

AIA Position on Appeals from the OGCV in the 2019 Code Development Cycle RE147-19

The American Institute of Architects (AIA) is proud of its active engagement with the International Code Council (ICC) during its initial creation and history of code development. AIA's public policies support the development and adoption of codes and standards using the following guidelines.

AIA's public policy on Building Codes and Standards states:

The AIA supports regulation by a single set of comprehensive, coordinated, and contemporary building codes and standards that establish sound threshold values of health, safety, and the protection of the public welfare throughout the United States and abroad. To that end, the AIA espouses the development and adoption of model building codes that:

- *Include participation by architects and the public in a consensus process;*
- *Are the product of informed education and research;*
- *Are without favoritism or bias to any special interest;*
- *Include provision for a prompt appeals procedure for all that might be aggrieved;*
- *Are cost-effective in relation to public benefit; and*
- *Promote building code provisions that set performance rather than prescriptive criteria.*

(emphasis added)

AIA's public policies support the development of codes and standards that improve the building environment using the following guidelines.

AIA's public policy on Energy and Carbon in the Built Environment states:

The AIA advocates for policies, programs, and incentives for energy efficiency and renewable energy for the planning, design, construction, and operations of buildings. These strategies reduce anthropogenic greenhouse gas emissions that cause climate change, lowering risks and costs for our clients and the public. Architects must prioritize energy efficiency and renewable energy to achieve carbon neutral new construction and major renovations by 2030 (2030 Commitment) and a carbon neutral built environment by 2050 (2050 Imperative).

(emphasis added)

AGA and APGA Appeal of RE147-19

AGA and APGA in its May 5, 2020 appeal of the approval of RE147-19 claim that ICC staff approved the construction cost analysis submitted.

The construction cost analysis approved by ICC staff in publication of the proposal identifies increases in costs of construction that the proposal would cause, but neither the proponent nor ICC staff provide justification or commentary on energy savings.
(emphasis added)

The AIA disagrees with AGA and APGA conclusions. ICC Council Policy #28 (CP#28-05, updated 1/22/19) states:

3.3.5.6 Cost Impact: The proponent shall indicate one of the following regarding the cost impact of the code change proposal:

- 1) The code change proposal will increase the cost of construction;*
- 2) The code change proposal will decrease the cost of construction; or*
- 3) The code change proposal will not increase or decrease the cost of construction.*

The proponent shall submit information which substantiates such assertion. This information will be considered by the code development committee and will be included in the published code change proposal. Supporting documentation may be provided via a link to a website provided by the proponent and included in the cost substantiation statement. The cost substantiation statement shall include the date the link was created.

Any proposal submitted which does not include the requisite cost impact information shall be considered incomplete and shall not be processed.
(emphasis added)

The only direction given in CP#28 that ICC staff could have used to question whether the proposal was incomplete was the lack of “cost impact information.” The proponent stated in the Cost Impact portion of the proposal:

Cost Impact: *The code change proposal will increase the cost of construction The cost of meeting these electric-ready requirements when the house is being built, walls are open, and the trades are already on-site, is marginal. In comparison, the cost of retrofitting a building for these requirements can be orders of magnitude higher and act as a barrier for the homeowner to choose electric appliances. Not making new buildings electric-ready would leave homeowners exposed to potentially high retrofit costs in the future and will greatly inhibit customer choice.*

The proponent outlined clearly the impact of both first cost and life cycle cost impact of this change. Knowing what the cost of fuels will be tomorrow is impossible to weigh and is even more difficult when looking at the life of a structure. Justification based on future benefits to home owners is as viable a means to measure cost and provide information.

The AGA and APGA have not shown any valid reason for overturning the decision of the ICC membership on RE147-19. The AIA believes that the argument by the AGA and APGA is incorrect and should be rejected, allowing the action by the membership on code change RE147-19 to stand.

NAHB Appeal of RE147-19

NAHB in its May 8, 2020 appeal states that the requirements in RE147-19 do not meet the scope and intent of the International Code Council's International Residential Code (IRC) because the proponent didn't offer addressed the effective use and conservation of energy.

NAHB states:

Proposals RE147 and CE217 Parts I and II are both outside the scope and intent of the IECC (section R101.3 and C101.3). These proposals require the addition of electric vehicle charging outlets (CE217 Parts I and II) and the installation of electric outlets where gas appliances are installed that can be used for future electric appliance replacement (RE147). Neither proposal impacts the effective use and conservation of energy outlined in the IECC.

(emphasis added)

CP#28 states:

3.3.5 Supporting Information: *Each code change proposal shall include sufficient supporting information to indicate how the code change proposal is intended to affect the intent and application of the Code.*

The intent of the IRC states:

R101.3 Intent. *This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.*

NAHB conveniently left off the phrase "over the useful life of each building." In addition, the intent states it is "to provide flexibility" for "innovative approaches and techniques." This is an important and integral part of the chapter as a means to advance the science and technologies of building. It recognizes the importance of improving the effective use and conservation of energy for the entire life of a building.

The proponent in its reason statement says:

This proposal enhances customer choice by making it easy for homeowners to choose either electric or gas appliances and water heating equipment. By ensuring that a home built with gas or propane can easily accommodate future electric appliances and equipment, this proposal protects homeowners from future costs, should natural gas become less affordable or even unavailable over the life of the building.

Choices by the homeowner over the life of the use of the building is affecting the effective use and conservation of energy.

In today's environment of change, energy conservation is no different. Carbon emissions from burning fuels affects the health and general welfare of all of us. Significant changes are being made on a global scale to look to a future where such impacts will be reduced and perhaps eliminated. RE147-19 simply recognizes the benefit of having cost effective options within a structure that facilitate a transfer from one source of power to another.

The NAHB has not shown any valid reason for overturning the decision of the ICC membership on RE147-19. The AIA believes that the argument by the NAHB is incorrect and should be rejected, allowing the action by the membership on code change RE147-19 to stand.

Presented for your consideration.

A handwritten signature in black ink, appearing to read 'D. Collins', with a horizontal line extending to the right.

David S. Collins, FAIA

Representing the American Institute of Architects