



**BUILDWITHSTRENGTH.COM**

# MONTHLY ACTIVITY REPORT

## STOPPING TALL WOOD THROUGH MODEL CODE

NEW JERSEY (STATEWIDE) | PHILADELPHIA, PA | LOS ANGELES, CA

### Model Code language

This model code would affect multi-residential structures built with light-frame wood, defined as:

- Light-frame: Vertical, horizontal, and/or load-bearing elements are primarily made from combustible materials, including all wood truss and joist construction.
- Multi-residential: R-occupancy structures containing more than two sleeping or dwelling units. This covers apartments, hotels, and multi-use buildings with residential units, etc.
- Single-family dwellings and townhouses are exempt, where townhouses are defined as three or more adjacent but separated units, which extend foundation-to-roof and are open on at least two sides each.

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### Proposed Model Code Language:

- Height and story limits.
- Protected framing: 3 stories or 60 feet.
- Unprotected framing: 4 stories or 70 feet.
- Story height must be measured from grade plane. This means the use of non-combustible pedestals/podiums on otherwise combustible buildings no longer allows them to go above height limits for their materials
- NFPA 13 Sprinkler Protection. This is an upgrade from the current requirement for NFPA 13-R (residential), which leaves concealed spaces (between walls, attics, etc.) unprotected.

- Fire partitions, horizontal assemblies, and fire walls. All must be non-combustible or fire-retardant treated wood. Fire partitions and horizontal assemblies must be rated at one hour of fire resistance, and fire walls must be rated at two hours.
- In structures with five or more sleeping/dwelling units, horizontal assemblies don't create separate structures for the purposes of height limits, area limits, continuity of firewalls, or construction type.
- 24/7 fire watch. From the beginning of construction to the installation of sprinklers and certificate of occupancy, whenever construction work is not underway. The developer or owner is responsible for hiring and training the fire watch warden to inspect, patrol, and report weekly on potential fire safety threats.
- Fire watch wardens can be active or retired firefighters, fire inspectors/marshals, building trades council members, police officers, first responders, or certified security guards.
- Signage indicating building material. An 8x11 white placard with large, bold letters must be displayed prominently within 10 feet of the entrance, with a description of the building material in this format: "Load-bearing light-framed combustible walls serve as the primary structural system of this structure".

This measure is product-neutral, so other building materials would display appropriate descriptions, such as "load-bearing concrete walls," structural steel frame," or "timber or cross-laminated timber".



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

## Timeline

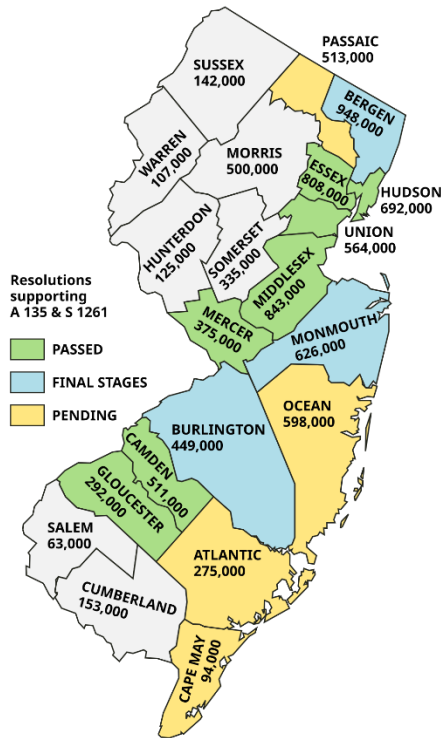
- Bills A 135 and S 1691 will amend the state code with our model language. Both are endorsed by Senate Pres. Steve Sweeney and Assembly Speaker Craig Coughlin, who will sign on to the bills shortly as co-sponsors.
- Through July and August, the legislature takes a recess and reconvenes in September.
- This fall, a public roll-out of the bill is planned with the support of bill sponsors and Senate/Assembly Leadership, our entire coalition, and representatives of counties supporting the effort (see the map below).
- Beginning in September, our bills will be ready to move forward to final passage.

