

New Hampshire
Residential Energy Code Application
for Certification of Compliance for New Construction, Additions and/or Renovations
(EC-1 Form)
Minimum Provisions

Effective Date: April 1, 2010

Owner/Owner Builder: Company Name (if applicable)			General Contractor: Company Name:		
Name:			Name:		
Mail Address:			Mail Address:		
Town/City:	State:	Zip:	Town/City:	State:	Zip:
Phone:	Cell:		Phone:	Cell:	
E-Mail:			E-Mail:		
Location of Proposed Structure:			Type of Construction:		
Tax Map #: Lot #:			<input type="radio"/> Residential <input type="radio"/> Small Commercial <input type="radio"/> New Building <input type="radio"/> Renovation <input type="radio"/> Addition <input type="radio"/> Thermally Isolated Sunroom <input type="radio"/> Modular Home: the site contractor must submit this form detailing supplementary rooms and Floor and/or Basement insulation unless the floor insulation is installed or provided by the manufacturer and no heated space is added.		
Street:					
Town/City:		County:	Total New Conditioned* Floor Area:		
Zone 5 <input type="radio"/> Cheshire, Hillsborough, Rockingham or Strafford except the town of Durham that uses 2012 IECC Zone 6 <input type="radio"/> All other counties and the town of Durham			_____ ft ²		
Heating System: (if new system is being installed)			Basement or Crawl Space: (*a conditioned space is one being heated or cooled, containing un-insulated ducts or with a fixed opening into a conditioned space. Walls must be insulated)		
Annual Fuel Use Efficiency (AFUE): _____ %			Conditioned? <input type="radio"/> Yes (Walls must be insulated) <input type="radio"/> No		
Fuel Type(s): <input type="checkbox"/> Oil <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane (LP) <input type="checkbox"/> Electric <input type="checkbox"/> Wood <input type="checkbox"/> Other _____ Heating System Type: <input type="checkbox"/> Hot Water <input type="checkbox"/> Hot Air <input type="checkbox"/> Stove <input type="checkbox"/> Resistance <input type="checkbox"/> Heat Pump <input type="checkbox"/> Geothermal			<input type="checkbox"/> Full Basement <input type="checkbox"/> Walk Out Basement <input type="checkbox"/> Slab on Grade <input type="checkbox"/> Other _____		
Structure is EXEMPT because:			Form Submitted by:		
<input type="checkbox"/> Mobile Home <input type="checkbox"/> On an historic register <input type="checkbox"/> Low energy use (less than 1 watt/ ft ²)			<input type="checkbox"/> Owner <input type="checkbox"/> Builder <input type="checkbox"/> Designer <input type="checkbox"/> Other _____ Architects must certify plans meet code; no form required		

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I hereby certify that all the information contained in this application is true and correct, and construction shall comply in all respects with the terms and specifications of the approval given by the Public Utilities Commission and with the New Hampshire Code for Energy Conservation in New Building Construction.

Signature _____ Print Name _____ Date _____

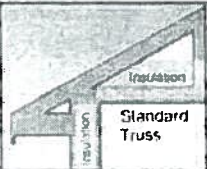

Official Use Only	
Date Complete Application Received:	Approved by: Date:
Approval Number:	Stamp:
	Reason: <input type="checkbox"/> 1, <input type="checkbox"/> 2, <input type="checkbox"/> 3, <input type="checkbox"/> Other _____ Notice: <input type="checkbox"/> e-mail, <input type="checkbox"/> mail, Date: _____

New Hampshire Energy Code EC-1

Certification No.:

Directions: Complete the "Your Proposed Structure" columns. No measurements or calculations are needed. If you at least meet the New Hampshire Energy Code requirements, your project will be approved. Write N/A in any section that does not apply to your project. If your planned structure cannot meet these requirements, consider downloading REScheck from <http://www.energycodes.gov/rescheck/download.stm> and use trade-offs to prove compliance. Submit pages 1 and 2 only.

You are encouraged to build with higher R-values and lower U-values than you report here. The "Required R or U Values" are the worst permitted in NH.

