

February 23, 2015

Commissioner Thomas Gatzunis
Department of Public Safety
and Members of the Board of Building Regulations and Standards

One Ashburton Place, Room 1301
Boston, MA 02108

Dear Tom and Members of the Board,

On February 5, 2015, the Massachusetts Building Commissioners and Inspectors Association (MBCIA) voted unanimously to send this letter to request the Board of Building Regulations and Standards (BBRS) to take the necessary steps to adopt the following 2015 International Code Council (ICC) codes in their entirety: the International Building Code; the International Residential Code; the International Mechanical Code; the International Existing Building Code; and the International Energy Conservation Code.

The MBCIA feels strongly that the BBRS should mirror the ICC Code cycles and require the adoption of such codes at the State level within twelve (12) months of the ICC Code publications. In addition, MA amendments should be limited to technical changes associated with regional concerns and not with the intent of weakening the ICC codes in anyway. A person or Special Interest Group that wishes to propose an amendment to the codes can do so at the National level through the ICC Code Hearings process. A person or group that has a code change proposal should submit such a proposal to the respective ICC Code committee. Each proposal goes through a vetting process and ultimately sent to the entire governmental membership for their vote.

The ICC has a well-established and proven business for writing base codes for forty-seven (47) states and many countries around the world. We understand that from time to time, these codes have to be amended to address unique circumstances in MA or perhaps bring the ICC codes in line with MA General Laws. However, the MBCIA has concerns that the base codes have been weakened over the years through various amendments. This is evident in a provision adopted by the BBRS under **s.102.6.3, 780 CMR** that addresses situations where the current code is less stringent than the applicable codes, rules or regulations at the time the original construction or alteration took place.

As Building Officials, we learn early on that the building codes are the minimum standards to safeguard the public health, safety and welfare of the general public. We do not believe that the BBRS should perpetuate what we perceive to be a weakening of the base codes by performing such things as a "cost analysis" of certain code requirements which then leads to proposed code amendments and ultimately a weaker code. These types of studies have already been done at the National level and such redundancies at the State level are a waste of the taxpayer's money.

Finally, the MBCIA would like to comment on the Green Communities Act (GCA) which was established in 2008 to create, as you know, more stringent criteria for energy conservation. We understand that approximately 150 municipalities are now considered "Green Communities" and while the MBCIA applaud these energy conservation efforts, there is a certain aspect of the law that is not being complied with. This non-compliance issue is, in turn, forcing 150 communities to enforce a weaker energy conservation code. As I'm sure you know, under **section 55, clause o and p** of the GCA, the law requires MA to adopt the most stringent energy code within one (1) year of publication. Originally, Massachusetts took the 2009 International Energy Conservation Code (IECC) and made it more stringent with numerous MA amendments which ultimately created the Stretch Code.

However, six years and two ICC code cycles later, these same Green Communities are still enforcing the 2009 IECC w/ MA amendments (the Stretch Code) while the rest of the municipalities are enforcing the 2012 IECC; an energy code that is not only more stringent than the Stretch Code in many aspects, but in fact, should have been adopted by MA in January of 2013 according to **section 55, clause o and p**.

The MBCIA feels that coming in line with the ICC code cycle and adopting the ICC codes in their entirety within one (1) year of their publication will serve two purposes: 1) it will translate into better insurance rates for property owners under the ISO Rating guidelines and 2) it will free up the BBRS administrative staff to better function as a true resource for building officials throughout the Commonwealth.

Respectfully,

A handwritten signature in blue ink, appearing to read "Dan Sullivan".

Dan Sullivan

President, Massachusetts Building Commissioners and Inspectors Association.