

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box
Filing Date

FILED

2006 JUN 13 A 11: 26

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

CITE AUTHORITY: West Virginia Code 29-3-5b

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

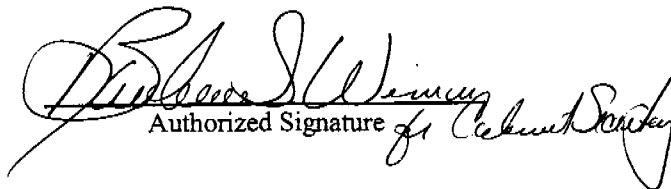
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

When final rule was printed, it was discovered that one of the exceptions to the International Residential Code for One and two Family Dwellings was inadvertently omitted; resulting from a miscommunication in the last legislative committee to review the rule. This omission was a change in dimensions of the "Stair Geometry". The proposed Emergency Rule reinstates this omission.

Use additional sheets if necessary


Authorized Signature of Cabinet Secretary

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: STATE BUILDING CODE

Type of Rule: Legislative Interpretive Procedural

Agency: STATE FIRE COMMISSION

Address: 1207 QUARRIER STREET, 2ND FLOOR
CHARLESTON, WV 25301

Phone Number: 558-2191 Email: nolson@wvfiremarshal.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

SEE ATTACHED "STATEMENT OF CIRCUMSTANCES"

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: STATE BUILDING CODE

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

NON APPLICABLE - NO FEES CHARGED

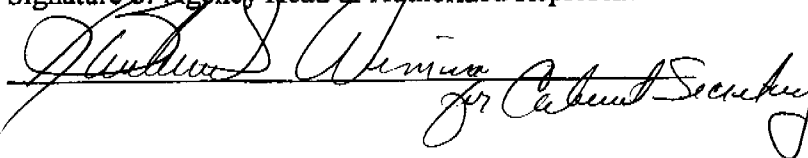
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not have a fiscal impact**, and/or any special issues **not captured elsewhere on this form**.

NO REVENUE GENERATED.
ENFORCEMENT IS DELEGATED TO LOCAL JURISDICTIONS.

Date: JUNE 14, 2006

Signature of Agency Head or Authorized Representative


for Cabinet Secretary

EMERGENCY RULE QUESTIONNAIRE

DATE: June 14, 2006

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) State Fire Commission
1207 Quarrier Street, 2nd Floor
Charleston, WV 25301 304-558-2191

EMERGENCY RULE TITLE: State Building Code

1. Date of filing June 14, 2006

2. Statutory authority for promulgating emergency rule:
West Virginia Code 29-3-5b

3. Date of filing of proposed legislative rule: June 14, 2006

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? ~~Adopts new language that was omitted by mistake during regular rule making process.~~

5. Has the same or similar emergency rule previously been filed and expired?
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
~~See attached "Statement of Circumstances"~~

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

~~N/A~~

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

~~See attached "Statement of Circumstances"~~

Statement of Circumstances

The legislative rule filed by the State Fire Commission in 2005 adopted updated versions of the following building codes:

- 2003 edition, International Building Code, Sixth Printing (with exceptions)
- 2003 edition, International Plumbing Code, Fifth Printing
- 2003 edition, International Mechanical Code, Fourth Printing
- 2003 edition, International Fuel Gas Code, Fifth Printing (with exceptions)
- 2003 edition, International Energy Conservation Code, Fifth Printing
- 2003 edition, International Residential Code for One and Two Family Dwellings, Seventh Printing (with exceptions)

It was not until the final rule was printed that it was discovered that one of the exceptions to the International Residential Code for One and Two Family Dwellings was inadvertently omitted – resulting from a miscommunication in the last legislative committee to review the rule. The omission was a change in dimensions of “Stair Geometry”.

Rationale

The Statewide building code, historically, has amended the stair geometry to substitute that the maximum riser height of eight and one quarter (8 ¼) inches, minimum tread depth of nine (9) inches have been the accepted requirements. Rationale for this substituted language is done to mainly accommodate the smaller home of many first home buyers, specifically modular home design. There has never been a problem administratively, or legislatively, to make this change.

Emergency

This rule went into effect May 15th and numerous builders, code officials and planning commissions are left in ‘limbo’. Unless corrected, the rule will have a profound affect to many existing plans, costs of construction, and architectural design. Time required to modify an entire portfolio of existing home plans will be costly, and could create work stoppages and add cost to the home buyer. Loans already applied for could be put on hold, or possibly expire because of delays.

