

Needless to say, this past legislative session was a very difficult one for our profession and the jurisdictions we serve. Your Board worked diligently, along with many of our individual members and other code partners, to address some of the many issues we had with some of the code related bills. Unfortunately, we achieved very limited if any success. Just my opinion, the legislature and administration were more focused on the efficiency of process and limiting construction costs than than life safety and working with critical stakeholders to achieve real solutions. Before I try to address where this leaves us and our individual jurisdictions, I would like to take a moment to thank Stephen Jones with ICC, Chad Jenkins with TML, Jessica Harmon with the Tennessee Chapter of APA and the Tennessee Fire Coalition for all their help. Maintaining and/or developing these types of partnerships for TBOA will be critical for our future.

Due to time and space constraints, I will try to limit my comments below to just three (3) particular bills that passed during this past session. The first bill I'll mention is what was commonly referred to as the "Third Party Bill" or "Bring Your Own Inspector Bill". This bill has the potential to alter the way code enforcement and administration is being done all across our great State. Some individuals have weighed in and stated that due to the significant increased cost the applicant will have to absorb, along with a few additional provisions that are included as part of the bill, only cities like Metro-Nashville will be significantly affected. Only time will tell. The current status of this particular bill is that SFMO is working on emergency rules to be released prior to October 1, 2024. They're utilizing the "emergency rules" process because they would not likely be able to complete the normal rulemaking process prior to October 1. Hopefully TBOA can be involved in some manner with the process just as we have been permitted with code adoptions and some other issues; we'll see.

This "Third Party Bill" is scheduled to become effective October 1 and will be applicable to all jurisdictions, exempt or non-exempt, small and large.

The other two (2) bills I'll try to cover are referred to as "opt in" bills. In other words, an individual jurisdiction will have to adopt these provisions for them to even apply. As of July 1, 2024, both bills are effective and can be utilized should a jurisdiction so decide.

The first "opt in" bill I'll address is one that would allow for a single exit stairway for a R-2 building with not more than 6-stories above grade plane and no more than four (4) units per floor. The bill also includes some additional limiting criteria as well as some confusing language that refers to "...less than 6-stories...". You can read the entire provision as it was engrossed in Public Chapter #820 below:

*SECTION 1. Tennessee Code Annotated, Section 68-120-101, is amended by deleting the "and" at the end of subdivision (a)(9), deleting the period at the end of subdivision (a)(10), and substituting instead "; and", and adding the following as a new subdivision (a)(11) :*

*(11 )(A) Shall not prohibit less than six (6) stories of Group R-2 occupancy, as defined in the building code adopted by the department of commerce and insurance, division of fire prevention, to be served by a single exit if:*

*(i) The building has not more than six (6) stories above grade plane;*

*(ii) The building does not contain more than four (4) dwelling units on any floor;*

*(iii) An exterior stairway or interior exit stairway is provided;*

*(iv) A corridor separates each dwelling unit entry or exit door from the door to an interior exit stairway, including any related exit passageway on each floor, and the dwelling unit doors do not open directly into an interior exit stairway, but may open directly into an exterior stairway;*

*(v) There is no more than twenty feet (20') of travel to the exit stairway from the entry/exit door of any dwelling unit;*

*(vi) Travel distance measured in accordance with the building code adopted by the department of commerce and insurance, division of fire prevention, does not exceed one hundred twenty-five feet (125');*

*(vii) Other occupancies in the same building do not have access to the Group R-2 occupancy portion of the building or with the single-exit stairway. For purposes of this subdivision (a)(11)(A), parking garages and occupied roofs accessory to the Group R-2 occupancy may have access to the exit stairway;*

*(viii) The exit serving the Group R-2 occupancy does not discharge through any other occupancy, including an accessory parking garage; and*

*(ix) There are no openings within ten feet (10') of unprotected openings into the stairway other than required exit doors having a one-hour, fire-resistive rating.*

*(B) A local government may adopt the exception set out in this subdivision (a)(11) by resolution or ordinance, and the exception becomes operative on the date of adoption of the resolution or ordinance*

The second "opt in" bill would allow 3 & 4 unit residential buildings not exceeding 5000 square feet or 2 stories to be built without sprinklers. As with the previous bill I mentioned, there are additional criteria that apply. See the entire provision as it was engrossed as Public Chapter #946 below:

*SECTION 1. Tennessee Code Annotated, Section 68-120-101(a), is amended by adding the following as a new subdivision:*

*(11) Shall allow a local government to amend the adopted building code for three- family dwellings and four-family dwellings in accordance with this section. In amending the rules pursuant to this subdivision (a)(11 ), the state fire marshal shall not mandate automatic fire sprinkler systems for three-family dwellings and four-family dwellings where structures are under five thousand square feet (5,000 sq. ft.) in area and less than three (3) stories in height and where two-hour fire-resistance-rating for wall, floor, and ceiling separation assemblies is met. Notwithstanding this subdivision (a)(11), local governments may adopt mandatory sprinkler requirements and may be permitted to use the National Fire Protection Association (NFPA) 13D standard for three-family dwellings and four-family dwellings by local ordinance pursuant to the process described in subdivision (a)(8)(B).*

*SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.*

After reviewing the specific language contained in the Public Chapter as engrossed, talking with several code officials and SFMO, I must say I still have several significant questions and concerns about how to interpret and/or apply the new requirements should a jurisdiction decide to opt in. Even with these issues unresolved, the Board and I felt it important to share all this information with you now. Hopefully we can soon resolve our questions and concerns and advise each of you with more clarity and direction.