

Opposition to HB 2384

HB 2384 seeks to repeal sections 67.280 and 71.948, RSMo, and to enact in lieu thereof three new sections relating to applications for property developments

While affordability for Missourians is a high priority, as currently drafted, HB 2384 sacrifices health, life safety, and welfare and creates its own threats to affordability.

- **HB 2384 threatens Health, Life Safety, and Welfare:**

The single stair for multifamily provisions of this bill do not include necessary life safety protections for residents.

The permitting deadline provisions in this bill create an unnecessary risk to building occupants by rubber-stamping potentially deficient drawings that have not been properly reviewed by local jurisdictions.

- **HB 2384 threatens Affordability:**

The bill's cap of 2009 IRC/IECC unnecessarily prevents energy efficiencies in buildings that directly show up each month as higher utility costs.

For residents, the increases in utility rates are already contributing to economic burden across Missouri. This bill makes it worse, especially for renters who have no say in equipment, materials, or upkeep.

There are also higher first-costs for Commercial and Industrial projects due to higher heating and cooling loads that translated to oversizing equipment packages than necessary.

The proposed provisions of HB 2384 represent an unacceptable risk to life safety that far outweighs any marginal affordability gains.

If this bill moves forward, **there are changes needed to HB 2384** to limit the negative impacts of this bill on residents, owners and building operators across the state of Missouri.

The following pages highlight the rationale of the suggested amendments to change, add, or remove language from the proposed HB 2348 text in its perfected version in six areas:

1. **ADD an Implementation Date and Sunset**
2. **ADD clarity to the types of projects affected by this bill**
3. **REMOVE the inclusion of Commercial, Industrial, and Multifamily buildings**
4. **CHANGE the Energy Code ceiling from 2009 to 2015**
5. **ADD provisions to the single stair language to ensure life, safety, and welfare**
6. **CHANGE permitting deadline timelines to protect building integrity**

1. ADD an Implementation Date and Sunset:

- a. An Implementation Date is needed for municipalities time to update their building and fire codes, coordinate with local fire departments and organization like MABOI, and prepare for the new regulations. This also allows time to train their staff for consistent enforcement of this bill across the state. This will actually allow faster review times by AHJ's in approving permit drawings. A date of July 1, 2027, allows one year for the state-wide implementation process.
- b. A January 1, 2029, sunset provides time to ensure that energy code, single stair construction, and permit deadline requirements are performing as expected. Currently Missouri does not have a state-wide council to review building codes across the state. **A sunset allows this bill to evolve over time** in response to new construction technologies, building / energy code development, and permitting practices.

2. ADD clarity to the types of projects affected by this bill:

- a. As currently written, the bill language is not consistent with the "residential" scope categories of the IECC. The revisions suggested reduce confusion to which projects are affected by this bill.
- b. The "residential" definition listed of R-2, R-3, and R-4 allow a low-rise construction focus for projects to avoid the high-rise construction implications noted in #3 below.
- c. This clarity allows accurate and **consistent compliance paths for our code officials across Missouri**, with similar mechanical and ventilation requirements to bring efficiency to the plans review and permitting process.

3. REMOVE the inclusion of Commercial, Industrial, and Multifamily buildings:

- a. According to a cost effectiveness analysis from the U.S. Department of Energy, building to the ASHRAE 90.1-2019 Standard (equivalent to 2021 IECC) **reduces the first cost of construction for commercial and industrial buildings** as compared to buildings built to the 2009 IECC. This result is achieved through better performing building envelope efficiency measures that allow for the installation of smaller, more efficient heating and cooling systems among other improvements.
- b. Commercial, Industrial, and Multifamily buildings are our **high-risk and mission-critical facilities** like hospitals, data centers, and detention facilities. These 24-7 buildings require efficiency to not put undo strain on municipal energy grids needed to prevent power outages from oversized energy loads. We simply cannot build Commercial, Industrial, and Multifamily buildings per 2009 codes and have the **operational reliability** required for our communities.
- c. Due to their size, Commercial, Industrial, and Multifamily buildings also often trigger **high-rise and atrium code requirements** related smoke and fire control, air stratification and infiltration, and thermal envelope requirements.

4. CHANGE the Energy Code year ceiling from 2009 to 2015:

- a. The 2015 IECC incorporates the "Energy Rating Index" compliance option. This ERI compliance option gives builders **maximum flexibility** in meeting the energy code at the **lowest cost**.
- b. According to the Department of Energy, a home built to the 2015 IECC in Missouri is **up to 20 percent more efficient** than a home built to the 2009 IECC. That translates into lower heating and cooling bills during this period of rapidly rising utility costs.

- c. Building to the 2015 IECC is cost effective in Missouri. Average utility bill savings will pay for the additional cost of meeting the 2015 IECC in less than 5 years.
- d. **The cost of complying with the 2015 IECC is nominal.** Industry estimates show that the incremental cost of meeting the 2015 IECC over the 2009 IECC in Missouri is \$2,100 – \$2,700. These additional first costs quickly pay off through lower heating and cooling bills.

