



Philip Sherman, PE
Chair
**Designee of the
 Commissioner of
 Safety**

MEMBERS

Arthur Guadano
 Board of Architects

Jeffrey Trexler, PE
 Board of Engineers

**Vice Chair
 Beverly Kowalik, PE**
 Board of Engineers

Lee F. Carroll, PE
 Board of Engineers

Med Kopczyński
 NH Municipal Association

Michael Hagan, CFM
 NH Building Officials
 Association

Matthew Conley
 NH Assoc. of Fire Chiefs

**Peter Lennon, Fire Marshal,
 Manchester**
 NH Assoc. of Fire Chiefs

Arthur Rose
 Associated General Contractors

John Tuttle
 NH Home Builders Assoc.

Michael Soucy
 NH Dept of Energy

Robert Roy
 Mechanical Licensing Board

Kevin Gagne
 P•FGF•HVAC of NH

James Grant
 Bureau of Electrical Safety and
 Licensing

Katherine Richardson
 Governor's Commission on
 Disability

Dean Sotirakopoulos
 NH Electrical Contractors
 Business Assoc.

**NEW HAMPSHIRE
 STATE BUILDING CODE REVIEW BOARD**

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AGENDA

Regular Meeting and Public Hearing

Friday, May 10, 2024

10:00am – 1:00pm

Second floor, Conference Room

33 Hazen Drive

Concord, NH 03301

CALL to ORDER

- 1) Roll Call and declaration of quorum
 - (a) Roll call
 - (b) Determine quorum
- 2) Board membership status
 - (a) No changes
 - (b) Web based training
- 3) Acceptance of minutes of April 12, 2024, meeting

AMENDMENTS

- 4) Introduce: PL-21-15-24, RE-21-34-24
- 5) Open public hearing: RE-21-33-24

LEGISLATIVE STATUS

- 6) HB173 relative to toilet facilities provided by restaurants
- 7) HB 1059 relative to the state building code (BCRB Bill #1)
- 8) HB 1065 relative to fire sprinkler requirements in residential buildings
- 9) HB 1215 relative to subdivision regulations on the completion of improvements and the regulation of building permits
- 10) HB 1387 relative to revisions to the state building code (Bill #3)

- 11) HB 1544 relative to indemnification for municipalities adopting policies to address homelessness
- 12) HB 1602-FN relative to combining the board of tax and land appeals and the housing appeals board
- 13) SB 373 relative to the state building code
- 14) SB 437 relative to local authority to amend the state building code (Bill #2)

OLD BUSINESS

- 15) Website status
- 16) Administrative rule review, BCR100, BCR200
- 17) NEC committee schedule

MUNICIPAL AMENDMENT REVIEW

- 18) Ashland

NEW BUSINESS

- 19) To be determined

OTHER BUSINESS TO COME BEFORE THE BOARD

- 20) To be determined
- 21) Close public hearing

NEXT MEETING

- 22) June 14, 2024

ATTACHMENTS

- 23) April 12, 2024, minutes
- 24) Amendment spreadsheet
- 25) RE-21-33-24
- 26) PL-21-15-24
- 27) RE-21-34-24
- 28) Bcr 100 progress document
- 29) Bcr 200 progress document
- 30) Ashland Building Code ordinance

Draft – MINUTES

These minutes are DRAFT minutes and are posted to comply with RSA 91-A: 2 The Board has not voted to accept them. Changes may/may not be made prior to their adoption at the next Board meeting.

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

In-person regular meeting April 12, 2024

Members Present:

Philip Sherman, P.E., Chair
Matthew Conley, Chief - Amherst, NH Assoc of Fire Chiefs
Kevin Gagne, P•FGF•HVAC of NH
James Grant, Electricians Board
Arthur Guadano, Board of Architects
Michael Hagan, CFM, NH Building Officials Association
Med Kopczynski, NH Municipal Association
Beverly Kowalik, P.E. Vice-Chair Mechanical Engineer
Peter Lennon, Fire Marshal - Manchester, NH Association of Fire Chiefs
Kate Richardson, Governor's Commission on Disability
Arthur Rose, Associated General Contractors of NH, Inc.
Robert Roy, Mechanical Licensing Board
Dean Sotirakopoulos, NH Electrical Contractors Business Association
Michael Soucy, NH Department of Energy
Jeffrey Trexler, P.E., Board of Engineers (Structural Engineer)
John Tuttle, AIA, NH Home Builders Association
Karen LaMontagne, Alternate NH Home Builders Association
Jerry Tepe, FAIA, Alternate Governor's Commission on Disability

Absent:

Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)
Tedd Evans, Alternate Mechanical Licensing Board
Roger Maynard, Alternate P•FGF•HVAC of NH
David Mendzela, Alternate NH Electrical Contractors Business Association
Robert Wentworth, Alternate NH Building Officials Association

Also Present:

Roxie Beall, Administrative Assistant, NH State Fire Marshal's Office
Mary Triick, Attorney, Department of Justice

Guests:

Chris Skoglund, Clean Energy NH
Donald Lasell, New Hampshire Department of Energy
Scott Johnson, Office of Professional Licensure and Certification (OPLC)

Rebecca McWilliams, State Representative

Call to Order:

The meeting, held in-person, was called to order at 9:59am

Chair Sherman did roll call. A quorum was declared.

Board Membership Status reviewed. Art Guadano is due for reappointment. Waiting for nomination letter. John Tuttle finishes his 3rd term this summer

Reminder that web-based required training is due by April 30th. Only 7 people have completed and emailed certificates to Roxie so far.

Acceptance of Minutes - Motion to accept March 1, 2024 meeting minutes made by John Tuttle, seconded by Art Guadano. No discussion. All in favor, none opposed. Dean Sotirakopoulos, Peter Lennon, Matthew Conley and Phil Sherman abstained. There being none opposed, the motion carried. Minutes accepted.

APPEALS DISCUSSION

John Tuttle acting as presiding officer for the appeal presented the final order for the Board's review to ensure that it reflected what had been discussed and agreed to at the March 1st meeting. James Grant asked for an additional moment to read through it. There were no proposed changes. Discussion: Mike Hagan asked to clarify the reason for the decision was because the Board felt the ZBA was not set up to act as the Building Code Board of Appeals and noted that the Dockets still reflect Plaistow as the ZBA. Attorney Mary Triick stated let the record read that the title of the document reads that way.

John Tuttle asked for a vote to make the final order the final decision for the appeals case. All in favor: 11 who were present at the appeal. None opposed. Passes unanimously.

Instructions from Attorney Mary Triick to record today's date and the resulting vote.

AMENDMENTS

Discussion of the deadline to submit amendments that had been previously discussed. The deadline had been previous extended for recovery home and 3-4 unit sprinkler systems.

Today, two new amendments to be introduced. One is from a representative and if not dealt with, will be dealt with statutorily.

Chair Sherman asked for the opinion of the Board whether to accept the amendments, and to determine what process they wish to follow if any more amendments are received in the next couple of months. No thoughts shared in discussion.

Amendment RE-21-33-24 was introduced. Relative to tiny homes. Chair Sherman mentioned that Bill McKinney has shared that ICC is working on a standard that would encompass most of this and since codes are moving in that direction anyway, he recommended moving it forward.

Discussion: Jeff Trexler pointed out that there was a lot of verbiage within the justification section. Chair Sherman responded that some language comes out of commentary, the appendix already exists, and there are no technical requirements changing.

Med Kopczynski agreed with the Chair that no harm would come from moving it to public hearing to get input. He feels it may clear up some confusion as to what tiny houses are. He commented that the dollar figure of \$150/sq ft seemed low, about half compared to what he has seen.

Mike Hagan had same comment regarding the dollar figure. He felt this figure would quickly cause more issues with building inspectors. He is concerned about having to police the dollar amount.

Art Guadano agreed with the fee comments and agreed it could be moved to public hearing. He also commented that 1000 sq ft, the square footage listed, is not a tiny house but could even be a small ranch. He also asked if Board refused to move it forward, will it go to legislation.

Art Rose agreed with previous comments and stated that the size could be worked with but the dollar figure should go away.

Dean Sotirakopoulos agreed with previous comments about the dollar figure. He commented that one issue with the Plaistow appeal was the discrepancy between dollar amounts.

John Tuttle asked if requirements were for owner occupied only because there may be safety concerns for renters. Chair Sherman confirmed that the requirement is not limited to owner occupied structures.

James Grant added ICC evaluations were at \$165 sq ft.

Karen LaMontagne added that including a cost is a slippery slope. She also stated that cost is irrelevant to the safety issue of the building code.

Representative Rebecca McWilliams explained the benefits of the amendment, to enable more housing, and that it would be a stop gap until it gets into the code. As Jerry Tepe recommended, cost concerns were conveyed to Representative McWilliams who was open to considering recommended changes. She explained they were attempting to create a threshold for a home to be built by someone not particularly skilled, as opposed to high end or prefab. The intent was for tiny homes to expand the housing market for the “average Joe”. Representative McWilliams indicated that a cost would need to last for 3 years.

Art Guadano recommended not using a dollar figure due to quickly rising costs. He recommended using the square footage as a threshold though less than 1000 sq ft as that is the size of a small ranch.

Karen LaMontagne explained the building code is meant for basic life safety, and expressed that a back yard builder should still be held to the safety standards. She also felt that a square footage threshold should provide a sufficient limit.

Kate Richardson pointed out that having a cost threshold would cause them to have to meet IRC standards, which could prevent people from building a tiny home if they wanted to.

John Tuttle pointed out that breaking out what codes are used for life safety could create homes not built to safety code when they are rented, rather than owner occupied.

Mike Hagan expressed concern that any additions, renovations, or additional square footage to a tiny home which would need to meet regular code and cause confusion with what was part of original footprint.

Mike Hagan motioned to move RE-21-33-24 to public hearing, seconded by Dean Sotirakopoulos. All in favor, none opposed and no abstentions. There being none opposed, the motion carried.

Amendment BD-21-23-24 was introduced. This amendment was submitted by Carsten Jones and recommends replacing the word Exit with the European style pictogram exit signs. This is working its way through the model code process. Chair Sherman suggested no need for this amendment to be raced through the process. The amendment needs some work to meld into the code. Chair Sherman suggested that the committee that coordinated with the Board of Fire Control work with it and be prepared to deal with it in the Fall. The committee consists of Mike Hagan, Med Kopczyński, Beverly Kowalik, Peter Lennon (chair), Matthew Conley. Chair Sherman will pencil in to discuss in the September meeting.

PUBLIC HEARING

Chair Sherman asked for a motion to open the public hearing. Med Kopczynski made the motion, John Tuttle seconded. All in favor. Motion carried.

Chair Sherman presented amendment EN-18-11-24, relevant to approving this current IRC amendment to the residential section of IECC.

No Board or public comments.

Medi Kopczynski made the motion to approve EN-18-11-24, John Tuttle seconded the motion. No discussion. All in favor. Motion carried.

LEGISLATIVE STATUS

2023 HB-173 relative to toilet facilities provided by restaurants. Passed the house and will likely pass.

HB-1059 relative to updating the State building code (BCRB Bill #1). Committee has not yet voted.

HB-1065 relative to fire sprinkler requirements in residential buildings. Chair Sherman asked a few board members to take a look at it, particularly the wording. Prohibits municipalities from requiring them. Chair Sherman unsure of the intent of the language.

HB-1159 relative to restaurant toilet facilities changing from 25 person to 50 person. This bill overlaps HB-173. There was no discussion.

HB-1215 relative to if a subdivision is approved, the Building and Fire Codes that are current at that time, will be in effect indefinitely. Chair Sherman stated that tacked onto that bill is a change that causes the BCRB to hear appeals of the local building inspector when the town uses a local Zoning Board of Appeals. If the town is using the ZBA as a board of appeals, then the BCRB will hear it. If the town has a Building Code Board of Appeals, they will continue at the local level.

HB-1297 relative to the authority of municipalities to enforce ordinances related to health and safety. This bill restricts municipalities to adopt ordinances, related to Building and specifically Energy Codes. Inexpedient to legislate.

HB-1332 relative to prohibiting electric vehicles from parking in parking garages. Inexpedient to legislate.

HB-1387 relative to revisions to the state building code (Bill #3 – Housekeeping Bill). There has been no push back. Expected to pass.

HB-1396 relative to prohibiting municipal inspections of owner-occupied units of multi-unit housing. Inexpedient to legislate.

HB-1479 relative to prohibiting the use of federal, state, or local funds for lobbying activities. Inexpedient to legislate.

HB-1498 relative to establishing a state short term rental registry. Hearing is due in March 2024. Inexpedient to legislate.

HB-1544 relative to indemnification for municipalities adopting policies to address homelessness. Keep an eye on the interim study as it will come back up next year. Chair Sherman stated that there are problems with this one moving into the building arena. Med Kopczynski stated that municipalities don't want this bill.

HB-1602 FN relative to combining the board of tax and land appeals and the housing appeals board. Interim study to keep an eye on.

HB-1635 relative to the definition of short-term rental. This ties in with the registry. Inexpedient to legislate.

HB-6141-N-L relating to requiring large parking lots to have a solar power canopy. There was no discussion.

HB-1651-FN relating to combining the board of tax and appeals and the housing appeals board. Inexpedient to legislate.

