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January 24, 2013

Mr. Helder Gil
 Legislative Affairs Specialist
 Department of Consumer and Regulatory Affairs
 1100 Fourth Street, SW, Room 5164
 Washington, D.C. 20024

Via e-mail ConstructionCodes@dc.gov

SUBJECT: December 7, 2012 Proposed Rulemaking by the Department of Consumer and Regulatory Affairs and the Construction Codes Coordinating Board to Adopt D.C. New Construction Codes

Dear Mr. Gil:

The Maryland-National Capital Building Industry Association (MNCBIA) represents residential single- and multi-family builders, developers and the associated trades who build in the District of Columbia. The Association has a long involvement with the District's formal codes process and is an active supporter of green building standards. Many of our members use both the U.S. Green Building Council's LEED and the ICC 700 National Green Building Standard (NGBS).

The Association recommends incorporating the new ANSI-approved ICC 700-2012 National Green Building Standard into the District's Proposed Construction Codes of 2013 as an alternative compliance path within the scope of the code.

This recommendation is consistent with the International green Construction Code (IgCC) as adopted by the International Code Council (ICC). However, the National Green Building Standard alternative compliance path option was deleted when the District proposed adopting the IgCC without its Chapter 1 Scope and Administration. Instead the District's Proposed Green Construction Code Supplement states that the "Scope and intent of the *Green Construction Code* shall be governed by Chapter 1 of the *Building Code*," which as proposed does not contain sections governing use of the National Green Building Standard.

The ICC 700 National Green Building Standard is the first and only residential green building rating system to receive approval from the American National Standards Institute (ANSI). ANSI accreditation of any standard is important because it ensures balance, representation, openness, consensus, and due process in the standard's development process.

NGBS was specifically designed for residential projects and is affordable to implement making it ideally suited to help the District of Columbia achieve its goal of increasing the number of green residential buildings in a cost-effective manner. ICC 700 NGBS has been successfully used by residential buildings of all heights for over three years. As a result, it has a proven track record for being effective, rigorous, and affordable.

BUILDING HOMES, CREATING NEIGHBORHOODS



The ICC 700 is part of the International Code Council's family of building codes that the District is adopting. Under the ICC codes, the NGBS is an alternative compliance path for residential buildings or the residential portions of mixed-use buildings.

The necessary code language to incorporate ICC 700 NGBS into the District's Proposed 12 DCMR A Building Code Supplement and Proposed Chapter 12 DCMR K Green Construction Code Supplement follows with new language in red and underlined.

Insert a new deemed to comply section into the Proposed 12 DCMR A Building Code Supplement, Chapter 1 Scope and Administration, 101 General:

101.4.9.4. Alternative Compliance Paths. In lieu of the requirements of the *Green Construction Code*, projects that (a) are covered by the Green Building Act of 2006, effective March 8, 2007 (DC. Law 16-234; D.C. Official Code § 6-1451.05 (2012 Supp.)), as amended (*Green Building Act*) and comply with the requirements set forth in Section 101.4.9.4.1; or (b) are not covered by the *Green Building Act* and comply with one of the ~~three~~ four alternative compliance paths set forth in Section 101.4.9.4.2, shall be deemed to comply with the *Green Building Code*.

101.4.9.4.2 Projects Not Subject to the Green Building Act. Where a project is not subject to the *Green Building Act*, but complies with the requirements of Sections 101.4.9.4.2.1, 101.4.9.4.2.2, ~~or~~ 101.4.9.4.2.3, or 101.4.9.4.2.4 the project shall be deemed to comply with the *Green Construction Code*.

101.4.9.4.2.4 Compliance Utilizing ICC 700 National Green Building Standard. Projects designed, constructed and verified to be in compliance with ICC 700 National Green Building Standard listed in Chapter 12 of the *Green Construction Code* at the Bronze Level or higher shall be deemed to comply with the *Green Construction Code*. The owner shall have a 24-month period from the date of issuance of the first certificate of occupancy for the project to submit NGBS certification to the *code official*.

Add a new reference standard to the Proposed Building Code Supplement Chapter 35 Reference Standards as follows and to Green Construction Code Supplement Chapter 12 Reference Standards:

NAHB Research Center
400 Prince George's Boulevard
Upper Marlboro, Maryland 20774-8731

<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced in Code Section</u>
<u>ICC 700-2012</u>	<u>National Green Building Standard</u>	<u>101.4.9.4.2.4</u>

We reference the January 2013 letter from Michael Luzier, President and CEO of the NAHB Research Center, that provides additional supporting documentation for this recommendation.

Additionally, MNCBIA would appreciate your consideration of a code change for window sill height in both the Residential and the Building Codes. For safety reasons the window sill height in **2012 R312.2.1** and in **2012 1013.8** should be lowered to 18 inches above the finished floor.

For many years in the debate for requiring fall protection devices, the most contentious issue has been the height of the window sill in which the device should be required. The Building Industry agrees with many of the concerns that were raised by the opponents of the proposal. By raising the window sill height requirement to 36 inches in the IBC and 24 inches in the IRC there is the potential for unintended consequences as it may cause children to prop items or move furniture to allow them to see over the window sill which is no longer below their field of vision.

Public education is the most effective means of reducing the number of falls by children through windows. Many of the children safety advocates focus their efforts to relay safety messages to parents regarding the prevention of falls by recommending that windows should be closed in rooms where children are playing, where children are unsupervised, avoid placing furniture near windows and if windows are going to be left open, open them from the top down.

We therefore propose that the following changes be made to the District's Proposed Residential Code Supplement and to the Proposed Building Code Supplement, as follows:

Add to the Proposed 12 DCMR A Building Code Supplement, Chapter 10 Means of Egress, 1013 Guards:

1013.8 Window sills. In Occupancy Groups R-2 and R-3, one- and two-family and multiple-family dwellings, where the opening of the sill portion of an operable window is located more than 72 inches (1829 mm) above the finished grade or other surface below, the lowest part of the clear opening of the window shall be at a height not less than 18 inches (457mm) ~~36 inches (610 mm)~~ above the finished floor surface of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch-diameter (102mm) sphere where such openings are located within 18 inches (457mm) ~~36 inches (915mm)~~ of the finished floor

Add to the Proposed 12 DCMR Residential Code Supplement, Chapter 3 Building Planning, R312 Guards and Window Fall Protection:

R312.2.1 Window sills. In dwelling units, where the opening of an operable window is located more than 72 inches (1829 mm) above the finished grade or surface below, the lowest part of the clear opening of the window shall be a minimum of 18 inches (457mm) ~~24 inches (610 mm)~~ above the finished floor of the room in which the window is located. Operable sections of windows shall not

permit openings that allow passage of a 4-inch-diameter (102 mm) sphere where such openings are located within 18 inches (457 mm) ~~24 inches (610 mm)~~ of the finished floor.

We hope that you will accept these reasonable code changes for the Proposed D.C. Construction Codes of 2013. Incorporating the NGBS as an alternative compliance path will increase choice and reduce the cost of building green in the District. The window sill code changes address safety concerns.

If you have any questions, please contact me at 301-445-5407 or arosenblum@mncbia.org.

Sincerely,



Annette Rosenblum
Director, Regulatory Affairs
Maryland-National Capital Building Industry Association