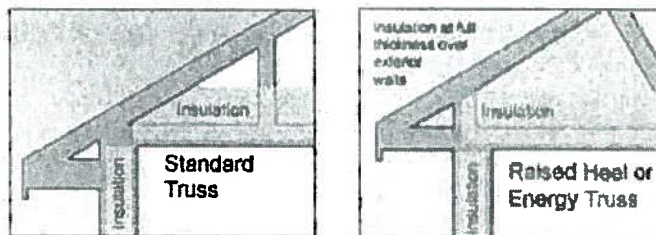
Building Section	Required R or U Values	YOUR PROPOSED STRUCTURE		
		Write Planned R and U Values	Brands / Models / insulation type and thickness (if known)	
Window U Factor (lower U is better)	U .35 (maximum) U-.32 (if log walls in Zone 5) U-.30 (if log walls in Zone 6) U .50 (Thermally Isolated Sunrooms only)	Write in U-Value	Check if <input type="checkbox"/> Sunroom <input type="checkbox"/> Log Walls	
Skylights	U .60			
Flat Ceilingⁱ <i>or</i> Flat Ceiling with Raised or Energy Trusses R-value	 R-38 (Zone 5) R-49 (Zone 6) if using the above construction technique R-49 if log walls	 R-30 (Zone 5) R-38 (Zone 6) if maintaining the full R value over the plates R-49 if log walls	Write in R-Value → If using only R-30 in Zone 5 or R-38 in Zone 6 you must check this box	NOTE: R-38 will be deemed to satisfy the requirement for R-49 if the full R-38 insulation value is maintained over the outside plates. If using only R-30 (Zone 5) or R-38 (Zone 6), you must certify that you'll maintain R-38 over the plates by checking the box below. <input type="checkbox"/> By checking this box, I certify that this structure is being built with a raised energy truss or that the full R-value of the ceiling insulation will be maintained over the outside plates.
Sloped or Cathedral Ceiling	R-30 (Zone 5 & 6) or 38 if more than 500 ft sq or 20% of total ceiling area (Zone 6) R-24 (Thermally Isolated Sunrooms only)	Write in R-Value	Check if <input type="checkbox"/> Sunroom	
Above Grade Wallⁱⁱ R-value	R-20 Cavity Insulation only <i>or</i> R-13 plus R-5 Cavity <i>plus</i> Continuous Insulation R-13 (Thermally Isolated Sunrooms only)	Write in R-Value	Log homes must comply with ICC400-2012, have an average minimum wall thickness of 5" or greater with specific gravity of ≤0.5 or 7" with specific gravity >0.5 Check if <input type="checkbox"/> Sunroom <input type="checkbox"/> Log Walls	
Door U-Value	U .35 (maximum)	Write in U-Value		
Floor R Value (Basement ceiling)	R-30 <i>or</i> Insulation sufficient to fill joist cavity	Write in R-Value		
Basement or Crawl Space Wall R Value	R-13 Cavity Insulation <i>or</i> R-10 Continuous Insulation (Zone 5) R-19 Cavity Insulation <i>or</i> R-15 Continuous Insulation (Zone 6)	Write in R-Value	If conditioning the basement you must insulate Basement Walls . If not, you may insulate either Floor or Basement Walls and/or Slab Edge	
Slab Edgeⁱⁱⁱ R Value	R-10 2' (Zone 5) 4' (Zone 6) (see drawing pg 3) <i>add</i> R-5 if the Slab is heated <i>or</i> R-15 under entire heated slab if a log home.	Write in R-Value	Check if <input type="checkbox"/> Heated Slab	
Air Sealing	Planned Air Sealing Test Method There are two approaches to demonstrating compliance with air sealing requirements.	<input type="checkbox"/> Blower Door <input type="checkbox"/> Visual Inspect	The visual inspection certification must be consistent with the requirements of Table 402.4.2 (page 4) and the method of compliance planned and approved by the local jurisdiction	

Submit pages 1 and 2 to: NH Public Utilities Commission, 21 South Fruit Street STE 10, Concord NH 03301

Fax: 603.271.3878 E-mail: energycodes@puc.nh.gov

Footnotes to Residential Energy Code Application for Certification of Compliance

ⁱ Ceilings with attic spaces: R-30 in Zone 5 or R-38 in Zone 6 will be deemed to satisfy the requirement for R-38 or R-49 respectively wherever the full height of uncompressed R-30 or R-38 insulation extends over the wall top plate at the eaves or the full R-value is maintained. This is accomplished by using a raised heel or energy truss as shown in the diagram below or by using higher R-value insulation over the plates.

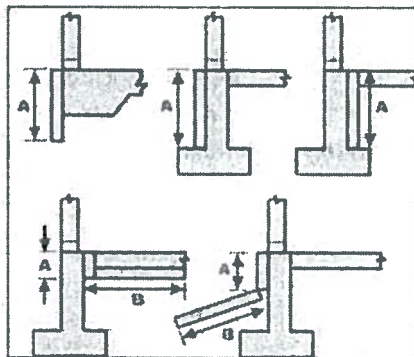


ⁱⁱ R-13 + R-5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, R-5 sheathing is not required where the structural sheathing is placed. If structural sheathing covers more than 25 percent of exterior, the structural sheathing must be supplemented with insulated sheathing of at least R-2.

ⁱⁱⁱ Slab edge insulation must start at the top of the slab edge and extend a total of two (Zone 5) or four feet (Zone 6). Insulation may go straight down, out at an angle away from the building, or along the slab edge and then under the slab. A slab is a concrete floor within 1' of grade level. See diagram below.

The top edge of insulation installed between the exterior wall and the interior slab may be mitered at a 45 degree angle away from the exterior wall.

Allowable Slab Insulation Configurations



A or A + B must equal two feet in Zone 5 or four feet in Zone 6

MODULAR HOMES must be certified by the NH Department of Safety. Unless the floor insulation is provided by the manufacturer this form must be submitted. This form must also be submitted if the basement is to be insulated or supplementary heated space is added to the home upon or after it is set.