HB-1676 establishing a sunset commission to evaluate various occupational boards and commissions, and sunseting various boards and commissions. Dean Sotirakopoulos will keep an eye on.

SB-221 establishing a study committee to examine day care access and affordability. The Board is watching. Hearing is in May. Inexpedient to legislate.

SB-373 relative to the state building codes. The competing bill, HB-1059, is to update building codes. This was an amendment the Board turned down and has now been submitted as a bill in the legislative process.

SB-437 relative to local authority to amend the state building code (Bill #2). Not a lot of objection at the last hearing.

SB-438 relative to the use of lumber harvested in the United States for state building projects. There was no discussion.

SB-483 relative to establishing an office of regulatory efficiency and oversight. There was no discussion.

CACR16-2024 relating to local governance. Providing that local construction projects seeking amendments, waivers, or variance be subject to certain local approval, disclosure, and voting requirements. This is a constitutional amendment. There was no discussion.

OLD BUSINESS

Website Status – Chair Sherman asked the Board members to take a look at new website and provide input to him.

Med Kopczynski commented that it was next to impossible to find stuff.

Dean Sotirakopoulos commented that he finds it easy to maneuver through.

Chris Skoglund commented that he hasn't been able to find old agendas online and could not find 2021 amendments. Chair Sherman assured him the exhibits are there, but they are hard to find.

Again, Chair Sherman asked Board members to get back to him with comments to improve the process.

Administrative rule review, BCR100, BCR 200 – Chair Sherman reported that LaValley at DOJ is running behind getting the updates to him, but they are in movement.

NEC committee - James Grant reported NEC meeting today after BCRB. James will report next month.

67 Series committee – Art Guadano reported no meeting today due to misunderstanding. Scheduling next meeting for next month.

MUNICIPAL AMENDMENT REVIEW

Canaan to be posted on website per Roxie Beall.

NEW BUSINESS

Mike Hagan asked if summary amendment courtesy document will be ready to use for July trainings. Chair Sherman responded that he hopes to have it ready July 1st. Chair Sherman went

on to explain to the board that trainings do not fall under the purview of the Board but they are helpful and beneficial to BCRB goals.

OTHER BUSINESS TO COME BEFORE THE BOARD

Jeff Trexler asked the Board if anyone had seen the newspaper editorial from Senator Murphy that provided inaccurate information that the BCRB had approved the 2021 Energy Code, and a following editorial applauding the Board for doing that. Jeff Trexler asked if anyone had provided a correction to the paper. Chair Sherman stated that he sent an email to that gentleman and politely said that is incorrect and I hope that there was a way to issue a retraction. He is unsure if that ever happened but is doubtful. Unfortunately, he has every right to spout incorrect information.

Motion to close Public Hearing made by John Tuttle, seconded by Med Kopczynski. All in favor. Public hearing closed at 11:09 am.

NEXT MEETING:

Friday, May 10th @ 10 am – 33 Hazen Drive, Concord, 2nd floor conf room

MEETING ADJOURNED

John Tuttle motioned to adjourn the meeting, seconded by Med Kopczynski. All in favor, none opposed. There being none opposed, the motion carried.

Meeting adjourned at 11:10 am.

Respectfully submitted by Roxie Beall, 4/23/24

Code	2018 #	2018 Reference	2018 Code Action	To Tepe and SubC	PRS final to Shana	BCRB Status	2018 Ratification Status
IBC	BD-18-01-21	101.1	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-02-21	101.4	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-04-21	1011.12.3	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-05-21	1105.1	Direct Carry-Forward combine with BD-15-12-18	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-06-21	1109.2.1.2.1	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-07-21	1109.2.4	Amend per J. Tepe to include ... 603.5 of ICC A117.1...	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-08-21	1608.2	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-10-21	2902.2	Delete main body amend (2018 IBC has language), renumber	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-11-21	3103.1.2	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-12-21	Appendix C	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-15-23	202	New amendment			Approved 5/12/23	Effective 10/13/23 SB53-2023
IBC	BD-18-16-23	307	New amendment			Approved 5/12/23	Effective 10/13/23 SB53-2023
IBC	BD-18-17-23	414.2, 414.5	New amendment			Approved 5/12/23	Effective 10/13/23 SB53-2023
IBC							
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IBC							
IBC	BD-18-14-22	Appendix G	2022 New amendment 2018 Appendix G Floods			Not approved 11/4/22	Delete from 2021
IBC	Delete		See 155-A-18-00-21				Delete from 2021
IBC	Delete		Delete, 2018 IBC has amended language	Delete	Delete		Delete from 2021
IBC	Delete		Delete, 2018 IEBC has amended language	Delete	Delete		Delete from 2021
IBC	Delete		Delete, 2018 IEBC has amended language	Delete	Delete		Delete from 2021
IBC	BD-18-03-21	102.6	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-09-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IBC	BD-18-13-21	3001.2	New amendment, 2018 3001.2			Approved 9/10/21	Effective 7/1/22 HB1681-2022
IEBC	Delete		See 155-A-18-00-21				Delete from 2021
IEBC	EX-18-06-21	305.8.17	Direct Carry-Forward, renumber to 2018 section 305	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-02-21	101.2	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-08-21	1012.8.1	Direct Carry-Forward 2015 and 2018 should be 1012.5.1	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-09-21	305.5	Direct Carry-Forward. Uses 2018 definition language	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-01-21	101.1	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-03-21	102.4	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-04-21	202	Direct Carry-Forward, renumber to 2018 section 305	7/22/21	7/26/21	Amend/approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-05-21	305.8.16	Direct Carry-Forward, renumber to 2018 section 305	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC	EX-18-07-21	1011.5.1.1	Direct Carry-Forward, renumber to 2018 section 305	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IEBC							

Code	2018 #	2018 Reference	2018 Code Action	To Tepe and SubC	PRS final to Shana	BCRB Status	2018 Ratification Status
IEBC							
IECC	EN-18-01-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 9/10/21	Effective 7/1/22 HB1681-2022
IECC	EN-18-02-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 9/10/21	Effective 7/1/22 HB1681-2022
IECC	EN-18-03-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 9/10/21	Effective 7/1/22 HB1681-2022
IECC	EN-18-04-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 9/10/21	Effective 7/1/22 HB1681-2022
IECC	EN-18-05-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 9/10/21	Effective 7/1/22 HB1681-2022
IECC	EN-18-06-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 9/10/21	Effective 7/1/22 HB1681-2022
IECC	EN-18-07-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IECC	EN-18-08-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IECC							
IECC							
IECC							
IECC							
IECC							
IECC							
IECC	Delete		See 155-A-18-00-21				Delete from 2021
IECC	EN-18-09-23	R301.1					
IECC	EN-18-10-23	R402.4.1.2					
	EN-18-11-24	R403.3.4	Copy from 2018 IRC RE-18-13-21			Introduced 3/1/24	
IMC	ME-18-02-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-04-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-10-21	930.1	Direct Carry-Forward, renumber 2018 section 930.1	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-14-23	Chapter 15					Effective 10/13/23 SB53-2023
IMC	ME-18-01-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-03-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-05-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-06-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-07-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-08-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-09-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-11-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC	ME-18-12-21		Direct Carry-Forward	7/22/21	7/26/21	Amend/approved 8/27/21	Effective 7/1/22 HB1681-2022
IMC							Effective 7/1/22 HB1681-2022
IMC	ME-18-13-23	Chapter 11					Effective 10/13/23 SB53-2023
IMC	Delete		See 155-A-18-00-21				
IPC	PL-18-02-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-11-21		Changes reviewed by Roger Maynard	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-04-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-08-21		Direct Carry-Forward Changes reviewed by Tedd Evans	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-15-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-01-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022

Code	2018 #	2018 Reference	2018 Code Action	To Tepe and SubC	PRS final to Shana	BCRB Status	2018 Ratification Status
IPC	PL-18-03-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-05-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-06-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-07-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-12-21	705.10.2	Direct Carry-Forward, renumber 2018 IPC 705.10.2	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-13-21		Changes reviewed by Roger Maynard	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-14-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-16-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IPC	PL-18-17-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IPC	PL-18-18-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IPC							
IPC							
IPC							
IPC							
IPC	Delete		See 155-A-18-00-21				Effective 7/1/22 HB1681-2022
IPC	PL-18-09-21		Changes reviewed by Roger Maynard	7/22/21	7/26/21	Not approved 8/27/21	Effective 7/1/22 HB1681-2022
IPC	PL-18-10-21		Direct Carry-Forward	7/22/21	7/26/21	Not approved 8/6/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-13-21	N1103.3.6	Direct Carry-Forward	7/22/21	7/26/21	Approved 9/10/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-23-21	Appendix AQ	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-06-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-04-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-01-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-02-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-03-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-05-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-07-21		Direct Carry-Forward, reletter note	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-09-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-10-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-11-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC							
IRC	RE-18-14-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-15-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-16-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-18-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-19-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-20-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-21-21 R1		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-22-21	Appendix AJ	Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-24-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IRC	RE-18-25-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IRC	RE-18-26-22		2022 New amendment			Approved 11/4/22	Effective 5/19/23 HB564-2023
IRC							

Code	2018 #	2018 Reference	2018 Code Action	To Tepe and SubC	PRS final to Shana	BCRB Status	2018 Ratification Status
IRC							
IRC							
IRC	RE-18-27-23	Chapter 44					Effective 10/13/23 SB53-2023
IRC							
IRC							
IRC	RE-18-08-21		Direct Carry-Forward	Delete	Delete	Approved 8/27/21	Effective 7/1/22 HB1681-2022
IRC							
IRC							
IRC							
IRC							
IRC							
IRC							
IRC	Delete		See 155-A-18-00-21				Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Delete, 2018 IRC has amended language	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	Delete		Expires	Delete	Delete		Effective 7/1/22 HB1681-2022
IRC	RE-18-12-21		Direct Carry-Forward	7/22/21	7/26/21	Not approved 9/10/21	Effective 7/1/22 HB1681-2022
IRC	RE-18-17-21		Direct Carry-Forward	7/22/21	7/26/21	Not approved 8/27/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-01-21		Direct Carry-Forward			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-02-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-03-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-04-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-05-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-06-21		Direct Carry-Forward			Approved 8/27/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-07-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-08-21		New amendment			Approved 8/27/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-09-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-10-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-11-21		Direct Carry-Forward			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-12-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-13-21		Direct Carry-Forward			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-14-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-15-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-16-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-17-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022

Code	2018 #	2018 Reference	2018 Code Action	To Tepe and SubC	PRS final to Shana	BCRB Status	2018 Ratification Status
NEC	EL-20-18-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	EL-20-19-21		New amendment			Approved 8/6/21	Effective 7/1/22 HB1681-2022
NEC	Delete		See 155-A-18-00-21				Effective 10/13/23 SB53-2023
RSA	155-A-18-00-21		Update model codes to 2018 ICC, 2020 NEC		7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	SP-18-03-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	SP-18-04-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	SP-18-01-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	SP-18-02-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	SP-18-05-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	SP-18-06-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	SP-18-07-21		Direct Carry-Forward	7/22/21	7/26/21	Approved 8/27/21	Effective 7/1/22 HB1681-2022
SPSC	Delete		See 155-A-18-00-21				

Code	2021#	2021 Reference	2021 action	BCRB Status	2021 Ratification status	
IBC	BD-21-01-23	101.1	Direct Carry-Forward	Approved 2/10/23	Submitted	
IBC	BD-21-02-23 R1	101.4	Revise	Approved 2/10/23	Submitted	
IBC	BD-21-03-23	1011.12.3	Direct Carry-Forward	Approved 2/10/23	Submitted	
IBC	BD-21-04-23 R1	1105.1	Direct Carry-Forward	Approved 2/10/23	Submitted	
IBC	BD-21-05-23	1110.2.1.2.1	Direct Carry-Forward	Approved 2/10/23	Submitted	
IBC	BD-21-06-23	1110.2.6	Direct Carry-Forward	Approved 2/10/23	Submitted	
IBC	BD-21-07-23	1608.2	Direct Carry-Forward	Not Approved 2/10/23		
IBC	BD-21-08-23 R1	2902.2	Direct Carry-Forward	Not Approved 2/10/23		
IBC	BD-21-09-23 R1	3103.1.2	R1 revise per fire code	Approved 5/12/23	Submitted	
IBC	BD-21-10-23 R1	101.2.2	Adopt appendices	Approved 2/10/23	Submitted	
IBC	BD-21-11-23	202	Direct Carry-Forward	Approved 8/11/23	Submitted	
IBC	BD-21-12-23	307	Direct Carry-Forward	Approved 8/11/23	Submitted	
IBC	BD-21-13-23	414.2, 414.5	Direct Carry-Forward	Approved 8/11/23	Submitted	
IBC	BD-21-14-23	1106.1	New amendment	Approved 8/11/23	Submitted	
IBC	BD-21-15-23	1106.6	New amendment	Approved 8/11/23	Submitted	
IBC	BD-21-16-23	1102.2	New amendment	Approved 9/8/23	Submitted	
IBC	BD-21-17-23 R1	903.2.8	New amendment	Not approved 11/3/23		
IBC	BD-21-18-23 R1	1031.2	New amendment	Withdrawn 1/12/24	Submitted	
IBC	BD-21-19-23 R2	202	New amendment	Approved 1/12/24	Submitted	
IBC	BD-21-20-23	310.3	New amendment	Approved 1/12/24	Submitted	
IBC	BD-21-21-23	310.4	New amendment	Approved 1/12/24	Submitted	
IBC	BD-21-22-23	1031.2	New amendment	Approved 1/12/24	Submitted	
	BD-21-23-24	1013.7	New amendment	Introduced 4/12/24	BCRB Study	
IBC	Delete			Delete		
IBC	Delete			Delete		
IBC	Delete			Delete		
IBC	Delete			Delete		
IBC	Delete			Delete		
IBC	Delete	102.6	Covered by 101.4	Delete		
IBC	Delete	2701.1	Covered by 101.4	Delete		
IBC	Delete	3001.2	Covered by model code	Delete		
IEBC	Delete			Delete		
IEBC	Delete	305.7	Combine with EX-21-04-23	Delete		
IEBC	Delete	101.4	Covered by 101.4	Delete		
IEBC	Delete	306.5	Del "as amended" amend	Delete		
IEBC	Delete	306.6	Del "as amended" amend	Delete		
IEBC	EX-21-01-23	101.1	Direct Carry-Forward	Approved 2/10/23	Submitted	
IEBC	EX-21-02-23	102.4.3	Revise	Approved 2/10/23	Submitted	
IEBC	EX-21-03-23	202	Direct Carry-Forward	Approved 2/10/23	Submitted	
IEBC	EX-21-04-23	305.7	Direct Carry-Forward	Approved 2/10/23	Submitted	
IEBC	EX-21-05-23	1011.6.1.1	Direct Carry-Forward	Approved 2/10/23	Submitted	
IEBC	EX-21-06-23 R1	1011.2.1	New amendment	Approved 12/8/23	Submitted	

