



BUILDWITHSTRENGTH.COM

2018 YEAR-END 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.

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 "fire-treated lumber".



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- Bills A 135 and S 1261 will amend the state code with our model language. Both are publicly endorsed by Senate Pres. Steve Sweeney and Assembly Speaker Craig Coughlin.
- 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.
- Resolutions of support have been passed by 7 counties' boards of freeholders, representing 5 million people, equal to 56% of the population of New Jersey.

Latest Actions:

- Build With Strength held a press conference on November 14th, where our coalition unveiled our fire safety legislation, Assembly Bill 135 and Senate Bill 1261. The bills were presented by their primary sponsors: Senate President Stephen M. Sweeney, Deputy Speaker Wayne P. DeAngelo, and State Senator Brian P. Stack.
- In addition, leading coalition members NJ FMBA President Ed Donnelly and PFANJ, IAFF/AFL-CIO President Dominick Marino discussed Build With Strength's commitment to improving fire standards for new mid- to high-rise construction.
- The press conference received print, television, and radio coverage.
- Senate Bill 1261 is currently being heard in the Senate Budget and Appropriations Committee. Its companion, Assembly Bill 135, is expected to follow in early 2019 as our model code moves toward final passage into law.



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- An ordinance containing our model code language is planned for introduction in Philadelphia this fall, and supported by a broad-based coalition of business groups and building trades unions.
- State representative Brian Sims has indicated support, and is assisting the coalition.
- On June 28th, 2018, Mayor Jim Kenney signed new building codes into law, based on 2018 I-Codes. Build With Strength is working with potential sponsors on the city council to introduce the model code language as an amendment to the new code.

Latest Actions

- Coalition building outreach continues to build relationships with community organizations representing Philadelphia residents and chambers of commerce.
- Build With Strength has engaged with 14 business associations and affordable housing groups to pursue their support and membership in our coalition.



A COALITION OF THE NATIONAL READY MIXED CONCRETE ASSOCIATION

- Build With Strength is working with the LA City Council staff to finalize language that would establish fire-safe zones where light-frame construction is limited.
- 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.

Latest Actions

- Build With Strength published a [press release highlighting the financial risks of wood-framed construction](#), which includes the contributions of Build With Strength member David Kersh, executive director of the Carpenters/Contractors Cooperation Committee.
- Recent California wildfires have inspired a greater sense of urgency for fire safety legislation among council members.

OTHER STATE LEGISLATION

13 WINS	2 ONGOING EFFORTS	2 LOSS
6 Supported bills passed 6 Opposed bills defeated 1 Code proposal adopted	1 Bills opposed 1 E. O. opposed	2 Supported bills failed

These bills were outstanding issues as of the last monthly activity report summarizing October 2018. This section of the report represents their current status at the end of the 2018 legislative session. The table above represents the final record of our success in state legislatures for 2018, accounting for these bills.

Two ongoing efforts will continue into the 2019 legislative session. Two other bills, both in Michigan, failed sine die with the end of the legislative session on December 31st. The failure of [HB 5068](#), which we opposed, represents a success, while the failure of [HB 5376](#), which we supported, is a loss.

NOVEMBER-DECEMBER 2018

CALIFORNIA: 1 executive order

Executive Order B-52-18

Status: Passed. **ONGOING EFFORT** against ordered regulations in 2019 and/or 2020.

Position: **OPPOSED**

Summary:

This executive order, signed by [Gov. Brown](#) on [May 10th, 2018](#), orders state agencies to enact several policies that would be more favorable to the wood industry, but does little to elaborate on how these policy goals must be met. Several regulatory agencies are to [consider making a proposal](#) in the next state building code review process which would allow taller CLT construction. This would also bypass the normal process by which ICC proposals are approved, incorporated into I-codes, and adopted by the states.

The state university system and CAL FIRE are also ordered to develop a research program for wood products, with no deadline or guidelines provided. Several environmental agencies are ordered to increase forest cutting and land management activities in the next five years, but they are not granted any increased resources.