AIR BARRIER AND INSULATION INSPECTION COMPONENT CRITERIA
 Required Elements Check List (see page 2 AIR SEALING) IECC Code section 402.4.2
 This page must be provided to the building inspector at final inspection.

✓ Check here

Certification No

Air barrier and thermal barrier	Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier.
	Breaks or joints in the air barrier are filled or repaired.
	Air-permeable insulation is not used as a sealing material.
	Air-permeable insulation is inside of an air barrier.
Ceiling/attic	Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed.
	Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are insulated.
	Junction of foundation and sill plate is sealed.
Windows and doors	Space between window/door jambs and framing is sealed.
Rim joists	Rim joists are insulated and include an air barrier.
Floors (including above-garage and cantilevered floors)	Insulation is installed to maintain permanent contact with underside of sub floor decking.
	Air barrier is installed at any exposed edge of insulation.
Crawl space walls	Insulation is permanently attached to walls.
	Exposed earth in unvented crawl spaces is covered with Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown.
Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are air tight, IC rated, and sealed to drywall. Exception—fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior walls	Air barrier extends behind boxes or air sealed-type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units. HVAC register boots HVAC register boots that penetrate building envelope are sealed to sub-floor or drywall.
Fireplace	Fireplace walls include an air barrier.

NEW HAMPSHIRE ENERGY CODE

Summary of Basic Requirements See IECC 2009 Code Book for complete details

These 2 pages must be provided to the building inspector at final inspection or retained.

✓ Check here

Certification No.:

<p style="text-align: center;">Air Leakage Code section 402.4</p> <p style="text-align: center;">The building thermal envelope must be durably sealed to limit infiltration</p>	<p>All joints, seams, penetrations and openings in the thermal envelope including those around window and door assemblies, utility penetrations, dropped ceilings or chases, knee walls, behind tubs and showers, separating unheated garages from the thermal envelope, common walls between dwelling units, attic access, rim joist junction and all other openings in the building envelope that are sources of air leakage must be caulked, gasketed, weather-stripped or otherwise sealed.</p>
<p style="text-align: center;">Air Sealing and Insulation Code Section 402.4.2</p>	<p>Building envelope air tightness and insulation installation shall be demonstrated to comply with requirements by Blower Door testing to less than 7 air changes/hr at 50 Pa or a visual inspection per page 4 of this document. The local Building Official may require an independent 3rd party to conduct the visual inspection. <u>See page 4.</u></p>
<p style="text-align: center;">Testing Option Code Section 402.4.2.1</p> <p style="text-align: center;">or</p> <p style="text-align: center;">Visual Option Code Section 402.4.2.1</p>	<p>While the Blower Door Test and/or Visual Option are methods of demonstrating compliance many of the general requirements as defined by this checklist (pages 5 & 6) must still be met.</p> <p>Blower Door Test conducted by _____</p> <p>Result (at 50 Pa): _____ CFM Interior Volume _____ CF _____ ACH</p> <p style="text-align: center;">or</p> <p>Structure passes Visual Inspection _____ signed _____ date _____</p>
<p style="text-align: center;">Fireplaces Code Section 402.4.3</p>	<p>New wood-burning fireplaces shall have gasketed doors and outdoor combustion air.</p>
<p style="text-align: center;">Recessed Lighting Code Section 402.4.5</p>	<p>Recessed lights must be type IC rated and labeled as meeting ASTM E 283 and sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.</p>
<p style="text-align: center;">Electrical Power and Lighting Systems Code section 404</p>	<p>A minimum of 50% of the lamps in permanently installed lighting fixtures shall be high efficacy lamps.</p>
<p style="text-align: center;">High-Efficacy Lamps Code section 202</p>	<p>Compact fluorescent lamps, T-8 or smaller diameter linear fluorescent lamps, or lamps with a minimum efficacy of:</p> <ol style="list-style-type: none"> 1. 60 lumens per watt for lamps over 40 watts, 2. 50 lumens per watt for lamps over 15 watts to 40 watts, and 3. 40 lumens per watt for lamps 15 watts or less.
<p style="text-align: center;">Materials and Insulation Information Code section 102.1</p>	<p>Materials and equipment must be identified so that code compliance can be determined. Manufacturer manuals for all installed heating, cooling and service water heating equipment must be provided. Insulation R-values, glazing and door U-values and heating and cooling equipment efficiency must be clearly marked on the building plans, drawings or specifications.</p>
<p style="text-align: center;">Pull-Down Attic Stairs, Attic Hatch, and Knee Wall Doors Code section 402.2.3</p>	<p>Should be insulated to a level equal to the surrounding surfaces and tightly sealed and weather-stripped at the opening</p>

