice chair. She declined the nomination. A motion was then made by Martha Ellis to nominate Deanne Mousley as vice chairman. The motion was seconded by Jeff Darr and passed unanimously.

MINUTES

A motion was made by Kenny Nichols to approve the minutes from the December 10, 2013 Architectural Advisory Committee joint meeting as written. The motion was seconded by Chris Jensen and passed unanimously.

A motion was made by Brent Ursenbach to approve the minutes from the December 10, 2013 Mechanical Advisory Committee joint meeting as written. The motion was seconded by Dave Wilson and passed unanimously.

A motion was made by Jim McClintic to approve the minutes from the June 5, 2012, June 20, 2012, July 3, 2012, and September 3, 2013 meetings as written. The motion was seconded by Deanne Mousley and passed unanimously.

REVIEW PROPOSED AMENDMENT TO IBC SECTION 1505.8 AND 1509.7

John Harrington spoke to the committees in connection with this proposed amendment and the reasons for the proposal. All present reviewed and discussed the proposal. Several recommendations were made to modify the wording in the proposal for Section 1509.7.4 Photovoltaic panels and modules. Following the discussion on all recommendations, a motion was made by Roger Hamlet and seconded by Martha Ellis to approve the proposal as submitted but in Section 1509.7.4 delete the words "but exempting section 16" and change the remaining wording in that section to read, "Photovoltaic panels and modules mounted on top of a roof shall be listed and labeled with a minimum fire classification C, regardless of the roof assembly classification, in accordance with UL1703, and shall be installed in accordance with the manufac-

turer's installation instructions." The Mechanical Advisory Committee voted unanimously to approve the proposal as changed. The Unified Code Analysis Council voted unanimously to approve the proposal as changed and the Architectural Advisory Committee voted unanimously to approve the proposal as changed.

REVIEW 2012 INTERNATIONAL EXISTING BUILDING CODE AND RECOMMENDATION FROM THE STRUCTURAL ADVISORY COMMITTEE IN CONNECTION WITH 2012 IEBC IN R156-15A-401 ADOPTION - APPROVED CODES AND AMENDMENTS IN R156-15A-402 STATEWIDE AMENDMENTS TO THE IEBC

Dan Jones gave an explanation as to why the Uniform Building Code Commission asked that these three committees review the 2012 IEBC. It was agreed that each committee will review the 2012 IEBC for possible amendments. If changes are recommended, a meeting will be scheduled to review the proposals and then it will be presented to the Commission again.

The meeting adjourned at 10:41.

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:

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.~~
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.~~

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:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to *primary function* areas.
3. Signage complying with Section 1110 of the *International Building Code*.
4. Accessible parking, where parking is provided.
5. At least one accessible passenger loading zone, where loading zones are provided.
6. 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 (FHA) 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 FHA 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 FHA. 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 FHA and the rulings handed down by the Federal Courts. The FHA 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 FHA design manual, these requirements should not be included in the adoption of the IEBC.

Staff Contact: Steve Orlowski – sorlowsk@nahb.org 1-800-368-5242, ext. 8303

Info Items

IEBC AMENDMENT STATUS LOG
PENDING

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						
705.2 Alterations affecting an area containing a primary function	National Association of Home Builders						
1012.8 Accessibility	National Association of Home Builders						
1012.8.2 Complete change of occupancy	National Association of Home Builders						