



BACKGROUND | OCTOBER 2018

2021 ICC Group A National Model Codes: Public Comment Hearing Recommendations

About NMHC

Based in Washington, DC, the National Multifamily Housing Council (NMHC) is a national association representing the interests of the larger and most prominent apartment firms in the U.S. NMHC's members are the principal officers of firms engaged in all aspects of the apartment industry, including ownership, development, management and financing. NMHC advocates on behalf of rental housing, conducts apartment-related research, encourages the exchange of strategic business information and promotes the desirability of apartment living. Nearly one-third of Americans rent their housing, and almost 15 percent live in an apartment (buildings with five or more units). For more information, contact NMHC at 202/974-2300, e-mail the Council at info@nmhc.org or visit NMHC's website at www.nmhc.org.

About NAA

The National Apartment Association (NAA) serves as the leading voice and preeminent resource through advocacy, education and collaboration on behalf of the rental housing industry. As a federation of nearly 160 affiliates, NAA encompasses over 78,000 members representing more than 9.3 million apartment homes globally. NAA believes that rental housing is a valuable partner in every community that emphasizes integrity, accountability, collaboration, community responsibility, inclusivity and innovation. To learn more, visit www.naahq.org.

Overview

The National Multifamily Housing Council (NMHC) and National Apartment Association (NAA) actively participate in the code development process, working to improve existing code provisions and oppose provisions that would result in unnecessary cost escalations or create impractical technical provisions. This document provides our recommendations for voting on apartment industry priority issues during the ICC Public Comment Hearings to be held October 24-29, 2018.

The ICC produces 16 model codes known as the I-Codes. The ICC is now developing the 2021 I-Codes, which are divided into two groups - Groups A and B. The codes of greatest significance for multifamily construction during the Group A cycle include: the International Building Code (IBC) – Egress, Fire Safety, General, Structural Portions; the International Fire Code (IFC); and the International Mechanical Code (IMC). More information on the ICC code development process, including the complete timeline and proposals, can be found at <https://bit.ly/2sxLRyn>.

Notable Proposals and Public Comment Considerations

- **NFPA 13R Sprinkler Systems – F-117**

Despite an overall history of improved fire safety in apartments and the effectiveness of NFPA sprinkler systems, item F-117 as passed by the Committee significantly changes multifamily code requirements. A coalition of industries urges reconsideration of the proposed, new limitations on 13R systems and support for Public Comment #1. Similar to the original proposal, this public comment removes the arbitrary limit on the overall height of Group R occupancies while maintaining a high level of fire protection.

- **Egress and Accessibility – Numerous Proposals**

Numerous egress-related proposals target fire safety and fire protection. Other proposals with potentially significant multifamily impacts involved additional accessibility requirements and window-fall protections. We supported several well-balanced proposals and urged continued disapproval of a slate of more onerous provisions including mandatory grab bars (E-1) and window openings and fall protection (E-81).

- **Valet Trash – F-182**

The apartment amenity known as valet trash was pioneered 23 years ago, encompasses more than 1.5 million units nationwide and has maintained a perfect life-safety record. While the industry has worked with fire officials for guidance on interpreting state fire codes where they intersect the service, clarity has been lacking and fire officials have been increasingly aggressive in their interpretations. In April, the Committee approved F-182 imposing significant new requirements on valet trash that would unnecessarily burden the service and undermine the apartment industry’s ability to utilize valet trash management. We urge acceptance of Public Comment 4, which provides appropriate guidance for valet trash fire safety and protection.

- **Short-Term Rentals – G-21**

Short-term rentals have become increasingly popular and can provide a significant value to building residents and property owners. G-21 unnecessarily reclassifies occupancy in residential buildings based on an unacceptably low threshold where short-term rentals are present. We urge acceptance of industry-supported Public Comment #2, which provides reasonable occupancy definitions.