Full size Attic or Basement Entry Doors	All doors leading from a conditioned space into an unconditioned attic or enclosed attic or basement stairwell should be insulated and weather-stripped exterior rated door units. One door is exempt.
Duct Insulation Code section 403.2	Supply ducts in attics must be insulated to at least R-8. All other ducts must be insulated to at least R-6. Exception: Ducts or portions thereof located completely inside the building thermal envelope.
Duct Construction Code sections 403.2.2 & 3	Ducts, air handlers, filter boxes, and building cavities used as ducts must be sealed. Joints and seams must comply with Section M1601.4.1 of the <i>International Residential Code</i> . Building framing cavities must not be used as supply ducts.
Duct Testing Code sections 403.2.2 & 3	Duct tightness shall be verified by testing unless the air handler and all ducts are located within the conditioned space. Test conducted by: _____ Duct test result at 25 Pa: _____ Post construction or _____ Rough-in test
Temperature Controls Code section 403.1 & 1.1	At least one thermostat must be provided for each separate heating and cooling system. Hot air systems must be equipped with a programmable thermostat. Heat pumps having supplementary electric-resistance heat must have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.
Mechanical System Piping Insulation Code section 403.3	Mechanical system piping capable of conveying fluids at temperatures above 105°F or below 55°F must be insulated to R-3.
Circulating Hot Water Systems Code section 403.4 & NH amendments	Circulating service water systems must include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use. Circulating domestic hot water system piping shall be insulated to R-4.
Mechanical Ventilation Code section 403.5	Outdoor air intakes and exhausts must have automatic or gravity dampers that close when the ventilation system is not operating.
Equipment Sizing Code section 403.6	Heating and cooling equipment must be sized in accordance with Section M1401.3 of the <i>International Residential Code</i> .
Certificate Code section 401.3	A permanent certificate, completed by the builder or registered design professional, must be posted on or in the electrical distribution panel. It must list the R-values of insulation installed in or on the ceiling, walls, foundation, and ducts outside the conditioned spaces; U-factors and SHGC for fenestration. The certificate must also list the type and efficiency of heating, cooling and service water heating equipment.

NEW HAMPSHIRE ENERGY CODE Summary of Basic Requirements Page 2

These 2 pages must be provided to the building inspector at final inspection or retained.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 155-A

NEW HAMPSHIRE BUILDING CODE

Section 155-A:2

155-A:2 State Building Code. –

I. All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

II. To the extent that there is any conflict between the state building code and the state fire code, the code creating the greater degree of life safety shall take precedence, subject to the review provisions contained in RSA 155-A:10. If the municipal building and fire code officials cannot agree which code creates the greater degree of life safety, the property owner may notify the 2 officials in writing that if agreement is not reached within 2 business days of delivery of said notification, that the decision shall be made by the property owner to comply with either the applicable building code or fire code. Such decision by the property owner after proper notification shall not be grounds for the denial of a certificate of occupancy.

III. To the extent that it does not conflict with any other provision of law, and except as otherwise provided in this paragraph, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts where such activities have been authorized in accordance with RSA 674:51 and RSA 47:22. Pursuant to the state fire marshal's authority to enforce the state building code under RSA 155-A:7, I, the fire marshal may establish for municipalities that do not have a building inspector or other enforcement mechanism authorized in RSA 155-A:4, with approval of the commissioner of safety and by rules adopted under RSA 541-A, fees to defray the cost of issuing building permits in accordance with the state building code. Such fees shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

IV. Except for buildings owned by the state, the community college system of New Hampshire, or the university system, the issuance of permits and certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts. The state fire marshal shall issue permits and conduct inspections for buildings owned by the state, the community college system of New Hampshire, and the university system. Nothing in this section shall prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other qualified third party for these services.

V. Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 or RSA 47:22 any additional regulations provided that such regulations are not less stringent than the requirements of the state building code and the state fire code.

VI. For any municipality which has not adopted an enforcement mechanism under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA 674:51 may contract with a local

enforcement agency or a qualified third party for these services as an alternative to establishing the position of building inspector under RSA 674:51, III(c), and such agency or third party shall have the same authority as a building inspector as provided in that section.

VII. 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. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

VIII. Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local code requirements that are less stringent than the state building code or state fire code, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

IX. Nothing in this chapter shall be construed to permit or encourage the state to initiate or assume an independent role in the administration and enforcement of the New Hampshire building code for a building or structure that is not owned by the state unless otherwise authorized by law.

X. No state agency, authority, board, or commission shall vary, modify, or waive the requirements of the state building code or state fire code, unless approved by the state building code review board pursuant to RSA 155-A relative to the state building code or the state fire marshal pursuant to RSA 153:8-a, I(c) for the state fire code. Nothing in this chapter shall affect the statutory authority of the commissioner of labor, the state board for the licensing and regulation of plumbers, or the state electricians' board to administer their respective programs, provided that any changes to codes proposed under the rulemaking authority of these agencies shall not be enforced until approved by the state building code review board.

Source. 2002, 8:3. 2003, 245:2. 2009, 175:1. 2010, 326:2. 2012, 242:11, eff. June 18, 2012.