Impact on State Revenues

Changing architectural and other building plans would prolong, or in some cases cancel, the building of countless homes, offices and businesses. The cancellations and delays in construction would result in lost work, fewer sales, and lost tax revenue to the state, including sales tax, employment tax, and corporate and personal income tax.

Conclusion

In short, none of the parties affected by this rule intended to change the stair geometry that has long been in use. This emergency rule will restore the standard that has been followed for many years, and allow the architects, builders, code officials, planners and home buyers the consistency and predictability they need to continue to do business in West Virginia.

The State Fire Commission proposes to amend, by this emergency rule, the legislative rule filed in the state register on the twenty-sixth day of July, two thousand five, modified by the State Fire Commission to meet the objections of the legislative rule-making review committee and refiled on the eleventh day of January, two thousand six, and amended by the Legislature and refiled on the twenty-sixth day of April, two thousand six, relating to the State Fire Commission (State Building Code, 87 CSR 4), as follows:

On page three, subdivision 4.1.4, after the words 'with the following' by striking out the word 'exception' and inserting in lieu thereof the word 'substitution'; and,

On page three, subdivision 4.1.7, after the words 'with the following' by striking out the word 'exceptions' and inserting in lieu thereof the word 'substitutions'; and,

On page four, following Section R311.4.3, by inserting a new section, designated Section R311.5.3, to read as follows:

'Section R311.5.3 Stair Treads and Risers
311.5.3.1 Riser Heights - The maximum riser height
shall be eight and one-quarter (8 ¼) inches.

311.5.3.2 Tread Depth - The minimum tread depth shall
be nine (9) inches.'

NOTE: THE ONLY CHANGES PROPOSED BY THIS EMERGENCY RULE APPEAR WITH STRIKE-THROUGHS AND UNDERSCORING ON PAGES 3 AND 4.

FILED

2006 JUN 13 A 11: 26

TITLE 87

OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE RULE

STATE FIRE COMMISSION

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 compliance with the minimum standards of safe 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 Subsection 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 "ANSI" means "American National Standards Institute, 25 West 43rd St., Fourth Floor, New York, NY 10036.

2.2 "ASTM" means American Society of Testing and Materials.

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

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

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

2.6 "ICC" or "International" means "International Code Council", 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.

2.7 "NFPA" means "National Fire Protection Association", 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9101.

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

2.9 "State Fire Code" means the entire contents of State Fire Commission, State Fire Code, 87CSR1, and the referenced standards and codes.

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 International Plumbing Code requirements of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

3.3 Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the laws of the State of West Virginia take precedence.

87-4-4 NATIONAL STANDARDS AND CODES

4.1 The standards and requirements as set out and as published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association as listed in this subsection, have the same force and effect as if set out verbatim in this rule.

4.1.1 The 2003 edition, International Building Code, Sixth Printing, with the following exceptions:

4.1.1.A Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.6 is deleted and not considered to be a part of this rule.

4.1.1.B Further provided that the entire section entitled "Board of Appeals" and identified as Section 112 is deleted and replaced with the following:

Section 112 Board of Appeals

112.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work.

4.1.2 The 2003 edition of the International Plumbing Code, Fifth Printing.

4.1.3 The 2003 edition of the International Mechanical Code, Fourth Printing.

4.1.4 The 2003 edition of the International Fuel Gas Code, Fifth Printing, with the following ~~exception~~: substitution:

Section 404.9 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.5 The 2003 edition of the International Property Maintenance Code, Second Printing. This Code may be rejected at the option of the local jurisdiction.

4.1.5.A This code may be adopted by the local jurisdiction without requiring adoption of the other national codes and standards listed in this section.

4.1.6 The 2003 edition of the International Energy Conservation Code, Fifth Printing.

4.1.7 The 2003 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, with the following ~~exceptions~~: substitutions:

Section G2415.9 (404.9) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

Section R303.6. 4.1 Light Activation – The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of exterior stairways shall be controlled from inside

the dwelling unit. Exceptions: 1. Lights that are continuously illuminated or automatically controlled. 2. Interior stairways consisting of less than three steps.

Section R 311.4.3 Landings at doors – Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.