Code	2021#	2021 Reference	2021 action	BCRB Status	2021 Ratification status	
IEBC	EX-21-07-23	803.2.2	New amendment	Approved 1/12/24	Submitted	
IECC	EN-21-01-23	C101.1	Direct Carry-Forward	Approved 1/12/24	Submitted	
IECC	EN-21-02-23	C101.5	Direct Carry-Forward	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-03-23	C406	Direct Carry-Forward	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-04-23	C408	Direct Carry-Forward	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-05-23	R101.1	Direct Carry-Forward	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-06-23	R101.5	Direct Carry-Forward	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-07-23	C505.1	Direct Carry-Forward	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-08-23	R505.1	Direct Carry-Forward	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-09-23	C108.1	Reference standards	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-10-23	R108.1	Reference standards	Approved 1/12/24	Hold, code not proposed	
IECC	EN-21-11-23	C402.1.3	Withdrawn	Withdrawn		
IECC	EN-21-12-23	C402.1.4	Withdrawn	Withdrawn		
IECC	EN-21-13-23	R402.1.2	Withdrawn	Withdrawn		
IECC	EN-21-14-23	R402.1.3	Withdrawn	Withdrawn		
IECC	EN-21-15-23	R403.3.5	Withdrawn	Withdrawn		
IECC				Delete		
IECC				Not approved		
IECC				Not approved		
IMC	Delete	101.2	Covered by 102.8	Delete		
IMC	Delete	109.6	Covered by ME-21-02-23	Delete		
IMC	Delete		Duplicate 1004.1.1	Delete		
IMC	Delete	Chapter 15	Combine with ME-21-05-23	Delete		
IMC	ME-21-01-23	101.1	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-02-23	109.1	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-03-23	115.4	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-04-23	116.4	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-05-23 R1	Chapter 15	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-06-23	301.19	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-07-23	606.2.4	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-08-23	1004.1.1	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-09-23	202	Direct Carry-Forward	Approved 4/14/23	Submitted	
IMC	ME-21-10-23	102.8	Reference standards	Approved 4/14/23	Submitted	
IMC	ME-21-11-23	Chapter 11	Direct Carry-Forward	Approved 8/11/23	Submitted	
IMC				Delete		
IPC	Delete		Covered by 102.8	Delete		
IPC	Delete		Covered by 102.8	Delete		
IPC	Delete		Covered by 109	Delete		
IPC	Delete		Covered by model code	Delete		
IPC	Delete		Covered by PL-21-08-23	Delete		
IPC	PL-21-01-23	101.1	Direct Carry-Forward	Approved 4/14/23	Submitted	

Code	2021#	2021 Reference	2021 action	BCRB Status	2021 Ratification status	
IPC	PL-21-02-23	109	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-03-23	115.4	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-04-23	116.4	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-05-23	305.4.1	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-06-23	705.10.2	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-07-23	903.1.1	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-08-23	Appendix B,C	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-09-23	701.2	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-10-23	802.1.7	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-11-23	1003.3.5.3	Direct Carry-Forward	Approved 4/14/23	Submitted	
IPC	PL-21-12-23	312	New amendment	Approved 4/14/23	Submitted	
IPC	PL-21-13-23	102.8	Reference standards	Approved 4/14/23	Submitted	
IPC	PL-21-14-23	202	New amendment	Approved 9/8/23	Submitted	
IPC	PL-21-15-24	419.6, 422.3,	New amendment			
IPC				Introduced 5/10/24		
IPC				Delete		
IPC				Delete		
IRC	Delete		Ch 11 now deleted	Delete		
IRC	Delete		Combine with RE_21-17-23	Delete		
IRC	Delete	R202	Combine with RE-21-04-23	Delete		
IRC	Delete		Covered by reference stds	Delete		
IRC	RE-21-01-23	R101.1	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-02-23	R101.3.1	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-03-23 R1	R105.2	Revise per model code and	Approved 8/11/23	Submitted	
IRC	RE-21-04-23 R1	R202	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-05-23 R1	Table R301.2	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-06-23	R310.1	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-07-23	R313.2	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-08-23	M2001.1.1	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-09-23	N1101.5		DNM forward 6/9/23		
IRC	RE-21-10-23	Chapter 24	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-11-23	P2603.5.1	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-12-23	P2903.10	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-13-23	P3003.9.2	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-14-23	P3103.1	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-15-23	Ch 34-43	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-16-23	Chapter 44	Direct Carry-Forward	Delete		
IRC	RE-21-17-23	R102.5	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-18-23	R324.6	Direct Carry-Forward	Approved 11/3/23	Submitted	
IRC	RE-21-19-23	R1113.1	Withdrawn	Delete		
IRC	RE-21-20-23	R202	Direct Carry-Forward	Approved 8/11/23	Submitted	
IRC	RE-21-21-23	R403.3.5	Withdrawn	Withdrawn		

NEW HAMPSHIRE BUILDING CODE AMENDMENT FORM

EXHIBIT #: RE-21-33-24
REVISION #: 0

Submitted by:

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Date: 4/3/24

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 IPC IRC ISPSC NEC

Check one: Delete Amend Add

**** Please Use MS Word Track Changes below if Available****

Applicable NH Code Language: (In effect or awaiting ratification as of date of request)		Proposed Code Language:	
Code Year: 2021	Code Section: AQ102.1	Code Year: 2021	Code Section: AQ102.1
<p>AQ102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to AQ102.1 General.</p> <p>EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.</p> <p>LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.</p> <p>LOFT. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.</p> <p>TINY HOUSE. A dwelling that is 400 square feet (37 m2) or less in floor area excluding lofts. of this code for general definitions.</p>		<p>AQ102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.</p> <p>EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.</p> <p>LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.</p> <p>LOFT. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.</p> <p>TINY HOUSE. A dwelling that is 400<u>1,000</u> square feet (37 m2) or less in floor area, excluding lofts, <u>with a construction cost of no more than \$150 per square foot of gross floor area.</u></p>	

Reason/Justification: To increase availability of tiny house housing units, reduce unnecessary obstacles to construction, and streamline the permitting process to allow construction of tiny house housing units. This appendix applies to single-family residential dwellings with a total gross floor area of less than 1,000 square feet, hereafter known as "tiny homes" and a construction cost of not more than \$150 per square foot of gross floor area. Intent: Encourage the construction of affordable and

efficient housing options. Streamline the permitting process for tiny homes while ensuring basic safety and functionality. Applicability: This code applies to new construction of tiny homes. Existing structures intending major renovations may be eligible for code relaxation upon review by the building department. Code Relaxation: Structural: Tiny homes may utilize alternative building methods and materials approved by the building department, provided they meet minimum performance standards for safety and durability. Mechanical, Ventilation, and Plumbing (MEP): Prescriptive code compliance may be waived if a licensed professional engineer certifies the proposed MEP systems meet safety and functionality requirements. Energy Efficiency: While energy efficiency standards are highly encouraged, minimum compliance requirements may be reduced upon demonstration of achieving a comparable level of performance through alternative methods. Code Suspension - Cost Threshold: The code relaxations listed above are suspended if the documented construction cost exceeds \$150 per square foot of gross floor area. In such cases, the tiny home must comply with all applicable standard residential building codes. Safety and Habitability Standards: All tiny homes must meet the following minimum standards: Life safety requirements including fire separations, egress (exits), and smoke detection. Structural integrity to withstand dead, live, and wind loads. Plumbing, mechanical, and electrical systems that are safe, functional, and meet basic health standards. Accessibility requirements for doorways and essential features. Permitting: Tiny homes must obtain a building permit from the local building department. Plans must be submitted demonstrating compliance with this code and relevant safety standards.

Cost impact: Optional use, results in cost reduction where used.

For Building Code Review Board Use: Date received: 4/3/24

Revision History Date: R1: _____; R2: _____; R3: _____ R4: _____; R5:

Hearing: Vote Date: _____ Move forward; Scheduled hearing date: _____ Do Not Move Forward

BCRB approved: Revision #: _____; Approved; Not approved; Date: _____

X
Philip Sherman
Chairman

Ratified by General Court: Ratified; Not ratified;

Date: _____ Bill year and number: _____

Signed by Governor: Date: _____

Effective date: _____

Expiration date, if any: _____

Form rev date: 12/31/2021

NEW HAMPSHIRE BUILDING CODE AMENDMENT FORM

EXHIBIT #: PL-21-15-24
REVISION #: 0

Submitted by:

Name: Tedd P. Evans

Address: 33 Angela Way, Concord, NH 03301

Date: 4/30/24

Telephone: 603-557-4010

Company/Org/Self: Self

Email: teddevans@comcast.net

Code: (select one only) IBC IEBC IECC IMC
 IPC IRC ISPC NEC

Check one: Delete Amend Add

**** Please Use MS Word Track Changes below if Available****

Applicable NH Code Language: (In effect or awaiting ratification as of date of request)		Proposed Code Language:	
Code Year: N/A	Code Section: N/A	Code Year: 2021	Code Section: 419.6, 422.3, 607.1.3
N/A		<p><u>419.6 (add) Hot water limitations.</u> Hot water delivered to lavatories in dwelling units shall be limited to 120 degrees F controlled by one of the following:</p> <ol style="list-style-type: none"> <u>1. A limiting device conforming to ASSE 1070/ASME A112.1070/CSA B125.70.</u> <u>2. A water heater conforming to ASSE 1082</u> <u>3. A water heater conforming to ASSE 1084.</u> <u>4. A temperature-actuated, flow reduction device conforming to ASSE 1062</u> <p><u>422.3 (add) Hot water limitations.</u> Hot water delivered to sinks in dwelling units shall be limited to 120 degrees F controlled by one of the methods listed in 419.6 following:</p>	

607.1.3 (add) Hot water temperature limitations.
Maximum hot water temperatures shall conform to the following:

607.1.3.1 In all dwelling units the maximum hot water temperature delivered to faucets at lavatories, kitchen sinks and laundry tubs shall be limited to 120 degrees F. Dishwashers, clothes washers and appropriately labeled hot water dispensers are exempt from this requirement.

607.1.3.2 Lavatories (other than public handwash facilities), kitchen sinks and laundry tubs in occupancies other than dwelling units shall be provided with water no hotter than 120 degrees F.

The above temperature limitations in 607.1.3.1 and 607.1.3.2 may be controlled by any of the methods listed in 607.1.2.

All other temperature requirements and/or limitations shall be determined by the design professional.