CHAPTER 242

HB 137-FN-LOCAL – FINAL VERSION

5Jan2012... 2786h

05/09/12 1971s

05/09/12 2182s

6June2012... 2490EBA

2012 SESSION

11-0165

05/10

HOUSE BILL *137-FN-LOCAL*

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

SPONSORS: Rep. Hawkins, Hills 18; Rep. C. McGuire, Merr 8

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

- I. Defines the state fire code, establishes a procedure for amendment of the state fire code by the state fire marshal and state advisory board of fire control, and revises membership of the joint committee on code enforcement.
- II. Reserves the title of “fire marshal” for use by the state and clarifies responsibility of the state fire marshal to approve plans for construction or renovation of state buildings and to enforce the state fire code.
- III. Updates references to the most recent version of the codes that comprise the state building code.
- IV. Clarifies the authority of the state fire marshal to inspect and issue permits for state buildings and authorizes municipalities to contract with outside agencies for building inspection services.
- V. Clarifies membership of the building code review board and authorizes the board to amend the state building code, provided that such amendments are subsequently ratified by the legislature.
- VI. Ratifies changes to the state building code already adopted by the state building code review board.
- VII. Establishes a working group to study egress provisions in the International Building Code and Life Safety Code.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

5Jan2012... 2786h

05/09/12 1971s

05/09/12 2182s

6June2012... 2490EBA

11-0165

05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

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

Be it Enacted by the Senate and House of Representatives in General Court convened:

242:1 Legislative Declaration of Purpose. The general court declares that the purpose of this act is the following:

- I. The general court finds that a clearer distinction between codes that apply to new construction and codes that apply to existing buildings and their uses is in the best interest of the citizens of New Hampshire.
- II. The state building code and the state fire code both govern the construction and renovation of buildings. Additionally, the state fire code governs the fire safety requirements of existing buildings. Amendments to these 2 codes currently follow separate processes, the building code requiring action by the legislature and the fire code requiring approval by the joint legislative committee on administrative rules. When overlap of these 2 codes creates a conflict with differing requirements, property owners with building projects may suffer undue expense and/or delay.
- III. The purpose of this act is to reduce the number of conflicts between the building code and the fire code, create a less burdensome regulatory process when conflicts arise, promote a more parallel adoption process for the building and fire codes, clearly define the authority of the state fire marshal and the building code review board to amend adopted codes, reserve the authority for code adoption and changes to code editions to the general court, ratify updates and changes to the state building code already adopted by the building code review board, and adopt by reference the 2009 editions of the Life Safety Code 2009 edition and the Uniform Fire Code NFPA 1, as published by the National Fire Protection Association.

242:2 New Paragraph; State Board of Fire Control; Definition of State Fire Code Added. Amend RSA 153:1 by inserting after paragraph VI the following new paragraph:

VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life Safety Code 2009 edition and the Uniform Fire Code NFPA 1, 2009 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.

242:3 Joint Committee on Code Enforcement. RSA 153:4-b is repealed and reenacted to read as follows:

153:4-b Joint Committee on Code Enforcement. There is established a joint committee on code enforcement, consisting of the chairpersons or presidents, or their designees, of the following: the state advisory board of fire control, the electricians' board, the board for the licensing and regulation of plumbers, the water well board, the board of architects, the board of professional engineers, the architectural barrier-free design committee, the state building code review board, the New Hampshire Association of Fire Chiefs, the New Hampshire Building Officials Association, and the state fire marshal. The chairman or designee of the state advisory board of fire control shall serve as the chair of the joint committee. The joint committee shall meet at least annually to carry out its duties as established in this chapter. The duties of the committee shall be to discuss matters of mutual interest in the area of code administration, coordination of the state building code and the state fire code adoption, inspections, licensing, and certification.

242:4 Organization of Firefighters; Clarification of Title of Fire Marshal. Amend RSA 154:4 to read as follows:

154:4 Organization of Firefighters. The firefighters shall be organized in such companies, under the supervision of duly selected officers, and shall be subject to such duties in relation to the care, preservation and use of the public property entrusted to them, and to meeting for drill in the management thereof, as the chief, firewards or engineers shall direct or approve; and shall, by night or day, under their direction, use their best endeavors to extinguish any fire that may happen in their town or the vicinity of their town. Firefighters may also mitigate other emergencies which may happen in their town or the vicinity of their town. *The title of "fire marshal" is expressly reserved for use by the state to identify the position described in RSA 21-P:12.*

242:5 State Fire Code; Rules. RSA 153:5 is repealed and reenacted to read as follows:

153:5 State Fire Code; Rules.

I. Notwithstanding RSA 21-G:9, II(b), the fire marshal, with the board of fire control, may adopt rules with the approval of the commissioner of safety, which shall be exempt from RSA 541-A, to amend the state fire code described in RSA 153:1 to the extent the board deems such amendments are necessary, provided that any such amendments are ratified by the adoption of appropriate legislation within one year of their adoption. If such amendments are not ratified, then the amendments shall expire at the end of the one-year period.

II. With the approval of the commissioner of safety, the state advisory board of fire control is authorized, pursuant to RSA 541-A, to adopt rules governing its procedures of operation. The board shall meet to review and assess the application of the state fire code and shall recommend legislation, as the board deems necessary, to modify the requirements of the state fire code, in order to provide consistency with the application of other laws, codes, or regulations, giving due consideration to the economic impact and costs of such amendment, and to promote public safety and best practices.

