WHEREAS, the National Association of Home Builders (NAHB) has been a member of and supporter of the International Code Council (ICC) which has promoted the use of building codes in residential construction;

WHEREAS, the ICC has been the lead organization on the development and structure of building codes (ICC Code) for use by state and local governments and persons working in the building industry;

WHEREAS, in the ICC Code, the ICC has promoted safe building standards for residential construction and NAHB has supported the same to assure consumers that new residential construction is completed in a safe manner;

WHEREAS, NAHB and its members have supported the use of the ICC Code and the adoption of the same by state and local governments for use in residential and other construction in each respective state or locale;

WHEREAS, under the ICC structure, NAHB and its members participate in committees and the board of the ICC, but most NAHB and HBAs members, primarily homebuilders and subcontractors, the same persons who have to “build” to the ICC Code, are not typically permitted to be voting members of the ICC;

WHEREAS, the ICC’s model code adoption process does not allow for the regulated community (builders, developers, subcontractors, etc.) to vote on the final adoption of new codes;

WHEREAS, over the last two decades, the ICC Code promulgated by the ICC has vastly expanded the level of oversight of and intrusion into the residential construction process;

WHEREAS, the ICC-developed codes originally focused primarily on health and safety concerns but has come to focus increasingly on energy efficiency;

WHEREAS, many of the newer ICC Codes have steadily introduced significant increases in the cost to build a home in the United States regardless of the territory of construction;
WHEREAS, the ICC’s Code Adoption Cycle (the “Cycle”) has resulted in additional expense to those working in the residential construction industry because of constant adoption of new codes and little time for the industry to adapt and update its processes in connection with the adoption process;

WHEREAS, the ICC’s code adoption process does not meaningfully address the fact that some if its participants have a vested interest in the expansion and adoption of codes to benefit those participants’ own individual businesses or manufacturing processes by introducing their products and systems into model codes;

WHEREAS, the constant changing to the ICC Code have resulted in expense to not only home builders and subcontractors who have to deal with constant changes to the rules of building and buy new code books annually but also to local governments who must adopt the new code changes and purchase the code books for officials;

WHEREAS, the greatest expense of constantly more demanding codes is borne by home buyers who are frequently priced out of the new home market due to the added cost introduced by code compliance;

WHEREAS, the 2019 ICC Group B code cycle had numerous problems related to voter eligibility, stacking of votes at the on-line portion of the process, lack of transparency of the validated voters prior to the Public Comment Hearing, lack of oversight during the voter validation process, and process concerns with proposals defeated at both the Committee Action Hearings and the Public Comment Hearings which were allowed to proceed in the process without being fully vetted.

WHEREAS, the NAHB manages its involvement in the ICC through the NAHB Construction Codes and Standards Committee (CC&S) which like other NAHB committees is comprised of members as selected by NAHB leadership; and

WHEREAS, the NAHB CC&S Committee approves the policy of NAHB related to the ICC Code, the adoption of the same by state and local governments, and the support of the same by NAHB and its membership.

NOW, THEREFORE, BE IT RESOLVED that NAHB advocate actively that the ICC change its voting structure to allow voting rights for the regulated community—builders and other industry representatives from NAHB membership – in any final action or adoption of model codes;

BE IT FURTHER RESOLVED that NAHB advocate actively that ICC change their policy regarding proposals that are defeated at both the Committee Action Hearings and Final Action Hearings are not available for the online voting;
BE IT FURTHER RESOLVED that NAHB work with ICC to resolve the following concerns that were problematic during the 2019 Group B online vote:

1. Implement safeguards to ensure remote voting will be conducted in a manner that will prevent and prohibit the stacking of votes by individuals or groups;
2. ICC publishes and makes public a current list of the names of all eligible ICC governmental members and voting representatives, including primary governmental member voting representatives, as they are validated and prior to any Public Comment Hearing(s);
3. ICC takes appropriate steps to ensure every registered governmental member and voting representatives meets the requirements for eligibility to vote as outlined in ICC council policy and bylaws; and
4. ICC review its existing policies to correct problems with their code development process that has negatively impacted due process, balance, transparency, and other core aspects of a consensus process.

