

Recommendation No.   1  

Date: 10/23/2020

City: Washington, DC

### NAHB Recommendation

Title:           NAHB's Involvement in the Model Code Adoption Process  
Sponsor:        Pennsylvania Builders Association  
Submitted by:    Andrew Kaye & Mark McNaughton

WHEREAS, the National Association of Home Builders (NAHB) has been a strategic partner 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 of the ICC, but most NAHB and HBAs members, primarily home builders 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 of 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 changes 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 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 makes the primary recommendations on the policy of NAHB related to the ICC Code, the amendment and adoption of the same by state and local governments, and the support of the same by NAHB and its membership.

NOW, THEREFORE, BE IT RECOMMENDED that NAHB advocate actively that the ICC improve its processes for developing model building codes in order 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 RECOMMENDED that NAHB advocate actively that ICC improve their policy so that proposals that are defeated at both the Committee Action Hearings and Final Action Hearings are not available for the online voting;

BE IT FURTHER RECOMMENDED 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, in real time 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 requirements for eligibility to vote that are restricted to those who are substantively involved in and knowledgeable of the review or enforcement of residential building codes; and
4. ICC review its existing policies and improve their code development process to uphold principles of due process, balance, and transparency.

Leadership Council Action:

Approved

Resolutions Committee Action:

Recommends Approval

Construction, Codes & Standards Committee Action:

Recommends Approval

*Following review by several committees, this recommendation was substantially revised during the Construction, Codes & Standards Committee and, therefore, will require a two-thirds majority vote by the Leadership Council for approval.*

**2020 Fall Leadership Council Meeting**

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**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.
- No cost implications.