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III. The state fire code and associated rules shall not require automatic fire suppression or sprinkler systems in detached one, or 2-family dwelling units in a structure used only for residential purposes.

IV. The state fire marshal may exempt a building, structure, or equipment from such rules if he or she finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the state fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than rules adopted by the state fire marshal.

V. The state fire marshal, and the local fire chief, in accordance with RSA 154:2, shall use the state fire code, including rules adopted under paragraph I, and any local codes adopted in accordance with RSA 47:22 or RSA 155-A:3, for the purposes of new construction, additions, and alterations. It is the intent of the legislature to avoid conflicts in the adoption and application of the state building code and the state fire code.

242:6 Approval of Plans for Construction or Revision of State Buildings. RSA 153:8-a, I is repealed and reenacted to read as follows:

I. The state fire marshal or, by his or her direction, the deputy fire marshal shall be responsible for:

(a) Approval of all plans for construction or revision of all state buildings and properties, including the university system and the community college system of New Hampshire, as to compliance with the state building code and state fire code.

(b) Enforcement of the state fire code.

(c) With approval of the commissioner of safety, adoption of rules relative to the granting of exceptions or variances under this paragraph, and rules to be known as the state fire code as provided in RSA 153:5.

(d) Development, in consultation with the commissioner of safety and the commissioner of administrative services, of a schedule for the periodic safety inspection of all occupied public buildings owned by the state.

242:7 New Hampshire Building Code; Definition of Building. Amend RSA 155-A:1, I to read as follows:

I. "Building" means building as defined and interpreted by the International Code Council's International Building Code [2006] *2009, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10.*

242:8 New Hampshire Building Code; Definition of Local Enforcement Agency and New Hampshire Building Code. Amend RSA 155-A:1, III and IV to read as follows:

III. "Local enforcement agency" means for a municipality that has adopted enforcement provisions or additional regulations under RSA 674:51 *or RSA 47:22*, the building inspector, *code official*, or other local government official ~~[with authority]~~ *qualified and authorized* to make inspections and to enforce the laws, ordinances, and rules enacted by the state and by local government that establish standards and requirements applicable to the construction, alteration, or repair of buildings. *For the purpose of enforcement of the state fire code for buildings and structures not owned by the state, the local enforcement agency means the municipal fire chief or his or her representative, pursuant to RSA 154:2, II.*

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code [2006] **2009, the International Existing Building Code 2009**, the International Plumbing Code [2006] **2009**, the International Mechanical Code [2006] **2009**, the International Energy Conservation Code [2006] **2009**, and the International Residential Code [2006] **2009**, as published by the International Code Council, and the National Electric Code [2008] **2011, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10**. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.

242:9 New Paragraph, Definition of New Hampshire Fire Code Added. Amend RSA 155-A:1 by inserting after paragraph IV the following new paragraph:

IV-a. "New Hampshire fire code" or "state fire code" means the state fire code as defined in RSA 153:1 and as amended by rules adopted pursuant to RSA 153:5.

242:10 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, VI to read as follows:

VI. "Structure" means structure as defined and interpreted by the International Code Council's International Building Code [2006] **2009, as amended by the state building code review board and ratified by the legislature in accordance with RSA 155-A:10**.

242:11 State Building Code. RSA 155-A:2 is repealed and reenacted to read as follows:

155-A:2 State Building Code.

I. All buildings, building components, and structures constructed in New Hampshire shall comply with the state building code and state fire code. The construction, design, structure, maintenance, and use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the state building code.

II. To the extent that there is any conflict between the state building code and the state fire code, the code creating the greater degree of life safety shall take precedence, subject to the review provisions contained in RSA 155-A:10. If the municipal building and fire code officials cannot agree which code creates the greater degree of life safety, the property owner may notify the 2 officials in writing that if agreement is not reached within 2 business days of delivery of said notification, that the decision shall be made by the property owner to comply with either the applicable building code or fire code. Such decision by the property owner after proper notification shall not be grounds for the denial of a certificate of occupancy.

III. To the extent that it does not conflict with any other provision of law, and except as otherwise provided in this paragraph, the issuance of permits and the collection of fees pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts where such activities have been authorized in accordance with RSA 674:51 and RSA 47:22. Pursuant to the state fire marshal's authority to enforce the state building code under RSA 155-A:7, I, the fire marshal may establish for municipalities that do not have a building inspector or other enforcement mechanism authorized in RSA 155-A:4, with approval of the commissioner of safety and by rules adopted under RSA 541-A, fees to defray the cost of issuing building permits in accordance with the state building code. Such fees shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

IV. Except for buildings owned by the state, the community college system of New Hampshire, or the university system, the issuance of permits and certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts. The state fire marshal shall issue permits and conduct inspections for buildings owned by the state, the community college system of New Hampshire, and the university system. Nothing in this section shall prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other qualified third party for these services.

V. Counties, towns, cities, and village districts may adopt by ordinance pursuant to RSA 674:51 or RSA 47:22 any additional regulations provided that such regulations are not less stringent than the requirements of the state building code and the state fire code.