Reason/Justification: This brings all dwelling unit fixtures, showers, tubs, lavatories, kitchen sinks and laundry tubs to the same maximum hot water temps of 120F. These represent the most risky locations for scalding possibilities. Currently the limit in lavatories, kitchen sinks and laundry tubs is 140 degrees F

Cost impact: Some cost increase

For Building Code Review Board Use: Date received: 4/30/24

Revision History Date: R1: _____; R2: _____; R3: _____ R4: _____; R5:

Hearing: Vote Date: _____ Move forward; Scheduled hearing date: _____ Do Not Move Forward

BCRB approved: Revision #: _____; Approved; Not approved; Date: _____

X
Philip Sherman
Chairman

Ratified by General Court: Ratified; Not ratified;

Date: _____ Bill year and number: _____

Signed by Governor: Date: _____

Effective date: _____

Expiration date, if any: _____

Form rev date: 12/31/2021

NEW HAMPSHIRE BUILDING CODE AMENDMENT FORM

EXHIBIT #: RE-21-34-24
REVISION #: 0

Submitted by:

Name: Tedd P. Evans

Address: 33 Angela Way, Concord, NH 03301

Date: 4/30/24

Telephone: 603-557-4010

Company/Org/Self: Self

Email: teddevans@comcast.net

Code: (select one only) IBC IEBC IECC IMC
 IPC IRC ISPSC NEC

Check one: Delete Amend Add

**** Please Use MS Word Track Changes below if Available****

Applicable NH Code Language: (In effect or awaiting ratification as of date of request)		Proposed Code Language:	
Code Year: N/A	Code Section: N/A	Code Year: 2021	Code Section: P2801.1.2
N/A		<p><u>P2801.1.2 Hot Water Temperature Limitations. In all dwelling units the maximum hot water temperature delivered to faucets at lavatories, kitchen sinks and laundry tubs shall be limited to 120 degrees F controlled by one of the following:</u></p> <ol style="list-style-type: none"> <u>1. A limiting device conforming to ASSE 1070/ASME A112.1070/CSA B125.70.</u> <u>2. A water heater conforming to ASSE 1082</u> <u>3. A water heater conforming to ASSE 1084.</u> <u>4. A temperature-actuated, flow reduction device conforming to ASSE 1062</u> <p><u>Dishwashers, clothes washers and appropriately labeled hot water dispensers are exempt from this requirement.</u></p>	

Reason/Justification: This brings all dwelling unit fixtures, showers, tubs, lavatories, kitchen sinks and laundry tubs to the same maximum hot water temps of 120F. These represent the most risky locations for scalding possibilities. Currently the limit in lavatories, kitchen sinks and laundry tubs is 140 degrees F

Cost impact: Some cost increase

For Building Code Review Board Use: Date received: 4/30/24

Revision History Date: R1: _____; R2: _____; R3: _____ R4: _____; R5:

Hearing: Vote Date: _____ Move forward; Scheduled hearing date: _____ Do Not Move Forward

BCRB approved: Revision #: _____; Approved; Not approved; Date: _____

X

Philip Sherman
Chairman

Ratified by General Court: Ratified; Not ratified;

Date: _____ Bill year and number: _____

Signed by Governor: Date: _____

Effective date: _____

Expiration date, if any: _____

Form rev date: 12/31/2021

CHAPTER 100 ORGANIZATIONAL RULES

PART Bcr 101 PURPOSE

Bcr 101.01 Purpose

PART Bcr 102 DEFINITIONS [definitions in chapter 100 apply to the entire title (Bcr) – so, if there is a definition here, then it does not need to be repeated in Chapter 200 or any other Bcr rule]

PART Bcr 103 DESCRIPTION

Bcr 103.01 Composition of Board

Bcr 103.02 Duties of the Board

PART Bcr 104 REQUESTS FOR INFORMATION

Bcr 104.01 Requests for Information

PART Bcr 105 MEETINGS [Recommend shortening title to just “meetings”]

Bcr 105.01 Meetings

Bcr 105.02 Quorum

PART Bcr 106 APPOINTMENT OF COMMITTEES [as the Board is a Board, recommend just using the word “committee”]

Bcr 106.01 Committees [We should discuss – there may be concerns with the Committee’s ability to form committees. At the minimum, all committees need to follow 91-A. So if a committee of three is formed, anytime two of those members get together, that is a meeting under 91-A. In other words, the Board would be forming smaller public bodies that each have to meet 91-A requirements for meeting notices, minutes, etc. etc.]

CHAPTER 200

PART Bcr 201 PURPOSE

Bcr 201.01 Purpose

PART Bcr 202 DEFINITIONS [See above comment re: Bcr 100 definitions. My recommendation is to not include a second definitions section unless truly necessary]

PART Bcr 203 FAILURE TO COMPLY; WAIVER OF RULES

Bcr 203.01 Failure to Comply with Rules.

Bcr 203.02 Waiver of Rules. [Recommend making this a rule waiver provision for all rules, not just procedural rules]

PART Bcr 204 TIME PERIODS

Bcr 204.01 Computation of Time.

Bcr 204.02 Change in Allowed Times.

Bcr 204.03 Limitations

PART Bcr 205 FILING AND SERVICE OF DOCUMENTS

Bcr 205.01 Filing of Documents with the Board.

Bcr 205.02 Subscription and Veracity of Documents

Bcr 205.03 Service of Documents

PART Bcr 209 PRESIDING OFFICER [Recommend re-ordering the 200 rules to have a logical flow – general procedural rules applicable across proceedings, presiding officer rules, then adjudicative proceedings, then unique proceedings (appeals, rulemaking, declaratory rulings)]

Bcr 209.01 Designation

Bcr 209.02 Authority of Presiding Officer

Bcr 209.03 Exceptions to Interlocutory Rulings by the Presiding Officer

Bcr 209.04 Proposed Decisions By Presiding Officer

PART Bcr 208 ADJUDICATIVE PROCEEDINGS

Bcr 208.01 Applicability

Bcr 208.02 Commencement of Adjudicative Proceeding

Bcr 208.03 Docketing and Notice

Bcr 208.04 Consolidation and Severance

[Recommend these two be added to the adjudicative proceeding rules]

Bcr 208.04 Pleadings, Motions, and Objections

Bcr 208.06 Right to Counsel

Bcr 208.05 Intervention.

Bcr 208.07 Prehearing Conferences

Bcr 208.08 Discovery and Disclosure

Bcr 208.09 Evidence

Bcr 208.10 Burden of Proof

Bcr 208.11 Methods of Proceeding

Bcr 208.12 Inquiry By Presiding Officer

Bcr 208.13 Proposed Findings of Fact and Conclusions of Law

Bcr 208.14 Ex parte Communications

Bcr 208.15 Decisions

PART Bcr 210 RECONSIDERATION AND STAY

Bcr 210.01 Motion for Reconsideration or Rehearing.

Bcr 210.02 Reconsideration on the Board's Own Motion.

Bcr 210.03 Stay of Board Orders.

Part Bcr 206 APPEALS.

Bcr 206.01 Appeals

Bcr 206.03 How to Appeal

Bcr 206.04 Rejection of Notice of Appeal

Bcr 206.05 Commencement of the Appeal

Bcr 206.06 Transcripts from Licensing Board

Bcr 206.07 Transcripts from local building code Board of Appeals

Bcr 206.08 Standard of Review on Appeal

Bcr 206.09 Evidence

Bcr 206.10 Appeal Hearing Process

Bcr 206.11 Appeal Decisions

PART Bcr 212 INVESTIGATIONS

- Bcr 212.01 Informal Investigations
- Bcr 212.02 Formal Investigations
- Bcr 212.03 Informational Hearings

PART Bcr 213 RULEMAKING

- Bcr 213.01 How Adopted.
- Bcr 213.02 Petition for Rulemaking
- Bcr 213.03 Disposition of Petition
- Bcr 213.04 Deficiencies in Petitions
- Bcr 218.01 Request for Rule Explanation [recommend incl. this under rulemaking]

PART Bcr 214 RULEMAKING HEARINGS

- Bcr 214.01 Scope
- Bcr 214.02 Notice
- Bcr 214.03 Presiding Officer
- Bcr 214.04 Order of the Hearing
- Bcr 214.05 Postponement and Continuations
- Bcr 214.06 Written Comments
- Bcr 214.07 Copies of Recordings.

PART Bcr 217 DECLARATORY RULINGS

- Bcr 217.01 Petitions for Declaratory Rulings
- Bcr 217.02 Action on Petitions for Declaratory Rulings

PART Bcr 215 CHANGES AND AMENDMENTS TO THE STATE BUILDING CODE

- Bcr 215.01 How Adopted
- Bcr 215.02 Procedures for changing the state building code
- Bcr 215.03 Procedures for amending the state Building Code.
- Bcr 215.04 Deficiencies in Petitions

PART Bcr 216 REVIEW AND CONFIRMATION OF MUNICIPAL AMENDMENTS TO THE STATE BUILDING CODE

- Bcr 216.01 Procedures

CHAPTER Bcr 200 PRACTICE AND PROCEDURE

Statutory Authority: RSA 155-A:11, RSA 155-A:11-a, RSA 541-A:16, I
and RSA 541-A:30-a,

PART Bcr 201 PURPOSE

Bcr 201.01 Purpose. The purposes of these rules are to specify the process used by the New Hampshire state building code review board for acquiring and reviewing sufficient information to make fair and reasoned decisions on matters within their statutory jurisdiction. These rules shall be construed to secure the just, efficient, and accurate resolution of all board proceedings.

PART Bcr 202 DEFINITIONS

Bcr 202.01 Definitions. Except where the context makes another meaning manifest, the following terms shall have the meanings indicated below when used in this chapter:

- a) "Adjudicative" means the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36.
- b) "Board" means the New Hampshire State Building Code Review Board as established in RSA 155-A:10, I.
- c) "Data" means all information other than argument, including oral or written descriptions, reports, maps, charts, drawings, photographs, audio or video recordings, computer programs, or computer printouts.
- d) "Declaratory Ruling" means a ruling by the Board as to the specific applicability of any statutory provision or of any rule or order of the Board as set forth in RSA 541-A:1, V.
- e) "De novo" means a new hearing on all issues and a full hearing on the merits in no way restricted by what occurred before.
- f) "File" means to place a document in the actual possession of the board.
- g) "Hearing" means "adjudicative proceeding" as defined by RSA 541-A:1, I, namely "the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36", and Bcr 200.

Commented [JL1]: This is confusing. Earlier "adjudicative" is defined as a the procedure to be followed in contested cases. Now "hearing" is too. Plus you have multiple types of hearings - such as rulemaking hearings. You may wish to delete this definition.

- h) "Investigation" means a search by the board for data concerning matters within its jurisdiction, the result of which is other than a final determination of a person's rights, duties or privileges.
- i) "Model Code" means a code that is developed and maintained by a standards organization independent of the jurisdiction responsible for enacting the building code.
- j) "Motion" means any request by a party to an existing proceeding for an order or relief relating to that proceeding.
- k) "Party" means "party" as defined by RSA 541-A:1, XII, namely, "each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party." The term "party" includes all intervenors in a proceeding, subject to any limitations established pursuant to RSA 541-A:32, III.
- l) "Petition" means any request to the board seeking an order or any other action or relief.
- m) "Public Hearing" means a hearing conducted in public after a board vote in response to a request by any person to commence a proceeding for the purposes of updating or changing the state building code manuals for the codes described in RSA 155-A:1, IV.
- n) "Presiding officer" means the board member or other individual to whom the board has delegated authority to preside over an adjudicative or other proceeding.
- o) "Rulemaking" means the statutory procedures for the formulation of a rule set forth in RSA 541-A:3.
- p) "State fire marshal" means the state fire marshal of the State of New Hampshire, or his or her designee.

Commented [JL2]: Based on this definition, almost everything the board does is an "investigation" unless it is an adjudicative proceeding. Does the Board actually use this terminology? The beginning of a rulemaking process, for example, could be considered an investigation as the board must submit the rules for comments.

Commented [JL3]: Who else can the board make a presiding officer? As discussed in the Bcr 100s, the Board likely lacks the authority to create additional state employees/officials. So, perhaps, via agreement the Board could execute an MOA with another state agency to borrow a presiding officer/hearing officer or ask DOJ to allow counsel to serve as a presiding officer.

Perhaps consider:

"means the individual to whom the board has delegated authority to preside over an adjudicative or other proceeding."

PART Bcr 203 FAILURE TO COMPLY; WAIVER OF RULES

Bcr 203.01 Failure to Comply with Rules.

- a) Failure to comply with the rules of this chapter shall result in the board:
 - i) Refusing to accept or admit a noncompliant document for filing or refusing to consider a noncompliant oral petition or motion; or
 - ii) Accepting or admitting, or denying or not admitting a noncompliant application, petition, motion or exhibit on the condition that conformity with specific procedural requirements be achieved by a specified date.

- iii) When a noncompliant pleading or other tendered information is not accepted or admitted by the board, or when conditions for the acceptance or admission of noncompliant information are not met, the board shall make a decision on the pending matter without considering the noncompliant information, unless the board notifies the parties that it has waived the rule in accordance with Bcr 203.02.

Bcr 203.02 Waiver of Procedural Rules.

- (a) The presiding officer, upon his or her own initiative or upon the motion of a party, shall suspend or waive any requirement or limitation imposed by this chapter upon reasonable notice to affected persons when the proposed waiver or suspension appears to be lawful, and would be more likely to promote the fair, accurate and efficient resolution of issues pending before the board than would adherence to a particular rule or procedure.
- (b) A motion for waiver or suspension of a procedural rule or order shall fully set forth the reasons for the requested relief.

PART Bcr 204 TIME PERIODS

Bcr 204.01 Computation of Time.

- (a) Unless otherwise specified, all time periods referenced in this chapter shall be calendar days.
- (b) Computation of any period of time referred to in these rules shall begin with the day after the action which sets the time period in motion and shall include the last day of the period so computed.
- (c) If the last day of the period so computed falls on a Saturday, Sunday, or New Hampshire legal holiday, then the period shall be extended to include the following first business day.

Bcr 204.02 Change in Allowed Times. Except where a time period is fixed by statute, the board shall, upon motion or upon its own initiative, change the time provided for the filing of any document, or reschedule the time set for any oral hearing, prehearing conference, or other activity upon a finding that the moving party did not comply with the time period due to accident, mistake, or misfortune, and the probable injury to the moving party outweighs any detriment likely to be suffered by any other party. The board shall shorten the time provided for the filing of any document or for the scheduling of any oral hearing, prehearing conference, or other activity upon a finding that to do so would assist in resolving the matter or issue fairly and there is no likelihood of any detriment to be suffered by any other party.

