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# Frequently Asked Questions about the International Code Council's Public Comment Hearings in Atlantic City, NJ (October 2-10, 2013)

## *Who is eligible to vote in Atlantic City?*

- **Only ICC Governmental Member Voting Representatives (GMVRs) in attendance at the Public Comment Hearing are eligible to vote on International Codes (I-Codes), so long as:**
  1. The Governmental Member's new or renewed/updated membership application was received by **April 1, 2013**, and
  2. The representative in attendance was designated by the Governmental Member's Primary Member Representative by **August 30, 2013**.
- **To be eligible for Governmental Membership, you must be "a governmental unit, department or agency engaged in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare."**
- Each Governmental Member can send a maximum of 4, 8, or 12 eligible voting representatives to the Public Comment Hearings are based on the population served by the government jurisdiction, as follows:

<u>Population Served by Government Jurisdiction</u>	<u>Maximum Number of Eligible Votes</u>
0-50,000	Four (4)
50,001-150,000	Eight (8)
150,001+	Twelve (12)

## *How do ICC's Governmental Members register or revalidate their slate of Voting Representatives for the Atlantic City hearings?*

When they join or renew their membership in ICC, every *Governmental Member* designates a "Primary Representative," **who must register that Governmental Member's slate of Voting Representatives** (including those who have been registered at previous hearings) **online at [ICC's Electronic Voter Validation System](#) by August 30, 2013**. The *Primary Representative* is the only person with access to this new *GMVR* validation system.

## *When will the ICC Vote on RE186 – "Builder Flex Beyond the 2012" – and RE-166 – the Equipment Trade-Off loophole that would gut two-thirds of the 2012 IECC's 30% efficiency gains)?*

- **A best guess is that both of these votes will occur either on Sunday, October 6 or Monday, October 7<sup>th</sup>. The debate on building energy – both the Residential and Commercial Chapters of the International Energy Conservation Code (IECC) – will**

**begin no earlier than 1:00 PM on October 5<sup>th</sup> and end no later than noon on October 10<sup>th</sup>. The Residential Chapter of the IECC is first up and should be concluded by October 7 or early October 8.** The ICC hearings won't turn to the IECC until they have resolved eight other I-Codes (shown below), as well as Administrative (ADM) updates to the first chapter of each I-Code.

**IEBC - International Existing Building Code**  
**IFC - International Fire Code**  
**IPC - International Performance Code**  
**IPMC - International Property Maintenance Code**  
**IWUIC - International Wildland-Urban Interface Code**  
**IZC - International Zoning Code**  
**IRC - International Residential Code**  
**ISPSC - International Swimming Pool and Spa Code**

While some of the hundreds of IECC proposals that were heard in Dallas will or have already been withdrawn before the hearings and others will be grouped together on a consent calendar and adopted by a single voice vote, the ICC will take up each respective proposal in turn and will continue debate it until a final vote is taken. Only then will ICC move on to the next proposal on the agenda.

### ***How will the Atlantic City Public Comment Hearings work?***

- **The First Round** (*completed April 2013*): The IECC Residential and Commercial Energy Committees met in Dallas to hear testimony and make recommendations on 254 residential proposals (59 of which were commercial proposals affecting residential) and 364 commercial proposals submitted to amend the IECC, as well as about two dozen Admin proposals.
- **Public Comments** (*Filed July 15, 2013, Published August 28, 2013*): **Public comments provide an opportunity to improve a proposal that was recommended for disapproval by the Development Committee.**
- Under ICC rules, proposals which **do not** receive public comments – whether recommended for approval or disapproval by the Development Committee – will be bundled together and considered en masse in a single “Consent Agenda” vote in Charlotte.
- Any proposal receiving public comments – whether recommended for approval or disapproval by the Development Committee – will be debated and resolved individually at the Public Comment Hearings. Anyone registered for the Public Comment Hearings is eligible to join the discussion; **registration for the hearings is free**. After listening to public testimony for and against a proposal, the governmental member representatives of the ICC present at the hearing in Charlotte will vote on whether to include it in the 2015 IECC.
- IECC has also submitted public comments on other proposals to amend the IECC. In many cases, our comments recommend modifications to the original proposals. The specifics of each comment, including the proposal history and reasons for our position, will be posted on IECC’s website – [www.energyefficientcodes.com](http://www.energyefficientcodes.com).

- On August 28, ICC will post all IECC public comments on its website. EECC's Technical Committee will review all of these comments and begin developing our recommendations on each proposal that will be debated and voted on in Atlantic City. Our recommendations will then be listed on this website.
- **Final Action: Affirming the recommendations made by the Residential and Commercial Energy Committees requires only a simple majority vote of the GMVRs in attendance.** An important example can be found in RE-166, which would reinstate a builder loophole – the equipment trade-off – which was eliminated in the 2009 IECC and its elimination reaffirmed in the 2012 IECC. Because RE-166 was recommended for adoption – on a 6-5 vote of the Residential Energy Committee (with all four NAHB representatives voting in the majority), proponents of reinstating the loophole will only need a simple majority to prevail.
- **Why we need two-thirds majorities in favor of energy efficiency sitting in the room at the Atlantic City Public Comment Hearings:** No other proposal before the Governmental Members will produce an additional 5% savings from all residential buildings subject to the code, with the level of flexibility allowed by RE186.  
Unfortunately, RE186 was recommended for disapproval by the Residential Energy Committee. As such, it will require a two-thirds majority to overturn the REC's disapproval recommendation and include this 5% boost in efficiency in the 2015 IECC.
- All proposals that are approved by the eligible voters present at the hearing will be published as the 2015 IECC.