VI. For any municipality which has not adopted an enforcement mechanism under RSA 674:51, the contractor of the building, building component, or structure shall notify the state fire marshal concerning the type of construction before construction begins excluding one- and 2-family dwellings. Any municipality that has adopted an enforcement mechanism under RSA 674:51 may contract with a local enforcement agency or a qualified third party for these services as an alternative to establishing the position of building inspector under RSA 674:51, III(c), and such agency or third party shall have the same authority as a building inspector as provided in that section.

VII. 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. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

VIII. Nothing in this chapter shall be construed as amending, repealing, or superseding any local law, ordinance, code, or regulation, except local code requirements that are less stringent than the state building code or state fire code, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances.

IX. Nothing in this chapter shall be construed to permit or encourage the state to initiate or assume an independent role in the administration and enforcement of the New Hampshire building code for a building or structure that is not owned by the state unless otherwise authorized by law.

X. No state agency, authority, board, or commission shall vary, modify, or waive the requirements of the state building code or state fire code, unless approved by the state building code review board pursuant to RSA 155-A relative to the state building code or the state fire marshal pursuant to RSA 153:8-a, I(c) for the state fire code. Nothing in this chapter shall affect the statutory authority of the commissioner of labor, the state board for the licensing and regulation of plumbers, or the state electricians' board to administer their respective programs, provided that any changes to codes proposed under the rulemaking authority of these agencies shall not be enforced until approved by the state building code review board.

242:12 Local Amendment of State Building Code. Amend RSA 155-A:3, IV(b) to read as follows:

(b) Any provision of the state building code that conflicts with existing or amended local ordinances, regulations, policies, practices, or procedures regarding the appointment, removal, or duties of municipal employees and the organization of municipal departments, shall not apply ***provided that the ordinances, regulations, policies, practices, or procedures do not prevent effective enforcement of the state building code or state fire code.***

242:13 Permit for Construction or Renovation of Public Buildings. RSA 155-A:4 is repealed and reenacted to read as follows:

155-A:4 Permit Required.

I. Before starting new construction or renovation of buildings and structures as described in RSA 155-A:2, I, the person responsible for such construction shall obtain a permit.

II. In municipalities that have adopted an enforcement mechanism pursuant to RSA 674:51 and RSA 47:22, the permit under this section shall conform to the locally adopted process. No permit shall be issued that would not result in compliance with the state building code and state fire code.

III. For buildings and structures owned by the state, the community college system of New Hampshire, or the university system, the person responsible for such activities shall obtain a permit from the state fire marshal. Before issuing the permit, the state fire marshal shall give due consideration to any written recommendations of the municipal fire chief, building official, or designee in the community where the state building is located.

242:14 Enforcement Authority. RSA 155-A:7, I is repealed and reenacted to read as follows:

I. The local enforcement agency appointed pursuant to RSA 674:51 or RSA 47:22 shall have the authority to enforce the provisions of the state building code and the local fire chief shall have the authority to enforce the provisions of the state fire code, provided that where there is no local enforcement agency or contract with a qualified third party pursuant to RSA 155-A:2, VI, the state fire marshal or the state fire marshal's designee may enforce the provisions of the state building code and the state fire code, subject to the review provisions in RSA 155-A:10, upon written request of the municipality.

242:15 State Building Code Review Board. Amend RSA 155-A:10 to read as follows:

155-A:10 State Building Code Review Board.

I. There is established a state building code review board consisting of the commissioner of safety or the commissioner's designee, and ~~[additional]~~ **the following** members, appointed by the commissioner of safety ~~[as follows]~~:

(a) One architect licensed in this state for a minimum of 5 years, nominated by the board of architects established in RSA 310-A:29.

(b) One structural engineer licensed in this state for a minimum of 5 years, nominated by the board of **professional** engineers established in RSA 310-A:3.

(c) One mechanical engineer licensed in this state for a minimum of 5 years, nominated by the board of **professional** engineers established in RSA 310-A:3.

(d) One electrical engineer licensed in this state for a minimum of 5 years, nominated by the board of **professional** engineers established in RSA 310-A:3.

(e) One representative of the state's municipalities, nominated by the New Hampshire Municipal Association.

(f) One municipal building official, nominated by the New Hampshire Building Officials Association.

- (g) One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.
- (h) One active fire prevention officer, nominated by the New Hampshire Association of Fire Chiefs.
- (i) One building contractor, primarily engaged in the business of constructing nonresidential buildings, nominated by the Associated General Contractors of New Hampshire.
- (j) One building contractor primarily engaged in the business of constructing residential buildings, nominated by the New Hampshire Home Builders Association.
- (k) One representative from the state energy conservation code office under RSA 155-D, nominated by the New Hampshire public utilities commission.
- (l) One master plumber licensed in this state for a minimum of 5 years, nominated by the state board for the licensing and regulation of plumbers established in RSA 329-A.
- (m) One mechanical contractor [~~with a minimum of 5 years experience~~], primarily engaged in the business of mechanical construction, nominated by the New Hampshire Plumbing and Mechanical Contractors Association.
- (n) One master electrician licensed in this state for a minimum of 5 years, nominated by the electricians' board established in RSA 319-C.
- (o) One representative of the Committee on Architectural Barrier-Free Design nominated by the governor's commission on disability.
- (p) One [~~master electrician licensed in this state for a minimum of 5 years~~] **electrical contractor**, nominated by Electrical Contractors Business Association.