Bcr 204.03 Limitations. A motion to change time shall be filed at least 3 business days before the scheduled date of the event in question.

Commented [JL4]: You could simplify by referring to RSA 21:35, the state statute on how "time is reckoned"

Commented [JL5]: Must the board act on timelines as a full body or can a presiding officer act to grant a change?

PART Bcr 205 FILING AND SERVICE OF DOCUMENTS

Bcr 205.01 Filing of Documents with the Board.

(a) Provided it facially conforms with all applicable administrative rules, a document shall be considered filed when it is actually received at the board's office at the following address or with a confirmation return email from the board:

State Building Code Review Board
33 Hazen Drive
Concord NH 03305

Commented [JL6]: What's the board's email?

(b) A document, which is facially in violation of the board's rules, shall not be accepted for filing. Such submissions shall be returned to the sender without prejudice to subsequent acceptance if the deficiencies are corrected and the document is refiled within the applicable time period.

(c) All correspondence, filings, and other communications to the board shall be addressed to the board's office.

Commented [JL7]: What about email?

(d) All petitions, motions, exhibits, memoranda or other documents filed in connection with a request for board action shall be filed electronically, unless otherwise required by law or rule, in which case an original and 16 copies shall be filed.

(e) Where a paper copy is required, only an original copy shall be filed of transmittal letters, requests for public information, or other routine correspondence not directed at formal board action.

(f) Where a paper record is required, failure to furnish the required number of copies shall result in the tendered document being returned as unacceptable for filing.

Bcr 205.02 Subscription and Veracity of Documents.

- a) All petitions, motions, and replies filed with the board shall be signed and dated by the proponent of the document or, if the party appears by a representative, by the representative.
- b) Unless otherwise prohibited by law or rule, electronic signatures are acceptable.
- c) The signature on a document filed with the board shall constitute a certification that:
 - i) The signor has read the document;
 - ii) The signor is authorized to file it;
 - iii) To the best of the signor's knowledge, information and belief, there are good grounds to support it; and
 - iv) The document has not been filed for purposes of delay or harassment.

- d) A willful violation of the representations contained in (c), above, shall, to the extent consistent with justice, and the statutes administered by the board, result in the board entering an order adverse to the party committing the violation.

Bcr 205.03 Service of Documents.

- (a) Applications and petitions for adjudicative or declaratory rulings shall be filed with the board.
- (b) Filings related to amending the building code are exempt from BCR 205.03
- (c) All objections, motions, replies, exhibits, memoranda, or other documents filed in connection with a request for board action under paragraph (a) shall be served by the proponent upon the board, pursuant to Bcr 204.02(b), and all other parties to the proceeding by:
- i. Depositing a copy of the document in the United States mail, first class postage prepaid, addressed to the last address given to the board by the party being served, no later than the day the document is filed with the board;~~or~~
 - ii. Delivering a copy of the document in hand on or before the date it is filed with the board;~~or~~
 - iii. By electronic transmission if agreed to between the parties.
- (d) Notices, orders, decisions, or other documents issued by the board in connection with a request for board actions under paragraph (a) shall be served by the board upon all parties to the proceeding by ~~either:~~
- i. Depositing a copy of the document, first class postage prepaid, in the United States mail, addressed to the last address given to the board by the party being served;~~or~~
 - ii. Delivering a copy of the document in hand to the party; or
 - iii. By electronic transmission if agreed ~~upon by the party to between the parties.~~
- (e) When a party has appeared by a representative, delivery of a document to the party's representative at the address stated on the appearance filed by the representative shall constitute delivery to the party.
- (f) Except for exhibits distributed at a prehearing conference or hearing, every document filed with the board, and required to be served upon the parties to an adjudicative proceeding, shall be accompanied by a certificate of service, signed by the person making service, attesting to the method and date of service, and the persons served.

PART Bcr 208 ADJUDICATIVE PROCEEDINGS

Bcr 208.01 Applicability.

- (a) This part shall govern all adjudicative proceedings conducted by the board.

Bcr 206.03 How to Appeal.

- a) To initiate an appeal, the aggrieved party shall file with the board a notice of appeal. The notice of appeal shall be signed by the aggrieved party or his or her representative and shall be filed within 30 days of the date of the final decision being appealed.
- b) The notice of appeal shall contain the following:
- The name and address of the appellant;
 - The name and address of the appellant's lawyer or representative, if applicable;
 - As if applicable, the name/s and address/es of any the complainant/s, and other parties ~~if applicable in, at~~ the proceeding below;
 - The grounds for the appeal, including:
 - A detailed explanation of the appellant's objections to the decision; and
 - Description of errors in the decision;
 - Any background facts that relate to the appeal; and
 - A description of the relief requested.
- c) The aggrieved party shall file with the notice of appeal a copy of the decision that is being appealed.

Bcr 206.04 Rejection of Notice of Appeal.

- a) Unless the pertinent rule has been waived pursuant to Bcr 203.02, the board shall reject a notice of appeal if:
- The notice of appeal is untimely; or
 - The notice does not substantially conform with Bcr ~~206.03~~ 215.03XXX.
- b) The board shall reject a notice of appeal if:
- The appellant does not have standing; or
 - The board does not have jurisdiction over the subject matter of the appeal.
 - The notice fails to state a cause of action;
 - The notice alleges a cause of action that is so untimely filed that it imperils or prejudices another party's defense or position; or
 - The notice/s filed by an appellant who refuses to respond to requests for further information or to otherwise cooperate with any board investigation or hearing.
- c) If the board rejects a notice of appeal, it shall inform the appellant in writing setting forth the reasons for its action.

Commented [JL8]: This can be said for all rules. For brevity, you may consider deleting all references to "unless waived." As you have a general waiver provision, any rule (including the effect of a rule) can be waived.

Commented [JL9]: How is this different than untimely? Is the board going to accept some untimely appeals but not accept others? Wouldn't that be covered by the Board's waiver provision (i.e., the Board would only waive the requirement for timeliness if the interests of justice require it, right?).

Commented [JL10]: Is this necessary? Shouldn't the Board simply dismiss the matter after non-responsiveness rather than assert it is rejecting a notice of appeal?

Commented [JL11R10]: Especially given the short timeline currently in rule that within 10 days the board commences an appeal?

Bcr 206.05 Commencement of an Appeal Proceeding.

- (a) Within 10 days of receipt of a notice of appeal, the board shall commence the appeal by issuing an order of notice to all parties to the proceeding appealed from by first class mail, postage prepaid.
- (b) The notice shall:
 - i. Identify the parties to the proceeding;
 - ii. Briefly summarize the subject matter and identify the issues to be resolved;
 - iii. Specify the statutory authority for the proposed action;
 - iv. Identify any applicable board rules;
 - v. Specify the date by which, and place where, appearances shall be filed;
- (c) Specify the date, which shall be no earlier than 14 days from the date of the notice or prehearing conference, time and place of the first day of oral argument, if any, which may be limited to procedural matters;
- (d) Specify the date and address for the submission of written materials;
- (e) Specify that each party has the right to have an attorney present to represent the party at the party's expense; and
- (f) Specify that each party has the right to have the agency provide a certified shorthand court reporter at the party's expense and that any such request shall be submitted in writing at least 10 days prior to the hearing.

Commented [JL12]: Has the Board considered how this works in practice? Is the Board trying to say 10 days after the first Board meeting following receipt?

If the Board has statutory timelines regarding how fast it must have hearings and the number of appeals increases, the Board should be mindful of the amount of 91-A compliant meetings (e.g., notice, quorum) it must have in order to meet its deadlines. I am simply flagging that that the Board should be always be mindful of meeting requirements, especially when the rules place the authority for action with the full public body (i.e., the Board) as opposed to the presiding officer (who doesn't need to worry about 91-A meetings if able to act alone).

Bcr 208.03 Docketing, Service of Notice, Public Notice.

- (a) The board shall assign each adjudicative proceeding a docket number, and serve the hearing notice upon all parties to the proceeding by first class mail.
- (b) All subsequent notices, decisions, and orders issued by the board, including any amendments to the hearing notice, shall be served upon the parties, by first class mail.
- (c) Orders, notices, and decisions of the board, and motions, memoranda, exhibits, and other documents and data submitted to the board in a docketed case shall be kept in a docket file and made available for public inspection in the board's office.

Commented [JL13]: Does the Board do this? Under Statute (RSA 541-A:31, III (f)) a shorthand court reporter need only be mentioned for proceedings involving occupational licensing. Does the board have any of these proceedings? (I don't think it does). The Board is free to adopt more requirements than those mandated by law, but it may wish to consider simplifying the requirements it imposes upon itself.

Bcr 206.06 Transcripts from Licensing Board. The licensing board shall supply the board a certified copy of the record and a transcribed copy of the testimony at the licensing board's expense at least 5 days prior to any scheduled hearing or within the timeframe as directed by the board.

Commented [JDL14]: I am not sure the BCRB has the legal authority to force a licensing board to provide a transcript at that board's expense. The appellant may have to incur that cost.

Bcr 206.07 Transcripts from local building code Board of Appeals. The appellant shall supply the board a certified copy of the record and a transcribed copy of the testimony at the board of appeal's expense at least 5 days prior to any scheduled hearing or within the timeframe as directed by the board.

Commented [JDL15]: See above.

Bcr 208.09 Burden of Proof

(a) The party asserting the affirmative of a proposition shall have the burden of proving the truth of that proposition by a preponderance of the evidence.

(b) Without limiting the generality of paragraph (a), above, all moving parties and all petitioners shall have the burden of persuading the board that their motion or petition should be granted.

Bcr 206.08 Standard of Review on Appeal

- a) On appeal, the appellant shall have the burden of proving, by a ~~clear~~ preponderance of the evidence, that the decision was:
- i) Not supported by substantial evidence on the record;
 - ii) Arbitrary and capricious;
 - iii) An abuse of the regulatory discretion; or
 - iv) Otherwise unlawful.

Commented [JL16]: "clear" is potentially an increase in the burden of proof. By law, a party only needs to prove something by a "preponderance of the evidence" - no more and no less. I recommend deleting this word so that everyone understands the burden is simply the preponderance of the evidence.

Commented [JL17]: I recommend scrapping this rule provision in favor of the board's standard burden of proof rule, 208.09.

Bcr 206.09 Evidence. Review shall be based on the record below. The board shall not receive or consider any additional evidence, except for newly discovered evidence and such evidence as the board deems necessary for it to rule on the merits of the appeal.

Commented [JL18]: What about appeals of local boards? Do these standards incorporate the statutory standards for appeal? RSA 155-A:10, IV (e)

Source: #8323, eff 4 12 05; ss by #10161, eff 7 13 12

Bcr 206.10 Appeal Hearing Process.

- a) The appeal hearing shall begin with an opening statement by the presiding officer of the board, which shall describe the issues raised on appeal, the applicable standard of review, and the procedures to be followed at the hearing.
- b) The appellant, or his or her representative, shall then offer any oral argument in support of the appeal.
- c) The appellee, or his or her representative, shall appear at the appeal hearing and may present oral argument in support of its decision.
- d) Members of the board may question the parties at any time during the oral argument. The board shall, as necessary, extend the time limitation imposed in (e) to accommodate extensive questioning by the board.
- e) Oral arguments shall be limited to 15 minutes unless a party has requested at least 2 weeks in advance for additional time. Additional time shall be granted if the matter is complex enough to merit it.
- f) At the conclusion of the oral arguments, the hearing shall be adjourned.

~~Ber 208.02 Commencement of Proceedings.~~

-
- ~~a) The board shall commence an adjudicative proceeding by issuing a notice to the parties at least 15 days before the first scheduled hearing date or first prehearing conference.~~
- ~~b) The notice commencing an adjudicative proceeding shall:~~
 - ~~i) Identify the parties to the proceeding as of the date of the order;~~
 - ~~ii) Briefly summarize the subject matter of the proceeding, and identify the issues to be resolved;~~
 - ~~iii) A statement of the legal authority under which the hearing is to be held;~~
 - ~~iv) A reference to the particular sections of the statutes and rules involved;~~
 - ~~v) Specify the date by which, and the address where, appearances or motions by representatives shall be filed;~~
 - ~~vi) Specify the date, time, and location of an initial prehearing conference or dates for an oral hearing;~~
 - ~~vii) Identify the presiding officer for the proceeding, if other than the chair of the board;~~
 - ~~viii) A statement that each party has the right to have an attorney present to represent the party at the party's expense; and~~
 - ~~ix) Contain such other information or attachments as are warranted by the circumstances of the case including, but not limited to, orders consolidating or severing issues in the proceeding with other proceedings, and orders directing the production or exchange of documents.~~
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~~— **Bcr 208.03 Docketing, Service of Notice, Public Notice.**~~

~~— (a) The board shall assign each adjudicative proceeding a docket number, and serve the hearing notice upon all parties to the proceeding by first class mail.~~

~~— (b) All subsequent notices, decisions, and orders issued by the board, including any amendments to the hearing notice, shall be served upon the parties, by first class mail.~~

~~— (c) Orders, notices, and decisions of the board, and motions, memoranda, exhibits, and other documents and data submitted to the board in a docketed case shall be kept in a docket file and made available for public inspection in the board's office.~~

Bcr 211.01 Consolidation. Adjudicative proceedings which involve the same, or substantially related, issues shall be consolidated for hearing or decision, or both, when fairness, accuracy and efficiency would be served by such an action. Consolidation shall be ordered in response to a timely motion from a party or on the board's own initiative.