## Coalition-Building

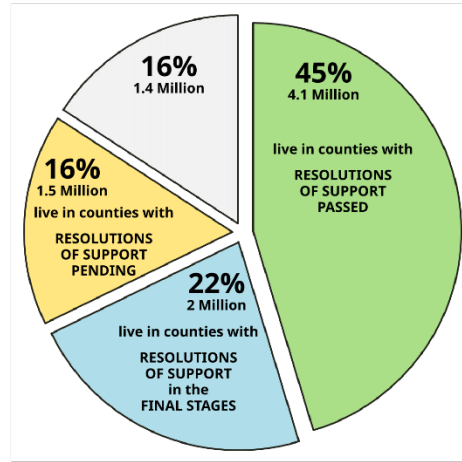
- All major building trades unions have now joined a Build With Strength coalition in support of the bills: contractors, carpenters, teamsters, bricklayers, IUPAT/painters, electrical workers, pipe- and sprinkler-fitters, and more.
- County-level resolutions in support of our efforts have been passed or are pending passage in a majority of counties statewide.

## Latest Actions

- Insurance industry representatives are being actively sought as coalition members. Large multi-residential fires drive up insurance premiums.
- Freeholders in Monmouth and Burlington counties are expected to pass resolutions in support of our bills. Passaic county is also moving forward with its proposed resolution.



### NEW JERSEY SUPPORTS BILLS A 135 & S 1261 FOR FIRE SAFE BUILDING



We anticipate the support of at least 10 counties, representing 6.1 million people, equal to 67% of the population of New Jersey



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- An ordinance containing our model code language is planned for introduction in Philadelphia this fall, and supported by a broad-based coalition of building trades unions.
- State representative [Brian Sims](#) has indicated support, and is assisting the coalition.
- Four city-level [affordable housing](#) representatives, typically opponents to measures that would raise the cost of (wood) construction, have been educated on the model language and indicated either support or neutrality.

## Latest Actions

- Coalition building outreach continues to build relationships with community organizations representing Philadelphia residents.
- A meeting for all coalition members is scheduled for July.



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- As in New Jersey and Philadelphia, our coalition enjoys the support of the main building trades union groups. Recently, we have garnered the full support of the Carpenters/Contractors Cooperation Committee (statewide) and the LA Building Trades with outreach.
- Coalition building outreach continues to build relationships with community organizations representing Los Angeles residents and affordable housing advocates.

## Latest Actions

- May 22, a hearing introducing the tenets of our model codes language was heard in the Planning and Land Use Management (PLUM) committee, where three of five members, including potential ordinance sponsor Bob Blumenfield, have indicated their support.
- Our coalition has created a group letter to the city council, to be sent to all city councilmembers. It will keep those not present at the May 22<sup>nd</sup> hearing informed of our code proposals.
- Build With Strength is coordinating with the LA Fire Department and City Council to assist the City in creation of fire safety plan to include some of the tenets of our ordinance.

# GEORGIA WOOD BANS VS. HB 876

## Municipal Wood Bans

- Sandy Springs, a small city of 100,000, banned wood construction over 3 stories for residential occupancies in 2016, following an apartment fire.
- Dunwoody, an adjacent town of 46,000, followed suit.
- Similar bans were in various stages of development in the Atlanta metro area, including Alpharetta, Brookhaven, Chamblee, Milton, Roswell, and Tucker.

## HB 876 – Banning the Ban

- Introduced February 12<sup>th</sup>, 2018, this bill would bar municipalities from banning wood construction in buildings that would otherwise meet statewide codes. It would reverse Sandy Springs' ordinance banning wood buildings above 3 stories, and prevent other, similar ordinances in the future.
- Build With Strength worked with municipal officials, fire officials, The GA Association of Counties, and the GA Municipal League (and other coalition partners) to fight this bill, including a media campaign.
- The bill was signed by Gov. Deale into law May 8<sup>th</sup>, 2018.

