

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED

AUG 1 1 21 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: STATE FIRE COMMISSION TITLE NUMBER: 87

CITE AUTHORITY 29-3-5b

AMENDMENT TO AN EXISTING RULE: YES XX NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: STATE BUILDING CODE

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Bill Seward, Chairman
by Walter Smith JR
STATE FIRE MARSHAL

13-60

SUMMARY AND AMENDMENT TO CODE

SUMMARY

The West Virginia State Fire Commission promulgates the State Building Code in accordance with West Virginia Code, Chapter 29, Article 3, Section 5b. The purpose of this code is to establish the rules necessary for the safeguarding of property through the quality of construction of all structures erected or renovated throughout this state.

The State Building Code adopts the Thirteenth Edition of the BOCA National Building Code, 1996; BOCA International Plumbing Code, First Edition, 1996; BOCA International Mechanical Code, First Edition, 1996; BOCA National Property Maintenance Code, Fifth Edition, 1996; BOCA National Energy Conservation Code, Seventh Edition, 1993; and the CABO One-and Two-Family Dwelling Code, 1995 or 1992 Edition.

AMENDMENT TO STATE BUILDING CODE


The West Virginia State Fire Commission officially revised the State Building Code as a result of public comments received. The proposed amendment authorizes the designer or manufacturer the option of using the 1995 or 1992 CABO One-and Two-Family Dwelling Code. This option eliminates the controversy of the "stair geometry" for one-and two-family dwellings.

PROPOSED RULE

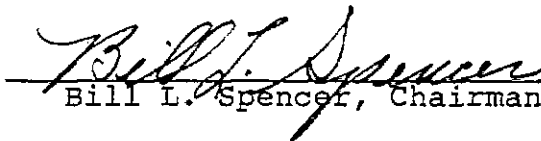
WEST VIRGINIA
STATE BUILDING CODE

Rules
of the West Virginia
State Fire Commission

Approved by Secretary, Department of Military Affairs and Public
Safety.


Major General Joseph J. Skaff

5/23/96
Date


Bill L. Spencer, Chairman

5/16/96
Date

STATE FIRE COMMISSION
State Capitol
Charleston, West Virginia

FILED

TITLE 87

LEGISLATIVE RULE

AUG 1 1 21 PM '96

STATE FIRE COMMISSION

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 4

STATE BUILDING CODE

87-4-1 GENERAL

1.1 Scope: This rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure the quality of construction of all structures erected or renovated throughout this state.

1.2 Authority: West Virginia Code 29-3-5b.

1.3 Filing Date:

1.4 Effective Date:

1.5 Incorporation of other Documents: This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Section 4.1 of this rule. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

87-4-2 DEFINITIONS

2.1 "Building code" - includes all aspects of safe building construction and mechanical operations and all safety aspects related thereto.

2.2 "Fire marshal" - means the West Virginia State Fire Marshal and/or his or her designated representatives.

2.3 "Fire Commission" - means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4 "Local jurisdiction" - means municipal or county level government.

2.5 "State Building Code" - means the entire contents of this rule and the referenced national codes.

2.6 "BOCA" - refers to the "Building Officials & Code Administrators International".

2.7 "CABO" - refers to the "Council of American Building Officials", 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041.

87-4-3 CONFLICTS

3.1 Whenever there is a conflict between the "state fire code" and the "state building code", the state fire code takes precedence.

3.2 Whenever there is a conflict between the BOCA National Plumbing Code section of the "state building code" and the rules of the West Virginia State Board of Health, the rules of the Board of Health takes precedence.

3.3 Whenever there is a conflict between the "state building code" and statutory laws of the State of West Virginia, the West Virginia Code takes precedence.

87-4-4 NATIONAL STANDARDS AND CODES

4.1 The standards and requirements as set out and as published by the Building Officials & Code Administrators International and the Council of American Building Officials, as listed below, shall have the same force and effect as if set out verbatim in this rule:

The BOCA National Building Code,
Thirteenth Twelfth Edition, 1993- 1996

The BOCA National International Plumbing Code,
First Ninth Edition, 1993- 1996

The BOCA National International Mechanical Code,
First Eighth Edition, 1993 1996

The BOCA National Property Maintenance Code,
Fifth Fourth Edition, 1993- 1996.
This Maintenance Code may be
rejected at the option of the local
jurisdiction.

The BOCA National Energy Conservation Code
Seventh Edition, 1993

The CABO One - and Two-Family Dwelling Code
1995 or 1992 Edition

4.1.1 The following structures are not subject to inspection by local jurisdictions:

4.1.1.a Group U utility structures and storage sheds comprising an area not more than 150 sq. ft. which have no plumbing or electrical connections and are utilized only for residential storage purposes. (Examples include storage sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections or are used for the storage of explosives or other hazardous or explosive materials.

4.2 A copy of the codes listed in Section 4.1 of this rule have been filed with the Secretary of State. These code books, collectively or separately, may be obtained by contacting the Building Officials & Code Administrators International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795, telephone 708/799-2300; or BOCA International Regional Offices, 3592 Corporate Drive, Suite 107, Columbus, Ohio 43231, telephone 614/890-1061.

87-4-5 ADOPTION BY LOCAL JURISDICTION

5.1 Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, State Capitol Complex, Charleston, West Virginia 25305, within thirty (30) days of adoption.

5.2 Each local jurisdiction which adopts the State Building Code has responsibility for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

5.3 Throughout the national codes, as adopted in Section 4.1 of this rule, there are discretionary provisions which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. It is therefore the intent of this rule to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction".

5.4 Within the penalty sections of each of the national codes, as adopted in Section 14.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is to be considered optional with each adopting local jurisdiction.

5.5 Each of the national codes, as adopted in Section 4.1 of this rule, provides for a separate appeals board, however; the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

87-4-6 EXISTING BUILDING CODES

6.1 All building codes which have been adopted by local jurisdictions prior to the passage of West Virginia Code 29-3-5b, shall be null and void one year following the effective date of the State Building Code of April 28, 1989.

87-4-7 SEVERABILITY

7.1 The sections and subsections of this rule are severable. Should any section or sub section be ruled unconstitutional by judicial opinion or in any manner contrary to the laws of the State of West Virginia, then the opinion or enactment invalidates only that particular section or subsection of this rule and all other sections remain in full force and effect: Provided, the remaining portions are not determined to be inseparable, and to this end this rule is declared severable.

FISCAL NOTE

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: STATE BUILDING CODE

Type of Rule: XX Legislative Interpretive Procedural

Agency State Fire Commission

Address 2100 Washington Street, East
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERNATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates:

Non Applicable

3. Objectives of these rules:

The objective of this Rule is to provide for technological changes in building construction and renovations. This Rule provides minimum standards to ensure the public safety, health and welfare insofar as building construction, and to life and property from hazards incident to the occupancy of buildings, structures and premises.

Rule Title: _____

STATE BUILDING CODE

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

This proposed Rule provides updated technology in building construction. There is no cost to the State of West Virginia for filing this Rule.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Use of the latest edition of the building code and supplements provide the latest technology in building design and construction to all citizens throughout the State.


C. Economic Impact on Citizens/Public at Large.

The adoption of this Rule provides minimum standards to ensure public safety, health and welfare through building design and construction for all citizens.

Date: _____

May 23, 1996

Signature of Agency Head or Authorized Representative

 , SAM.

