

Colorado Chapter, Inc. of the International Code Council Promoting Building Safety for 71 years



Post Office Box 961, Arvada Colorado 80001

OFFICERS

President
TIM MORONEY
Town of Firestone

Representative Alex Valdez
200 E Colfax
Room 307
Denver, CO 80203
alex.valdez.house@coleg.gov

Vice President
NATE ROMERO
City of Arvada

Secretary
RACHEL PATTERSON
City of Westminster

Senator Kevin Priola
200 E Colfax
Room 346
Denver, CO 80203
kevin.priola.senate@coleg.gov

Treasurer
ANDY BLAKE
Honorary

DIRECTORS

HEATHER WHITAKER
Adams County

Dear Representative Valdez and Senator Priola,

GENEVIEVE SHOPE
Ouray County

On behalf of the members of the Colorado Chapter of the International Code Council, we oppose HB 24-1239, Single-Exit Stairway Multifamily Structure.

LENORE BENNETT
Town of Castle Rock

As written, this legislation would require municipalities in Colorado to adopt building codes or amend building codes to allow up to five stories to be served by a single exit in multifamily building. We urge you to consider this proposal's impact on the safety of the occupants of these structures and the first responders in Colorado that serve these buildings during emergency response operations.

MARK REMY
Colorado Division of
Fire Protection and
Control

SAMANTHA EVERETT
City of Loveland

The bill, as currently proposed, does three things:

PAST PRESIDENT
JANINE SNYDER
Park County

- Allow a single exit to serve no more than five stories of a group R-2 occupancy.
- Incorporate by reference new or existing building codes or adapt language from a portion of an existing building code of any other American jurisdiction that allows a single exit to serve no more than five stories of a group R-2 occupancy in the same building.
- Define "group R-2 occupancy" within this bill.

There are challenges with this bill. First, the only limitation presented in this bill is that buildings are no more than 5 stories. The number of occupants, the number of dwelling units, or sleeping units are not be limiting factors; therefore an unlimited number of occupants could be served by a single exit. Second, this bill would also establish the lowest level of life-safety in any American jurisdiction that allows a single exit to serve multifamily and multistory buildings in Colorado. Other jurisdictions may be considering community resources or objectives or challenges not necessarily associated directly with the regulation.

The Colorado Chapter of the International Code Council is dedicated to the improvement of building safety, by promoting and improving the International Codes, educating the building industry, public, and our membership, and providing mutual aid to building professionals.

Further, this would allow any new or **existing building code** as the basis of the provision. The existing building code is without limitation, which could include **ANY** existing building code, including building codes from 100 years ago; potentially erasing a 100 years of code development experience and code improvement from specific tragic building events. The R-2 definition could be confused with the other R occupancies defined in the International Building Codes. The only reference in the bill is the R-2 occupancies; R-3 occupancies in the model codes includes uses that are primarily permanent with more than 2 units. Also, the definition of “permanent” is not clear within the bill proposed. The code provides clarity on transient (30 days or less) and non-transient uses. The vague nature of the R-2 occupancy used in the bill and depending on how permanent is defined or interpreted; this could include other applications of guest rooms, sleeping units, dwelling units that would fall within I-occupancies such as prisons, long term care facilities, and facilities where occupants are not capable of self-preservation in a “permanent” (non-transient) undefined time frame.

According to the International Code Council’s commentary to the International Building Code Means of Egress (Exiting) chapter, the purpose of this portion of the code is as follows:

A primary purpose of codes in general and building codes in particular is to safeguard life in the presence of a fire. Integral to this purpose is the path of egress travel for occupants to escape and avoid a fire. Means of egress can be considered the lifeline of a building. The principles on which means of egress are based and that form the fundamental criteria for requirements provide a system that:

- 1. Will give occupants alternative paths of travel to a place of safety to avoid fire.*
- 2. Will shelter occupants from fire and the products of combustion.*
- 3. Will accommodate all occupants of a structure.*
- 4. Is clear, unobstructed, well-marked and illuminated and in which all components are under control of the user without requiring any tools, keys or effort.*

History is marked with the severe loss of life from fire. Early, as well as contemporary, multiple-fatality fires can be traced to a compromise of one or more of the previous principles.

Life safety from fire is a matter of successfully evacuating or relocating the occupants of a building to a place of safety. As a result, life safety is a function of time: time for detection, time for notification and time for safe egress. The fire growth rate over a period of time is also a critical factor in addressing life safety.

The base assumption in the model code is that all stories of a building shall have access to at least two separate ways out for emergencies. One of the main concerns has been that vertical travel takes longer than horizontal travel in emergency exiting situations. Stories with one way out are permitted in the model codes where the configuration and occupancy meet certain characteristics so as not to present an unacceptable fire risk to the occupants. Stories that are relatively small, have a shorter travel distance, and fewer occupants; thus, having access to a single way out does not significantly compromise the safety of the occupants since they will also be alerted to and get away from the fire more quickly. The proposal would severely impede the intent of the model code and risk both occupant and first responder safety.

The Colorado Chapter of the International Code Council is dedicated to the improvement of building safety, by promoting and improving the International Codes, educating the building industry, public, and our membership, and providing mutual aid to building professionals.

The proposal also does not mention the requirement, or the lack of, Emergency Egress and Rescue Openings (EERO). EERO are an alternative way for people to escape from bedrooms or basements during a fire event. These openings are also large enough for a fire fighter to enter the unit through these windows. EERO are required in single-exit IBC Group R-2 apartment and congregate residence buildings and all IBC Group R-3 and R-4 dwellings where occupants may be sleeping during a potential fire buildup. Group R-2 apartment buildings permitted to have a single exit from a story are required to have EERO. Sleeping rooms four stories or more above grade are not required to be so equipped, since fire service access at that height, as well as escape through such an opening, may not be practical or reliable. If the intent of the proposal would be fall back to the adopted IBC, the EERO would not be required on the fourth or fifth story, potentially trapping occupants and/or first responders further away from the only egress component available to them without the availability of any EERO.

The model codes are developed in a consensus-based process where all stakeholders are provided the opportunities to provide code changes proposals, testify in support or opposition of proposals, and serve on committees to determine the outcomes of these proposals. The stakeholders include building department and fire service personnel that are charged with the responsibility of enforcing code; design professionals, code user, manufacturers, construction trade organizations, and individuals who are dedicated to cost-effective, code compliance and safety in the built environment. These individuals have significant experiences in the built environment in developing and determining the **minimum** model building code requirements and the risk associated with specific applications in a consensus-based process.

We encourage the use of the International Code Council's code development process to vet technical provision of the codes that impact not only the occupants but also first responder safety in Colorado. The expertise in the code development process is second to none and provides the best thoughtful process to ensure safety in the built environment.

For these reasons, we oppose HB 24-1239, Single-Exit Stairway Multifamily Structure. Representatives from the Colorado ICC are eager to discuss our concerns. Thank you for your consideration.

Sincerely,

Tim Maroney, President of Colorado Chapter of the ICC

The Colorado Chapter of the International Code Council is dedicated to the improvement of building safety, by promoting and improving the International Codes, educating the building industry, public, and our membership, and providing mutual aid to building professionals.