Leadership Council Action:
Resolutions Committee Action:
Construction, Codes & Standards Committee Action:
Custom Home Builders Committee Action:
State & Local Government Affairs Committee Action:
NAHB Remodelers Action:
Federal Government Affairs Committee Action:
Single Family Builders Committee Action:
Multifamily Council Board of Trustees Action:
Building Codes and Standards Subcommittee of the Construction, Codes & Standards Committee Action:
WHEREAS, the National Association of Home Builders (NAHB) is a founding strategic partner of the International Code Council (ICC);

WHEREAS, a November 19, 2019 letter from NAHB’s Chairman to the ICC and prominently posted to the ICC’s website encourages “state and local jurisdictions to consider adoption of the 2018 family of I-Codes as the foundation for updating their respective building codes;

WHEREAS, the ICC describes itself as “a nonprofit association that provides a wide range of building safety solutions including product evaluation, accreditation, certification, codification and training. It develops model codes and standards used worldwide to construct safe, sustainable, affordable, and resilient structures”

WHEREAS, the ICC’s strategic plan entitled “Vision 2025” (attached) clearly speaks to the ICC’s further efforts to rebrand the identity of the Code Council association and its family of companies as one united entity and to further monetize the model codes;

WHEREAS, in 2019 the ICC launched its “Government Relations National Strategy” that coordinates federal, state and local efforts in a national, cohesive and comprehensive strategic approach, which seeks to “advocate for the adoption of codes by the federal government, states, and localities.”;

WHEREAS, the ICC has listed the following as “Notable Accomplishments” in their 2019 Government Relations Year End Report (attached) related to the federal government:

- Successfully advocated for legislation to authorize Community Development Block Grant disaster recovery funding requiring up-to-date codes and standards for rebuilding.
- Led efforts to require adoption of a property maintenance code for the U.S. Department of Defense,
- Submitted comments that ensured the National Mitigation Investment Strategy recommends grant programs require up-to-date and well enforced codes and standards,

Resolution No. __2
Date: 10/22/2020
City: Washington, DC

NAHB Resolution

Title: NAHB’s Strategic Partnership with the International Code Council
Sponsor: Pennsylvania Builders Association
Submitted by: Andrew Kaye & Mark McNaughton
• Ensured legislation requiring Department of Housing and Urban Development supported housing utilize standards consistent with the 2018 IFC,
• Worked to require adherence to the latest codes and standards in the Rebuild America’s School Act (RASA), a grant and tax credit program, passed by the U.S. House Committee on Education and Labor,

WHEREAS, the ICC has listed the following as “Notable Accomplishments” in their 2019 Government Relations Year End Report (attached) related to individual state adoptions of the ICC model codes:

• Defeated 5-year code adoption legislation in the State of WA and inserted ISPSC standards for energy efficiency requirements for pool heaters in WA legislation.
• Successfully supported Texas legislation adopting the ISPSC for use in municipalities across the State.
• Replaced the National Standard Plumbing Code in Maryland with new adoptions of the IPC and IFGC.
• Lobbyied for successful adoption of the Indiana Residential Code for the first time since 2005 based on the 2018 IRC.
• Led legislative efforts in Maine to adopt the 2015 IMC for the first time.
• Attained a first-time adoption of the ISPSC in New Hampshire.
• Defeated legislation in Minnesota for the third consecutive year, preserving the effort to update the state codes to 2018 editions.
• Successfully opposed six-year IRC legislation in South Carolina.

WHEREAS, the ICC actively advocates for the complete adoption of their model building codes every three years both at the state and federal level;

WHEREAS, the ICC-developed codes originally focused primarily on health and safety concerns but has come to focus increasingly on energy efficiency, manufacturing “resiliency” and “sustainability;”

WHEREAS, many of the newer ICC Codes have steadily introduced significant increases in the cost to build a home in the United States regardless of the territory of construction;

WHEREAS, the ICC’s code adoption process does not meaningfully address the fact that some if its participants have a vested interest in the expansion and adoption of codes to benefit those participants’ own individual businesses or manufacturing processes by introducing their products and systems into model codes;

WHEREAS, the ICC’s constant rewrites of the I-Codes have resulted in unpredictable and ever-growing costs for home builders and subcontractors who must
comply with constant changes to the rules and purchase new ICC books; but also adds costs to local government and building officials who must adopt and learn the new code changes;

WHEREAS, the ICC has a vested monetary interest in changing the I-Codes every three years without a demonstrated need for a set three-year cycle, and

WHEREAS, the greatest expense of constantly more demanding codes is borne by home buyers who are frequently priced out of the new home market due to the added costs introduced by code compliance.

NOW, THEREFORE, BE IT RESOLVED that NAHB:

1. Reexamine their “strategic partnership” with the ICC to determine if NAHB builder members are being represented accurately within the partnership as it pertains to the ICC’s advocacy efforts at the state and local level;
2. Not lend its public or legislative support for the model I-Codes being codified in federal statute including any initiative to tie federal funds to the local jurisdiction’s adoption of the “latest codes and standards”;
3. Not lend its public support for the suite of I-Codes to be adopted as the base code in state and local jurisdictions; and
4. Not support the ICC’s position on code copyright infringement.