Actions:

Build With Strength has met with the state affiliate and state agencies affected by the bill to assess its effects, and prepare to counteract future regulations that would meet the order's policy agenda.

MASSACHUSETTS – 1 bill

HB 4732

Status: Passed. **ONGOING EFFORT** against 2019 budget item created by this bill.

Position: **OPPOSED**

Summary:

This bill creates (but does not fund) economic development programs, including grants for specific projects. One such project is a \$3 million grant to construct a mass timber plant. The \$3 million will then have to be allocated to this project in the state budget, over which the governor has line-item-veto power.

Actions:

Build with Strength submitted written testimony to remove this appropriation from the bill.

Further action will focus on ensuring that it does not receive funding in the Fiscal Year 2020 budget (July 2019-June 2020). This is extremely unlikely, as it is one of hundreds of proposed projects to be funded on the small budget of the Executive Office of Housing and Economic Development.

MICHIGAN – 2 bills

HB 5068

Outcome: Fail Sine Die – **WIN**

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.

The legislative session ends on 12/31/2018, and there appear to be no plans to move the bill forward. Build With Strength will oppose any similar bill that is re-filed in the 2019 session.

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.

HB 5376

Outcome: Fail Sine Die – **LOSS**. Possibility of re-introduction for an **ONGOING EFFORT** in 2019.

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.

The legislative session ends 12/31/2018, and the bill has still not passed through a committee. If the bill or similar measures are reintroduced, Build With Strength will support it, and support Mr. DeGraaf's candidacy for a position on the commercial building code advisory committee.

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

CALIFORNIA – 3 bills

AB 2518

Outcome: Passed – WIN

Position: SUPPORT in amended form

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." The proposal originally included proposed sites for CLT plants, schools and fire stations to be built from CLT, and a proposed funding system with grants, loans, and cost-sharing.

As of 8/24/2018 the bill was amended to strip out all objectives except proposal of CLT plant locations, and the proposal altered to instead seek "incentives" for private investors to build CLT facilities. The market study and public building projects were amended out. It is largely ineffective to the wood industry in this form. Build With Strength supports the passage of the bill in this ineffective form.

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.

AB 2842

Outcome: Failed Sine Die – WIN

Position: OPPOSED

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.

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.

Following this testimony, on 5/1/2018 the original \$20 million appropriation was removed from the bill. It only authorized the program, and a separate, future appropriation would fund it, to a maximum of \$20 million. Build With Strength supported either the passage of the bill in this ineffective form, or its failure.

The bill failed sine die on 8/31/2018, the end of the legislative session. It stalled in the Assembly Appropriations Committee.

AB 2911

Status: Passed – WIN

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 Assembly Local Government Committee.

FLORIDA – 1 bill

HB 299

Outcome: Withdrawn - WIN

Position: OPPOSED

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, 1 code proposal

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.

IBC 2012 Code Proposal

Status: In 1st Chamber

Position: Passed – WIN

Summary:

This code proposal amends the 2012 International Building Code (IBC) to measure building height from the lowest level of fire access (grade plane) for the purpose of determining height limits by building material.

This proposal would disallow “pedestal” or “podium” style construction to exceed wood building height limits. Currently under an unmodified 2012 IBC, a wood building can include one or more non-combustible stories at ground level, and exceed the total height limit by that many stories.

Actions:

NRMCA submitted this proposal to the State Building Code Council. On 3/20/2018, the council voted in favor of the proposal. Upon the final adoption of the 2012 IBC, it will become part of the state code.

INDIANA – 1 bill

SB 393

Outcome: Passed – WIN

Position: SUPPORT

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.

“Advanced structural components” are defined to include I-joists and roof trusses with the density of sawn lumber or less, and includes light-frame wood.

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

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

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.

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

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.

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 8th, 2018.

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.