Bcr 211.02 Severance. The board shall sever one or more issues from a proceeding and dispose of those issues in another proceeding when doing so would materially promote the fairness, accuracy and efficiency of the proceeding. Severance shall be ordered in response to a timely motion from a party or on the board's own initiative.

Bcr 208.04 Intervention.

- a) A petitioner shall state with particularity in his or her petition for intervention the following:
 - i) The petitioner's interest in the subject matter of the hearing;
 - ii) The petitioner's position with respect to the subject matter of the hearing;
 - iii) Why the interests of the parties and the orderly and prompt conduct of the proceeding would not be impaired; and
 - iv) Any other reasons why the petitioner should be permitted to intervene.
- b) Petitions for intervention shall be granted anytime during the proceeding if the petitioner has a substantial interest in the proceeding, granting the petition is in the interest of justice, and if granting intervention will not unduly delay the board's proceeding.
- c) Once granted leave to intervene, an intervenor shall take the proceeding as he or she finds it and no portion of the proceeding shall be repeated because of the fact of intervention.

Commented [JL19]: This rule should be kept but can be shortened to state that the Board's presiding officer shall grant or deny motions to intervene in accordance with RSA 541-A:32 (the State's administrative procedure act provision on intervention).

Bcr 208.05 Right to Counsel.

(a) Parties and witnesses in an adjudicative proceeding may be represented by counsel, but an attorney appearing on behalf of a party shall first file a letter announcing the fact of representation at the earliest date practical.

(b) Requests for appointment of counsel shall not be entertained, and the board shall have no responsibility for the legal expenses of any ~~licensee, applicant, party,~~ intervenor, or witness.

Bcr 208.06 Prehearing and Other Informal Conferences.

Commented [JL20]: This rule should be kept in the adjudicative proceeding section (which includes appeals).

- a) At any time following the commencement of an adjudicative proceeding, the presiding officer, upon motion, or upon his or her own initiative, shall request the parties to attend one or more prehearing conferences when such a conference would aid in the disposition of the proceeding. Parties deciding not to attend these conferences do so at their peril.
- b) Matters which can be addressed at a prehearing conference shall include:
 - i) The distribution of exhibits and written testimony, if any, to the parties;
 - ii) Opportunities and procedures for simplification of the issues;
 - iii) Possible amendments to the pleadings;
 - iv) Opportunities and procedures for settlement;
 - v) Possible admissions of fact and authentication of documents to avoid unnecessary proof;
 - vi) Possible limitations on the number of witnesses, and possible limitations on the scheduling of witnesses;
 - vii) Possible changes to the standard procedures which would otherwise govern the proceeding; and
 - viii) Other matters which might contribute to the orderly, prompt, and fair resolution of the proceeding.
- c) The board shall cause all prehearing conferences to be recorded excluding settlement discussions. Matters decided at a prehearing conference shall be reflected in an appropriate order.

Bcr 208.07 Discovery and Disclosure.

- a) The board shall provide for the disclosure of any investigative report or other unprivileged information in the possession of the board, which is reasonably related to the subject matter of the proceeding.
- b) Parties shall attempt to agree among themselves concerning the mutual exchange of relevant information. If these efforts prove unsuccessful, a party wishing to initiate discovery against another party, shall, by motion, seek leave to do so and shall identify the exact type of discovery requested.
- c) Discovery shall be permitted against a party when:
 - i) The parties cannot adequately address specific relevant factual issues at the time fixed for the presentation of evidence and addressing these issues at a subsequent time would place the requesting party at a material disadvantage;
 - ii) The requested method of discovery is reasonable and the requested discovery would not cause material unfairness; and
 - iii) The request for discovery is not made for the sole purpose of delaying the proceedings.

Commented [JL21]: Does the Board create investigative reports that would be relevant to an adjudicative proceeding held by the Board?

Bcr 207.01 Pleadings.

- a) The only pleadings permitted shall be petitions and replies to petitions.
- b) A petitioner shall include the following on his or her petition:
 - i) The name and address of the petitioner;
 - ii) The name and address of the petitioner's representative, if any;
 - iii) A concise statement of the facts which warrant the relief requested from the board;
 - iv) The description of the action which the petitioner wishes the board to take;
 - v) A citation to any statutes, rules, orders, or other authority which entitles the petitioner to the relief requested; and
 - vi) The signature and date required by Bcr 205.02(a).

Bcr 207.02 Motions and Objections Thereto.

- a) Motions and objections shall be in writing unless made in response to a matter asserted for the first time at a hearing or on the basis of information which was not received in time to prepare a written motion.
- b) The moving party shall state, clearly and concisely, the following in his or her motion:
 - i) The purpose of the motion;
 - ii) The relief sought by the motion;
 - iii) The statutes, rules, orders, or other authority authorizing the relief sought by the motion;
 - iv) The facts claimed to constitute grounds for the relief requested by the motion; and
 - v) The signature and date required in Bcr 205.02(a).
- c) A party objecting to a motion shall state, clearly and concisely, the following in his or her objection:
 - i) The defense of the party filing the objections;
 - ii) The action which the party filing the objection wishes the board to take on the motion;
 - iii) The statutes, rules, orders, or other authority relied upon in defense of the motion;
 - iv) Any facts which are additional to or different from the facts stated in the motion; and
 - v) The signature and date required by Bcr 205.02(a).
- d) A party filing an objection to a motion shall specifically admit or deny each fact contained in the motion. Failure to deny a fact contained in a motion shall constitute the admission of that fact for the purposes of the motion. In the event a party filing an objection to a motion lacks sufficient information to either admit or deny a fact contained in the motion, the party shall so state, specifically identifying such fact.
- e) Motions shall be decided upon the writings submitted. Repetitious motions shall not be submitted.

Objections to motions shall be filed within 10 days after the filing of the motion. Failure to object to a motion within the time allowed shall constitute a waiver of objection to the motion.

Bcr 208.08 Evidence.

(a) Proceedings shall not be conducted under the rules of evidence, but the evidentiary privileges recognized by the law of New Hampshire shall apply to proceedings under this chapter.

(b) All data which will reasonably assist the board to arrive at the truth shall be admissible, but data which is irrelevant, immaterial, unduly repetitious, or cumulative, shall be excluded.

(c) Oral testimony shall be allowed unless the board, upon a finding that written evidence would be more efficient and would not result in material prejudice, orders that some or all of the evidence be submitted in written form.

(d) If the board officially notices a fact, it shall so state, and permit any party, upon timely request, the opportunity to show the contrary.

(e) Witnesses appearing before the board shall testify under oath or affirmation.

(f) The board shall cause an audiotape or stenographic record to be made of hearings and prehearing conferences. This record shall be transcribed upon the request of a party who pays the estimated cost of transcription in advance. However, if the board elects to transcribe some or all of the record for its own use, the transcribed portions shall be included in the public docket file.

~~Bcr 208.09 Burden of Proof~~

~~(a) The party asserting the affirmative of a proposition shall have the burden of proving the truth of that proposition by a preponderance of the evidence.~~

~~(b) Without limiting the generality of paragraph (a), above, all moving parties and all petitioners shall have the burden of persuading the board that their motion or petition should be granted.~~

Bcr 208.10 Methods of Proceeding

(a) Where facts material to the subject matter of the proceeding are in dispute, and personal observation of witnesses or the immediate opportunity for cross-examination of witnesses is necessary or desirable, the proceeding shall, to that extent, consist of a trial-type evidentiary hearing with the subsequent submission of memoranda.

(b) Oral motions and any oral objection to such motions shall be recorded in full in the record of the hearing. If the presiding officer finds that the motion requires additional information in order to be fully and fairly considered, the presiding officer shall direct the moving party to submit the motion in writing, with supporting information.

(c) The foregoing paragraphs shall not limit the board's authority to structure individual proceedings in a manner suitable to their particular subject matter and recognized due process requirements, or to require the submission of additional data at any time with the consent of the parties.

Commented [JL22]: Recommend consolidation of this rule of evidence with the appeals rule of evidence. If evidence is allowed (due to new discovery), then the Board should consider whether it is going to follow this process or not.

(d) The presiding officer shall schedule supplemental argument or hearing, or re-argument, at any time prior to the issuance of a final order in a proceeding.

Commented [JL23]: This rule can likely be deleted in favor of the "methods of proceeding" under the appeals process.

Bcr 208.11 Inquiry By Presiding Officer.

(a) The presiding officer shall make such inquiry of witnesses or counsel, as he or she believes necessary to develop a complete record for decision.

(b) Other board members participating in the proceeding shall also ask such questions and make such inquiries, subject to recognition by the presiding officer.

Bcr 208.12 Proposed Findings of Fact and Conclusions of

Law. The presiding officer shall accept any proposed findings of fact and conclusions of law and shall direct any party to submit proposed findings of fact and conclusions of law pursuant to RSA 541-A:35 if the presiding officer believes proposed findings or conclusions would be helpful to the board in deciding the case. Pursuant to RSA 541-A:35, if, in accordance with this section, a party has submitted proposed findings of fact, the board's decision shall include a ruling upon each proposed finding.

Bcr 208.13 Ex parte Communications.

Once an adjudicative proceeding has been commenced, no party shall communicate with any participating board member or the presiding officer concerning the merits of the case except upon notice to all parties and in accordance with the rules of this chapter. Nor shall any party cause another person to make such communications or otherwise engage in conduct prohibited by RSA 541-A:36.

Bcr 208.14 Decisions.

- (a) A board member shall not participate in making a decision unless he or she personally heard the testimony in the case, unless the matter's disposition does not depend on the credibility of any witness and the record provides a reasonable basis for evaluating the testimony.
- (b) All decisions rendered by the board shall be made on the basis of the record before the board.
- (c) Board members who hear an appeal, and who are not recused for good cause, shall not abstain from deciding the appeal.
- (d) The board may affirm or reverse the decision of the licensing board, or remand the case back to the licensing board or board of appeals for action consistent with the board's decision.
- (e) The board shall set forth its decision in writing, with findings of fact and conclusions of law.

- (f) The board shall keep a decision on file in its records for at least 5 years following the date of the final decision or the date of the decision on any appeal, unless the director of the division of records management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.

PART Bcr 209 PRESIDING OFFICER

Bcr 209.01 Designation.

- (a) Adjudicative proceedings commenced by the board shall be conducted by a presiding officer.
- (b) The board's chairperson shall serve as presiding officer or shall designate another board member to so serve.
- (c) The presiding officer in an adjudicative proceeding shall be subject to replacement upon order of the board at any time, and without notice or hearing.

Commented [JL24]: Conducted by? Does that mean that a presiding officer alone conducts an adjudicative proceeding?

How about "regulated by" a presiding officer?

Bcr 209.02 Authority of Presiding Officer.

- (a) The presiding officer shall possess all authority with respect to the procedural aspects of adjudicative proceedings, including, but not limited to, the power to administer oaths and affirmations, direct the course of the proceeding, and decide scheduling, discovery, and other procedural issues.
- (b) Except as provided by Bcr 208.04, the presiding officer shall receive no testimony or argument on the merits of the case unless a quorum of the board, including the presiding officer, is present.
- (c) Except in proceedings conducted pursuant to Bcr 208.04, the presiding officer shall, consistent with the fair and orderly conduct of the proceeding, permit board members who are present during any stage of an adjudicative proceeding to make inquiries of the witnesses, as provided in Bcr 207.11.
- (d) Except as provided by Bcr 208.04, the presiding officer shall not accept final offers of settlement or impose consent decrees. When a settlement has been proposed in writing, the presiding officer shall refer it to the board for decision.
- (e) The presiding officer shall not decide motions or enter orders which finally resolve any specific issue or issues which the board has designated for hearing. Unless otherwise ordered by the board, potentially dispositive motions shall be referred to the board if the presiding officer believes that they have sufficient merit to warrant prompt consideration.

(f) If the presiding officer believes that a default or similar final order should enter against a party, the presiding officer shall issue a written recommendation to the board, with service on the parties and intervenors, and the board shall take appropriate action after allowing the parties and intervenors 10 days to file objections thereto.

Bcr 209.03 Exceptions to Interlocutory Rulings by the Presiding Officer.

(a) There shall be no interlocutory appeal to the board of procedural or discovery orders made by the presiding officer.

(b) Objections to adverse rulings by a presiding officer shall be brought to the attention of the board by including such objections in any exceptions taken to a proposed decision under Bcr 207.04. When a proposed decision is not issued, such objections shall be presented to the board as a motion or as part of a closing memorandum submitted within 10 days from the close of the hearing or such further period as the presiding officer shall allow.

Bcr 209.04 Proposed Decisions By Presiding Officer.

(a) When so ordered by the board, evidence shall be received solely by a presiding officer who shall be charged with preparing a written proposed decision with recommendations for the final disposition of the case and any pending motions. Such proposed decision shall be served upon the parties, intervenors, and the board.

(b) Exceptions and supporting memoranda of law directed to the full board shall be filed within 30 days from the date the proposed decision was served. Replies to exceptions and supporting memoranda shall be filed within 15 days from the date on the document being replied to.

