

OKLAHOMA UNIFORM BUILDING CODE COMMISSION

SPECIAL MEETING MINUTES CONSTRUCTION INDUSTRIES BOARD/UNIFORM BUILDING CODE COMMISSION CONFERENCE ROOM 2401 NW 23RD STREET, SUITE 2F OKLAHOMA CITY, OK 73107 AUGUST 26, 2021 – 9:30 A.M.

COMMISSION MEMBERS PRESENT:

Stephanie Cliff, Daniel Favata, Danny Hancock, Mitchell Hort (arrived at 9:40 a.m.), Kyle Lombardo, Lonnie Shackelford, Scott Tucker, and Cary Williamson

COMMISSION MEMBERS ABSENT

Wayne Allen, Paul Gunderson, Dee Hays, and Donny Williamson

OTHERS PRESENT:

Kathy Hehnly (OUBCC Staff), Bryan Neal (Oklahoma Attorney General's Office), John Staires, Thad Jennings (Jenco Roofing), Mike Means (Oklahoma Home Builders Association), and Sean Hutson (Simpson Strong-Tie)

CALL TO ORDER:

Mr. Cary Williamson, Chairman of the Commission called the regular meeting of the Oklahoma Uniform Building Code Commission to order at 9:30 a.m. in the Construction Industries Board/Uniform Building Code Commission Board Room at Shepherd Center, 2401 NW 23rd St., Suite 2F, Oklahoma City, OK 73107.

STATEMENT OF COMPLIANCE:

The following statement was read into the record:

"This special meeting of the Oklahoma Uniform Building Code Commission scheduled to begin at 9:30 a.m. on this 26th day of August 2021, has been convened in accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Sections 301 through 314.

Further, this meeting was preceded by an advance public notice that was sent to the Secretary of State electronically specifying the date, time, and place of the meeting here convened.

Notice of this meeting was given at least forty-eight (48) hours prior hereto. To date, 4,347 (four thousand three hundred forty-seven) people have filed a written request for notice of meetings of this public body."

ACTION AND DISCUSSION ITEMS:

Chairman Williamson stated they were requested to rearrange the agenda a little bit and they would be starting with the presentation from the Electrical Technical Committee first unless there were any objections. There were no objections to changing the agenda order.

Presentation by the Electrical Technical Committee (ETC) on proposed changes to the 2018 International Residential Code® (IRC®)

Mr. John Stairs, Chairman of the Electrical Technical Committee greeted the Commission. He noted he would provide a summary to their recommended changes to the International Residential Code®. Mr. Staires reviewed the actions of the committee to that point. He reviewed the number of forms received and addressed and the chapters reviewed by the committee.

Mr. Staires noted the first change was the addition of a definition of a "Nationally Recognized Testing Laboratory" to Chapter 2 of the IRC® 2018. He noted the term was referenced in a later change, so the committee recommended it be carried forward. He noted it was an existing change to the 2015 International Residential Code®.

Mr. Staires noted the next change was in Chapter 19, Section 1903.1.1 Electrical requirements. He noted in the mechanical portion of the IRC® in one paragraph a reference was made to fuel cells. He stated he thought they were far off from using fuel cells particularly in residential applications, but the change made the user aware that the single paragraph in the IRC® was not really the information needed to install and use a fuel cell as an energy source, so the change added a reference to the National Electrical Code®.

Mr. Staires noted the next change was on slide #6 and dealt with Section E3402.2 Penetrations of fire-resistance-rated assemblies. He noted in the 2015 code a change was made to correct errata as the code referenced the wrong section. He noted it was correct in the 2018 edition of the IRC® so the committee voted to deny this change as it was no longer needed.

Mr. Staires noted the next change was on slide #7 and dealt with Section E3403.3 Listing and labeling. He noted there was a blanket statement in the section that required all electrical equipment to be listed and labeled by a Nationally Recognized Testing Laboratory. He noted that wasn't what the NEC® required so the committee added language to stated: "as required by the NEC®." He noted the committee voted to carry the change forward into the 2018 IRC®.

