



Board Committee on the
**LONG TERM CODE
DEVELOPMENT PROCESS**

LTCDP FINAL REPORT

ACTION ON CODE DEVELOPMENT PROCESS TOPICS
(in chronological order based on Code Council Board action)

- **Assembly consideration in the ICC Code Development Process**

Issue: Determination as to whether or not to continue the assembly motion procedure following the action by the Code Development committees at the Committee Action Hearing (CAH). Approved assembly motions resulted in an automatic public comment.

Action: Board approved the LTCDP recommendation to remove assembly motions from the process and Section 5.7 of CP28 *Code Development* (CP28) was revised accordingly. Effective for the 2021 Cycle.

- **CP28 Cost impact requirement for code change proposals**

Issue: Cost impact associated with code change proposals requires “substantiation” determined by the proponent in accordance with Section 3.3.5.6 of CP28. The LTCDP determined that some type of quantitative construction cost substantiation should be required, such as: dollar amount; dollar amount per square foot; Percentage of construction cost; or a combination there-of.

Action: Board approved the recommendation in concept and directed staff to develop an implementation methodology for the 2024 cycle (2027 I-Codes).

- **IECC development process**

Issue: The LTCDP reviewed the Board actions taken on the 2019 energy appeals and recommended the update process for the IECC and Chapter 11 of the IRC be changed from the Governmental Consensus Process to the ICC Standard’s process.

Action: Board approved the change to the ICC Standards process. Effective for the update of the IECC and IRC Chapter 11 for the 2024 edition and subsequent editions.

- **Proposed Bylaw amendment**

Issue: The LTCDP reviewed the Board action taken on the 2019 appeal on eligible voter qualifications per the ICC Bylaws and recommended revisions to the Bylaws. The revisions include limiting eligible voters to those who use the ICC Codes and Standards as part of their development process and a maximum number of voting representatives for the jurisdiction regardless of the number of Governmental Members in the jurisdiction.

Action: The Board discussed the LTCDP recommendation and decided to not take any further action on the proposed Bylaw amendments at the time.

- **OGCV voter statement**

Issue: The LTCDP studied the OGCV process and identified possible concerns with the OGCV relative to: confirmation of voter eligibility; voter compliance with ICC *Code of Ethics*; the presence of voter guides; and possible conflict of interest by eligible voters. The LTCDP developed a recommendation to revise CP28 to require voters to complete a “Voter Statement” prior to being allowed to vote on the OGCV. This includes an acknowledgement of “voter guides” in the process.

Action: Board approved revisions to Section 8.2 of CP28 to address the LTCDP recommendation above. Effective for the 2021 OGCV.

- **Federal preemption**

Issue: The LTCDP reviewed the Board action on the 2019 energy appeal which cited two approved code changes which were ultimately determined to be preempted by Federal requirements. The LTCDP developed a recommended set of process steps to pro-actively identify possible code changes for which Federal preemption may apply.

Action: Initial discussion by the Board resulted in a staff recommendation to have counsel review the proposal in order to simplify the process and provide a flexible mechanism to take preemption issues out of the appeals process. As a result, the Board approved new policy CP49 *Conforming Codes and Standards to United States Federal Law and International Law*. Effective with posting of the new policy.

- **Cost impact guide**

Issue: The Industry Advisory Committee (IAC) developed a guide to assist code change proponents in the development of their cost impact statement and substantiation. The guide was reviewed by the LTCDP with a recommendation for Board approval.

Action: Board approved the posting of the guide. Effective for the development of 2022 Group B code change proposals.

- **Process restructure**

Issue: As part of the feedback process initiated in 2016, the IAC developed a recommendation to restructure the process to include 2 CAH’s in order to utilize the expertise of the Code Development Committees in the review of submitted comments following the CAH. This IAC recommendation was reviewed by the LTCDP who recommended Board approval. The key steps in the revised process include:

- First year, Group A Codes: Initial Committee Action Hearing (CAH #1) to be followed by a comment submittal process with the comments considered and acted on by the same Code Development Committee at a Second Committee Action Hearing (CAH #2).
- Second year, Group B Codes: Initial Committee Action Hearing (CAH #1) to be followed by a comment submittal process with the comments considered and acted on by the same Code Development Committee at a Second Committee Action Hearing (CAH #2).
- Third year: Combined Group A and B Public Comment Hearing followed by Group A and B Online Governmental Consensus Vote.

Action: Board approved the restructuring of the process for the 2024 cycle and the 2027 I-Codes. Staff developing the implementation process.

- **Ethics**

Issue: In 2010, the portfolio of Council Policies included CP37 *Ethics* which was removed by the Board as a CP and replaced with the *Code of Ethics* dated 9/28/13. Concurrently, the IAC recommended changes to CP37 for which the Board did not take action at that time. The IAC continued to revise the policy and forwarded to the LTCDP for consideration. The LTCDP recommended reinstating CP37 with the latest IAC proposed revisions.

Action: The Board reviewed the IAC history on CP37, including the proposed updated version of CP37, but decided to update the *Code of Ethics* (June 11, 2022) since it has been in place since September/2013 and there have been no history of problems related to ICC committee activities. The *Code of Ethics* provides the Board with an enforcement mechanism to preserve the integrity of the ICC.

- **CP28 procedures update for the new process**

Issue: As part of the decision to restructure the process in 2024 (see related topic in this report), the Board directed staff to develop the implementation process. Staff proposed an update to CP28 to include the necessary procedural revisions to fully implement and conduct the new process.

Action: Staff presented the details of the new process with the proposed update to CP28 *Code Development* at the Board meeting in December/2022. The Board approved the updated policy.

- **OGCV voting options**

Issue: The LTCDP reviewed the Board action taken on the 2019 appeal which cited code changes which were Disapproved at both the CAH and PCH and whether or not the code changes should be included on the OGCV for membership vote. As part of the process restructure noted above, the LTCDP recommended that the OGCV voting options not be changed as part of the process restructure for the 2024 cycle.

Action: The Board held consideration on this topic until the update of CP28 for the new process was considered at the Board meeting noted above. The new process provides an additional opportunity to achieve consensus on code change proposals and if that is not achieved during the hearing deliberations and action, the code changes should not proceed to the final step and any future consideration be held until the next cycle if a follow-up code change is submitted. The Board updated CP28 to stipulate that code changes that are Disapproved at CAH #1, CAH#2 and the Public Comment Hearing will not be subject to the OGCV process and the final action on such proposals will be Disapproval.