



National Ready Mixed Concrete Association

Wildland-Urban Interface Code Model State Legislation

Sec. 1. Preamble and Policy. The threat of wildfire is increasing in the United States. In 2015, more than 68,000 wildfires burned more than 4,636 structures and 10 million acres — the highest number of acres burned on record. The annual estimates on structure loss due to wildfire have increased dramatically for more than six decades.

In May of 2016, during National Building Safety Month, President Obama signed an Executive Order on Wildland-Urban Interface Federal Risk Mitigation, the goal of which was to mitigate wildfire risks to Federal buildings located in the wildland-urban interface (WUI), reduce risks to people, and help minimize property loss to wildfire. NRMCA has authored this model legislation that will ensure that State owned property enjoys the same protections and will be advocating for its passage at the State and Local level.

It is the policy of the NRMCA to assist States in order to strengthen the security and resilience of the built environment, in this case against the impacts of wildfire. The annual estimates on structure loss due to wildfire have increased dramatically over the past six decades as a result of multi-year drought conditions in combination with accumulated fuel loads, growing populations residing in the wildland-urban interface, and associated increases in the exposure of built environments. As such, NRMCA feels we must continue to ensure our Nation is resilient to wildfire in order to promote public safety, economic strength, and national security.

Therefore, States must continue to take proactive steps to enhance the resilience of buildings that are owned by the State and are located on State owned land. Each department and agency responsible for implementing this order should seek to enhance the resilience of its buildings when making investment decisions to ensure continued performance of essential functions and to reduce risks to its buildings' occupants in the event of a wildfire.

About NRMCA

Founded in 1930, the National Ready Mixed Concrete Association is the leading industry advocate. Our mission is to provide exceptional value for our members by responsibly representing and serving the entire ready mixed concrete industry through leadership, promotion, education, and partnering to ensure ready mixed concrete is the building material of choice. The proposed legislation could be used by NRMCA State Affiliates, NRMCA members or others stakeholders in promoting Fire Safe Construction. For additional information visit www.nrmca.org or contact John Loyer, Sr. Director of State and Local Gov't. Affairs at 703.675.7603 or jloyer@nrmca.org.

Disclaimer

NRMCA and its members make no express or implied warranty with respect to this publication or any information contained herein. In particular, no warranty is made of merchantability or fitness for a particular purpose. NRMCA and its members disclaim any product liability (including, without limitation, any strict liability in tort) in connection with this publication or any information contained herein.

Sec. 2. Codes and Concurrent Requirements. (a) Commencing within 90 days of the completion of the implementing guidelines as described in section 3(b)(i) of this order, each agency shall ensure that every new State owned building above 5,000 gross square feet on State owned land within the wildland-urban interface at moderate or greater wildfire risk for which the agency has not completed design is in compliance with the 2015 edition of the International Wildland-Urban Interface Code (IWUIC) promulgated by the International Code Council (ICC), or an equivalent code. When the ICC releases a new version of the IWUIC, the State shall adopt it, as expeditiously as practicable, but not later than 2 years after the release of the new version. Agencies shall ensure that any State building covered by this section for which the agency has not completed design is in compliance with that new version, or an equivalent code.

(b) Commencing within 90 days of the completion of the implementing guidelines as described in section 3(b)(i) of this order, each agency responsible for the alteration of an existing State building above 5,000 gross square feet on State owned land within the wildland-urban interface at moderate or greater wildfire risk for which the agency has not completed design shall ensure that the alteration is effectuated in compliance with the IWUIC, or an equivalent code. When the ICC releases a new version of the IWUIC, the State shall adopt it, as expeditiously as practicable, but not later than 2 years after the release of the new version. Agencies shall ensure that any State building covered by this section for which the agency has not completed design is in compliance with that new version, or an equivalent code.

(c) Each agency that owns an existing State building above 5,000 gross square feet on State owned land within the wildland-urban interface at moderate or greater wildfire risk shall ensure that such existing buildings are in compliance with the IWUIC, or an equivalent code.

(d) The heads of agencies whose activities are covered by sections 2(a) and 2(b) of this order shall complete a wildfire risk assessment of their existing State buildings above 5,000 gross square feet within the wildland-urban interface shall create and maintain a defensible space in compliance with the IWUIC, or an equivalent code, for each of those buildings they determine to be at highest risk.

(e) Each agency that leases space in a building to be constructed for the predominant use of an agency above 5,000 rentable square feet in the wildland-urban interface in an area of greater than moderate wildfire risk shall ensure that the building is designed and constructed in accord with the IWUIC, or an equivalent code.

(f) Each agency assisting in the financing, through Federal and State grants or loans, or guaranteeing the financing, through loan or mortgage insurance premiums, of a newly constructed building or of an alteration of an existing building above 5,000 gross square feet within the wildland-urban interface at moderate or greater wildfire risk shall update its procedures for providing the assistance to be consistent with sections 2(a) and 2(b) of this order, to ensure appropriate consideration of wildfire-resistant design and construction.

(g) To the extent permitted by law, the heads of all agencies shall:

- (i) require higher performance levels than exist in the codes described in section 2(a) of this order;
 - (ii) apply the requirements within section 2(a) of this order to new buildings less than 5,000 gross square feet on State owned land within the wildland-urban interface at moderate or greater wildfire risk; and
 - (iii) apply the requirements within section 2(b) of this order to existing buildings less than 5,000 gross square feet on State owned land within the wildland-urban interface at moderate or greater wildfire risk.
- (h) When calculating whether a building is at moderate or greater wildfire risk, agencies should act in accordance with the methods described in the 2015 edition of the IWUIC, or any subsequent version that is determined to be a nationally recognized code or an equivalent code, or in accordance with an equivalent method.
- (i) Each building constructed or altered in accordance with section 2(a) or (b) of this order shall comply with the IWUIC, or an equivalent code, only to the maximum extent feasible as determined by the head of an agency.

Sec. 3. Agency Responsibilities. (a) The heads of all agencies that own State buildings above 5,000 gross square feet on State owned land within the wildland-urban interface at moderate or greater wildfire risk shall determine the appropriate process within their respective agencies to ensure compliance with this order.

(b) The creation of a Mitigation Framework Leadership Group (MitFLG) shall:

(i) create implementing guidelines to advise and assist agency compliance with the code requirements within 240 days of the date of this order;

(ii) provide assistance to the agencies in interpreting the implementing guidelines.

(c) When determining whether buildings are located within the wildland-urban interface, agencies shall use the U.S. Department of Agriculture Forest Service's, "The 2010 Wildland-Urban Interface of the Conterminous United States," or an equivalent tool.

(d) The heads of agencies whose activities are covered by sections 2(a) and 2(b) of this order shall submit a report once every 2 years to the Chair of the MitFLG on their progress in implementing the order, commencing 2 years from the date of this order.

Sec. 4. Definition. As used in this order, "building" means a constructed asset that is enclosed with walls and a roof that provides space for agencies to perform activities or store materials as well as provides spaces for people to live or work.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the State Office of Management and Budget (or similar) relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law, including the National Historic Preservation Act of 1966, and subject to the availability of appropriations.

(c) This order applies only to buildings within _____.

(d) Enacted _____.