Mr. Staires noted the fifth item they looked at was to Section E3404.7 Integrity of Electrical Equipment. He noted the language the committee was recommending was carryover from the previous edition of the NEC®. He added there wasn't any information in the IRC® on reuse of damaged electrical equipment. He explained the reasoning behind the change. Mr. Hancock asked if it was a change that was made to the 2015 code. Mr. Staires confirmed it was and the committee recommended carrying it forward.

Mr. Staires noted the sixth item they looked at was on slide #10. He noted it was a modification to Section E3702.3 Fifteen- and 20-ampere branch circuits. He explained the change was first made to the 2014 NEC® and brought to the 2015 IRC®. He noted it dealt with the number of outlets on a branch circuit and the same information was available by use of the IRC or NEC if the math was done. He noted the amendment was added as a convenience for electricians. He added the committee added it for a code cycle and see if there was any feedback. He noted no feedback was received so it was the committee's recommendation the change be denied and not carried forward into the 2018 IRC®. There was some discussion on where the change had originally come from and which term was the proper term "outlet" or "opening."

Mr. Staires noted the last change was to Chapter 42, Section E4206.4.1 Maximum voltage. He noted there had been a real emphasis in the NEC® and filtered down into the IRC® to deal with electric shock drownings. He reviewed some concerns for the number of electric shock drownings in the last five years in the United States and that neither the NEC nor the IRC specifically prohibited using 120-volt lighting in a swimming pool. He added the bulk of products for pools was no LED and fiber optic. He added common practice was no longer using line voltage for pool lighting. He noted the committee was recommending the language from the 2015 IRC® adoption be carried forward. There was some discussion if the term "low-voltage" was well defined. Consensus at the end of the discussion was that it was clear. The commission and Mr. Staires discussed that the change was specific to swimming pools and would also be recommended in the NEC® adoption.

Mr. Staires noted that concluded his presentation and asked if there were any questions. Mr. Hancock asked if the definition for the "Nationally Recognized Testing Laboratory" was going to be added to the other codes. He added they didn't want to have a definition that would be used by everyone but not in their codes. Ms. Hehnly noted it was in the 2014 NEC®, 2015 IRC® and in the 2017 NEC®, but it had not been added to any of the other codes. Mr. Staires noted that may be a question to propose to the other committees. He added the other code that primarily dealt with listed and labeled equipment was the mechanical. Mr. Hancock stated if it was in one code, it might be appropriate to add it to all the codes, so it was universal. Ms. Hehnly noted the Commission could do that if they so choose to do so.

Discussion and possible action to approve the ETC presentation to begin writing draft rules.

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. DANIEL FAVATA TO APPROVE THE PRESENTATION TO BEGIN WRITING DRAFT RULES

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Danny Hancock
 Mitchell Hort
 Kyle Lombardo
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Wayne Allen
 Paul Gunderson
 Dee Hays
 Donny Williamson

Chairman Williamson asked Ms. Hehnly to provide some information on where the process went next. Ms. Hehnly reviewed the next steps which included time for the rules to be drafted; review to occur from both the committees and the commission; then time for the committees to meet again if needed; and then approval of the rules to begin rulemaking would happen during a commission

meeting. There was some discussion on when and how the rules could be modified, which was allowed up until the point the rules were "adopted" by the commission and submitted to the Legislature and Governor's office for action.

Presentation by the Ice and Water Barrier Technical Committee (IWBTC) on proposed changes to the 2018 International Residential Code® (IRC®, 2018)

Mr. Thad Jennings, owner of Jenco Roofing greeted the Commission. He noted he was asked to participate in the Ice and Water Barrier Technical Committee and was voted in as the Chairman. He reviewed some of his background, which included 40 years in the roofing industry and stated he brought his experience to the committee. Mr. Jennings added he got involved in the committee to help educate not just the committee, but consumers about best practices in the roofing industry to protect the consumer and the property. He discussed Oklahoma's diverse climate noting there were extremes in both heat and cold. He provided some further background which included his service in the Oklahoma Roofing Contractor's Association (ORCA) and prior to that the Central Oklahoma Roofer's Association (CORA).