Leadership Council Action:
Resolutions Committee Action:
Construction, Codes & Standards Committee Action:
Custom Home Builders Committee Action:
State & Local Government Affairs Committee Action:
NAHB Remodelers Action:
Federal Government Affairs Committee Action:
Single Family Builders Committee Action:
Multifamily Council Board of Trustees Action:
Building Codes and Standards Subcommittee of the Construction, Codes & Standards Committee Action:
Recommendation No. 3

Date: 10/22/2020
City: Washington, DC

NAHB Recommendation

Title: NAHB’s Construction Codes & Standards Committee Oversight
Sponsor: Pennsylvania Builders Association
Submitted by: Andrew Kaye & Mark McNaughton

WHEREAS, the National Association of Home Builders (NAHB) has been a “strategic partner” of the International Code Council (ICC) which has promoted the use of building codes in residential construction;

WHEREAS, the ICC is actively engaged in advocating for the complete adoption of their model building codes every three years at the local, state, and federal levels;

WHEREAS, the ICC-developed codes originally focused primarily on health and safety concerns but have come to focus increasingly on energy efficiency, manufacturing “resiliency” and “sustainability;”

WHEREAS, many of the newer ICC Codes have steadily necessitated significant increases in the cost to build a home in the United States regardless of the territory of construction;

WHEREAS, the ICC is no longer simply a code development body but has turned into an active lobbyist on both state and federal issues;

WHEREAS, the NAHB manages its involvement in the ICC through the NAHB Construction Codes and Standards Committee (CC&S) which like other NAHB committees is comprised of members appointed by NAHB leadership;

WHEREAS, the NAHB CC&S Committee vets and recommends all building code-related policy for final adoption or approval by the NAHB Leadership Council and/or Board of Directors;

WHEREAS, the NAHB’s Federal Government Affairs Committee monitors a broad range of federal issues that affect NAHB members and is responsible for developing and recommending national and federal policy in all areas and communicating that information throughout the Federation;

WHEREAS, the NAHB Leadership Council is made up of Builder and Associate members who have been nominated by their local and state associations to act as the voice of the home building industry as the association considers the policies required to address challenges to the residential construction industry, and elects the leadership of the association, and
WHEREAS, the Leadership Council is the foundation upon which the national association is built, giving direction — based on their own experience yet weighing the needs of the membership at large — on advocacy issues and industry policy.

NOW, THEREFORE, BE IT RECOMMENDED that:

1. The NAHB Federal Government Affairs Committee be granted express authority to exercise oversight on all legislative strategies and initiatives pertaining to the ICC Model code where elements of that code intersect with or have an impact on federal energy, sustainability, resiliency conservation or climate issues;
2. NAHB’s Leadership Council have oversight on all final legislative strategies and initiatives pertaining to the adoption of the model I-Codes;
3. NAHB draft and adopt any such bylaw amendments as may be necessary to implement and effectuate the changes proposed herein;
4. NAHB’s leadership reexamine using the ICC Model Codes as the default standard for the industry; and that
5. NAHB explore the feasibility of NAHB drafting, adopting, and promoting its own consensus model building code.

Leadership Council Action:
Resolutions Committee Action:
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Multifamily Council Board of Trustees Action:
Building Codes and Standards Subcommittee of the Construction, Codes & Standards Committee Action:
Recommendation No. 3
Title: NAHB’s Construction Codes & Standards Committee Oversight

Check one of the four boxes below:

[ ] This recommendation requires additional budget appropriations, which will be presented and considered as part of NAHB’s normal budget review process. The amount of the new budget request to be presented to the NAHB Budget Committee is _______.

[ ] The above recommendation can be implemented using already approved budget and staff resources, but may require some shifting of priorities in terms of staff time and other resources. The preliminary cost estimates for implementing the above recommendation are (bold one):

-- Less than $20,000.
-- Between $20,000 and $50,000.
-- Between $50,000 and $100,000.
-- More than $100,000.

[ ] Impractical to provide a preliminary cost estimate at this time.

[x] No cost implications*.

* As submitted, this recommendation would not have an immediate budget impact if approved by the Leadership Council. If the feasibility study suggests NAHB should draft, adopt, and promote its own consensus model building code, any funding to do so would require approval from the Budget Committee and the Board of Directors. Although it is impractical to provide a reliable estimate to develop and implement a new consensus model building code at this time, it could cost between $5-$10 million dollars to develop an ANSI 1-2 family dwelling code and as much as another $2M/yr to maintain the code.