Section R311.5.3 Stair Treads and Risers

311.5.3.1 Riser Heights – The maximum riser height shall be eight and one-quarter (8 ¼) inches.

311.5.3.2 Tread Depth – The minimum tread depth shall be nine (9) inches.

Section R403.1.7.1: Building Clearances From Ascending Slopes is not applicable to this rule.

Section R403.1.7.1: Footings Setbacks From Descending Slope Surfaces is not applicable to this rule.

4.1.7.A Chapter 11 of the 2003 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled "Energy Efficiency", is deleted and not considered to be a part of this rule. In lieu thereof, the following standards are adopted and made a part of this rule:

Chapter 11
Energy Efficiency

Section N1101

N1101.1 Performance Objective

To provide cost-effective, energy-related requirements for design and construction of the building thermal envelope and heating-ventilating-air conditioning (HVAC) systems for one- and two-family dwellings.

N1101.2 Building Thermal Envelope

The minimum required installed R-value or maximum required U-value for all elements in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floor, slab edge, crawl space wall, and basement wall) shall be determined by Table N1101, based on the building type and the climate zone where the building is located. Alternative compliance based on heat loss/gain calculations or systems analysis shall comply with Section N1101.

TABLE N1101
 PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS

BUILDING LOCATION		MAXIMUM U-VALUE	ROOF/CEILING	MINIMUM INSULATION					
ZONE	HDD			FENESTRATION	FRAME WALLS	MASS WALLS	FLOOR OVER OUTDOOR AIR OR UNCONDITIONED SPACE	SLAB EDGE WIDTH/DEPTH	CRAWL SPACE WALL
1	0-1,499	ANY	R-19	R-11	R-4	R-11	R-0	R-0	R-0
2	1,500 - 2,999	0.90	R-22	R-13	R-5	R-13	R-0	R-4	R-0
3	3,000-3,999	0.75	R-26	R-13	R-6	R-13	R-4, 2 FT	R-5	R-0
4	4,000-4,999	0.65	R-26	R-13	R-7	R-13	R-4 2 FT	R-8	R-4
5	5,000-6,999	0.55	R-30	R-13	R-8	R-19	R-4, 2 FT	R-8	R-4
6	7,000-8,999	0.45	R-30	R-13	R-8	R-19	R-5, 2 FT.	R-8	R-8
7	9,000-12,999	0.40	R-38	R-19	R-14	R-19	R-8, 4 FT.	R-10	R-8

NOTES:

1. Building envelopes must also meet the air infiltration requirements of Section N1101.
2. Insulation materials shall be installed in accordance with the manufacturers instructions.
3. The sum of the R-values of cavity insulation and sheathing shall be used to determine the installed R-value.
4. For slabs that incorporate heating ducts or pipes in climates above 1,000 HDD, add R-2 to the table values.
5. The required R-value shall extend down to design frost depth in Zones 4 and 5, and down to the basement floor in zones 6 and 7.

N1101.3 Floors

N1101.3.1 Floors Over Outdoor Air or Unconditioned Areas – Floors over outdoor air or unconditioned areas shall meet the minimum R-value for Floor Over Outdoor Air or Unconditioned Space in Table N1101, based on the climate zone where the building is located.

N1101.3.2 Slabs-on-Ground – Slabs-on-ground, or slabs 12 inches or less below finished grade, shall meet the minimum R-value and depth/width dimension for Slab Edge in Table N1101, based on the climate zone where the building is located. The required R-value shall be applied to the exterior or interior of the foundation wall. Exterior insulation shall extend downward from the top of the slab and/or horizontally outward until the distance indicated in Table N1101 is reached. Interior insulation shall extend from the top of the slab downward and/or horizontally inward until the distance indicated in Table N1101 is reached. All horizontal insulation extending outward from the slab shall be covered by at least 10 inches of soil. The top edge of insulation installed between the exterior wall and the interior slab shall be permitted to be cut at a 45° angle to allow the concrete surface to extend to the wall. Slab edge insulation shall not be required in areas of “very heavy” termite infestation probability, in accordance with the Termite infestation Probability Map in Figure R-301.2 (6).

N1101.4 WALLS

N1101.4.1 Wall Insulation – Opaque walls and band joists exposed to outside air or to unconditioned space shall meet the minimum R-value for Frame Wall or Mass Wall in Table N1101, based on the wall type and the climate zone where the building is located. For Frame walls, the sum of the R-values of cavity insulation and insulated sheathing shall be used to determine the installed R-value. Walls exposed to unconditioned space shall have an R-value of R-13 when the minimum required R-value for the wall type in Table N1101 exceeds R-13.