ATTENDANCE TO PUBLIC HEARING

REGISTRATION OF PUBLIC AT

PUBLIC HEARING

PUBLIC HEARING FOR STATE BUILDING CODE

DATE: June 24, 1996

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
<i>Richard Thompson</i>	<i>P.O. Box 6200 Charleston, WV 25312</i>	<i>W.V. Har Barden</i>	<i>X</i>
<i>Wayo W. Muer</i>	<i>332 6th Ave South Charleston, WV</i>	<i>AIA West Virginia</i>	<i>"X"</i>
<i>Jackie Hatcher</i>	<i>231 Wayne St. Blue Mountain 25847</i>	<i>P7742</i>	
<i>Greg Williamson</i>	<i>410 Washington St E Charleston, WV</i>	<i>Condee : Partners Architects</i>	<i>X</i>
<i>T.R. Wallbridge</i>	<i>405 CAPITOL ST. SUITE 30 CHARLESTON PO DMC 2</i>	<i>SILVING ASSOCIATES</i>	
<i>NED B. ELLER</i>	<i>BECKLEY, WV 25804</i>	<i>SEM PARTNERS</i>	
<i>BLAIR FRATER</i>	<i>P.O. DRAWER Q BECKLEY, WV.</i>	<i>SEM PARTNERS, INC</i>	<i>?</i>

PUBLIC HEARING COMMENTS

WEST VIRGINIA STATE FIRE COMMISSION
PUBLIC HEARING

IN RE: PUBLIC HEARING ON PROPOSED REVISION OF THE
WEST VIRGINIA STATE BUILDING CODE

The following is a transcript of proceedings had in the public hearing held in the above-styled matter on the 24th day of June, 1996, at the West Virginia State Capitol Complex, East Wing, Room 215, Charleston, Kanawha County, West Virginia, before Sherry M. Lawson, Certified Court Reporter and Notary Public for the State of West Virginia.

PHYLLIS HAYNES EDENS, CCR, INC.
CERTIFIED COURT REPORTERS
Post Office Box 13337
Sissonville, West Virginia 25360
(304) 984-3531

COPY

I N D E X

APPEARANCES:

FRANCIS GUFFEY, II, Member, West Virginia State
Fire Commission, Chairman

WALTER SMITTLE, III, West Virginia State Fire Marshal

L. DARL CROSS, Chief Deputy, West Virginia State
Fire Marshal's Office

SPEAKERS:PAGE

Beth Thomasson

4

Lloyd Miller

9

Greg Williamson

11

Blair Frier

13

Reporter's Certificate.....14/15

1 MR. GUFFEY: Good morning and welcome. My name is
2 Francis Guffey. I'm a member of the West Virginia State Fire
3 Commission. I represent the West Virginia Society of
4 Architects on the Fire Commission and I will be presiding
5 over this public hearing and I will be strictly neutral.

6 This public hearing is in reference to revising the
7 current State Building Code. This revision incorporates the
8 latest editions of the Building Officials and Code
9 Administrators Building Code, or BOCA, as we all know it.
10 The purpose of this public hearing is to receive public
11 comments regarding revision of the State Building Code.

12 Your comments will be considered by the State Fire
13 Commission and acted upon appropriately. Written comments
14 received by June 28, 1996 will be considered by the Fire
15 Commission.

16 At this time I'm requesting all those present to
17 sign the register and indicate if you're. ---It's already
18 done, okay.

19 Introduction of guests: From the State Fire
20 Marshal's Office we have Walter Smittle, III and L. Darl
21 Cross in the back. Sherry Lawson is a Certified Court
22 Reporter and she will be recording this hearing and the

1 proceedings presented to the State Fire Commission.

2 The State Fire Commission is proposing to adopt the
3 following: The Thirteenth Edition, 1996, BOCA National
4 Building Code; First Edition, 1996, BOCA International
5 Plumbing Code; First Edition, 1996, BOCA International
6 Mechanical Code; Fifth Edition, 1996, BOCA National Property
7 Maintenance Code, and we have listed here the 1995 Edition of
8 the CABO One and Two-Family Dwelling Code.

9 Earlier I requested each individual present today
10 to sign the register. At this time I will call on those
11 individuals registered to comment. Beth Thomasson,
12 representing the West Virginia Home Builders.

13 MS. THOMASSON: Thank you, Mr. Chairman. Now, my
14 comments are going to be two-part.- One, the ones that I have
15 prepared and brought with me, and then I have had a
16 discussion, also, with Mr. Guffey that I would like to
17 comment on for the record at the conclusion of these
18 comments.

19 I thank you, Mr. Chairman, for the opportunity to
20 speak to you on behalf of the West Virginia Home Builders
21 Association on the proposed rules to adopt the 1995 CABO and
22 1996 BOCA codes as the official statewide building code to be

1 used in West Virginia.

2 I am Beth Thomasson, executive director of the Home
3 Builders Association, and I want to bring to your committee
4 two or three points which we feel are very important in these
5 proposed rules.

6 Number one, we strongly feel that there is no need
7 to file the rules as emergency rules. The code states, "For
8 the purpose of this section, an emergency exists when the
9 promulgation of an emergency rule is necessary for the
10 immediate preservation of public peace, health, safety or
11 welfare, to comply with a time limitation established by this
12 code or by a federal statute or regulation, or to prevent
13 substantial harm to the public interest."

14 It is our opinion that adopting one edition of the
15 code over another does not constitute an emergency as defined
16 above. By contrast, making them retroactive could cause
17 substantial and severe problems for projects being
18 constructed in this interim. This would catch most builders
19 in the height of their building season with homes already
20 under construction under a prior set of rules. I also
21 believe you might find that many, probably most, code adopted
22 counties and municipalities are still using the editions

1 adopted by the just concluded legislature. It is quite
2 conceivable that many are still using the ones that we first
3 adopted. We feel that this would create a confusion that is
4 really not necessary.

5 My second point is that there are quite a few
6 changes in the 1995 CABO code. The most controversial seems
7 to be the change in stair requirements to a maximum 7-3/4
8 inch risers and a minimum 10-inch treads. Granted, this does
9 not pose as great a problem as the previously studied 7-11.
10 However, it is a change from the 1992 8-1/4 and 9-inch
11 requirement and we need to have time to study its effect on
12 this state's builders.

13 These rules were filed only 30 days ago and while
14 I have been in constant contact with our State President, our
15 Legislative Chairman, and some key builders, the last time
16 that our full legislative committee and Board of Directors
17 met was in mid April, not to meet again until July 12th and
18 13th. It seems only fair to allow the people who will have
19 to live by the building code a chance to have time to study
20 the effect and to be able to work with you to achieve
21 consensus and compromise.

22 It could very well be that our Association will

1 agree that no undue hardships will be posed. We need,
 2 however, a chance to study and fully analyze these questions.
 3 I can tell you that our National Association has been a
 4 strong opponent of the amendments of the stair requirement,
 5 citing the increase required in total square footage and
 6 added cost, especially in the more modest home. In a
 7 memorandum they stated, "The stairway requirements of the
 8 latest editions of both the BOCA and CABO codes are
 9 technically unsubstantiated and produce an economic hardship
 10 on affordable housing and first-time home buyers".