He stated the committee met several times with lots of information reviewed and discussed. He noted the ice barrier was a membrane that was put on the deck before anything else was installed and was designed to prevent ice damming/water backup on eaves, valleys, and penetrations. He noted the committee discussed the need for the ice barrier. He added he felt it was needed because when a house was reroofed, the shingles were striped off and an underlayment had to be applied and the shingle or other product was applied to the underlayment. He added when ice damming occurred, the heat from the inside of the house affected the roof. He noted the committee discussed how often it happened and reasons for it which were mostly due to under ventilated or under insulated homes. He added it was probably more important on older homes that were not built to today's energy efficient homes. He noted the committee discussed costs and that he felt the cost was worth it as it provided protection for the length of the home. He stated the committee also discussed insurance and that if the roof was replaced, if the ice and water barrier was not there when the shingle was removed, insurance would not pay to add it to the roof.

Mr. Jennings noted the committee looked at 26 comment forms, 3 were approved, 2 were withdrawn for language purposes and 20 forms were denied. He noted he requested the forms be denied as while they were all from other roofing contractors, the language was different or added in different areas. He noted all of the forms requested that ice damming be required when a home was reroofed. He discussed that while ice damming didn't happen often, it did occur in Oklahoma. He noted he wanted to jump ahead in the presentation and asked the members to look at tile 8. He noted there was a table in the IRC that was left blank by the OUBCC for each jurisdiction to complete. He noted one of the fields in the table addressed the need for an "Ice Barrier Underlayment Required," with a corresponding footnote that said to put a "yes" in the field if there was a history of ice damming. He noted some jurisdictions fill in the table with "yes," some with a no," and some don't fill it out at all. He noted while the roofers wanted the table to say "yes" the committee consensus was that because of the varied climate in Oklahoma, they couldn't mandate a "yes" in the field. He noted a form was approved that put the word "no" in the table for the entire state. He noted information from the National Roofing Contractors Association specified it was required if the temperature reached a certain low and stayed there for a specific length of time, it was considered a contributing factor to where ice and water barrier should be installed.

He added the committee had comment forms and information from roofers, other professionals in the building industry, home builders and construction science guys. He noted ultimately the roofers could not provide enough documentation to the committee to show it was needed across the state. He added they tried to get insurance statistics however none of the insurance companies categorized interior loss and damage due to ice, it just went into a "water damage" category that also included busted water pipes or other issues not related to the roof. He added if there was an ice damming issue, the damage would be on the ceiling and interior walls and that insurance wouldn't cover or classify it as a roof damage as no damage was done to the actual roof. He explained roofers were a registered trade and were now required to register with the Construction Industries Board and held accountable to make sure the roof was to code.

Mr. Jennings noted the committee discussed many issues related to need for ice and water barrier. He added there were photos submitted; weather information provided to try and establish a history; municipal population sizes; letters from the City of Bartlesville; and information from Mr. Gord Cooke with the Construction Instruction who had several comments. He added at the end Mr. Cooke comments to the committee, he agreed it was good a practice to make for a better building, but indicated ventilation and insulation issues were contributing factors to ice damming. Mr. Jennings added those items were not within the roofing contractors responsibility as far as installing or designing the roof. He noted they discussed insurance adjusters needing clarification on if it was required, and insurance statistics. He noted Ms. Cliff could not find any separation between water pipe and ice damming damages.

Mr. Jennings reviewed on Page 8 that several forms were submitted that requested a "yes" be put in the chart in the code book. There was some discussion on the fact that some jurisdictions didn't fill out the table; that roofing was inspected until recently; and that the resulting change would require it unless a jurisdiction specifically said no it wasn't needed. Mr. Jennings noted the forms were ultimately denied by the committee.

Mr. Jennings noted page 12 showed the same table and another comment form that had the word "no" filled in on the table. He noted the form was submitted based on the requirements in the City of Norman, which didn't require ice and water. He noted the committee discussed the form and at the June 3, 2021 meeting approved the form with a vote of 5 to 2.