N1101.4.2 Wood Frame Walls – Where insulated sheathing is used on wood frame walls in areas not otherwise required to have structural sheathing, the entire opaque wall shall be considered to be covered with the insulated sheathing for purposes of determining compliance with the minimum R-value for Frame Wall in Table N1101.

N1101.4.3 Steel Frame Walls – When steel framing is used, insulated sheathing with an R-value not less than R-2.5 in Zones 3 and 4 (3,000 – 4,999 HDD), R-5 in Zone 5 (5,000 – 6,999 HDD) and R-10 in Zones 6 and 7 (7,000 – 12,999 HDD) shall be installed in addition to the minimum required R-value for Frame Wall in Table N1101.

N1101.4.4 Mass Walls – Masonry or concrete walls having a mass greater than or equal to 30 pounds per cubic foot (pcf), solid wall walls having a mass greater than or equal to 20 pcf, and any other walls having a heat capacity greater than or equal to 6 Btu/ftY 2° shall be considered mass walls. Mass walls with exterior insulation or mass walls with integral insulation (insulation and mass mixed, such as log walls) shall be permitted to meet the Mass Wall criteria in Table N1101 based on the building type and the climate zone where the building is located. The R-value of mass walls with integral insulation shall be based on consideration of all elements of the wall assembly. Other mass walls shall meet the frame wall criteria for the building type and the climate zone where the building is located, based on the sum of the R-values of interior and exterior insulation.

N1101.4.5 Crawl Space Walls – All walls enclosing crawl spaces where the floor above the crawl space is not insulated in accordance with Table N1101 shall meet the minimum R-value for Crawl Space Wall in Table N1101, based on the climate zone where the building is located. The required R-value shall be applied to the inside or outside of the crawl space wall. The insulation shall extend downward from the sill plate to the level of the inside ground surface.

N1101.4.6 Basement Walls – All basement walls enclosing conditioned space shall meet the minimum R-value for Basement Wall in Table N1101, based on the climate zone where the building is located. The required R-value shall be applied on the inside or outside of the basement wall from the sill plate down to the design frost depth in Climate Zones 4 and 5, and to the basement floor in Zones 6 and 7. Buildings having basement walls with a maximum average exposure not greater than 12 inches above the adjacent grade, and having high efficiency equipment meeting the requirements specified in Table N1101.4.6 based on the climate zone where the building is located, are not required to meet the minimum R-value for Basement Wall in Table N1101.

TABLE N1101.4.6
 EQUIPMENT TRADE-OFF FOR BASEMENT WALL INSULATION

BUILDING LOCATION		GAS FURNACE WITH CENTRAL AIR CONDITIONING	AIR SOURCE HEAT PUMP
Zone	HDD	Minimum AFUE	Minimum HSPF
1-3	0-3,999	---	---
4-5	4,000 – 6,999	88	7.8
6-7	7,000 – 12,999	90	8.0

N1101.4.5 Masonry Veneer – When insulation is placed on the exterior of a slab edge, crawl space wall, or basement wall supporting masonry veneer, the horizontal surface supporting the veneer shall not be required to be insulated.

N1101.4.6 Protection of Foundation Insulation – Exposed insulating materials applied to the exterior of foundation walls shall be protected to prevent degradation of thermal performance. The protection shall extend at least 6 inches below finished grade. Plastic foam insulation used below grade shall comply with ASTM C578.

N1101.5 FENESTRATION

N1101.5.1 Labeling – The U-value of fenestration products (windows and glazed doors) shall be indicated on a label affixed to these products by the manufacturer or, where such values are not indicated, the U-value shall be determined in accordance with Table N1101.5.1.

TABLE N1101.5.1
ASSUMED U-VALUE FOR WINDOWS AND GLAZED DOORS

FRAME MATERIAL AND PRODUCT TYPE	SINGLE GLAZED	DOUBLE GLAZED
Metal Without Thermal Break	1.13	0.70
Metal with Thermal Break	1.07	0.63
Reinforced Vinyl/Metal-Clad Wood/ Wood/Vinyl Fiberglass	0.90	0.55

N1101.5.2 Windows – For elements within the building thermal envelope, up to 6 square feet of glazed areas is exempt from the maximum required U-value in Table N1101.5.1

N1101.5.3 Skylights – Minimum skylight requirements will be as follows:

Zone 1 (0-1, 499 HDD): Any skylight is permitted.