11 I want to reiterate again that our Association may
 12 or may not decide to agree with their perception, but we need
 13 a chance to discuss and form a position without the threat of
 14 being held responsible for projects in progress.

15 Another concern that we have is how the referenced CABO
 16 Model Energy Code that is reference in the 1996 BOCA edition
 17 affects us. Two years ago our members had a chance to attend
 18 a seminar on the CABO Model Energy Code. We know that it is
 19 restrictive and severe. This, too, needs more study before
 20 we can take a position.

21 We have always enjoyed and appreciated the good
 22 relationship we have had with the Fire Commission, the Fire

1 Marshal and his excellent staff. We applaud the commitment
2 that you have to the West Virginia citizens in protecting
3 their well-being. We, likewise, appreciate the consideration
4 you have shown the building industry in recognizing their
5 commitment in providing safe housing without unnecessary and
6 burdensome rules and regulations.

7 We urge you to give us the opportunity to take an
8 official position on the proposals and work with you in the
9 best interest of your agency and our industry, without
10 creating an emergency which we believe does not exist.

11 Now, those were my prepared remarks that were
12 approved by my Legislative Chairman and State President.
13 This morning Mr. Guffey and I have had a conversation and I
14 think what he feels, if I'm saying this right, is probably
15 the best interest right now is that they go to the Secretary
16 of State's Office and instead of proposing the 1995 CABO code
17 as previously proposed, stay with the 1992, which we have
18 supported and helped with its passage. We may find when we
19 start looking this over in depth and poll our members that
20 the newer version is okay, but for the time being, the 1995
21 would be scratched from the proposed rules and stay with what
22 we have.

1 I also believe from the conversation that we had
2 that it's his intent, with no misunderstanding, that until
3 further study and evaluation that the CABO Model Energy Code
4 that is referenced in the BOCA edition will not affect
5 residential construction. Do I have that correct?

6 MR. GUFFEY: Yes, ma'am, you do.

7 MS. THOMASSON: Thank you very much.

8 MR. GUFFEY: Thank you, Beth.

9 I think a number of you all have realized what a
10 hard struggle we had here in the state to get a building code
11 adopted and the home builders were very strong supporters in
12 that effort.

13 Lloyd Miller representing AIA West Virginia.

14 MR. MILLER: My name is Lloyd Miller. I am the
15 current President of AIA West Virginia, also President of the
16 Divisions Architects located in South Charleston, West
17 Virginia, and I come to speak in favor of the adoption of the
18 1996 BOCA code and the other items listed on the proposed
19 legislation.

20 It is important as professionals that we keep
21 up-to-date with the current laws and regulations and
22 standards created by the building industry. It's a

1 constantly changing industry with new means of construction
2 and materials, new methods, and as an architect to keep up
3 with those.

4 In order to provide our clients with the safest and
5 most environmentally friendly structures, it's important that
6 we have supporting those efforts laws and regulations within
7 the state that help to provide those kinds of structures.

8 There's a good bit of research, historical
9 evidence, that is obtained in developing these model codes
10 that justify the kinds of issues that they address and the
11 changes that they bring up are a result of this kind of
12 research. In order to keep up with the standards of the
13 state and to enforce the highest quality of work possible, I
14 think it's important that the state keep up-to-date with
15 these particular codes.

16 In reference to the CABO code, I think still it's
17 important that we keep up with the current standards that the
18 National Model Codes are emphasizing. However, I do realize
19 that it may bring an undue burden in analyzing the affect
20 that this might have on the local home builders. I would
21 encourage that the Commission at least look favorably upon
22 the commercial end of the 1996 BOCA codes, maybe with some

1 adjustments as alluded to by Ms. Beth Thomasson, on the CABO
2 dwelling codes, and I think that our society and our members
3 would be in support of that, with the idea that the home
4 builders do have the opportunity to research that information
5 and come back with the intention of possibly adopting that
6 code at some future point in time.

7 That's all I have. Thank you.

8 MR. GUFFEY: Thank you very much.

9 Greg Williamson, immediate past president of AIA
10 West Virginia.

11 MR. WILLIAMSON: Thank you very much. I'll take just
12 a few moments of your time, if I may. My name is Greg
13 Williamson. I'm an architect with the firm of Gandee &
14 Partners located here in Charleston, and as the Chairman has
15 indicated, I am the immediate past president of the West
16 Virginia Society of Architects, AIA.

17 We are appreciative of the efforts of the West
18 Virginia State Fire Commission in the past toward the
19 implementation of the statewide building code and I'm here
20 today to support the continued efforts that are being
21 discussed in this present legislative rule.

22 For years the construction design community in West

1 Virginia has dealt with issues of active codes which are
2 often one or two revisions behind the most current. That has
3 lead to significant confusion on our part and we believe
4 often, as Mr. Miller has indicated, can omit some very
5 appropriate life safety measures and construction measures
6 which should be incorporated.

7 We believe the most current codes generally provide
8 the latest advancements in construction and building safety
9 technology, that it provides for the latest advancements in
10 energy efficiency, energy conservation and design.

11 We recognize that there are problems with
12 transition of those current codes. Speaking personally, I
13 would prefer a suggested rule to immediately transfer to the
14 most current codes whenever those codes are available,
15 recognizing that there are legislative problems in enacting
16 that, but I believe there are ways for legislators to resolve
17 those issues.

18 Again, though, I do support the adoption of the
19 1996, most current codes. Thank you very much.

20 MR. GUFFEY: Thank you, Greg.

21 Next to speak, Blair Frier, immediate past/past
22 president of AIA West Virginia, or-immediate/immediate past.

1 MR. FRIER: Mr. Chairman, I think that means I'm the
2 oldest one of the group.

3 I'm not sure that there's a whole lot I can add to
4 what has already been said. I would like to echo the design
5 community in the fact that it is much easier for us to be
6 able to deal with the most current code as opposed to trying
7 to rifle through several other past codes, and try to
8 reconcile all that type of information.

9 I believe, as others have already said, that the
10 advances that are up-to-date in the most current code are the
11 most advanced safety, technology-type issues, and those are
12 the kinds of things that we, as professionals, prefer to work
13 with and deal with.

14 At the same time, I'm also sympathetic to home
15 builders. I don't think it's our intent to cause anyone any
16 undue hardship here. If there is some sort of a way to reach
17 some kind of compromise on the issue, then certainly that's
18 acceptable to us, but I would encourage you to look as
19 favorably as you can on the adoption of the most current code
20 that you possibly could. Thank you.

21 MR. GUFFEY: Thank you.

22 Would anyone else like to speak before the group?

1 (WHEREUPON, there was no response.)

2 MR. GUFFEY: Seeing no hands waving, again, written
3 comments can be submitted to the State Fire Commission by
4 June 28th, and Beth, if you would put your comments as to
5 what was agreed to earlier this morning in writing to the
6 Fire Commission, we would appreciate that.

7 Hearing nothing else, we are adjourned, and thank
8 you very much for coming out on a very hot and steamy day.

9 (WHEREUPON, the public hearing
10 was concluded at 10:25 a.m.)

