

POSITION STATEMENT BUILDING CODES AND STANDARDS

POSITION STATEMENT

RCI, Inc. supports the development, evaluation, adoption, and enforcement of codes and standards that protect and improve public health, safety, welfare, and economic vitality and which promote the design, preservation, and construction of sustainable environments and high-performance buildings.

RCI, Inc. supports regulation by comprehensive, coordinated, and contemporary codes and standards that establish sound threshold values and are regularly updated and revised.

SUPPORTING POSITION STATEMENT COMMENTARY

The purpose of this position statement is to encourage and support basic rules for design and construction to safeguard the public health, safety, and welfare; to promote safety to life and property; and to improve the quality of the constructed environment.

RCI, Inc. supports Codes and Standards that:

- Are based on a consensus process and public participation,
- Are based on informed education and research,
- Are written without favoritism or bias to any special interest, and
- Stipulate performance rather than prescriptive criteria.

Mandates and Incentives

The promotion of fair and adequate building regulations may be achieved by code mandates and/or regulatory incentives.

MANDATES are important to provide a uniform and minimum level of safeguards and to enable timely changes in a reasonable and cost-effective manner. Incentives are important to encourage innovation and foresight.

History has proven that Law is sometimes at first negative and prohibitive. Then, as civilizations grow and mature, law becomes increasingly positive and directive. Early society operated negatively, granting the individual the right to live by imposing upon all others the command, "thou shall not..." Every grant of rights or liberty to an individual also required the curtailment of the liberties of others.

As a result, building codes have evolved that are based on the concept that detrimental effects can be reduced by imposing reasonable conditions. First and foremost, the public need for codes and standards requires protection from disaster due to fire, structural collapse, and general deterioration; but likewise, their application must:

- Promote equitable requirements for designers, suppliers and builders;
- Assure the public of minimum quality standards for the safety, soundness, and comfort of buildings;
- Allow economies of scale in the production of building materials and the construction of buildings;
- Ensure the durability of buildings;
- Promote and maintain quality of life and property values.

The preface of the International Building Code states that building codes are written to "...adequately protect public health, safety and welfare; ...that do not unnecessarily increase construction costs; ...that do not restrict the use of new materials, products, or methods of construction; ...that do not give preferential treatment to particular types or classes of materials, products, or methods of construction."¹

INCENTIVES have become a popular tool to promote and encourage code development and implementation, as well as moving away from restrictive codes. Most incentives offered or proposed by governmental organizations include tax credits, governmental subsidies, rebates, grants, or the selective approval of technologies. Incentives utilizing model building codes as a disaster mitigation strategy are promoted to be a fiscally responsible methodology that costs a modest amount of money in the near term, while realizing significant savings in the long term in the form of stronger, safer homes, businesses, and living environments.

Local Codes vs. National Codes

State, provincial, and local legislative bodies are not obligated to adopt model building codes and may write their own code or portions of a code. A model code does not have legal standing until it is adopted as law by a legislative body. When adopted as law, owners of property within the boundaries of the adopting jurisdiction are required to comply with the referenced codes.

Responsible design and construction are essential to improve the quality of life, to ensure safety and durability, and to reduce the likelihood of future hazards. Typically, building regulations are adopted, implemented and enforced at the local level, but local political influences frequently may compromise or eliminate impartial and objective code requirements. Unfortunately, many municipalities and jurisdictions have not adopted appropriate building codes nor enforced the construction that is built under mandatory code provisions. RCI, Inc. believes that uniform, comprehensive standards are best ensured by a national model code that local jurisdictions should be encouraged to adopt.

The traditional development and application of regulations are yielding to the growing realization that uniform national standards are needed to ensure the welfare of all citizens and to mitigate any resulting economic impact. Presently, there is little consistency in codifying or enforcing building standards nationwide.

Traditionally, jurisdictions lack the resources to properly enforce building codes. At the regional and local level, where code adoption and enforcement are largely conducted, the lack of resources (both financial and technical) significantly affects the ability of local officials to ensure that new buildings are satisfying the requirements provided by codes and standards and are achieving the inherent benefits.²

Response to local conditions and values may be best addressed by the adoption ordinance and any subsequent amendments and interpretations. Enforcement then becomes the key link between code development and code suitability. It is essential that the code process includes adequate public participation, input, and professional responsibility.

The National Institute of Building Sciences (NIBS) established the National Council of Governments on Building Codes and Standards (NCGBCS) to help state and local jurisdictions enhance the public's social and economic well-being by coordinating efforts across geographic boundaries to make technical findings, improve performance criteria; and promote standards to ensure safe, durable, accessible and efficient buildings.³

Based on limited local response, national officials and legislators are turning to specific laws to require participation. In recent disaster relief and emergency assistance legislation, the U.S. Congress stated, "Mitigation planning is the foundation for saving lives, protecting residential and commercial properties, and developing disaster-resistant communities. ...Active enforcement of building codes based on nationally recognized models reduces the need for public disaster aid; creates sustainable communities; promotes a level and consistent playing field for design professionals, suppliers, and builders; and can contribute to the durability of residential and commercial structures."⁴

International Standards and Codes

RCI, Inc. encourages and supports broader participation in the development of international codes and standards and the adoption of relevant international provisions in the domestic codes and standards for the purpose of strengthening the existing domestic standards.

RCI, Inc. believes that the standardization of codes and standards can improve the domestic and international acceptance of technology, products and professional services.

It is important to recognize when domestic construction products and services fail to meet other national and international standards, there may be substantial barriers to the exportation of those domestic products and services.

RCI, Inc. encourages the evaluation of products and services regardless of country of origin when the evaluation is objective, follows sound engineering practice standards, is in compliance with applicable international trade agreements, and does not have an adverse effect on domestic products, services, or businesses.

Sources:

- ¹ International Building Code, 2012 Edition, International Code Council, Inc.
- ² " Industry Leadership & Advocacy," National Council of Governments on Building Codes and Standards, November 2011.
- ³ " About the Council," National Institute of Building Sciences, 2013.
- ⁴ H.R. 1878: Safe Building Code Incentive Act of 2013, introduced May 08, 2013; sponsor: Rep. Mario Diaz-Balart; status: referred to committee May 08, 2013.