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June 24, 2020

To: Open Letter to Home Builders Associations

Dear Valued Partners,

The National Association of Home Builders (NAHB) and its state associations have long been valued partners of the International Code Council. We greatly appreciate your strong commitment to modern building codes and the safety of our homes and communities.

We have heard concerns from some of you about the code development process and the outcomes of the 2019 Group B cycle. We have been in regular contact with the leadership and staff of NAHB and with many of the state associations as well. In our commitment to be informative and transparent, I want to share the following information with you directly about the appeals this cycle and the next steps in the code development process.

Background

The Code Council has the premier codes and standards development process supported by a broad cross section of the real estate industry. We believe in transparency and openness. We welcome all interested parties to participate. But, that doesn't mean there is no room for improvement. In fact, our process has a number of safeguards built in that have ensured constant improvement since the legacy codes of the 1970s. These safeguards continue to allow for evolution now and into the future.

As a part of our established process, several appeals have been filed in response to the 2019 Group B cycle. These appeals are currently making their way through the system. While some of these issues will be dealt with through the appeals process, other elements have raised opportunities for improvement in the long-term code development process. Those issues will be referred to a committee that was created to deal with long-term changes.

Appeals

The Code Council has [received six appeals](#) in regards to the 2019 Group B cycle. An individual appeal may cover multiple issues, but overall this group of appeals falls into five categories:

- (1) *Preemption* – Three of the appeals assert that certain code changes are preempted by federal law.
- (2) *Scoping and Intent* – Two of the appeals assert that the scope of certain code changes extend beyond the "Intent" section of the respective codes (Chapter 1 of the International Energy Conservation Code and Chapter 11 of the International Residential Code).
- (3) *Voter Eligibility* – Two of the appeals question the definition of voters in the bylaws and whether the Code Council properly validated voters to ensure online voters truly complied with eligibility criteria.
- (4) *Impact of Online Voting* – Two of the appeals question the number of code changes that were overturned from disapproval at both the Committee Action Hearings and Public Comment

Hearings to approval (requiring a 2/3 majority) during the online vote, the use of voting guides, and whether voters considered the potential cost impact of certain code changes.

(5) *Technical* – One appeal questions the technical merits of denial of the appellant's proposed code changes.

The Appeals Committee will closely examine each of the submitted complaints to determine if any policies, procedures or established rules have been broken as stipulated in Council Policy 1 *Appeals*.

The next steps in the appeals process include establishing the members of the Appeals Board and notifying all interested parties about the appeal specifics. As set by council policy, with the 30-day deadline extended by 45 days by the Code Council Board of Directors as noted on the [appeals website](#), these steps will be completed by Wednesday, July 22, 2020. After that, the Code Council will set hearing dates and then the appeals hearings will take place. Due to COVID-19, all hearings will occur virtually this year. An audio stream will be available on ICCsafe.org to those that would like to attend.

Blue Ribbon Committee

Some of the issues outlined above are unlikely to result in changes via the appeals process as they do not address deviations from established policies. Instead, they bring up issues with how the policies have been set previously. The Code Council takes a deep look at our process to see what improvements we can make about every six years. After the 2018 cycle, the Code Council Board of Directors established the [Board Committee on the Long Term Code Development Process](#) to evaluate changes that need to be made to the policies. This committee – also known as the Blue Ribbon Committee – is a formal venue for stakeholders to provide feedback on the process itself and suggest changes.

The Blue Ribbon Committee is scheduled to address the following key issues, to name a few:

- Cost impact;
- Eligible voters;
- Online voting majorities and relationship to the hearing actions;
- Voting guides; and,
- Feedback received on proposed process restructuring to include two Committee Action Hearings.

On the subject of voter eligibility, any recommendations from the Blue Ribbon Committee will be referred to the Bylaws Committee, which is currently meeting regularly.

The Blue Ribbon Committee is scheduled to meet on July 9, 2020. Moving forward, there will be many opportunities for interested parties to participate.

Affordability

The Code Council is the only model code developer that requires cost impact considerations in its process. We have over the years emphasized the importance of cost effective model codes that provide safe and affordable homes.

In Conclusion

Decisions and recommendations from the Appeals Committee, Blue Ribbon Committee, and others will make their way to the Code Council Board of Directors for action and implementation. The Code Council Board has broad authority and responsibility to safeguard the code development process. They take this responsibility very seriously.

The strength of the code development process lies in our ability to evolve and improve as new information and new technology becomes available. The Code Council is committed to bringing all stakeholders together to create modern, cost effective building codes. We can only do that with your regular participation in the process.

If you have concerns or questions, please reach out to Sara Yerkes, Code Council Senior Vice President of Government Relations, at syerkes@iccsafe.org or (202) 327-3177.

We sincerely appreciate the partnership we have enjoyed with NAHB and its state associations, and we look forward to many other opportunities to support each other's common goals.

Regards,

A handwritten signature in black ink, appearing to read "Dominic Sims", with a stylized flourish at the end.

Dominic Sims, CBO
Chief Executive Officer
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