REPORTER'S CERTIFICATE

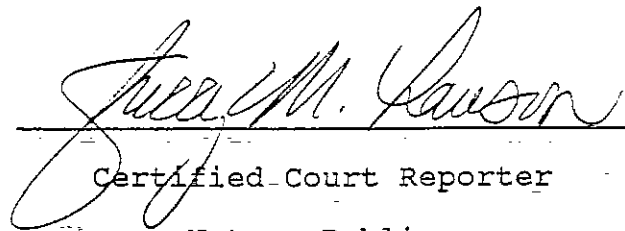
STATE OF WEST VIRGINIA,

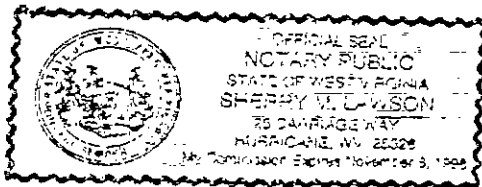
COUNTY OF KANAWHA, to wit:

I, the undersigned, Sherry M. Lawson, Certified Court Reporter and Notary Public, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of all the testimony adduced or proceedings had in the aforementioned public hearing, as set forth in the caption hereof.

Given under my hand this 9th day of July, 1996.

My commission expires November 8, 1998.


Certified Court Reporter
Notary Public



Comments Before The
West Virginia State Fire Commission
concerning
State Building Codes

June 24, 1996
State Capitol Complex
East Wing, Room E-215
10:00 am

Comments submitted
behalf of

Home Builders Association of WV
700 Virginia Street, West
P.O. Box 6250
Charleston, WV 25362-0250

(304) 342-5176



HOME BUILDERS ASSOCIATION OF WEST VIRGINIA

A MEMBER OF THE NATIONAL ASSOCIATION OF HOME BUILDERS

700 Virginia Street, W. • P.O. Box 6250 • Charleston, WV 25362-0250 • Phone: (304) 342-5176 • FAX: (304) 342-5177

President
Stan Bucklew

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National Representative
Sandra J. Dunn

National Director
John Leslie

Alternate National Director
William F. Richmond, Jr.

Associate Member Director
Joseph Jones

General Counsel
William F. Richmond, Jr.

Thank you, Mr. Chairman, for the opportunity to speak to you on behalf of the West Virginia Home Builders Association .. and the proposed rules to adopt the 1995 CABO and 1996 BOCA codes as the official statewide building code to be used in West Virginia.

I am Beth Thomasson, executive officer of the Home Builders Association, and I want to bring to your committee two or three points which we feel are very important in these proposed rules.

1. We strongly feel that there is no need to file the rules as emergency rules. WV Code 29A-3-15A (f) states "For the purpose of this section, an emergency exists when the promulgation of an emergency rule is necessary (1) for the immediate preservation of public peace, health, safety or welfare, (2) to comply with a time limitation established by this code or by a federal statute or regulation, or (3) to prevent substantial harm to the public interest".

It is our opinion that adopting one edition of the code over another does not constitute an emergency as defined above. By contrast, making them retroactive could cause substantial and severe problems for projects being constructed in this interim. This would catch most builders in the height of their building season with homes already under construction under a prior set of rules. I also believe you might find that many (probably most) code adopted counties and municipalities are using the editions adopted by the just concluded legislature. It is quite conceivable that many are still using the 1989 and 1990 editions. Why create a confusion that is not necessary.

2. There are quite a few changes in the 1995 CABO code. The most controversial seems to be the change in stair requirement to "maximum 7-3/4" risers and minimum 10" treads". Granted, this does not pose as great a problem as the previously studied "7-11"; however, it is a big change from the 1992 8-1/4"- 9" requirement and we need to have time to study its effect on this state's builders.



A Building Force.

June 24, 1996

Page 2

These rules were filed only 30 days ago and, while I have been in constant contact with our State President, our Legislative Chairman and some key builders .. the last time our full legislative committee (and Board of Directors) met was in mid April .. not to meet again until July 12th & 13th. It seems only fair to allow the people who will have to live by the building code a chance to have time to study the effect and to be able to work with you to achieve consensus and compromise. It could very well be that our Association will agree that no undue hardships will be posed.. We need, however, a chance to study and fully analyze these questions. I can tell you that our National Association has been a strong opponent of the amendments of the stair requirement .. citing the increase required in total square footage and added cost (especially in the more modest home). In a memorandum they stated "The stairway requirements of the latest editions of both the BOCA and CABO codes are technically unsubstantiated and produce an economic hardship on affordable housing and first-time home buyers".

As stated previously our Association may or may not decide to agree with their perception .. but we need a chance to discuss and form a position without the threat of being held responsible for projects in progress.

3. One more concern is how the referenced CABO Model Energy Code as referenced in the 1996 BOCA edition affects us. Two years ago our members had a chance to attend a seminar on the CABO MEC. We know that it is restrictive and severe. This, too, needs more study before we can take a position.

We have always enjoyed and appreciated the good relationship we have had with the Fire Commission, the Fire Marshal and his excellent staff. We applaud the commitment that you have to West Virginia citizens in protecting their well being. We, likewise, appreciate the consideration you have shown for the building industry in recognizing their commitment in providing safe housing without unnecessary and burdensome rules and regulations.

We urge you to give us the opportunity to take an official position on the proposals and work with you in the best interest of your agency and our industry without creating an emergency which we believe does not exist.

cc: Secretary of State

WRITTEN COMMENTS



NATIONAL SALES OFFICE

I-77, Exit 132 & Route 21 S

P.O. Box 614 • Ripley, WV 25271

(304) 372-6410 • (800) 458-9990 • FAX (304) 372-3154

SOUTHEAST REGIONAL OFFICE

I-85 Between Exits 92 & 95

587 Willcox Avenue • Gaffney, SC 29341

(803) 487-5952 • (800) 390-2574 • FAX (803) 487-7638

June 20, 1996

Attn.: AB Corley, Jr.
State Fire Commission
State Capital Complex
2100 Washington St. E.
Charleston, WV 25305

Dear Mr. Corley, Jr.

Our company, Appalachian Log Structures, Inc. is a log manufacturer, producing materials for log homes that are built in West Virginia. Our company strives to provide our customers with the best possible value in housing.

The purpose of this letter is to urge the state of West Virginia to reject the new stair geometry requirements that have recently been published in the 1996 National Building Code of the Building Officials and Code Administrators (BOCA) and the 1995 One and Two-Family Dwelling Code of the Council of American Building Officials (CABO). These two model building codes which influence the building codes adopted in your jurisdiction have recently changed the minimum stair trend and riser requirements from a 8 1/4 "riser and 9" tread to a 7 3/4" riser and 10" tread. The need for these changes is technically unsubstantiated and will increase the cost of housing in West Virginia, especially for first-time buyers and others in need of moderately priced housing. It should be noted that the other two model building codes in the nation, the Uniform Building Code and Southern Building Code, have not changed the stair geometry requirement.

Thank you for your time considering our position on this important matter.

Sincerely,

Douglas C. Parsons
Vice President Operations

DCP/dek





June 20, 1996

Mr. Bill L. Spencer - Chairman
State Fire Commission
2100 Washington Street, West
Charleston, WV 25312

Re: Adoption of 1996 BOCA Code

Dear Mr. Spencer:

It is very important that West Virginia adopt the most current building codes available since these are also the most thoroughly refined codes published.

The newest codes take advantage of the latest advancements in construction and materials technology including energy conservation.

While some controversy exists relative to the 1995 CABO One & Two Family Dwelling Code as it concerns stairway tread and riser configuration, most architects are already designing residential stairways to a higher standard than the CABO requirements.