## Court Case over Home Rule

- Sandy Springs and other and other municipalities are considering a lawsuit against the state, arguing that the bill undermines the home rule guaranteed by the Georgia state constitution (Article 9, section B).
- When the governor signed the bill last week on May 8<sup>th</sup>, 2018, he indicated neither support nor opposition, but chose to sign it so that the state Supreme Court could potentially rule on its legality.
- Build With Strength is also considering filing an amicus brief in support of Sandy Springs and other municipalities that join the effort. The municipalities are also considering amending their ordinances to comply with the state law, but still give them the options they feel necessary to protect and further develop their communities the way they see fit.

## OTHER STATE LEGISLATION

8 WINS	5 ONGOING EFFORTS	1 LOSS
4 Supported bills passed 4 Opposed bills defeated (1 by amendment)	3 Bills supported 2 Bills opposed	1 Supported bills failed

### CALIFORNIA: 3 bills

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#### AB 2518

**Status:** In 1<sup>st</sup> Chamber

**Position:** **OPPOSED**

#### Summary:

This bill orders the Department of Forestry and Fire Protection (CAL FIRE) to "explore markets, including export markets, for milling, development, and expansion of innovative forest products and mass timber." It does not specify a date by which the department must publish a report, or any guidelines, budget, or desired results of this "exploration." It authorizes the department to collaborate with other governmental agencies and with private entities such as apprenticeship programs and community colleges.

#### Actions:

State affiliate sent a letter of opposition to the Assembly Natural Resources Committee on [3/28/2018](#) and to the primary sponsor on [3/29/2018](#). Build With Strength sent written testimony on [4/3/2018](#). Both opposed the bill on the following grounds:

1. There is an overwhelming scientific consensus that cutting dead and small-diameter trees is ineffective in reducing the risk of wildfires, which are mostly dependent upon weather patterns. Increasing the state's sawmill capacity will not accomplish the state fire safety objectives.
2. Mass timber is a combustible fire risk, especially for wildfires, and the stimulus of mass timber building proposed in this bill would expose residents of those buildings to the risk of displacement, injury, or death.

As of 6/18/2018, Build With Strength and the state affiliate plan further testimony in opposition to the amended version of this bill.



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## AB 2842

Status: In 1<sup>st</sup> Chamber

Position: **SUPPORT** as amended

### Summary:

This bill creates the California Wood Innovations Small Grants Program under the Governor's Office of Business (GO-Biz), for grants and loans to "entities that expand the use of wood products and increase in-state wood product processing and manufacturing". Grants are available to research, development, and demonstration projects. Loans are available to sawmill facility creation, expansion, and equipment procurement. This program was originally funded for \$20 million.

This bill justifies the need for this program with claims that the state does not currently have the in-state sawmill capacity to process timber that results from forest management projects. These forest management projects mainly aim to cut dead and small-diameter trees away from dense forests, which proponents claim reduces the risk of wildfires.

As of May 1, 2018, following Build With Strength testimony, the original \$20 million appropriation has been removed from the bill. It now only authorizes the program, and a separate, future appropriation must fund it, to a maximum of \$20 million. Build With Strength supports the bill in this form, as it limits the size of the program and presents an annual opportunity to eliminate its funding.

### Actions:

State affiliate sent a letter of opposition to the primary sponsor on 3/29/2018. Build With Strength sent written testimony on 4/3/2018. Both opposed the bill on the following grounds:

1. There is an overwhelming scientific consensus that cutting dead and small-diameter trees is ineffective in reducing the risk of wildfires, which are mostly dependent upon weather patterns. Increasing the state's sawmill capacity will not accomplish the state fire safety objectives.
2. Mass timber is a combustible fire risk, especially for wildfires, and the stimulus of mass timber building proposed in this bill would expose residents of those buildings to the risk of displacement, injury, or death.