(c) If a party or intervenor wishes to present oral argument to the board the party or intervenor shall file a separate motion for oral argument within the time allowed for filing exceptions or replies to exceptions.

(d) If no exceptions to a proposed decision are filed, the board shall, within 10 days following the deadline for filing exceptions, issue an order announcing that the proposed decision shall be reviewed by the board on its own motion, or issue an order stating that the proposed decision shall automatically become the final decision of the board on the 41st day following the date it was served upon the parties.

(e) When the board has directed a presiding officer to receive evidence and enter a proposed decision, there shall be no communications between the presiding officer and the board members concerning the merits of the case, and the board members shall not participate in the questioning of witnesses at the hearing, as would otherwise be permitted by Bcr 207.12.

Commented [JL25]: Has the rule ever been used by the Board? This aligns with the State's APA provision in RSA 541-A:34 [Section 541-A:34 Examination of Evidence by Agency. \(state.nh.us\)](#)

But I am curious whether the Board has ever found this process useful or faster than simply having an adjudicative proceeding with the Board in the first instance.

PART Bcr 210 RECONSIDERATION AND STAY

Bcr 210.01 Motion for Reconsideration or Rehearing.

- a) Final adjudicative orders of the board, and orders denying petitions for declaratory rulings or rulemaking, shall take effect on the date it is served upon the parties, intervenors or petitioners pursuant to Bcr 204.04(c).
- b) Motions for reconsideration or rehearing shall be filed within 30 days after service of a final adjudicative order. The board shall make no distinction between the terms "reconsideration" and "rehearing."
- c) A motion for reconsideration shall:
 - i) Include any memorandum of law the movant wishes to submit;
 - ii) Identify each error of fact, error of reasoning, or erroneous conclusion contained in the final order which the movant wishes reconsidered; and
 - iii) Concisely state the correct factual finding, correct reasoning, and correct conclusion urged by the movant.
- d) The board shall grant or deny the motion, or any part thereof, on its merits, to the extent the motion has revealed errors of law, fact or policy in the board's prior decision. The board shall also treat the motion as one for reopening and order the receipt of such additional data or additional argument as it considers necessary to evaluate newly discovered evidence or cure alleged procedural errors.

Bcr 210.02 Reconsideration on the Board's Own Motion.

(a) Within the time frame specified in Bcr 209.01(b), the board shall correct, reconsider, revise or reverse any final action on its own motion if the board discovers new facts that indicate such final action was incorrect.

(b) If the board's action is based upon the existing record, prior notice shall not be given to the parties.

(c) If the board's action is based on new facts not in the existing record, the board shall provide the parties with notice and an opportunity to be heard before any final revision is made by the board.

Bcr 210.03 Stay of Board Orders.

(a) Board actions shall be stayed only in response to a specific motion requesting a stay or by the board acting on its own motion.

(b) A motion for stay shall be considered only if it is filed within the time period for requesting reconsideration specified by Bcr 209.01(b) and demonstrates good cause sufficient to warrant the stay of an action by the board.

(c) Filing a motion for reconsideration above shall not stay a board order. Combining a motion for stay with a motion for reconsideration shall be permissible, however.

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PART Bcr 212 INVESTIGATIONS

Bcr 212.01 Informal Investigations.

- a) Notwithstanding any other provision of this title, the board, within the limits of its authority, and acting through its members, officers and employees, or through independent contractors, shall make inquiry of any person and otherwise gather data, and prepare reports describing the data obtained whenever:
 - i) It receives data which leads it to believe that a violation of any statute administered by the board, or of any rule of the board, has occurred, or is likely to occur; or
 - ii) It desires to obtain data for any other lawful purpose.
- b) Informal investigations shall gather information which is appropriate to the circumstances of the case, including requests for additional information from the complainant, requests for a release of relevant records belonging to or under the control of the complainant and face-to-face meetings with potential witnesses and interested persons.

Bcr 212.02 Formal Investigations.

- a) The board shall commence a formal investigation for the purpose of obtaining documents, recorded testimony, and otherwise gathering information relevant to the board's jurisdiction.
- b) Formal investigations shall be commenced by the issuance of an order of investigation containing:
 - i) The statutory or regulatory authority for the investigation;
 - ii) Any statutes or rules believed to have been, or about to be, violated;
 - iii) The possible regulatory action;
 - iv) The identity of the persons, or class of persons, who are the subject of the investigation;
 - v) The general nature of the conduct being investigated;
 - vi) The identity of the investigating officer or committee;
 - vii) The date upon which the investigating officer shall report his or her findings and recommendations to the board; and

Commented [JDL26]: Does the Board conduct investigations under these rules? "Investigations" are not clearly authorized under the Board's statute. Does the Board consider its reviews of building codes and work in contemplating amendments as an investigation?

viii) Other provisions relevant to the issues under investigation and the time, place and manner in which the investigation is to be conducted.

Bcr 212.03 Informational Hearings.

(a) The board shall conduct informational hearings to assist in gathering information concerning policy matters, such as the adoption of board rules.

(b) The board chair, vice-chair, or another board member designated by the chair shall serve as the presiding officer at informational hearings and shall conduct all facets of the proceeding.

(c) Sworn testimony shall not be received at informational hearings unless an order of investigation has been issued by the board.

(d) The board shall establish the order and the length of the presentations made in informational hearings, and, consistent with any applicable statutes, limit the time allotted to each speaker.

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PART Bcr 213 RULEMAKING

Commented [JDL27]: I have not had the time to review rulemaking rules.

Bcr 213.01 How Adopted. A board rule, or any amendment or repeal thereof, shall be adopted by order as provided by RSA 541-A:3 and Bcr 213. Rules shall be proposed by petition or on the board's own initiative.

Bcr 213.02 Petition for Rulemaking

- a) Any person shall make a request to the board to commence a proceeding for the purposes of adopting, amending, or repealing a rule by filing a petition which contains:
 - i) A statement of the intent, purpose, or particular result intended by the petitioner;
 - ii) If the petitioner proposes to amend or repeal an existing rule, an identification of the particular rule sought to be amended or repealed;
 - iii) Any data or argument the petitioner believes would be useful to the board in deciding whether to commence a rulemaking proceeding; and
 - iv) The proposed text.

Bcr 213.03 Disposition of Petition.

(a) The board shall by order grant a petition for rulemaking if the proposal is consistent with the laws regulating the state building code review board, RSA 155-A:10 et seq, advances the purposes thereof and, if implemented, would be required to be adopted as a rule. Before issuing such an order, however, the board shall require additional data or argument from the petitioner or other interested persons, if necessary for the board to reach its decision.

(b) If the petition is denied, the board shall state the reason therefore in the order. If the petition is granted, the board shall undertake to commence a rulemaking proceeding in accordance with RSA 541-A:3.

Bcr 213.04 Deficiencies in Petitions.

(a) If the board determines that any petition does not meet the requirements of this section, it shall immediately notify the petitioner in writing of the specific deficiencies.

(b) Upon receipt of a corrected petition the board shall take action as outlined in Bcr 212.03.

PART Bcr 214 RULEMAKING HEARINGS

Bcr 214.01 Scope. This part shall apply to rulemaking hearings required pursuant to RSA 541-A:11.

Bcr 214.02 Notice. The board shall cause to be published in the New Hampshire Rulemaking Register a notice of its intent to hold a rulemaking hearing pursuant to RSA 541-A:6.

Bcr 214.03 Presiding Officer.

- (a) The hearing shall be presided over by the chairperson of the board or his or her designee.
- (b) The chairperson or designee shall:
 - (1) Determine whether a quorum of the board is present for the hearing;
 - (2) Call the hearing to order;
 - (3) Cause a recording of the hearing to be made;
 - (4) Recognize those who wish to be heard;
 - (5) Maintain order during the hearing; and
 - (6) Adjourn the hearing.

Bcr 214.04 Order of the Hearing.

- (a) Any individual who wishes to testify at the hearing shall provide his or her full name on a speakers list furnished by the board.
- (b) Individuals shall be called to testify in the order in which they signed up.
- (c) Before adjourning the public hearing and after all individuals who signed up have been heard, the chairperson or designee shall call for any new testimony from any new speaker.
- (d) When the chairperson or designee has determined that no other individual wishes to testify, he or she shall close the public hearing.

Bcr 214.05 Postponement and Continuations.

- a) The chairperson or designee shall postpone a hearing to a later date, time or place in the event of:
 - i) Inclement weather;
 - ii) A lack of a quorum; or
 - iii) Determination by the board that postponement of the hearing shall facilitate greater participation by the public.
 - iv) The chairperson or designee shall continue a hearing to a later date, time or place in the event that:
 - v) The time allotted is not sufficient to give each individual who wishes to testify an opportunity to do so; or
 - vi) A lack of a quorum due to unavoidable absence.
- b) Notice of a postponement or continuation of a public hearing or of extension of the public comment period shall be provided pursuant to RSA 541-A:11, III and IV(d).

Bcr 214.06 Written Comments. Individuals may submit comments in writing or electronic format to the board on proposed rulemaking actions any time from the time notice has been published until the end of the public comment period as set forth in the notice of rulemaking.

Bcr 214.07 Copies of Recordings.

- (a) All hearings shall be recorded.
- (b) A copy of the recording may be requested by submitting a written request to:

State Building Code Review Board
33 Hazen Drive
Concord, NH 03305

(c) Pursuant to RSA 91-A:4, persons requesting a copy of the audio recording shall pay the actual cost of duplication.

(d) Recordings of proceedings shall be preserved in accordance with state law and department of safety records retention policies.

PART Bcr 215 RULES TO REVIEW AND RECOMMEND CHANGES AND AMENDMENTS TO THE STATE BUILDING CODE

Bcr 215.01 How Adopted

- (a) The board shall meet to review and assess the application of the state building code and shall recommend legislation, as the board deems necessary, to amend the requirements of the state building code in order to provide consistency with the application of other laws, rules, or regulations, to avoid undue economic impacts on the public by considering the cost of such amendments, and to promote public safety and best practices. The board shall review a newer version of a model code currently included in the state building code, that has been published for 2 years, and shall provide a summary of all significant changes, cost estimates of these changes, and documentation of the need for the change in any recommended legislation. Changes to the model codes shall be recommended as provided in Bcr 215.02
- (b) Amendments to the model codes shall be reviewed and recommended by the board, then submitted annually to the legislature for ratification by the adoption of appropriate legislation before they become effective. Amendments shall be proposed by petition or on the board's own initiative. Amendments shall be recommended as provided in Bcr 215.03.

Bcr 215.02 Procedures for changing the model codes constituting the state building code

- (a) The board review changes, documented in a written report, to the model codes in accordance with the requirements of RSA 155-A:10, IV.
- (b) The board shall vote on a schedule set by the board in consultation with the legislative Advisory Committee on State Building and Fire Codes, whether to send the matter to a public hearing, to be held within 60 days of the vote.
- (c) If the board votes to send the matter to a public hearing and after the public hearing, the board shall vote whether to recommend changing the model codes included in the state building code.
- (d) A written report shall be submitted to the legislative Advisory Committee on State Building and Fire Codes on a schedule set by that committee.

Bcr 215.03 Procedures for Amending the model codes constituting the State Building Code.

(a) Any person shall make a request to the board to commence a proceeding for the purposes of recommending amendments to the state building code for the codes described in RSA 155-A:1, IV by filing a petition which contains:

- i) A statement of the intent, purpose, or particular result intended by the petitioner;
- ii) If the petitioner proposes to amend or repeal an existing amendment, an identification of the particular amendment sought to be amended or repealed;
- iii) Any data or argument the petitioner believes would be useful to the board in deciding whether to commence the adoption of the rule; and
- iv) The proposed text.

(b) Request shall preferably be presented on a form provided by the board.

(c) Proposed amendments to the current or proposed model codes may be submitted at any time.

(d) The board shall by order, grant or deny a petition for amending the state building code in accordance with the requirements of RSA 155-A.

(e) Upon receipt of a petition, the board shall vote, on an annual schedule set by the board, whether to send the matter to a public hearing to be held within 60 days of the vote.

(f) If the board votes to send the matter to a public hearing and after the public hearing, the board shall vote whether to recommend amending the model codes constituting the state building code.

Bcr 215.04 Deficiencies in Petitions.

(a) If the board determines that any petition does not meet the requirements of this section, it shall immediately notify the petitioner in writing, of the specific deficiencies.

(b) Upon receipt of a corrected petition, the board shall take action as outlined in Bcr XXXX.

PART Bcr 216 REVIEW AND CONFIRMATION OF MUNICIPAL AMENDMENTS TO THE STATE BUILDING CODE

Bcr 216.01 Procedures

- (a) Municipalities shall submit proposed amendments to the state building code to the board for review and confirmation prior to adoption.
- (b) Municipalities may submit proposed language to the board for an advisory opinion at any time.
- (c) Cities shall submit the final proposed building code amendment no later than 90 days before final adoption. Towns shall submit the final proposed building code amendment no later than 10 days after the conclusion of the final public hearing.
- (d) Municipal submissions shall include the final text for each amendment.
- (e) The board shall act to review and confirm proposed municipal amendments within 90 days of submission for cities, and 45 days for towns. Failure of the board to act within these timeframes shall constitute a confirmation of the municipal amendment.
- (f) The board's review shall be limited to a confirmation that the local amendment does not establish requirements conflicting with, or less stringent than, the requirements of the state building code, and to verify with the state fire marshal that there is no conflict with the fire code.
- (g) Once an amendment is approved by the legislative body, the municipality shall submit documentation to the building code review board within 30 days, pursuant to subparagraph (c), that the public hearing was properly noticed and held, and that the provision was adopted by the local legislative body.
- (h) Amendments adopted by municipalities and confirmed by the board shall be published by the board after notification of adoption is received from the municipality.