Upon researching the difference between the two stair codes, I found that the stair footprint required by the 1995 code will be 6 square feet more for a 3 foot wide stairway and 8 square feet for a 4 foot wide stairway. I really fail to see this as a big problem considering that the larger stair will be safer to use and not a big expense to construct.

Sincerely yours,

Francis Guffey, FAIA

FG/cas

xc: AIA/WV Executive Committee



600 North Twelfth Street
Lemoyne, PA 17043
717-730-4380
FAX 717-730-4396

June 27, 1996

VIA FEDERAL EXPRESS AND TELEFAX

Mr. Walter Smittle III
State Fire Marshal
State Fire Commission
The Department of Military Affairs
and Public Safety
State Capitol Complex
Charleston, WV 25305

Dear Mr. Smittle:

I am writing to you again on behalf of the Mid-Atlantic Building Systems Council, representing the modular housing industry. I appreciated the opportunity to speak with you by telephone today. Enclosed is a copy of my May 31, 1996, correspondence to you which reiterates our strong opposition to the new stair geometry. Also enclosed is a table summarizing the stair geometry positions throughout the northeast United States. **I would appreciate your making this part of the public record to be reviewed by the Commission as they decide whether to adopt the new stair geometry or maintain the existing measurements.**

As you will note in reviewing the attached information, we have not identified a single state that intends to adopt the stair geometry contained in the latest editions of BOCA and CABO. We would respectfully request that the state of West Virginia consider maintaining the existing 8 1/4" maximum riser and 9" minimum tread as well.

Thank you in advance for your attention to this matter. Please feel free to contact me if I may be of assistance to you in the future.

Sincerely,

Steve Snyder
Executive Director

Enclosures

MID-ATLANTIC BUILDING SYSTEMS COUNCIL STAIR GEOMETRY CHANGE SURVEY

STATE	INDUSTRIALIZED HOUSING BUILDING CODE	ADOPTION OF NEW STAIR GEOMETRY	STAIR GEOMETRY REQUIRED	CONTACT PERSON	PHONE NUMBER
Connecticut	1989 CABO or 1990 BOCA W/CT Amend.	No	8 1/4" X 9"	Dan Tierney	203-685-8310
Delaware	1990 BOCA or 1989 CABO (or Later)	No	8 1/4" X 9"	None	Local Officials
Indiana	1995 CABO w/Ind. Amend.	No	8 1/4" X 9"	Jim Keller	317-232-6336
Kentucky	1994 KBC or 1992 CABO	No	8 1/4" X 9"	Terry Slade	502-564-8090
Maine	1990 BOCA/1989 CABO	Under Consideration	8 1/4" X 9"	Dave Preble	207-624-8603
Maryland	1990 BOCA/1989 CABO	Under Consideration	8 1/4" X 9"	Kanti Patel	410-514-7220
Massachusetts,	MASS Fifth Edition	Under Consideration	8 1/4" X 9"	Thomas Rogers John Wojciechowicz	617-727-3200 508-821-9375
Michigan	1993 BOCA or 1992 CABO	No	8 1/4" X 9"	Irvin Poke	517-332-1801
New Hampshire	1993 BOCA/1992 CABO	Under Consideration	8 1/4" X 9"	Beverly Kowalik	603-271-2092
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Ohio	1995 QBBC or 1992 CABO	No	8 1/4" X 9"	Al Mecozzi	614-644-2619
Pennsylvania,	BOCA or CABO Recent Edition	No	8 1/4" X 9"	John Boyer	717-787-9654
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South Carolina	1994 CABO WITH 1994 SBCCI Stair	No	7 3/4" X 9"	Gary Wiggins/Doug Green	803-734-4255
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Virginia	1993 BOCA/1992 CABO	No	8 1/4" X 9"	Curtis Melver	804-371-7160
West Virginia	1990 BOCA/1989 CABO or Later	Under Consideration	8 1/4" X 9"	Walter Smittle III	304-348-2191



May 31, 1996

600 North Twelfth Street
Lemoyne, PA 17043
717-730-4380
FAX 717-730-4396

Mr. Walter Smittle, III
State Fire Marshall
2000 Quarrier Street
Charleston, WV 25305

Dear Mr. Smittle:

I am writing on behalf of the Mid-Atlantic Building Systems Council representing the modular housing industry to reiterate our industry's serious concern regarding the recent adoption of new stair geometry by BOCA and CABO. Many states are now reviewing the updated codes for adoption and we want to make sure you are aware of how detrimental this new stair geometry will be to the modular housing industry.

As you are no doubt aware, the proponents of this new, more gradual stair have made the argument that the new geometry will create a safer stair on which people are less apt to fall. However, these proponents have never been able to show any conclusive evidence that stair accidents can be linked to stair geometry. No one argues that people do not fall on stairs. However, there is absolutely no research to prove that by changing the geometry of the stair, less accidents will occur. We must understand that in any home where there are stairs, there is an inherent danger of a fall. This will not change by changing the riser and run measurements. Yet, with no conclusive proof that the geometry change will reduce mishaps, the model code groups have gone ahead and passed this code change, which will have a devastating effect on our industry.

Since the modular home is manufactured in specific widths in order to transport the modules on the highway, we cannot simply increase the width of the home to accommodate this new stair. As a result, many of the narrower width homes will be completely eliminated while others will have to be re-designed to accommodate a winding stair or a stair which utilizes a landing. These smaller homes which simply cannot accommodate the new stair have long been the most popular home for first-time home buyers and families on limited incomes. For larger homes where a re-design stair is possible, the cost will be significantly increased and will have to be passed on to the consumer.

Our members ship homes to up to 16 states throughout the northeast. The plan approval process is different for every state we ship into; however, one thing holds true, the process is costly and time consuming. As a result of the new stair geometry, entire volumes of floor plans will have to be re-designed and re-submitted in most states. Most modular manufacturers sell their homes through a network of builders who ordinarily own several model homes. As a result of the new stair geometry, these models are all obsolete.

Since the adoption of the new stair geometry, our industry has been in touch with state officials in every state we have shipped into to inform them of how damaging this change will be and to determine whether individual states will be adopting the change. To date, while several states are still reviewing the change, we have not been able to identify one single state in our shipping area that believes there is merit in the new stair geometry and intends to adopt this provision.

On behalf of the modular industry, we strongly encourage you to maintain the existing stair geometry of 8 1/4" x 9." This stair is both safe and affordable and has served the consumers of your state well in both capacities.

As your state continues to review the code, we would appreciate the opportunity to be involved in this process. We would like to respectfully request that you contact us should there be an opportunity for public input.

Thank you for your consideration of our concerns.

Sincerely,

Steve Snyder
Executive Director

Enclosures

cc: MABSC Manufacturer Members
MABSC Third Party Agency Members



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY AFFAIRS
HARRISBURG

17120

September 7, 1995

Mr. Raymond H. Greene, P.E.
President
BOCA International
4051 W. Flossmoor Road
Country Club Hills, IL 60478-5795

Dear Mr. Greene:

The Commonwealth of Pennsylvania is a long standing member of BOCA International. Through our state-wide preemptive industrialized (modular) housing program we have relied upon the wisdom of an unamended/uniform/latest edition BOCA/CABO standard since 1972. We truly believe that the national model code groups in general, and BOCA in particular, are better equipped to write standards in an objective consensus environment, allowing States and local governments to concentrate on more effective administration and compliance.

