



To: The House Committee on Commerce, Labor and Economic Development

From: Mark Wassom - Chief Building Official, Olathe, KS

Subject: Testimony in opposition of HB2703 concerning building, construction and related standards and codes.

Date: February 19, 2020

Please consider this letter as our testimony in opposition to House Bill No. 2703 concerning building, construction and related standards and codes; and the preemption of local codes more stringent than national model codes.

The City of Olathe recently adopted the latest editions of the International Building, Fire and Property Maintenance codes. This code adoption was accomplished through task groups and cooperation with other local jurisdictions, industry and trade professionals and associations. This adoption utilizes the 2018 International Codes from the International Code Council as the base model code. We then developed and considered a limited number of amendments to suit local environmental conditions, construction practices, emergency services capabilities; and the input of elected officials and citizens of our community.

The International Codes are intended as model codes to serve as the foundation for local code adoption. They are developed to establish the minimum acceptable requirements necessary for protecting the public health, safety and welfare in the built environment. The model code is designed to be a minimum standard for construction across the country; however, we must recognize that we cannot construct buildings the same across the county due to differing local conditions. We could not build a structure in Miami, FL the same way we would build the same type of building in Bozeman, MT. We must make amendments to the model codes to suit local conditions.

In the same way, it would not be feasible to apply the same requirements across the State of Kansas. What works in the southwest corner of the state may not work in the northeast corner of the state. The needs for building construction in Wichita are different than the needs in Hoxie. Prohibition of local amendments to model codes to suit local conditions would not be effective or prudent.



Subpart (1) in HB 2703 would require that local jurisdictions must permit any building product, material or construction practice that is approved by the model code. This would require a local jurisdiction to accept the construction of a building that it is not equipped to handle. As an example, in the City of Olathe, we restrict the use of certain hazardous materials and the structures that use and contain them in parts or all of our City. We have a well-equipped and well-trained, ISO-1 rated fire department. Even still, there are facilities and processes permitted by the building and fire codes that have been determined to present an unacceptable level of risk in our community, and we amend the codes to limit where or if these facilities can exist for the protection of our citizens. There are many other facilities and hazards that we do permit based upon the capabilities of our emergency services. Other communities that do not have the equipment and specialized training resources would be forced to accept these structures and hazards and they may not be properly equipped to handle them safely.

Subpart (2) of HB 2703 states that there would be a statewide model code established, and more stringent standards are not permitted. This basically applies the model codes as a *maximum standard*, which goes against the purpose and intent of the model codes. Establishing a statewide code requires the development of a standard that works for all jurisdictions. There are counties and jurisdictions in this state that do not have established building safety or fire prevention departments and they would not have the resources or capabilities to enforce the new standard. There are jurisdictions in this State that are at the opposite end of the spectrum that have well established building safety and fire prevention departments with long standing and accepted code amendments that align the model code requirements with local needs. A prohibition on local modifications would undoubtedly decrease the level of safety that is currently accepted and expected by the citizens of these communities.

As a building and life safety professional of more than 20 years; I can agree with a concept to establish minimum safety standards for those that do not have them. A minimum code could help communities that have no building safety department or the resources to adopt a local building code. I could not support regulations prohibiting local governments from adopting and amending model codes to suit their local conditions. This Bill infringes on the Home Rule authority of municipalities to establish safety standards that are appropriate for our local jurisdictions. Local jurisdictions should maintain authority to adopt model codes and make certain amendments that are more restrictive or less restrictive than the national standards intended to address local issues specific to each community or region.



In closing, I respectfully request the rejection of House Bill No. 2703. The Bill would negatively affect Olathe and other communities by limited the local building and fire code departments ability to tailor codes and standards to suit the community's conditions and expectations.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Wassom", is positioned below the word "Respectfully,".

Mark S. Wassom, P.E., CBO, FM  
Chief Building Official