Zones 2, 3 (1,500 – 3,999 HDD): Any double glazed skylight is permitted; and

Zones 4 and above (4,000 HDD and above): Any double glazed skylight with a wood, vinyl or fiberglass frame. Metal clad frames will be permitted.

N1101.5.4 Opaque Doors – Opaque doors shall have a maximum U-value of 0.39 or minimum R-value of 2.5. When the U-value of the door is not provided by the manufacturer, it shall be determined in accordance with Table N1101.5.1. One opaque door per dwelling unit shall be permitted to be exempt from this U-value requirement.

TABLE N1101.5.4
 ASSUMED R-VALUE FOR NON-GLAZED DOORS

DOOR CONSTRUCTION	WITH FOAM CORE	WITHOUT FOAM CORE
Steel Doors (1 ¾ inches thick)	0.35	0.60
Wood Doors (1 ¾ inches thick)	Without Storm Door	With Storm Door
Panel	0.54	0.36
Hollowcore flush	0.46	0.32
Solid core flush	0.40	0.26

N1101.6 ROOFS AND CEILINGS

Roof/ceiling assemblies, including ceilings below unconditioned attics and cathedral ceilings, shall meet the minimum R-value for Roof/Ceiling in Table N1101, based on the climate zone where the building is located. Insulation can be compressed or reduced at eaves to accommodate roof framing or ventilation.

Exception: R-30 shall be required for cathedral ceilings whenever the required R-value for Roof/Ceiling in Table N1101 exceeds R-30.

N1102 MOISTURE CONTROL

In all framed walls, floors and roof/ceilings comprising elements of the building thermal envelope, an approved vapor retarder having a maximum rating of 1.0 perm shall be installed on the warm-in-winter side of the insulation.

Exception:

1. Where the insulated cavity of space is ventilated to allow moisture to escape.
2. In hot and humid climate areas.

N1103 AIR INFILTRATION

The building envelope shall be designed and constructed to limit air infiltration to the conditioned area of the dwelling. All elements comprising the building thermal envelope, including all exterior joints, seams, or penetrations, shall be caulked, gasketed, taped or covered with moisture vapor permeable sheathing paper or house wrap on the exterior. All windows and doors installed in the building thermal envelope shall be weatherstripped, gasketed, or caulked.

N1104 HVAC SYSTEMS

N1104-1 HVAC AND WATER HEATING APPLIANCES

HVAC and service water heating appliances shall be labeled as complying with minimum efficiency requirements specified by the National Appliance Energy Conservation Act of 1987 and regulations adopted thereunder by the U. S. Department of Energy.

N1104-2 CONTROLS

Each heating, cooling, or combination heating and cooling system shall be provided with at least one adjustable thermostat for the regulation of temperature.

N1104-3 AIR HANDLING DUCT SYSTEM

N1104-3.1 DUCT SEALING – All supply and return ducts located outside the building thermal envelope shall have joints sealed with gaskets, mastics, tapes installed in accordance with the manufacturers instructions, or by other approved methods.

N1104-3.2 DUCT INSULATION – Minimum required duct insulation for all supply and return ducts located in unconditioned space shall be R-5 in all climatic zones.

N1104-4 HEATING AND COOLING PIPING INSULATION

All HVAC system piping carrying fluids with a temperature less than 55°F or greater than 120°F shall have minimum insulation thickness of ½ inch.

N1105 ALTERNATIVE COMPLIANCE

N1105-1 HEAT GAIN/HEAT LOSS CALCULATIONS

Alternative compliance with the requirements of Table N1101 shall be permitted to be determined through a heat gain or heat loss calculation as follows: the required R-value or U-value of an element in the building thermal envelope in Table N1101 may be increased or decreased, provided the total heat gain or loss for the entire building does not exceed the total resulting from conformance to the values specified in Table N1101.

N1105-2 SYSTEMS ANALYSIS

Alternative compliance with the requirements of this chapter shall be permitted to be determined through the use of a systems analysis using a standard design in accordance

with Table N1101, and Section N1104. A proposed design complies with this chapter if it has a projected annual energy use for heating, cooling and service water heating not greater than the energy use of the standard design, calculated in accordance with accepted engineering practices. Energy use for both homes shall be calculated based on the same assumptions and building location. The standard design shall have the same floor area, envelope component areas, building orientation, glazing orientation, door areas, and building geometry as the proposed design.