We recently proposed adoption of the 1992 CABO MEC as the Commonwealth's state-wide preemptive energy construction standard in lieu of a "home-grown" standard in place for many years. The Pennsylvania builders have advanced legislation which would adopt a uniform BOCA/CABO standard, as the Commonwealth's first state-wide construction code. We have supported the initiative for a state-wide BOCA/CABO standard and this Department has been designated to administer the Code.

However, the decision last year by CABO and BOCA to modify residential stair geometry has given us cause, for the first time, to question your process. Contrary to the belief of BOCA's Building Code Development Committee, as evidenced by their unanimous vote on this issue, we have earnestly and objectively searched out available information, research, and testimony on this subject, and found no compelling nor conclusive evidence to support your action. We do not doubt the sincerity or good intentions of those voting, but have seen little basis in fact, for their conviction, given our mutual charge to balance cost with benefit.

We strongly urge you to reconsider this issue or produce conclusive evidence that would restore our confidence in adhering to unamended, latest edition BOCA/CABO standards. We strongly recommend that your membership, when they vote in Kansas City, support the Code change submitted by the New Jersey Builders Association (B92-95) and the St. Louis and Kansas City Home Builders Association (B93-95) to reinstate the required stair riser and run measurements to the traditional 8 1/4 inch x 9 inch dimensions.

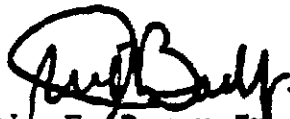
09/07 '95 21:31

Mr. Greene
September 7, 1995
Page Two

We have already taken steps to preclude the adoption of the new stair geometry in our industrialized housing program. It is our sincere hope that this is not a harbinger of future amendments to the model codes in Pennsylvania.

We believe in the model code process and support actions which maintain and strengthen its integrity. Please share our concern with your membership.

Very truly yours,



John F. Boyer Jr., Chief
Manufactured Housing Division
Bureau of Housing and Development

BOCA MEMBER NO. 17003

JB/jo/162

cc: Andrea Wright-Banks
Richard Filling
Steve Snyder - MABSC
Mary Gaiski - PMHA
Richard J. Diehm - President PENNBOC

09/07 '95 21:31



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

CHRISTINE TODD WHITMAN
Governor

JANE M. KENNY
Acting Commissioner

June 6, 1996

Mr. Steve Snyder
Executive Director
Mid-Atlantic Building Systems Council
600 North 12th Street
Lemoyne, Pennsylvania 17043

Dear Steve:

Thank you for your letter regarding the 1996 edition of the BOCA National Building Code and more particularly the change in geometry required by that Code.

As you know, New Jersey has long followed a policy of not making any technical amendments to national model codes when they are adopted by reference to become part of the state's Uniform Construction Code. This was a matter of statutory policy.

We share your concerns on the stair geometry issue. Legislation which will give the Department of Community Affairs the authority to not adopt code changes which are not consistent with the intent of our Uniform Construction Code Act is pending. It has passed the General Assembly and been released from committee in the Senate. We believe it will become law this month.

The Department intends to use that authority to retain the current stair geometry requirements of the 1993 BOCA Code when we adopt the 1996 edition. Both the adoption and the modification will be done by rulemaking and should be accomplished by the end of the year. Your support in the rulemaking process will be appreciated.

It was good to hear from you. Don't hesitate to contact me if we can be of assistance on other issues.

Sincerely,

William M. Connolly, AIA
Director
Division of Codes and Standards

6352U





The Commonwealth of Massachusetts

Executive Office of Public Safety

State Board of Building Regulations and Standards

McCormack State Office Building

One Ashburton Place - Room 1301

Boston, Massachusetts 02108

WILLIAM F. WELD
Governor

KATHLEEN M. O'TOOLE
Secretary

KENTARO TSUTSUMI
Chairman

THOMAS L. ROGERS
Administrator

TEL: (617) 727-3200 FAX: (617) 227-1754

January 18, 1996

Steve Snyder
Executive Director
Mid-Atlantic Building Systems Council
412 North Second Street
Harrisburg, PA 17101

RE: New Stair Geometry

In response to your letter sent on January 8, 1996. Currently, the staff is reviewing the 1995 edition of the CABO One and Two Family Dwelling Code. At this time, we here at the Board of Building Regulations and Standards have no intention of changing the requirements of treads and risers to those in Section 314.2 of CABO.

Furthermore, Massachusetts will retain its present stair geometry of 8 1/4" risers and 9" treads for the promulgation of the sixth edition of the State Building Code.

If you have any further questions please do not hesitate to call.

Sincerely,

Thomas L. Rogers

Administrator to the Board of Building Regulations and Standards



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
BUILDING CODE COMMISSION
One Capitol Hill
Providence, R.I. 02908-5859

Office (401) 277-3033
FAX (401) 277-2589
TDD# (401) 277-6334

October 23, 1995

Steve Snyder
Executive Director
Mid-Atlantic Building Systems Council
412 North Second Street
Harrisburg, PA 17101

RE: Rhode Island Code Change Status

Dear Mr. Snyder,

Enclosed is an update on the status of the code changes, in Rhode Island, relative to stair geometry.

The Article 10, Means of Egress, sub-committee is currently reviewing the 1993 BOCA National Building Code for adoption as our State Building Code. Section 1014.6, Treads and risers, has "Exception 8" which addresses stair geometry in R-2 and R-3 use groups. This "exception" has not been recommended for change by the sub-committee. This would mean that for R-3 and interior stairs within R-2 would be 8 1/4" rise and 9" tread.

Currently, the CABO One and Two Family Dwelling Code sub-committee is reviewing the 1995 edition. The sub-committee is currently recommending to the full committee that Section 314.2, Treads and risers, be changed to an 8 1/4" riser and 9" tread to be consistent with the BOCA National Building Code, 1993 edition.

With our involvement in the IBC our sensitivity to the modular industry is well documented and will continue to remain strong. We will work with the industry to continue to maintain a uniform standard for all IBC states in an effort to facilitate construction, code compliance and the industry itself.

Respectfully Yours,

Kurt A. Stenberg, PE
Deputy IBC Commissioner

10/23 '95 01:23



The Commonwealth of Massachusetts

Executive Office of Public Safety

State Board of Building Regulations and Standards

*McCormack State Office Building
One Ashburton Place - Room 1301
Boston, Massachusetts 02108*

WILLIAM F. WELD
Governor

KATHLEEN M. O'TOOLE
Secretary

TEL: (617) 727-3200 FAX: (617) 227-1754

KENTARO TSUTSUMI
Chairman

THOMAS L. ROGERS
Administrator

January 18, 1996

Steve Snyder
Executive Director
Mid-Atlantic Building Systems Council
412 North Second Street
Harrisburg, PA 17101

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Furthermore, Massachusetts will retain its present stair geometry of 8 1/4" risers and 9" treads for the promulgation of the sixth edition of the State Building Code.

If you have any further questions please do not hesitate to call.