II. The term of each member shall be 3 years. The chair *of the board* shall be appointed by the commissioner of safety *after meeting with the board*. Board members shall be appointed for no more than 2 consecutive 3-year terms. ***The board shall elect from among the members a vice-chair, who shall assume the responsibilities of the chair in the event of the chair's absence.***

III. The board shall be administratively attached to the department of safety under RSA 21-G:10.

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 [~~modify~~] ***amend*** the requirements of the state building code [~~and the state fire 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.

V. The board may adopt rules to [~~update or change~~] ***amend*** the state building code for the codes described in RSA 155-A:1, IV ***and IV-a***, to the extent the board deems that such [~~updates or changes~~] ***amendments*** are necessary, provided that any such [~~updates or changes~~] ***amendments*** are ratified by the adoption of appropriate legislation within 2 years of their adoption. If such [~~updates or changes~~] ***amendments*** are not ratified, then the rules shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

VI. [~~The board shall review the National Fire Protection Association Building Code and its companion manuals when published, and shall review any other building codes when published, in order to evaluate~~]

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~~whether the state should continue with the International Building Codes and its manuals, switch to other codes or adopt a combination of codes.~~

~~VII.]~~ The state building code review board shall not adopt or enforce any rule requiring the installation of fire sprinkler systems in any new or existing detached one- or 2-family dwelling unit in a structure used only for residential purposes. This paragraph shall not prohibit a duly adopted requirement mandating that fire sprinkler systems be offered to the owners of dwellings for a reasonable fee.

242:16 Appeal of Decision by the State Fire Marshal to the Building Code Review Board. RSA 155-A:11, I is repealed and reenacted to read as follows:

I. Any person aggrieved by a decision of the state fire marshal relative to the application and enforcement of the state building code pursuant to RSA 153:8-a, I(a), or the state fire code, may appeal the decision to the board.

242:17 Powers of the Building Code Board of Appeals. RSA 674:34 is repealed and reenacted to read as follows:

674:34 Powers of Building Code Board of Appeals. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

242:18 State Building Code; Ratification of Amendments by the State Building Code Review Board. Pursuant to RSA 155-A:10, V, the general court hereby ratifies the amendments to the state building codes, as defined in RSA 155-A:1, adopted by the state building code review board between January 1, 2010 and February 29, 2012, in administrative rules Bcr 300.

242:19 Working Group Formed. There is established a working group to study the egress provisions in the International Building Code and the egress provisions in the Life Safety Code in an effort to harmonize the codes and make them applicable to the needs of New Hampshire citizens balancing life safety considerations and economic concerns. The working group shall consist of the commissioner of safety or designee, a representative of the board of architects chosen by the board, a representative of the New Hampshire Home Builders and Remodelers Association chosen by the association, a representative of the New Hampshire Building Officials Association chosen by the association, a representative of the New Hampshire Association of Fire Chiefs chosen by the association, and the state fire marshal or designee. The commissioner of safety or designee shall serve as the chair and shall convene the meetings of the group. The group shall file a report with the chairs of the house and senate executive departments and administration committees not later than April 1, 2013, recommending any legislative changes.

242:20 New Subparagraphs; Rulemaking Exception. Amend RSA 541-A:21, I by inserting after subparagraph (dd) the following new subparagraphs:

(ee) RSA 155-A:10, V, relative to the amendments to the state building code and state fire code for the codes described in RSA 155-A:1, IV and IV-a.

(ff) RSA 153:5, I, relative to the adoption of the state fire code.

242:21 Transfer of Rulemaking Authority Relative to State Fire Code. Existing rules known as the state

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 155-D

ENERGY CONSERVATION IN NEW BUILDING CONSTRUCTION

Section 155-D:10

155-D:10 Rulemaking. – The public utilities commission shall adopt rules, under RSA 541-A, relative to amendments to the New Hampshire Code for Energy Conservation in New Building Construction adopted under RSA 155-D. Before filing a notice of proposed rule under RSA 541-A:6, the commission shall hold an informal conference open to all affected parties.

Source. 1986, 85:4. 1990, 147:7. 1994, 412:18, eff. Aug. 9, 1994.

fire code and adopted under RSA 541-A and RSA 153:5 prior to the effective date of this act shall remain in effect until they expire or are amended, superseded, or repealed by the adoption of rules in accordance with RSA 153:5, I as amended by section 5 of this act.

242:22 Repeal. RSA 155-A:6, relative to the inspection of state buildings, is repealed.

242:23 Effective Date.

I. Section 4 of this act shall take effect July 1, 2013.

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

Approved: June 18, 2012

Effective Date: I. Section 4 shall take effect July 1, 2013.

II. Remainder shall take effect June 18, 2012.