### ***How will the Public Comment Hearing generally proceed?***

- The [ICC's Code Development Policy \(CP#28-05\)](#) governs the conduct of the Public Comment Hearing and should be consulted for specific questions. *Only the ICC website has comprehensive answers to all questions related to this process.*
- The Public Comment Hearing in Atlantic City will address nine different I-Codes, some of which have a relatively few proposals on their docket. As a result, both the Residential and Commercial Chapters of the International Energy Conservation Code (IECC) and the International Residential Code (IRC) are expected will to consume five of the roughly eight full days of hearings.
- Once final action begins on the **IECC Residential and Commercial Chapters**, the assembled Governmental Members of the ICC will hear and decide each of code proposals one by one. They are handled in the order published in advance of the hearing, unless the order is changed at the hearing. Subject to ICC rules, the proposals can be reordered under certain circumstances, so it is important to pay close attention to which proposal is being heard. In addition, proposals may be withdrawn by the proponent and public comments may be withdrawn by the public commenter, subject to ICC rules.
- The Moderator will call each proposal and start the testimony. Two microphones face the ICC membership; the standing motion is in support of the Committee action. In general, supporters and opponents of that action will line up to testify.

- Individuals speaking in favor of the action of the Committee will speak first, and each person gets the same amount of time, generally up to 2 minutes to make their points (slides or other props are not allowed.) The ICC moderator starts a 2 minute countdown timer for each speaker and will cut off testimony when time runs out. This process continues until all persons supporting the committee's recommended action have been heard. Testifiers are strongly encouraged to submit new testimony and not repeat previous testimony. The process then repeats for testimony by those who oppose the action of the Committee. Then, rebuttal testimony begins using the same format. Committee supporters and opponents line up at the microphones again and each person now gets 1 minute to speak in rebuttal. At the end of the testimony, votes cast by eligible of ICC's Governmental Member Voting Representatives (GMVRs) present at the hearing will determine the outcome.
- If the Committee recommended a proposal's disapproval, that decision would have to be voted down at the end of testimony before the original or a modified version of the proposal can be affirmatively adopted. If it is voted down, then someone can move approval of the original or modified version of the proposal. Once all votes on a proposal are taken, the Moderator then takes up the next proposal in order.
- In the event there is a proposal to modify a recommendation by the Committee for approval as submitted or as modified, the motion for the modification will typically be made during testimony and then testimony shifts to the proposed modification (in this case, those who seek approval of modification do not need to wait until the Committee's recommendation is voted down); once voting on the modification is complete, then the testimony returns to the main motion.

### ***Where is the Public Comment Hearing?***

- The hearings will be held at the Atlantic City Convention Center located at One Convention Boulevard, Atlantic City, NJ 08401. The phone number is (609) 449-2000, and additional information can be found at <http://www.accenter.com/>.
- Parking is available at prevailing rates in parking lots and towers surrounding The Atlantic City Convention Center has 1,000 parking spaces located on the first level of the Center for attendees and exhibitors. In addition, numerous public lots and garages are within walking distance of the Center. Parking at the Convention Center is \$12.00 for the first 4 hours, \$2.00 for the 5th hour, and \$1.00 each additional hour. Parking for 24 hours is \$33.00. Please note there is a charge of \$35.00 for a lost ticket. Click here for a map showing ancillary parking areas.

### ***How can individuals who are not voting representatives of Governmental Members participate at the hearing?***

- **Register for the Public Comment Hearing.** [ICC's advance on-line registration](#) is free and will save time at the registration desk. Registration information and fees to attend the full conference and related events is also available at this site. As these are public hearings, anyone registered for the hearings (free registration) is eligible to be heard.

- **Consider joining the ICC.** Although Governmental Members are required to join ICC to send delegations, membership is entirely optional for non-Governmental Members who wish to participate in and speak at the Public Comment Hearing. For membership, see: [Join ICC](#). You can download a membership application there.

## Frequently Asked Questions about Logistics for the International Code Council's Annual Meeting and Public Comment Hearings

### *Where can I stay in Atlantic City?*

- Use these ICC links for [information about hotels and special hotel rates for registrants](#) for and [transportation to and from Atlantic City](#). Currently the only available hotel offering an ICC discounted rate (\$119 per night plus taxes) is the Trump Taj Mahal, located at 1000 Boardwalk at Virginia Avenue in Atlantic City (phone 609-449-1000).

### *Where can I get more information on the ICC meeting in Atlantic City?*

- The ICC Annual Conference and Public Comment Hearings 2010 web site, <http://s3.goeshow.com/icc/annual/2013/index.cfm>, has additional information on the Atlantic City hearings.
- On August 2, ICC is expected to publish the anticipated FAH agenda for Atlantic City, and on August 28 will post voting procedures and all proposed changes to the 2012 editions of the nine I-Codes and their Administrative chapters that are in this code cycle (including the IECC). We will post these links on [www.energysufficientcodes.com](http://www.energysufficientcodes.com) as soon as they're available:

***NOTE: Unless you want the complete texts of proposals, the code proposal summaries, voting recommendations, and other key information posted on [www.energysufficientcodes.com](http://www.energysufficientcodes.com) are probably easier to use and navigate.***

- EECC's web site – [www.energysufficientcodes.com](http://www.energysufficientcodes.com) – will also be frequently updated with any new information from the coalition or from ICC (as it becomes available) including, in mid-September, EECC's sample ballot, a completed listing of pro-efficiency voting recommendations on all of the proposed changes to the IECC.