



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 47  
**AGENDA DATE:** Thu 11/17/2005  
**PAGE:** 1 of 2

**SUBJECT:** Set a public hearing to consider an ordinance repealing and replacing Division 1 of Article 1 (*Building Code*) of Chapter 25-12 of the City Code to adopt the 2003 International Building Code and readopt the 2000 International Energy Code and local amendments. (Suggested date and time: December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> Street).

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Watershed Protection and **DIRECTOR'S**  
**DEPARTMENT:** Development Review **AUTHORIZATION:** Joe Pantalion

**FOR MORE INFORMATION CONTACT:** Dan Garcia, 974-2377; Ron Menard, 974-2384; Joan Esquivel, 974-3371

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** Scheduled for review by the Building and Fire Code Board on November 9, 2005.

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The Building and Fire Code Board is the body charged with review of amendments and is recommending adoption of the codes governing building construction. The Board has unanimously recommended these amendments which will adopt the 2003 International Building Code and local amendments.

These recommendations follow extensive work by the Stakeholders, Staff and Board over a two year period in meetings, work sessions and public hearings. The Development Review and Inspection Department support these amendments which include the following elements.

- Adoption of the 2003 International Building Code (IBC) which is supported by design professionals and our stake holders;
- Retention of the 2000 International Residential Code 1994 Uniform Code for Building Conservation;
- The IBC becomes the controlling document for accessibility. Four standards for handicap design currently exist (Fair Housing Act, Americans with Disabilities Act (ADA), Texas Accessibility Standards (TAS), and American National Standards Institute (ANSI A17.1, Austin's requirement). The US Department of Justice has deemed the IBC a safe harbor for all accessibility requirements. This provides our customers a single standard for the design of accessible elements;
- Continuation of the modern code format and building classifications supported by design professionals and stake holders;



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- Sprinkled building can take advantage of additional height and area allowances as well as reduce passive fire resistance requirements. Sprinkled buildings will be able to take advantage of the fire sprinklers and smoke detection that is being installed in most large buildings. This amendment allows non-fire rated corridors to be built within single tenant office spaces as a trade off for the sprinklers and smoke detection system. This allows greater flexibility in design, provides equivalent protection for occupants while reducing the cost of construction;
- The IBC will no longer require a fire resistive wall between a daycare that has more than 6 children and a one and two family dwelling. This separation requires costly and extensive remodeling in order to achieve code requirements;
- Retention of previously adopted flood plain regulations;
- The 2000 International Energy Code with local amendments is also being readopted. The Energy Code is currently a part of the existing Building Code that is being repealed. The Energy Code will be readopted as Article 12 of Chapter 25-12.
- The local amendments presented for the adoption of the 2003 IBC along with the 2003 International Fire Code (IFC) allows the City to tailor these two complementary codes to our community and comply with the intent of the state legislature in the passage of SB 1458;
- The Neighborhood Housing and Community Development Department (NHCD) finds that the adoption of the 2003 International Building Code will require multi-family development to meet nationally accepted standards for safety. NHCD finds that adoption of the 2003 International Building Code on balance will have no significant impact on housing affordability;
- They provide for the requirement of smoke alarms in all residential occupancies.



## City of Austin

## MEMO

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

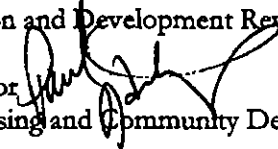
### **Neighborhood Housing and Community Development Department**

**Paul Hilgers, Director**

**(512) 974-3108, Fax: (512) 974-3112, [paulhilgers@ci.austin.tx.us](mailto:paulhilgers@ci.austin.tx.us)**

Date: July 5, 2005

To: Joe Pantallion, Director  
Watershed Protection and Development Review

From: Paul Hilgers, Director   
Neighborhood Housing and Community Development Department

Subject: Affordability Impact Statement – 2003 International Building Code

The Watershed Protection and Development Review Department has met extensively with external stakeholders on adoption of the 2003 International Building Code (IBC) and associated local amendments. The Neighborhood Housing and Community Development Department (NHCD) finds that the adoption of the 2003 International Building Code will require multi-family development to meet nationally accepted standards for safety, sanitation, and accessibility. NHCD finds that adoption of the 2003 International Building Code on balance will have no significant impact on housing affordability.

### **CHANGES FROM THE 1994 UNIFORM BUILDING CODE**

The 1994 Uniform Building Code (UBC) has been the required construction code for multi-family housing (buildings with more than two housing units) in Austin since 1996. Housing that serves extremely low-income residents (some who earn less than 30% of the Median Family Income or less than \$15,000 annually) had been classified as an R (Residential) Occupancy. Under Chapter 3 of the 2003 IBC, housing such as boarding houses, assisted living facilities, halfway houses, group homes, congregate care facilities, and social rehabilitation facilities will be considered I (Institutional) Occupancies. The safety requirements for these facilities will become more expensive since Institutional occupancies are considered to create a higher level of hazard to occupants than do Residential occupancies. In addition, there will be administrative challenges in translating existing certificates of occupancy into new certificates of occupancy under the 2003 IBC. In summary, the changes of occupancy classification will increase the costs of constructing new facilities and additions to existing facilities like halfway houses and group homes.

Chapter 5 of the 2003 IRC will allow builders to construct three stories of wood-frame apartment or condominium occupancy above a parking garage at grade level and/or located in a basement. At a minimum, this could have the following benefits:

*The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

These benefits can impact housing affordability by reducing construction costs. Chapter 9 of the 2003 IBC will require quick response and residential sprinklers in all apartment and condominium buildings containing 3 or more units; the 1994 UBC requires sprinklers in those buildings when the building has 16 or more units or is at least 3 stories tall. This means that fewer 2-story multi-family buildings with less than 16 units will be built. Similarly, all halfway houses will be required to be sprinklered under the 2003 IBC, whereas the 1994 UBC only required a fire sprinkler system when the building was 3 or more stories in height or had 20 or more guest rooms. Since the foundation and roof construction are often two of the most expensive elements of new housing, the new sprinkler requirements will allow design professionals to consider cost savings associated with increasing building height and residents will receive higher levels of protection from fire.

Chapter 11 of the IBC incorporates the requirements of the Fair Housing Act for apartment accessibility into the Building Code for the first time. Apartment builders will have a "safe harbor" for compliance with federal accessibility law if the City reviews plans and performs inspections according to the requirements of the adopted IBC. Adoption of Chapter 11 of the 2003 IBC will address concerns regarding compliance with federal accessibility standards raised in the 2004 Impediments to Fair Housing Report.

NHCD supports the Watershed Protection and Development Review department's recommendation that Chapter 11 of the 2003 International Building Code be adopted as a stand-alone ordinance with local amendments as soon as possible to increase the level of compliance with applicable federal and state accessibility standards and that Chapter 11 of the 1994 Uniform Building Code be repealed.

Please let me know if you need additional information.

Paul Hilgers, Community Development Officer  
Neighborhood Housing and Community Development