Mr. Jennings noted on page 15 was a change that added a new section of code in the re-roofing section. He noted the language was pulled from another area of the IRC word-for-word with additional language regarding the width of the ice and water barrier at 36 inches measured along the roof slope from the eave edge of the building. He noted there were other similar forms submitted from other contractors who believe the installation of ice and water barrier when reroofing residential homes would prevent ice damming and leaks and avoid interior damage caused by water penetration from ice storms. The committee discussed the form and that it required ice and water barrier around the perimeter of the house but was only applicable to reroofing applications. He noted there were concerns the change would affect insurance rates in Oklahoma and that it addressed a rare occurrence. The motion to approve failed with a vote of 2 to 5. He noted in the discussion of the change insurance premium increases were discussed and that even though it was a preventative measure, concern was expressed it would increase premiums. He noted rates didn't go up due to preventative measures they went up because of the losses in Oklahoma. He added this was not a money maker issue, it did cost extra money but was a

protection for the home. There was some discussion on the cost to have the ice and water barrier added to average size home in Oklahoma, which ranged somewhere between \$600 to \$800. There was further discussion on the cost to add it to the perimeter of custom-built homes which could go up to about \$2500.

Mr. Jennings noted comment forms 20 and 21 added language to require the ice and water barrier to be installed in the valley and pitch change. He added the pitch change could be anywhere from a 9 and 12 to a 12 and 12 and it would be across the entire length. He noted the change didn't include detached structures as they were not air conditioned. He added the change would affect both new construction and reroofing applications. There was further discussion on the cost of the change to require it to the valley and pitch change which was also on an average home somewhere between \$600 to \$800.

Mr. Jennings noted on Page 19, the remaining comment forms were submitted by roofing contractors and all basically said the same thing, but the wording was a little different. He noted they all wanted the same output of ice and water barrier to be a requirement for reroofing applications. He noted some placed the language in different sections of Chapter 9 and some slightly different language. He added he was the one who recommended to deny the forms because he didn't want to sit there and waste time talking about every form when they were only a few words different. He noted all of the submitters were roofing professionals from different companies.

He noted the last change addressed the IBC for the same issue but with commercial roofs built with a residential style roof. He noted the committee discussed how the commercial process worked and the vote to approve the comment form failed with a vote of 2 to 5.

He thanked the Commission for their time and his opportunity to be on the committee. He noted that knowledge was power and when it came to building a better system, that responsibility fell on his shoulders as a roofing contractor to protect the consumer and their property. Chairman Williamson asked overall on the committee, what was the opposition to ice and water barrier protection. Mr. Jennings replied one was cost and two that there wasn't enough documentation provided to the remaining members to prove that ice and water damming was not a rare occurrence. He added even though they provided some information, he felt like as a professional contractor and his competitors were not heard and justified in the fact because it didn't happen enough. He added it wouldn't happen in every year, but there were two occurrences in the fall of 2020 and that was a history. There was further discussion on the issues and the need to protect properties. Mr. Lombardo asked what Mr. Jennings thought was the percentage of homes that had evidence of ice damming on his re-roofing jobs. Mr. Jennings said 5-10 percent. He noted that was just him, they had several of the contractors from ORCA fill out a form after the fact, but the question was how many claims/customers they dealt with had issues with ice damming. He noted the response the last occurrences in October and November ranged anywhere from 3 to 50 customers. He noted the damage ranged from soffit damage to interior loss, from sheetrock damage to floors. He added he didn't do remodel work, only roofing and that he was not tracking that but moving forward ORCA was tracking that information. He added the one thing he wished they came up with was more statics from the insurance industry. Mr. Jennings noted the opposition just felt it wasn't a big deal and cost was more than what needed to be put into the roofs.

