

**Senate Executive Departments and Administration
Committee**
Kevin Condict 271-7875

HB 428-LOCAL, prohibiting municipal amendments to the state building code.

Hearing Date: April 16, 2025

Time Opened: 10:14 a.m.

Time Closed: 10:32 a.m.

Members of the Committee Present: Senators Pearl, Gannon, Altschiller and Reardon

Members of the Committee Absent : Senator McGough

Bill Analysis: This bill prohibits local legislative bodies from making any new changes to the state building codes.

Sponsors:

Rep. Alexander Jr.

Rep. C. McGuire

Rep. D. McGuire

Rep. Osborne

Rep. Sweeney

Rep. Berry

Rep. Warden

Sen. Innis

Sen. Murphy

Sen. McConkey

Who supports the bill: In total, **7** individuals signed in in support of HB 428. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@gc.nh.gov).

Who opposes the bill: In total, **50** individuals signed in in opposition of HB 428. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@gc.nh.gov).

Who is neutral on the bill: Philip Sherman (BCRB).

Summary of testimony presented:

Representative Carol McGuire, Merrimack 27

- Rep. McGuire introduced House Bill 428-L.
- Rep. McGuire explained that this is a policy bill that states that municipalities cannot change the state building code.
- Rep. McGuire stated that over the years several municipalities have adopted amendments that severely hamper the ability to work from one town to the

next. She said the problem of inconsistent and informal adoption methods was fixed last year.

- Rep. McGuire said there is still a patchwork of building codes across the state. She called this bill straightforward.
- Rep. McGuire said she found out from the Building Code Review Board (BCRB) that the building code includes how to apply for permits and what fees to pay. She said that should be controlled by localities.
- Rep. McGuire said this bill allows for administrative amendments, but not technical amendments to the code.
- Sen. Pearl noted that the allowance of administrative amendments appears to be the difference between the bill the Senate passed and this bill.
 - o Rep. McGuire said she has not reviewed the Senate-passed bill in detail yet.

Philip Sherman, Building Code Review Board

- Mr. Sherman said this bill was amended by the House to allow for administrative amendments. He said this is primarily related to longstanding statutory authority, where municipalities are permitted to deal with the issuance of permits, fee schedules, and certificates of occupancy. He said that to some degree when you need a permit, many towns want to dovetail the zoning permit and the building permit.
- Mr. Sherman said that the City of Manchester and some small towns have different offices and different ways they operate.
- Mr. Sherman explained that the House amendment moves some building code related sections that are now in the land use and city grant of power chapters into RSA 155-A. He said that is what is proposed in HB 244, which has been retained in committee. He said the amendment moves sections that were going to be modified anyway.
- Mr. Sherman explained that the House amendment tried to correct some conflicting terminology. He said the model codes have a long, deep glossary of terms. The more the terminology can be kept aligned, the easier things are.
- Mr. Sherman said there was also a cross-referencing error in the current statutes.
- Mr. Sherman said the bill maintains the current BCRB confirmation process, which would apply to the administrative amendments.
- Mr. Sherman said this would require a rewrite of most of the municipal building code ordinances. He said that is why the effective date is a few years out. He said the current ordinance confirmation process has been moving slowly. He said that of the hundred and forty ordinances, only two have progressed through the process. He stated that part of the House amendment preserves that process because some ordinances are midway through the process.
- Sen. Pearl noted that this bill is similar to SB 94, which was passed by the Senate.

- Mr. Sherman said the two bills started in the same place. He said he hopes the House amendment will be brought over to that bill as well. He noted that SB 94 has provisions on the fire code side, which need to be brought to this bill.

Matt Mayberry, New Hampshire Home Builders

- Mr. Mayberry called this bill the cousin of SB 94. He said SB 94 picked up the fire codes, while this bill does the administrative codes.
- He said this bill's effective date is 2027 to allow for the adoption of codes.
- Mr. Mayberry noted Durham's amendments to the state code. He said they could keep their code but could not go further than the State.
- He explained there are nuances in each municipality.
- Mr. Mayberry said he is not excited about the January 2027 effective date, but that he understands the necessity. He said towns will take some time to comply.
- Mr. Mayberry stated his support for the intent of the bill. He said the goal is for one state, one code. He said he also supports SB 94, which does something similar.
- Sen. Pearl asked Mr. Mayberry if he recalled the effective date in SB 94.
 - Mr. Mayberry said the effective date was January 1, 2026.
- Sen. Altschiller recalled discussion of SB 94. She noted that a town that is already ahead on codes would have to hold up on further amendments until the State catches up. She asked for language regarding how the State will move forward.
 - Mr. Mayberry said that it is a legislative decision. He said the State would work with the BCRB. He said there is no mandated schedule of adoption. He said they would rather have conversations with the legislative bodies on that.
- Sen. Altschiller noted that SB 94 created friction with municipalities who want to go faster than the State. She asked if language was not included regarding progression, if there is a possibility the State could hamstring itself.
 - Mr. Mayberry replied that it could keep costs down. He noted that Durham adopted the 2024 energy codes, and it would cost \$47 million.

Representative Carol McGuire, Merrimack 27 (continued)

- Rep. McGuire explained that all previously existing amendments to the state building code were made ineffective when the State moved from the 2018 to 2021 codes. She said municipalities would have had to start over.
- She said the state building code has, by agreement between the BCRB and legislature, attempted to adopt building codes that are not cutting edge so that others can find errors. She said the plan is to review and consider the building code every three years. She said the BCRB has started analyzing the 2024 codes.

- Rep. McGuire stated that the law requires all BCRB recommendations to be ratified by the legislature.
- Rep. McGuire explained that nothing forbids any homeowner or facility from going beyond the code. She said the State sets a state-level code as the base. She said the state code is not intended to be aspirational.
- Sen. Reardon noted that an individual can go beyond the code. She asked if a town could not.
 - o Rep. McGuire said a town can if they are building something like a new town hall or school.
- Sen. Pearl asked for confirmation that a town just cannot require everyone to build at a higher code than the state code.
 - o Rep. McGuire confirmed that is correct.

Philip Sherman, Building Code Review Board (continued)

- Mr. Sherman said that the 2027 effective date was extended to sort out the two processes of confirmation. He said if the Committee wanted to for the issue, he asked that room be left for towns to deal with the issue.

KC

Date Hearing Report completed: April 22, 2025