4.1.8 The 2003 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities, First Printing.

4.1.9 The 2003 International Existing Building Code, Third Printing, with the following exception:

4.1.9.A Omit reference to International Fire Code and substitute NFPA Life Safety Code 2003 Edition.

4.1.10 The 2005 edition of the National Electric Code, NFPA 70.

87-4-5 EXCEPTIONS

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

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 used only for residential storage purposes. (Examples include 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 are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

87-4-6 AVAILABILITY OF CODE BOOKS

A copy of the codes listed in Subsection 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 International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, 1-888-422-7233, or the ICC Store, 1-800-786-4452.

87-4-7 ADOPTION BY LOCAL JURISDICTION

7.1 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, 1207 Quarrier Street, 2nd floor, Charleston, West Virginia 25301, within thirty (30) days of adoption.

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

7.3 Throughout the national codes, adopted in subsection 4.1 of this rule, there are discretionary provisions or amendments which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. 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" and any of the appendices the local jurisdiction wishes to adopt.

7.4 Within the penalty sections of each of the national codes, adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional with each adopting local jurisdiction.

7.5 Each of the national codes adopted in subsection 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."

87-4-8 EXISTING BUILDING CODES

8.1 All building codes which have been adopted by local jurisdictions prior to the passage of West Virginia Code 29-3-5b, in 1988, are null and void.



**PORTRAIT
HOMES**
A Pasquinnelli Company

May 31, 2006

The Honorable Betty Ireland
Secretary of State
State Capital Complex
Charleston, WV 25305

Dear Madam Secretary:

On behalf of Portrait Homes Mid-Atlantic Division, I wish to state that we support preserving the **8 1/4" Rise by 9" Run stair geometry**. Implementation of design changes caused by additional steps in any structure has far reaching consequences. The impact imposed by the State legislature's adoption of the 2003 IRC codes will have a profound affect on our organization's existing plans, costs of construction, and the architectural appeal of our homes. Additionally, time required to modify an entire portfolio of existing home plans will be costly, and counter productive.

It is particularly important to note that the resultant change to new stair geometry will increase the bottom line costs of building in what we regard as "affordable housing". Portrait Homes has a diverse product line specifically tailored to suit the needs of first-time homebuyers and down-sizers alike. Therefore, every time cost increasing alterations or regulations are instituted, a growing number of prospective purchasers fail to qualify for their new home or must bear the burden of higher payments for many years.

Like many other West Virginia builders, Portrait Homes strives to produce safe and affordable housing. Therefore, we respectfully request whatever effective legislative measures are required to reverse the direction of these changes.

Respectfully,

Paul A. Freeman
Director of Purchasing and Estimating



Potomac Housing Developers, Inc.

Realtors • Builders • Property Management

A Full Service Realty and Housing Company Serving the Eastern Panhandle of West Virginia
 PO Box 1065 Martinsburg, WV 25402 T: 304-267-1556 F: 304-267-1456 toll free: 888-430-3385
 e-mail: page.PotomacHousing@Adelphi.net F. Page Burdette, President/Broker

June 1, 2006

The Hon. Betty Ireland
 Secretary of State
 State Capital Complex
 Charleston, West Virginia 25305

Dear Secretary Ireland: *Betty,*

We always enjoy having you visit the Martinsburg Rotary Club and talking with you during those visits.

I write today to request that you become immediately involved in emergency rule making to rectify an unfortunate change in stair geometry construction requirements.

We support preserving the 8 1/4 by 9 stairs. Frankly, the building community was much surprised when the West Virginia Legislature adopted the 2003 TRK on May 15 and left the new 7 3/4 by 10 dimensions in place. This has been an almost annual issue in West Virginia.

The State's action negatively impacts home owners because:

1. Each step is lengthened by 1 inch. If there are, for example, 16 steps in a residential home, that additional 16 inches likely will take out half of the hallway forcing the back wall of the house out probably by 24 inches.
2. An entry level home which is 42 feet long and 24 feet deep would become 26 feet deep and add 84 square feet of living space to the residence at a cost of \$10,500 factored at \$125 per sq. ft.
3. In Eastern West Virginia we constantly struggle to provide affordable housing, yet government continues to force the prices higher and higher. That "one inch" will increase the price of a \$225,000 home about 4.7 percent. That's a tremendous burden to place on school teachers, law enforcement, highway workers and other workers. It's almost as if we have a plan to force people out of West Virginia.