2021 Code Proposals

Multifamily Priority Proposals

AS	As Submitted
AM	As Modified
AMPC	As Modified by Public Comment
D	Disapproved

International Fire Code

Approved Proposals

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
F-117	903.3.1.2, IBC	NFPA 13R Sprinkler Systems	AS	Option 1: Support AMPC #1. Option 2: Disapprove per public comment #3.	NFPA 13R sprinkler systems are not allowed unless Group R buildings are 4 stories or less in height measured from grade plane, and no more than 30' above or 30' below lowest fire department vehicle access. This reduces allowable building height from 60' above grade plane and includes podium in measurement of stories. The use of alternate sprinkler system will result in new costs and/or building design changes. 13R systems are effective and the proposed height limitations are not supported.
F-182	1031.11	Valet Trash Collection	AS	Option 1: AMPC #4 (Preferred) Option 2: AMPC #3	Provides new permit and fire-rating requirements for valet trash containers used in R-2 corridors and egress pathways. Could significantly impact industry ability to utilize valet trash management services.

F-263	3303	Owners Responsibility for Fire Protection	AM	AMPC #1	Imposes new construction site requirements including: daily fire protection superintendent inspections; inspection documentation; superintendent training and qualification requirements; inspection and verification of hot work contractors.
F-264	3304.5	Fire Watch, Site Safety Plan	AS	Option 1: AMPC #2 (Preferred) Option 2: AMPC #3	Changes construction site requirements including: increased fire watch provisions; documentation and record keeping; fire safety training; and site safety plan requirements.

Disapproved

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
F-8	304.4	Mulch (New Provision)	D	Disapprove	Prohibits combustible mulch within 5' of combustible walls/components.
F-13	310.9	Group R - Smoking (New Provision)	D	Disapprove	Prohibits smoking within 25' of exterior door of Group R Type V construction.
F-47	510.1.1	Building conduit and pathway survivability (New Provision)	D	Disapprove	Requires 2" conduit raceway in all new buildings for future Emergency Responder Radio Coverage System.
F-49	510 .4.1 - Definition	Critical Areas	D	Disapprove	Provides unnecessary, new definition for "Critical Areas."

F-92	808	Outdoor Artificial Decorative Vegetation	D	Disapprove	Imposes new requirements for exterior artificial decorative vegetation and imposes new testing, lighting, flame and maintenance provisions.
F-152	907.5.2.3.3 and 907.5.2.3.3.1	Group R Fire Alarm System / Wired Equipment	D	AMPC	Provides a choice of options where wired equipment is used to comply with the future capability required by Section 907.5.2.3.3.
F-267 Part 1 and 2	3318 IFC, 3314 IBC	Protection of Combustible Construction	D	Disapprove	For Type III and Type V construction four or more stories in height: requires thermal barrier (1/2" gypsum) on interior and exterior wood-frame walls both below 40' in height and above 40' in height as construction progresses.

International Building Code – Fire Safety

Disapproved Proposals

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
FS-21	705.10	Penetrations	D	Disapprove	Requires penetrations through exterior walls that have a fire-resistance rating to have same protection as joints, openings, etc. in these walls.
FS-34	708.3.1 and 711.2.3, 711.2.4.11, 711.2.4.3	Fire resistance rating - Group I-1, R-1 and R-2 Buildings, Supporting Construction, Dwelling Units	D	Disapprove	Increases fire separation in Type IIB, IIIB and VB construction from half-hour to 1-hour and requires fire sprinklers. Increases fire separation for Type III, IV and V construction more than 2 stories in height or that have dwelling or sleeping units more than 25' above grade plane from 1-hour to 2-hour. Changes horizontal assembly requirements. Unnecessarily burdens typical, multifamily, wood-framed construction without substantially improving protection.

FS-46	714.2.1	Firestop identification devices	D	Disapprove	Adds labeling requirements for firestop systems.
FS-95	1402.5	Exterior Wall Envelope	D	Disapprove	Requires NFPA 285 testing for exterior walls of Type I, II, III or IV construction more than 40' above grade that contain combustible materials.
FS-96	1402.6	Flame Spread of Wall and Attic Protection	D	Disapprove	Links new energy code requirements for greater insulation levels with increased flammability and possibility of flame spread in a fire event, and specifies acceptable exterior wall assemblies and cladding materials.
FS-99	1402.5	Fire Testing of Exterior Walls for Flame Propagation	D	Disapprove	Revises NFPA 285 via new code language including projections and inside corners in exterior walls greater than 40' in height of Type I, II, III, IV construction containing combustible materials.