PART Bcr 217 DECLARATORY RULINGS

Bcr 217.01 Petitions for Declaratory Rulings.

(a) A petition for a declaratory ruling on matters within the jurisdiction of the board shall be filed by a person as a petition which meets the requirements of Bcr XXXX.

(b) Such a petition shall also set forth the following information:

- (1) The exact ruling being requested; and
- (2) The statutory and factual basis for the ruling, including any supporting affidavits or memoranda of law.

Bcr 217.02 Action on Petitions for Declaratory Rulings.

(a) The petitioner shall provide such further information as the board shall direct after reviewing the petition.

(b) Petitions shall be dismissed when the board lacks jurisdiction.

PART Bcr 218 EXPLANATION OF RULE

Bcr 218.01 Request for Rule Explanation.

(a) Within 30 days after the adoption of a rule, any interested person may request the board to issue a statement explaining the following:

- (1) The principal reason(s) for and against the adoption of a rule in its final form; or
- (2) Reasons why the board overruled arguments or other considerations relative to the rule.

(b) Rule explanation requests shall be received and disposed of in the following manner:

(1) Requests shall be submitted to the board at:

State Building Code Review Board
33 Hazen Drive
Concord, NH 03305

(2) When a request for rule explanation has been received by the board, the board shall issue a statement responsive to the request within 60 days.

APPENDIX

Rule	Specific State Statute the Rule Implements
Bcr 201.01	RSA 541-A:7
Bcr 202.01	RSA 541-A:7
Bcr 203.01	RSA 541-A:30-a, I
Bcr 203.02	RSA 541-A:30-a, III (j)
Bcr 204	RSA 541-A:30-a, III(f)
Bcr 205	RSA 541-A:30-a, III (a)
Bcr 206.01	RSA 541-A:30-a, III(a)
Bcr 206.02	RSA 155-A:11 & RSA 541-A:30-a, III(a)
Bcr 206.03	RSA 541-A:30-a, III(a)
Bcr 207.01- Bcr 207.07	RSA 541-A:30-a, I
Bcr 207.08	RSA 541-A:33
Bcr 207.09	RSA 541-A:30-a, III(d)
Bcr 207.10 & Bcr 207.11	RSA 541-A:30-a, I
Bcr 207.12	RSA 541-A:35
Bcr 207.13	RSA 541-A:36
Bcr 207.14	RSA 541-A:16, I & RSA 541-A:35
Bcr 208 – 210	RSA 541-A:30-a, I
Bcr 211	RSA 541-A:16, I(b)
Bcr 212	RSA 541-A:16, I(c)

Rule	Specific State Statute the Rule Implements
Bcr 213	RSA 541-A:16, I(b)(3)
Bcr 214	RSA 541-A:16, I(c) & RSA 155-A:1, IV
Bcr 215.01 & 215.02	RSA 541-A:7
Bcr 215.01(a)	RSA 541-A:16, I(b)(2); RSA 541-A:30, I
Bcr 215.03-215.10	RSA 541-A:30-a, III & RSA 155-A:11-a
Bcr 216	RSA 541-A:16, I(d)
Bcr 217	RSA 541-A:11, VII

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TOWN OF ASHLAND, NEW HAMPSHIRE

BUILDING REGULATIONS

ARTICLE 1: APPOINTMENT

It shall be the duty of the Board of Selectmen to appoint an Administrative Officer to enforce the provisions of this Ordinance. The person appointed shall be known as the “Building Inspector”.

ARTICLE 2: DUTIES OF THE BUILDING INSPECTOR

2.1 The Building Inspector shall be the Administrative Officer of this Ordinance. He shall:

- Receive applications and fees for the erection and/or alteration of buildings
- Make available applications in duplicate
- Keep complete records of his action on all applications, along with the duplicates of said applications
- Issue or deny permits, based on the compliance of the proposed project with this Ordinance, the Zoning Ordinance of the Town of Ashland, and all other town and State Ordinances and regulations
- Regularly inspect buildings during the process of erection or alteration
- Issue Certificates of Occupancy upon completion of building projects
- Retain all records related to his position in accordance with RSA §33-A and make those documents available upon public request in accordance with RSA §91-A [Amended March 12, 2024]
- Bring to the attention of the Board of Selectmen any violations of this Ordinance and take such action in the enforcement of this Ordinance as maybe directed by the Selectmen
- Accept and deposit with the Town all fees collected by him under this Ordinance
- Act in cooperation with the fire authorities in any matter in which their duties as prescribed by law may coincide or conflict
- Examine and, if necessary, order the repair, vacancy, or demolition of unsafe buildings and structures.

2.2 If a site plan or [amended March 13, 2018] subdivision of land is involved, the Ashland Planning Board must approve a developer’s plan before a permit may be issued.

ARTICLE 3: DUTIES OF APPLICANT

3.1 Any person, persons, partnership, trust, or corporation intending to construct or erect a new building over 200 square feet or to make structural alterations of such buildings [amended March 12, 2024] shall first make application for a permit on forms obtained from the Building Inspector.

3.1a Said application shall be accompanied by a drawing or plan for any proposed building or alteration

3.1b Said application shall be accompanied by a signed statement of the intended use of the building upon completion of construction or alteration.

3.2 The applicant shall display prominently at the site of the construction or alteration a card issued by the Building Inspector evidencing his permit.

3.3 The applicant shall make the premises accessible to the Building Inspector and Fire Department Inspectors, at reasonable times, for the performance of their duties. The applicant shall notify the Building Inspector of the start of construction under a building permit at least twenty-four (24) hours in advance, and he shall, if a schedule of inspection is required by the Building

Inspector, notify the Building Inspector of the progress of construction at those times specified by the Building Inspector. No electrical or plumbing work shall be covered over unless it has been inspected and approved by the Building Inspector.

- 3.4 The applicant shall not occupy or use the new building or altered space unless the Building Inspector has, after an inspection of the completed work, issued a notice authorizing said occupancy or use.
- 3.5 Permits shall also be obtained from the Building Inspector for all electrical, mechanical, and plumbing work as required by the current State adopted Building Codes, and for the installation of mobile homes, wood burning heating systems, and oil burners prior to the commencement of the work or installation. Inspection of all heating units (wood, oil, kerosene, and propane) must be completed by the Fire Chief or his representative after installation. **[Amended March 12, 2024]**
- 3.6 The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the State Building Code and State Fire Code. **[Added March 12, 2024]**

ARTICLE 4: APPLICATION FEES

Fees are determined by the Board of Selectmen as per Article 15 of these regulations. The fee schedule is attached to the permit application forms and fees are to be submitted with applications. Fees for approved applications are non-refundable. **[Amended March 10, 2020]**

ARTICLE 5: ISSUANCE OF PERMITS

A permit shall become invalid unless operations are commenced within six months from the date of issuance. The owner (or his representative) of any building or structure for which a building permit is granted shall, upon completion of the work authorized, notify the Building Inspector. The Inspector shall inspect the building or structure within a reasonable time. If said work has been completed in accordance with all applicable statutes, ordinances, rules, and regulations, including any grading or features necessary for health and safety of occupancy, the Inspector shall issue a notice to the owner specifying that the building may be occupied for the purpose stated in the permit.

ARTICLE 6: CODES ADOPTED BY REFERENCE

The Town of Ashland adopts and enforces the most recent building and fire codes as adopted by the State of New Hampshire Department of Safety. **[Amended March 10, 2020]**

ARTICLE 7: BUILDING REQUIREMENTS

- 7.1 No building or structure shall be erected, altered, rebuilt, remodeled, or substantially repaired, unless in compliance with the Codes adopted in Article 6, the Zoning Ordinance of the Town of Ashland, and the following building requirements.
- 7.2 Minimum Building Area: Every dwelling unit to be used by a single family shall have a minimum floor space of 750 square feet excluding garage, decks, and porches.
- 7.3 Sewage Disposal: The Board of Selectmen is authorized to grant waivers to the statutory requirement under RSA 147:8 that properties within 100' of a public sewer line must be connected to that sewer line. Such waivers shall only be granted upon a showing that the existing septic system is adequate for the

current use of the property, was built in compliance with State and local regulations, was designed by a licensed New Hampshire septic system designer and was approved for construction by NHDES after January 1, 1985. **[Amended March 16, 2017]**

When the public sewer system is not available, a suitable sewage disposal system, consisting of a septic tank and drainage field, shall be provided. The type, size and construction of all septic tanks and drainage field shall conform to New Hampshire Laws and Regulations. All private sewage disposal systems which discharge effluent into the ground shall be in compliance with Article 2.3b of the Ashland Zoning Ordinance. **[Amended March 12, 2013]**

- 7.4 Completion of Buildings: All buildings, new or additions shall be completed as to outside appearance within eighteen months from the date of issuance of permit. In case of hardship, as determined by the Board of Selectmen, a six-month extension may be granted for completion of the building.
- 7.4.1. Permits for demolition of a structure must be complete within 6 months from the date of issuance of the permit, to include removal of all debris and building materials associated with the demolition. In case of hardship or of larger structures, as determined by the Board of Selectmen, a six-month extension may be granted for completion of the project. **[Added March 12, 2024]**
- 7.5 Chimneys shall be constructed, altered, or repaired in accordance with the Current State adopted building codes. **[Amended March 12, 2024]**
- 7.6 Foundations: All structures shall be set on solid wall-type foundations of concrete, brick, stone, or other acceptable masonry, except that in special cases where buildings are to be used for accessory use or camps, the Building Inspector may waive the requirements of this section and permit the use of wood, metal, or masonry piers.
- 7.7 All buildings and structures shall conform to all applicable laws, rules, and regulations for fire protection and safety, including but not limited to those governing smoke detectors, means of egress, sprinkler systems, and flammable and explosive materials.
- 7.8 In a residential building with more than one dwelling unit, lighting for the means of egress (halls and stairs) outside the dwelling units shall be wired in a separately metered, independent circuit.

ARTICLE 8: EXCEPTIONS

The construction of small accessory buildings of less than 200 square feet together with minor alterations repairs, and general upkeep of existing buildings shall be exempt from the provisions of this Ordinance. **[Amended March 12, 2024]**

ARTICLE 9: APPEALS

Any person aggrieved by a decision of the Building Inspector may appeal to the Zoning Board of Adjustment, which shall serve as the Building Code of Appeals. An application for an appeal shall be based on a claim that the true intent of the code or the rules adopted hereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of the construction is proposed. The Board of Appeals may vary the application of any provision of the Building Code in any case when the enforcement of the Building Code would do manifest injustice and would be contrary to the spirit and purpose of the Building Code and the public interest. **[Amended March 12, 2024]**

Amendments to these regulations [other than adjustment of fees] are to be voted on at the annual Town Meeting. [Amended March 13, 2018]

ARTICLE 11: ENFORCEMENT

Upon any well-founded information that this Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other appropriate legal action. Whoever violates any of the above regulations shall be subject to the fines and penalties set forth in New Hampshire RSA 676:17 and shall be liable for all legal costs incurred by the Town in enforcing the regulations.

ARTICLE 12: TAKES EFFECT

This Ordinance shall take effect upon passage.

ARTICLE 13: CONFLICTING PROVISIONS

Wherever the regulations made under the authority hereof differ from those described by statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

ARTICLE 14: VALIDITY

If any section, clause, provision, portion, phrase of this Ordinance shall be held invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of this Ordinance.

ARTICLE 15: FEES

In accordance with RSA 674:51, III [d] the Board of Selectmen have the authority to set Building permit fees provided that the Board of Selectmen first hold a public hearing on any proposed change in compliance with RSA 41:9-a, IV [as amended March 13, 2018]

Adopted: April 4, 1956
Amended: April 22, 1970 March 16, 1985 March 8, 1988
 March 2, 1976 March 11, 1986 March 13, 1990
 March 13, 1980 November 4, 1986 March 11, 1995
 March 13, 1984 March 10, 1987 March 10, 1999
 March 14, 2000 March 12, 2001 March 08, 2005
Per Article 15 - Fees revised 2/7/01
Per Article 15 - Fees revised 7/5/06
Corrected for grammatical and typos: April 2006
March 1, 2007 - Fee Revision
March 13, 2007 (amended Article 6 Town Meeting vote)
March 10, 2009 (amended Article 6 Town Meeting vote)
March 12, 2013 [amended Section 7.3; 6.1; 6.1a; 6.1b; 6.1c]
March 16, 2017 [amended by Official Ballot 7.3]
March 13, 2018 [amended by Official Ballot Art 15, Art 10, Art 3.1, Art 2.2, Art 1]
March 10, 2020 [amended by Official Ballot Art. 3.5, Art. 4, Art. 6]
March 12, 2024 [amended by Official Ballot Art. 2, Art. 3.1, 3.5, 3.6, Art. 7.4, 7.5, Art. 8, Art. 9]