Again, we look forward to seeing you back in Martinsburg and trust we shall have a positive resolution to this critical issue. Best wishes.

Sincerely,
 POTOMAC HOUSING DEVELOPERS INC.

Page
 F. Page Burdette, President



4198 Hedgesville Road, Hedgesville, WV 25427

Phone: (304) 754-8200 Fax: (304) 754-7200

June 2, 2006

The Honorable Betty Ireland
Secretary of State
State Capital Complex
Charleston, WV 25305

Dear Miss Secretary:


I'm concerned about the adoption by the State of the IRC-2003 building code as it affects my company, Royal Builders, Inc. as a stick home builder, and Homes by Keystone out of Waynesboro, Pennsylvania, who is our modular home provider. The IRC-2003 in itself is a good measure, but the stair geometry is a totally different matter altogether. This part of the IRC-2003 should be removed from the State code.

Royal Builders, Inc. last year built 35 homes and provides our customers with a selection of 11 different models. We also built another 10 modular Homes by Keystone.

If the portion of the IRC-2003 referring to stair geometry stays in effect, it will require that we, and many others like us, will have to redesign our entire model selection. This would be an extremely costly process - to redraw plans, time lost, and marketing changes. Without a doubt the most costly part of this process would be in jobs lost due to a work stoppage while waiting for all new plans to be approved. All of these costs would have to be passed on to the consumer, which doesn't help with the affordable housing issue.

As stated earlier, we are in support of the adoption of the IRC-2003 code, but request the State to amend the current version's stair geometry back to the old standard by whatever legislative measure found necessary.

Sincerely,


Dwayne R. Wean
Vice-President

DRW:ls



WV 011916



Telamon Corporation

Richard A. Joanis
Executive Director

Karen E. Hoff
State Director

June 5, 2006

The Honorable Betty Ireland
Secretary of State
State Capital Complex
Charleston, WV 25305

Dear Madam Secretary:

I write to you in this time of need concerning the 2003 IRC Code adoption on May 15. Telamon Corporation is a non profit organization where limited funds are available to offer affordable housing to the families we serve. We feel the new stair geometry of a 7 1/4" rise and a 10" run will disruptively impact our program by the time and money involved in architectural drawings, scheduling, and material cost. Ultimately this will affect the budget and planning and raise the loan amount required for the Self-Help families we previously had intended for the group of families already in the self help program.

We strongly support preserving the 8 1/4" rise and 9" run and in my opinion this is a very acceptable practice and feel safe in allowing it into our homes. I would greatly appreciate your help in addressing this issue and hope it will make a difference addressing this issue with you. Thank you very much for your time.

Sincerely,

Gary Amiz
Construction Coordinator

129 South Queen Street
Martinsburg, WV 25401
(304) 203-0516



June 5, 2006

The Honorable Betty Ireland
Secretary of State
State Capital Complex
Charleston, WV 25305

Dear Madam Secretary:

As you know, the state of West Virginia adopted the new 2003 IRC code on May 15, 2006. I can understand the reasoning for abrupt code changes. However, some of the changes regarding the new codes hit us by surprise and greatly impact the local homebuilders as well as the customers in the community.

For instance, the change regarding the stair geometry calls for new dimensions. This may seem like a relatively small change, but it would force us to redraw the stairs for 30 of our current house plans. On top of that, for some of the house plans, the new stair geometry alters the entire second floor plan and additional square footage would be necessary. S&A uses a 3D parametric drafting system that would require approximately 40 hours of re-drafting for every house plan totaling over 1200 hours. As you can see, this change can have a severe impact on our company.

Our customers in the community would be negatively impacted as well. Many of them have already chosen their dream house, secured a loan, and are ready to apply for permits. However, the change would delay the permitting process until the houses could be redrawn and submitted. By that time, their loan may have expired or would expire before the house could be completed. The customer would ultimately suffer the most penalties with the stair geometry change.

S&A Custom Built Homes, INC. hereby request to dismiss or at least allow a grace period for the new stair geometry just as the state of Pennsylvania did a few years ago.