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## AB 2911

Status: In 2<sup>nd</sup> Chamber

Position: **SUPPORT**

### Summary:

This bill would require the State Fire Marshal, no later than January 31, 2020, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to recommend updated building standards that provide for comprehensive site and structure fire risk reduction. For existing buildings, they must recommend low-cost retrofits to prevent the spread of fires to structures from nearby vegetation. "Structure" fire risk reduction recommendations are not outlined in the bill, except that they may include "building design and construction requirements that use fire resistant building materials," and standards to reduce the risk of ignition on projections and openings. "Site" fire risk reduction retrofits are outlined in the bill, and require removal of flammable vegetation and fuel sources near structures.

### Actions:

Build With Strength delivered written testimony in support to the bill to the Assemble Local Government Committee.

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## MICHIGAN – 2 bills

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### HB 5068

Status: In 1<sup>st</sup> Chamber

Position: **OPPOSED**

### Summary:

This bill would eliminate the code requirement for the construction of storm shelters in public schools and government emergency operations buildings from current and future building codes.

### Actions:

Build With Strength sent a letter of opposition to the chair of the House Regulatory Reform Committee. The bill has not moved since its introduction, and has no hearings scheduled.

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## HB 5376

Status: In 1<sup>st</sup> Chamber

Position: **SUPPORT**

### Summary:

Before promulgation of a new edition of a code, the director of the Department of Licensing and Regulatory Affairs (LARA) must appoint separate advisory committees for each of the codes. This bill establishes new requirements for each advisory committee's membership.

Daniel DeGraaf, Executive Director and CEO of the Michigan Concrete Association, is a candidate for membership on the International Building Code (IBC) advisory committee that this bill would create.

### Actions:

State affiliate has testified in support of this bill. Coalition partners including the Home Builders Association of Michigan have indicated support for Mr. DeGraaf's candidacy on the commercial building code advisory committee if the bill passes.

# 2018 TO DATE

## FLORIDA – 1 bill

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### HB 2911

**Outcome:** Withdrawn - **WIN**

**Position:** **SUPPORT**

#### **Summary:**

This bill would have reduced the Florida Building Commission from 27 to 11 members. It would have removed some positions key to the industry, such as several municipal- and county-level building code and fire officials, a LEED-accredited green building representative, and a representative of the building products industry.

#### **Actions:**

Build With Strength brought this bill to the attention of the state affiliate, who testified in opposition before the Senate Technology and Commerce Committee. The bill was withdrawn from consideration by its primary sponsor.

## HAWAII – 1 bill

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### SB 3006

**Outcome:** Failed Sine Die – **WIN**

**Position:** **OPPOSED**

#### **Summary:**

This bill would mandate the state building code council to create an alternative to the state building code for public buildings, which must be more “cost-effective” than the current code. The new, alternative code “must not negatively affect the performance of the project or public safety and health.” Despite this requirement, this bill can easily be used to discount durability, energy efficiency, and life cycle costs in favor of first costs or short term savings. In its current form, the bill will not take effect until July 1, 2050.

#### **Actions:**

The state affiliate has publicly indicated opposition. The Hawaii State Building Code Council (SBCC) has unanimously indicated opposition for the above reasons.

## INDIANA – 1 bill

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### SB 393

**Outcome:** Failed Sine Die – **WIN**

**Position:** **OPPOSED**

#### **Summary:**

Requires an individual applying for a building permit for a Class 1 or Class 2 structure after June 30, 2018, to disclose the use of advanced structural components on the building permit application. Requires the building commissioner to notify the local fire department and local 911 call center of a Class 1 or Class 2 structure's use of advanced structural components not later than 90 days after issuing a building permit.

#### **Actions:**

Build With Strength brought this bill to the attention of the state affiliate, who formed a coalition and testified in favor of this bill in two committee hearings:

1. Senate Commerce and Technology Committee on 1/25/2018
2. Senate Veterans' Affairs and Public Safety on 2/13/2018

## MAINE – 1 bill

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### LD 1068

**Outcome:** Failed – **WIN**

**Position:** **OPPOSED**

#### **Summary:**

This bill would mandate the use of wood products, including CLT, where feasible and permitted by the building code, in all state public projects.