Sincerely,

Thomas L. Rogers

Administrator to the Board of Building Regulations and Standards

Maryland

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Community Assistance Administration
Maryland Codes Administration

100 Community Place
Crownsville, Maryland 21032-2023
(410) 514-7220

Parris N. Glendening, Governor
Patricia J. Payne, Secretary

June 13, 1996

Steve Snyder, Executive Director
Mid-Atlantic Building Systems Council
600 North Twelfth Street
Lemoyne PA 17043

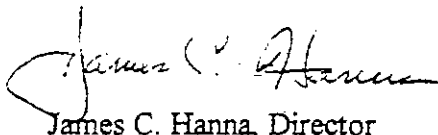
Dear Mr. Snyder:

Thank you for your recent letters to the Department of Housing and Community Development regarding the proposed building code changes to residential stair geometry. As you pointed out, the Department is in the process of adopting the latest editions of both the BOCA National Building Code and the CABO One and Two Family Dwelling Code.

The Department has established an Advisory Committee under the Maryland Building Performance Standards (MBPS) to review the latest editions of the codes before adoption as reference standards (see attached schedule). Maryland Codes Administration has prepared a draft proposal to revise the current MBPS Regulations. The proposal recommends adoption of BOCA National Building Code/1996 Edition and CABO One and Two Family Dwelling Code /1995 Edition with modifications which will permit use of 8 1/4" (maximum) riser and 9" (minimum) tread stair geometry. I am confident that your comments, together with others, will be utilized by the Advisory Committee to recommend a safe and reasonable approach to the proposed code change.

Again, thank you for taking time to express your concerns regarding this issue important to the building industry. For further assistance, please do not hesitate to contact Kanti Patel, P.E., Chief, Design and Review, Maryland Codes Administration, at (410) 514-7213.

Sincerely,



James C. Hanna, Director

Attachment

bocamida.str



TTY for the Deaf: (410) 514-7531

"IN PARTNERSHIP, BUILDING STRONGER COMMUNITIES"

The Maryland Department of Housing and Community Development (DHCD) pledges to foster the letter and spirit of the law for achieving equal housing opportunity in Maryland.



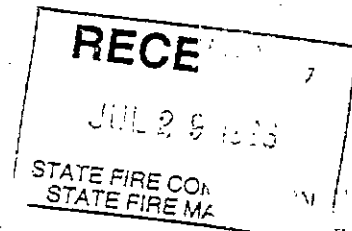
MID-ATLANTIC BUILDING SYSTEMS COUNCIL

STAIR GEOMETRY CHANGE SURVEY

STATE	INDUSTRIALIZED HOUSING BUILDING CODE	ADOPTION OF NEW STAIR GEOMETRY	STAIR GEOMETRY REQUIRED	CONTACT PERSON	PHONE NUMBER
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West Virginia	1990 BOCA/1989 CABO or Later	Under Consideration	8 1/4" X 9"	Walter Smitte III	304-348-2191

26 July 1996

Walter Smittle, III
State Capitol Complex
2100 Washington Street, East
Charleston, WV 25305



Dear Mr. Smittle,

Our company, Unibilt Industries, Inc., is an industrialized unit manufacturer producing homes for completion and for sale in the state of West Virginia. We strive to provide our Builder customers, and the people of West Virginia with the best possible value in housing.

The purpose of this letter is to urge the state of West Virginia to reject the new stair geometry requirements that were recently published in the 1996 BOCA and the 1995 CABO. These two building codes have recently changed the stair riser and tread requirements from 8 1/4" riser and 9" tread to 7 3/4" maximum riser and 10" minimum tread. The need for these changes is technically unsubstantiated and will increase the cost of housing, especially for first-time home buyers and others in need of moderately priced housing.


I would be happy to provide you with a copy of the NAHB Research Center's "Stair Safety: A review of the Literature and Data Concerning Stair Geometry and other Characteristics" that was prepared for HUD.

Transportation requirements limit the width of modules that can be transported over state and local highways. This proposed change in the stair requirements will eliminate or cause substantial redesign efforts on many models, such as ranches with basements, Cape Cod (one and one-half stories) and two stories.

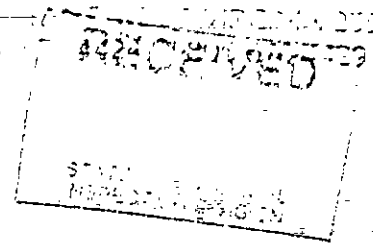
We join the National Association of Home Builders in urging you to retain the 8 1/4" riser and 9" tread stair requirement in our building code.

Sincerely,


David R. Cook, AIA
Architect



D&W HOMES



Our Company, D & W Estates Inc., builds and sells homes produced by Unibilt Industries, Inc., an industrialized unit manufacturer. We strive to provide our customers, and the people of West Virginia with the best possible value in housing.

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Sincerely,



Mike Barker
D & W Estates, Inc.

MB/dj

Maryland

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Community Assistance Administration
Maryland Codes Administration

100 Community Place
Crownsville, Maryland 21032-2023
(410) 514-7220

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Steve Snyder, Executive Director
Mid-Atlantic Building Systems Council
600 North Twelfth Street
Lemoyne PA 17043

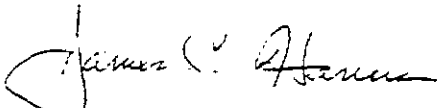
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Sincerely,


James C. Hanna, Director

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bocamida.str



TTY for the Deaf: (410) 514-7531
"IN PARTNERSHIP, BUILDING STRONGER COMMUNITIES"
The Maryland Department of Housing and Community Development (DHCD) pledges to foster the letter and spirit of the law for achieving equal housing opportunity in Maryland.



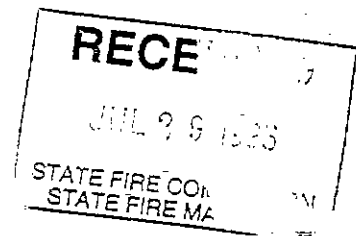
MID-ATLANTIC BUILDING SYSTEMS COUNCIL STAIR GEOMETRY CHANGE SURVEY

STATE	INDUSTRIALIZED HOUSING BUILDING CODE	ADOPTION OF NEW STAIR GEOMETRY	STAIR GEOMETRY REQUIRED	CONTACT PERSON	PHONE NUMBER
Connecticut	1989 CABO or 1990 BOCA W/CT Amend.	No	8 1/4" X 9"	Dan Tierney	203-685-8310
Delaware	1990 BOCA or 1989 CABO (Or Later)	No	8 1/4" X 9"	None	Local Officials
Indiana	1995 CABO w/Ind. Amend.	No	8 1/4" X 9"	Jim Keller	317-232-6336
Kentucky	1994 KBC or 1992 CABO	No	8 1/4" X 9"	Terry Slade	502-564-8090
Maine	1990 BOCA/1989 CABO	Under Consideration	8 1/4" X 9"	Dave Preble	207-624-8603
Maryland	1990 BOCA/1989 CABO	Under Consideration	8 1/4" X 9"	Kanti Patel	410-514-7220
Massachusetts	MASS Fifth Edition	Under Consideration	8 1/4" X 9"	Thomas Rogers John Wojciechowicz	617-727-3200 508-821-9375
Michigan	1993 BOCA or 1992 CABO	No	8 1/4" X 9"	Irvn Poke	517-332-1801
New Hampshire	1993 BOCA/1992 CABQ	Under Consideration	8 1/4" X 9"	Beverly Kowalik	603-271-2092
New Jersey	1993 BOCA/1992 CABO	No	8 1/4" X 9"	Paul Sachdeva	609-530-8837
New York	NY Fire and Building Code	No	8 1/4" X 9"	Fred Kessner	718-563-5255
North Carolina	1992 CABO w/NC Amend.	No	8 1/4" X 9"	Allan Green	919-733-3901
Ohio	1995 OBBC or 1992 CABO	No	8 1/4" X 9"	Al Mecozzi	614-644-2619
Pennsylvania	BOCA or CABO Recent Edition	No	8 1/4" X 9"	John Boyer	717-787-9654
Rhode Island	1990 BOCA/1989 CABO	No	8 1/4" X 9"	Joe Cirillo/Dan Dedentro/Kurt Stenberg	401-277-3033
South Carolina	1994 CABO WITH 1994 SBCCI Stair	No	7 3/4" X 9"	Gary Wiggins/Doug Green	803-734-4255
Vermont	1987 or 1990 BOCA/1989 or 1992 CABO	No	8 1/4" X 9"	D. Kirk Israel (non-Residential)	802-773-5867
Virginia	1993 BOCA/1992 CABO	No	8 1/4" X 9"	Curtis McIver	804-371-7160
West Virginia	1990 BOCA/1989 CABO or Later	Under Consideration	8 1/4" X 9"	Walter Smittle III	304-348-2191