International Building Code - Egress and Accessibility

Approved Proposals

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
E-30	1009.2.1	Elevators	AS	Option 1: Disapprove Option 2: AMPC #4	Requires elevator with standby power where accessible floor or occupied roof is 4 or more stories above level of discharge.

Disapproved

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
E-1	1003.8	Stanchions or Grab bars	D	Disapprove	Requires grab bars for all showers and tubs that do not have to comply with A117.
E-20	1006.3	Egress from stories or occupied roofs	D	Option 1: AS Option 2: AMPC #1	Deletes section requiring that path of egress travel shall not pass through more than one adjacent story. Reduces cost where enclosures would have been required in buildings more than 2 stories. Allows path of egress to be limited by distance rather than number of stories.
E-21	1006.3.1	Access to exits at other levels.	D	Option 1: AS Option 2: AMPC #1	Other than I-1 and I-2, unenclosed excess access stairways shall be permitted according to Section 1019.3. Permitted based on travel distance - not number of stories.
E-81	1015.8	Window Openings	D	Disapprove	Increases number of windows where fall protection is required: less than 36" above the finished floor and more than 72" above finished grade.
E-90	Table 1020.2	Minimum Corridor Width	D	Disapprove	Increases corridor width from 24" to 36" wrt access to mechanical, plumbing, and electrical equipment. Claims to establish consistency with IMC 306.2, but actually that section has exception for dwelling units and allows passage ways as narrow as 24" or to allow removal of largest appliance. IMC 306.2 also pertains to "appliances in rooms;" not corridors.
E-96	1023.2	Interior Exit Stairway and Ramp Enclosures	D	Disapprove	Removes exception for interior exit stairways in atriums.

E-117	1106.2	Accessible Parking Spaces	D	AMPC	Adds additional accessible parking spaces for R-2 occupancies that contain Accessible or Type A units.
E-126	1107.7.2	Multistory Units	D	AS	Clarifies that R-2 buildings with only multi-story dwelling units that has neither elevator service within the unit nor within the common areas are not required to have Type A or Type B accessible units.

International Building Code - General

Approved Proposals

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
G-21	310.2	Residential Group R-1	AS	AMPC #2	310.2 Adds "more than two dwelling units" to definition of R-1 buildings – unnecessarily disrupting short-term occupancy in R-2 buildings.
G-95	510.2	Horizontal building separation allowance.	AS	AS	Allows exit stairways in Type IA construction to be of combustible materials if the building above the Type IA construction is Type III, IV, or V construction and stairway in Type IA building is enclosed with 3-hour fire-resistance rated construction.
G-136	503.1.4, 1510.2.2	Occupied Roofs	AS	AS	Clarifies that occupied roofs are not a separate story as long as they comply with Section 1510. Adds following uses to penthouses: stairways, assembly, ancillary spaces to access elevators and stairways.

Disapproved

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
G-54	420.2, 705.3	Separation Walls	D	D	Increases separation requirements and deletes current exception related to dwelling or sleeping unit separation.
G-76	Table 504.3, Table 504.4	Allowable Building Height and Number of Stories	D	D	Advances a bias against wood or combustible construction types. Increases allowable height of Group R Type IIA construction: Un-sprinklered – 80'; Sprinklered – 100' (Increase of 15'). Increase number of stories of Group R-2 Type IIA construction: Sprinklered – 6 stories.

International Building Code - Structural Approved Proposals

PROPOSAL #	SECTION #	PROVISION	Committee Action	RECOMMENDED ACTION FOR PUBLIC COMMENT HEARINGS	ANALYSIS
S-21	1705.17	Fire-resistant penetrations and joints.	AS	AMPC #1	Extends requirement for special inspections of fire sealing of joints and penetrations to Group R buildings with greater than 250 person occupancy.