#### **Actions:**

Build With Strength assisted a proposed product-neutral re-write of the bill to remove preferences for wood. This version was not posted, because the bill was voted down in committee, which kills the bill per Maine legislative procedures.

## MISSISSIPPI – 2 bills

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### HB 887

**Outcome:** Passed – WIN

**Position:** SUPPORT

#### **Summary:**

This bill extends the "Comprehensive Hurricane Damage Mitigation Program" through July 1, 2021. It was set to expire July 1, 2018. The program funds home retrofitting for hurricane resilience through multiple methods.

1. It funds home inspection and certification of retrofits, which allows owners to qualify for other state programs such as tax rebates.
2. It authorizes direct financial grants to home and building owners to retrofit their buildings for hurricane resistance. The program also funds education and consumer awareness.

#### **Actions:**

Build With Strength met with the state insurance commissioner in fall 2017, who put the bill forth to the legislature. Build With Strength also assisted the state affiliate with testimony in favor of the bill.

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### SB 2465

**Outcome:** Passed – WIN

**Position:** SUPPORT

#### **Summary:**

This bill offers a state-wide tax rebate for residential properties built to the Fortified for Safer Living standard, to resist catastrophic windstorms. This was originally available in only the five southernmost counties in the state (Harrison, Hancock, Jackson, Stone, and Pearl River counties).

#### **Actions:**

Build With Strength met with the state insurance commissioner in fall 2017, who put the bill forth to the legislature. Build With Strength also assisted the state affiliate with testimony in favor of the bill.

## WASHINGTON – 3 bills

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### HB 2320 & SB 6036

**Outcome:** Failed Sine Die – **LOSS**

**Position:** **SUPPORT**

**Summary:**

This bill would have created a working group to study the scope of existing disaster mitigation and resiliency efforts, and make recommendations to the legislature regarding the need for new resiliency measures. Wildfires were highlighted as a major and worsening natural disaster to which mitigation and resiliency efforts must respond.

**Actions:**

Build With Strength submitted written testimony to the bill’s sponsors, and the House Community Development, Housing and Tribal Affairs Committee in support. The bill died sine die at the end of the session on March 8th, 2018.

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### HB 2412

**Outcome:** Failed Sine Die – **WIN**

**Position:** **OPPOSE**

**Summary:**

This bill, the “Buy Clean Washington Act,” mandates Environmental Product Declarations for certain structural materials for public buildings and infrastructure projects. It would set a maximum “Global Warming Potential” for certain building materials.

**Actions:**

Build With Strength and the state affiliate submitted testimony in opposition to the bill, and met with its sponsor and stakeholders. The bill was opposed on the following grounds:

1. EPDs are complex and costly for small business, and would create a bureaucratic backlog for the state, which would delay construction.
2. Global Warming Potential limits applied to building materials only account for climate impacts during construction (5 to 15% of the total climate impact), not during a project’s operational use phase. Benefits of concrete construction, like energy savings due to insulation, would be ignored.
3. The bill unfairly picks some materials as “winners” and others as “losers” without considering how they are used in the final project design. Green building requirements already in place, like the LEED Silver requirement for state projects, already consider the climate impact of a project.

The bill died sine die at the end of the session on March 8<sup>th</sup>, 2018.

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## SB 5450

**Outcome:** Passed – **WIN**

**Position:** **SUPPORT** as amended

### **Summary:**

Before amendment, this bill ordered the building code council to adopt rules for the use of cross-laminated timber (CLT) in residential and commercial applications.

After amendment, the bill defines CLT as a type of mass timber, and orders the building code council to adopt rules for the use of mass timber at large, with national and international standards taken into consideration. This means that CLT will not be treated separately from other, weaker types of mass timber, or get any special concessions as a building material.

### **Actions:**

Build With Strength met with the state building code council to oppose the bill in its introduced form. Building code council members submitted testimony in opposition, after which the bill was amended.