26 July 1996

Walter Smittle, III
State Capitol Complex
2100 Washington Street, East
Charleston, WV 25305



Dear Mr. Smittle,

Our company, Unibilt Industries, Inc., is an industrialized unit manufacturer producing homes for completion and for sale in the state of West Virginia. We strive to provide our Builder customers, and the people of West Virginia with the best possible value in housing.

The purpose of this letter is to urge the state of West Virginia to reject the new stair geometry requirements that were recently published in the 1996 BOCA and the 1995 CABO. These two building codes have recently changed the stair riser and tread requirements from 8 1/4" riser and 9" tread to 7 3/4" maximum riser and 10" minimum tread. The need for these changes is technically unsubstantiated and will increase the cost of housing, especially for first-time home buyers and others in need of moderately priced housing.

I would be happy to provide you with a copy of the NAHB Research Center's "Stair Safety: A review of the Literature and Data Concerning Stair Geometry and other Characteristics" that was prepared for HUD.

Transportation requirements limit the width of modules that can be transported over state and local highways. This proposed change in the stair requirements will eliminate or cause substantial redesign efforts on many models, such as ranches with basements, Cape Cod (one and one-half stories) and two stories.

We join the National Association of Home Builders in urging you to retain the 8 1/4" riser and 9" tread stair requirement in our building code.

Sincerely,


David R. Cook, AIA
Architect

Unibilt Industries, Inc., P.O. Box 373 Vandalia, Ohio 45377 (513) 890-7570



RECEIVED
STATE OF WEST VIRGINIA
DEPT. OF REVENUE
TAX DIVISION
JAN 11 1997

Our Company, D & W Estates Inc., builds and sells homes produced by Unibilt Industries, Inc., an industrialized unit manufacturer. We strive to provide our customers, and the people of West Virginia with the best possible value in housing.

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We join the National Association of Home Builders in urging you to retain the 8 1/4" riser and 9" tread stair requirement in our building code.

Sincerely,

Mike Barker
D & W Estates, Inc.

MB/dj

RESPONSE TO COMMENTS

Response to Comments Received by the State Fire Commission

Comments Received from:

1. Mid-Atlantic Building Systems Council
600 North Twelfth Street
Lemoyne, PA 17043
2. Mr. Francis Guffey, FAIA
Paul Marshall & Associates, Inc. Architects
915 Breezement Drive
Charleston, WV 25302
3. Mr. Douglas C. Parson
Appalachian Log Structures
P.O. Box 614
Ripley, WV 25271
4. Mr. Mike Barker
D & W Estates, Inc.
Second & Viand Streets
Pt. Pleasant, WV 25550
5. Mr. David R. Cook, AIA
Unibilt Industries, Inc.
P. O. Box 373
Vandalia, Ohio 45377
6. Ms. Beth Thomasson
Home Builders Association of WV
700 Virginia Street, West
P. O. Box 6250
Charleston, WV 25362-0250
7. Lloyd W. Miller, AIA
332 6th Avenue
South Charleston, WV 25303
8. Greg Williamson
Gandee & Partners Architects
410 Washington Street, East
Charleston, WV 25301



The Department of Military Affairs and Public Safety

BILL L. SPENCER

Chairman

JAMES W. FIFE

Vice-Chairman

Secretary

GASTON CAPERTON, GOVERNOR
MAJOR GENERAL JOSEPH J. SKAFF

Secretary

State Fire Commission

State Capitol Complex
Charleston, West Virginia 25305.

WALTER SMITTLE III

State Fire Marshal

Phone (304) 558-2191

FAX (304) 558-2537

August 1, 1996

Mr. Lloyd W. Miller, AIA
332 6th Avenue
South Charleston, WV 25303

Dear Mr. Miller:

The West Virginia State Fire Commission has reviewed your comments regarding the adoption of the State Building Code.

The State Fire Commission is pleased to inform you the State Building Code has been revised regarding the adoption of the CABO Code. Accordingly, the State Fire Commission has adopted language which permits the designer or manufacturer to use either the 1992 or 1995 CABO One-and Two-Family Dwelling Code. This option should not create a problem for your company but permits manufacturers or designers an opportunity to use either the 1992 or 1995 CABO edition. Also the State Fire Commission has elected not to file the State Building Code as emergency rules.

On behalf of the WV State Fire Commission, we thank you for your participation in this valuable process of adopting codes for a better West Virginia.

Sincerely,

Walter Smittle III
State Fire Marshal
for the State Fire Commission

WSIII/nlo

cc: State Fire Commission
cc: Legislative Rule-Making Review Committee

Ref: 080196-1



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JAMES W. FIFE

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August 1, 1996

Mid-Atlantic Building Systems Council
600 North Twelfth Street
Lemoyne, PA 17043

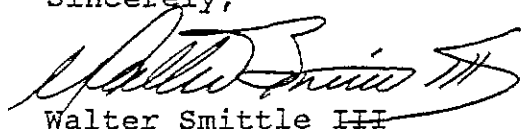
Dear Sir:

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August 1, 1996

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Appalachian Log Structures
P. O. Box 614
Ripley, WV 25271

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August 1, 1996

Mr. Francis Guffey, FAIA
Paul Marshall & Associates, Inc.
915 Breezemont Drive
Charleston, WV 25302

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August 1, 1996

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August 1, 1996

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Gandee & Partners Architects
410 Washington Street, East
Charleston, WV 25301

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NEWS RELEASE



The Department of Military Affairs and Public Safety

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N E W S R E L E A S E

The West Virginia State Fire Commission will conduct a public hearing on the proposed adoption of the 1996 BOCA Codes as part of the State Building Code.

The public hearing will take place at the State Capitol, East Wing, Room E-215, at 10:00 AM, June 24, 1996. All interested individuals or organizations are encouraged to attend the public hearing or submit written comments to: State Fire Commission, c/o Mr. Bill Spencer, 2100 Washington Street, East, Charleston, WV 25305. For additional information, please contact the State Fire Commission at 304-558-2191 during regular business hours.

(News Release forwarded to all newspapers, radio and TV stations throughout West Virginia)