

June 10, 2022
2022-2117-EBA
04/08

Enrolled Bill Amendment to HB 1681-FN

The Committee on Enrolled Bills to which was referred HB 1681-FN

AN ACT relative to the state building code and the state fire code.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1681-FN

This enrolled bill amendment adds a contingency to merge changes to the law if SB443-FN of the 2022 regular legislative session becomes law, and makes other technical corrections to the bill.

Enrolled Bill Amendment to HB 1681-FN

Amend section 2 of the bill by replacing line 8 with the following:

National Fire Protection Association, Inc., as ~~[amended]~~ ***reviewed and recommended*** by the

Amend section 3 of the bill by replacing line 1 with the following:

3 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, VI to read as

Amend the bill by replacing all after section 10 with the following:

11 State Building Code Review Board. RSA 155-A:10, IV is repealed and reenacted to read as follows:

IV. 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.

ENROLLED BILL AMENDMENT TO HB 1681-FN

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(a) The board shall review a newer version of a 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.

(b) Statewide amendments to the state building code shall be reviewed and approved by the board, then submitted annually to the legislature for ratification by the adoption of appropriate legislation before they become effective.

(c) Municipal amendments: municipalities shall submit proposed amendments to the state building code to the board for review and confirmation prior to adoption. Municipalities may submit proposed language to the board for an advisory opinion at any time. 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. Municipal submissions shall include the final text for each amendment. 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. 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.

(d) 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.

(e) The board may hear appeals of final decisions of any local building code board of appeals established under RSA 674, provided that the appeal shall be based on a claim that the intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or there is an alternative construction. The board shall not have authority to waive or grant variances to requirements of the code.

(f) Amendments adopted by municipalities, submitted to the board under the provisions of RSA 674:51, II, and confirmed by the board, shall be published by the board after notification of adoption is received from the municipality.

12 Contingency. If SB 443-FN of the 2022 regular legislative session becomes law, then section 11 of this act shall take effect on January 1, 2023 at 12:01 a.m., and section 8 of this act shall not take effect. If SB 443-FN does not become law, then section 8 of this act shall take effect as provided in section 13 of this act, and section 11 of this act shall not take effect.

13 Effective Date.

I. Section 11 of this act shall take effect as provided in section 12 of this act.

II. The remainder of this act shall take effect upon its passage.