Mr. Shackelford noted he was the liaison for that committee and the building science did have a lot to do with the issue, he added he thought it was a big part of new construction, with building science today, ice damming wasn't an issue. He added on older houses and re-roofs that could be a different story as some of those walls didn't have insulation in them. He stated from a personal example during the ice storm, they had 450 rent houses in the Tulsa metro and didn't have one ice damming occurrence. He noted similarly Mr. Booze didn't have that issue in the Oklahoma City area either. He stated the 5 – 10 percent was a big deal when talking about the whole state.

Mr. Means with the Oklahoma Home Builders Association asked if something was mandated on a reroof, would the insurance companies cover that or was it an additional cost to the consumer, that kind of a mandate that would be applied on every single reroof, including homes that didn't already have it in place. He added it sounded before that if it was not already a part of the roof system, if it was mandated on a reroof it would not be covered and the consumer would have to pay the extra cost. There was discussion regarding insurance coverage and the need for the code upgrade to be in a policy for the mandate to be covered. They discussed that many companies had rider policies and that it would be the homeowner's responsibility to cover the cost if they didn't have that language in their policy. There was further discussion on the fact that for new homes a lot of times the rider wasn't offered as the home should already be built to existing current codes; that coverage varied from company and agent; and that if a house was built with it, it would be covered regardless of the upgrade language in the code. The commission, Mr. Jennings and Mr. Means discussed which insurance companies generally included code upgrade language in their policies, rental properties and coverage; the financial burden to the consumer if it wasn't in their policy and that insurance companies were already putting more financial responsibility on the consumer anyway.

Discussion and possible action to approve the IWBTC presentation to begin writing draft rules

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR DANIEL FAVATA TO ACCEPT THE ICE WAND WATER BARRIER TECHNICAL COMMITTEE PRESENTATION TO WRITE DRAFT RULES

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Danny Hancock
 Mitchell Hort
 Kyle Lombardo
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Wayne Allen
 Paul Gunderson
 Dee Hays
 Donny Williamson

Chairman Williamson noted before the commission moved on to public comments, there was an issue that legal counsel wanted to discuss. Mr. Neal noted there were two sheets of paper separate from their books that he handed out and highlighted some language on. He wanted to mention late yesterday an issue arose well after the agenda was prepared and he wasn't trying to create a discussion item, but basically let them know the authority to set an agenda was by law set in the Chair. He reviewed his history working with government bodies and that while some had to figure it out, but in their case, the Legislature made provision, in Title 59 O.S. 1000.22 Item 2. He read the statutory language "The chair shall preside at meetings of the Commission, set the agenda..."

He noted the issue came up as a commissioner was upset and wanted to place something on an agenda and was prohibited from doing that. He added, now that the commission had expanded to 13 members, there was a potential for several groups wanting different things and that the Legislature did them a favor by making the decision on who determined what was on the agenda. He noted the language had been in the statues since 2009 and wasn't a new thing or new policy, it was a matter of law. He added he wanted to make sure everyone was aware of it and that going forward, any agenda items set by the Chair. He noted they were welcome to contact the Chair to discuss the items they wanted discussed, but it was ultimately up to the Chair to make that decision. He added anytime the Chair was unavailable, the Vice-Chair would make that call. He noted he wanted to make sure everyone was aware since there were a lot of new members on the Commission how the process was to work.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT: (11.11 A.M.)

MR. DANNY HANCOCK MADE A MOTION WITH A SECOND BY MR. KYLE LOMBARDO TO ADJOURN

VOTING AYE: Stephanie Cliff
 Daniel Favata
 Danny Hancock
 Mitchell Hort
 Kyle Lombardo
 Lonnie Shackelford
 Scott Tucker
 Cary Williamson

VOTING NAY: None

ABSTAIN: None

ABSENT: Wayne Allen
 Paul Gunderson
 Dee Hays
 Donny Williamson

Minutes approved in the regular meeting on the 21 day of September 2021

CARY WILLIAMSON
Cary Williamson, Chairman
Oklahoma Uniform Building Code Commission

PREPARED BY: KATHY HEHNLY
Kathy Hehnly, Executive Assistant
Oklahoma Uniform Building Code Commission

Official Copy: Original with signatures in office file