Thank you for your time regarding this matter.

Sincerely,

Shane W. Blystone
Divisional Construction Manager



A & A Homes, Inc.

Quality Home Building

The Honorable Betty Ireland
Secretary of State
State Capital Complex
Charleston, WV 25305

May 31, 2006

Dear Madam Secretary,


We are writing to you regarding the recent change in the Building Code for stair geometry. We were surprised when the State legislature adopted the 2003 IRC codes on May 15, 2006 and left the new 7 3/4 by 10 dimensions in the code. We earnestly support preserving the 8 1/4 by 9 stair geometry.

This type of change will impact our company in many unfavorable ways. Not only will we have more time involved in waiting on the architects to make changes to our house plans, but we will have to spend more money to construct the larger stair trends. This change in construction will in turn have to be passed on to the consumer and will cost them more money. We simply can not construct a home as affordable as we could if the 8 1/4 by 9 dimensions were left in place.

For the most part our company builds smaller size homes including split-foyers, town homes, and tri-levels. In order to make this change to accommodate larger stair trends in these types of houses, all of our floor plans would have to change and increased square footage. This creates a domino effect, if our square footage increases, the cost of the house increases, which in turn again is passed to the consumer. As it stands now, it is difficult for many individuals to afford to purchase a new home. This would just be one more barrier to that endeavor.

We ask that you encourage the WV State Legislature to correct the oversight that occurred on May 15, 2006 when they adopted the IRC 2003 Building codes without an exception to the stair geometry issue. We pride ourselves in building quality homes at affordable prices, and this is just one more issue that will make that a difficult goal. Should you have any questions or wish to discuss this with me in person, please feel free to contact me at (304) 229-9277. Thank you.

Sincerely,


Roger E. Ayers, President
A & A Homes, Incorporated

P.O. Box 1310 • Inwood, WV 25428 • (304) 229-9277

WV037796



HOME BUILDERS ASSOCIATION OF WEST VIRGINIA

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President
Sally J. Navarini

May 30, 2006

First Vice President
Tom King

Second Vice President
Toney Floyd

The Honorable Betty Ireland
Secretary of State
State Capitol Complex
Charleston, WV 25305

Associate Vice President
Tom Board

Secretary
Debbie McGuire

Dear Madam Secretary:

Re: State Building Codes

Treasurer
John H. Farnsworth

Rules and Regulations filed last year (Title 87, Series 4) to adopt a new building code for West Virginia became effective May 15th.

Associate Treasurer
Robert W. Ritenour

State Representative
Fred McDonald

One of the exceptions to the adopted 2003 International Residential Code (IRC) was the change to Section R314.2 (Stair Geometry) from $7 \frac{3}{4}'' \times 10''$ to $8 \frac{1}{4}'' \times 9''$. This was done (as had been in past years) to mainly accommodate the smaller home of many first home buyers, specifically modular homes.

National Director
John Brumley

Alternate National Director
Alan Baker

The rule that was filed last year and subsequently went through the legislative rule making review process "intact". Taken up by the legislature, the rule continued on its way to passage. It was not until we read the "final rule" that we discovered that the exception for stair geometry had been omitted as a result of a miscommunication in the last committee. This was unintended and has created serious problems for many home builders who would be forced to hire architectural services to recalculate space dimensions on the homes that they build in order to meet the standards. A number of these home are awaiting approval by planning commissions who are in 'limbo' about whether to follow the code or turn their heads until the necessary corrections are made. The end result is an added financial burden to builders and added expense to the home buyer. A number of builders will not be able to rectify the problem and may lose sales.

Associate Member Director
Carl York

Alternate Associate
Member Director
Tom Board

General Counsel
William F. Richmond, Jr.



I am attaching correspondence from interested parties indicating the unintended consequences of this omission. Without exception, all are


A Building Force.

in agreement that we need to modify the rule as soon as possible to bring order to this situation.

An **emergency rule** substituting the specifications for the stair geometry would be the most expedient and effective way. I counseled with staff in the Governor's office last Friday and was told that they support this action.

I hope that you will agree.

Sincerely,


Sally J. Navarini
President

Attachments from

Letter from Sterling Lewis (State Fire Marshal)

Communication from Bob Cannon (Pres. Code Officials)

Cc: Sterling Lewis
Bob Cannon
Jim Pitrolo