5. ADD provisions to the single stair for multifamily language to ensure life, safety, and welfare of residents:

- a. The additional provisions suggested for the single stair in multifamily language come directly from states who adopted this measure in 2025, specifically from Colorado HB 25-1273 and Texas SB 2835.
- b. Additionally, in response to Minnesota’s SF 3538 bill, legislators passed the requirement for the “Minnesota Single-Exit Stairway Apartment Building Study” which had conclusions including:
 - i. Conclusion #3 – A properly operating **automatic sprinkler system provides the most significant comparative building risk reduction** impact.
 - ii. Conclusion #5 – Almost 97% of the building risk for each analyzed scenario can be attributed to the sprinkler system failing to flow on demand. Thus, reliable fire sprinkler systems are important fire risk mitigation measures.
- c. The suggested additions create requirements for fire-resistive construction not just in corridors and doors (as written), but in the single stair construction itself which will be the only means of egress for 6-story residential construction.
- d. This is needed because there are significant limits on hook and ladder (aerial) equipment in smaller fire houses due to financial, infrastructure, and operational constraints. Since this is written as a state-wide mandate, **this needs to be safe in smaller municipalities.**
- e. Additionally, a tenant notification system is necessary to prevent loss of life during an emergency.

6. CHANGE permitting deadline timelines to protect building integrity:

- a. The suggested change from calendar days to business days allows all municipalities across Missouri to have the time needed to make sure safe construction is being approved. Not all municipalities have the same capacity of full-time staff, but it is not worth the risk to life, safety, and welfare to rubber-stamp the permitting process.
- b. A 30 calendar day mandate creates an unachievable, high-pressure, and chaotic environment for both our understaffed small towns and our higher volume large cities with complex projects requiring multiple rounds of reviews.
- c. Whereas 90 business days provides a realistic, structured timeframe that ensures thorough review without excessive delays. It allows for multiple departments (fire, planning, engineering) to review drawings. This allows all Missouri municipalities to have **uniformity in adopting faster review processes** while maintain safe construction.

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2384
103RD GENERAL ASSEMBLY

5770H.03P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 67.280 and 71.948, RSMo, and to enact in lieu thereof three new sections relating to applications for property developments.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 67.280 and 71.948, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 67.280, 67.486, and 71.948, to read as follows:

67.280. 1. As used in this section, the following terms mean:

- (1) "Code", any published compilation of rules prepared by various technical trade associations, federal agencies, this state or any agency thereof, but shall be limited to: regulations concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing, and electrical construction; and fire prevention;
- (2) "Community", any county, fire protection district or municipality;
- (3) "County", any county in the state;
- (4) "Fire protection district", any fire protection district in the state;
- (5) "Municipality", any incorporated city, town or village.

2. Any community, if the community otherwise has the power under the law to adopt such an ordinance, may adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full. At least one copy of such code, portion or amendment which is incorporated or adopted by reference, shall be filed in the office of the clerk of the community and there kept available for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

HCS HB 2384 2

to be complied with unless the required copies of such codes, portion, or amendment or public record are filed with the clerk of such community for a period of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or amendment by reference.

3. Any ordinance adopting a code, portion, or amendment by reference shall state the penalty for violating such code, portion, or amendment, or any provisions thereof separately, and no part of any such penalty shall be incorporated by reference.

4. (1) Notwithstanding any other provision of law to the contrary, no county or municipality shall enact, adopt, or maintain any ordinance, resolution, regulation, code, or policy **beginning July 1, 2027 with a sunset of January 1, 2029** that mandates an owner, builder, or developer to comply with energy efficiency or other energy related standards or requirements that exceed those permitted under this section in the construction, maintenance, repair, or renovation of **detached** one- or two-family dwellings, **and multiple single-family dwellings and Group R-2, R-3, and R-4 buildings three stories or less in height above grade condominiums, or multiunit townhouses, multiunit apartment buildings, or commercial or industrial buildings** including, but not limited to:

(a) Energy efficiency standards or features exceeding those in paragraphs (b) and (c) below;

(b) Standards or features exceeding energy standards or features defined in the **2015 2009** International Residential Code (IRC); or

(c) Standards or features exceeding energy standards or features established in the **2015 2009** International Energy Conservation Code (IECC).

(2) An ordinance, resolution, regulation, code, or policy enacted, adopted, or maintained in violation of this subsection shall be null and void.

5. Notwithstanding any other provision of law to the contrary, no county or municipality shall enact, adopt, or maintain any ordinance, resolution, regulation, code, or policy that prohibits a building of less than six stories with a Group R-2 occupancy or its equivalent, as defined in a building code adopted by the county or municipality if such county or municipality has adopted a building code, to be served by a single exit if:

(1) The building has no more than six stories above grade plane;

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

(3) An exterior stairway or interior exit stairway is provided;

(4) 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;

(5) There is no more than twenty feet of travel to the exit stairway from the door for entry or exit, or both, of any dwelling unit;

(6) 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;

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

(8) There are no openings within ten feet of unprotected openings into the stairway other than required exit doors having a one-hour fire-resistive rating. Elevators do not open into the interior exit stairway enclosure.

(9) Interior exit stairway enclosures are to have a fire-resistive rating of not less than two hours. Elevators to have two-hour shaft enclosures in accordance with International Building Code (IBC).

(10) Automatic sprinkler locations are provided in the interior exit stairways that comply with requirements of NFPA 13 for combustibles stairways regardless of the stairway construction type.

(11) Emergency escape and rescue openings compliant with the International Building Code (IBC) section 1031 on all floors served by the single exit provided.

(12) Automatic smoke and fire detection systems that activates the occupant notification system in accordance with International Building Code (IBC) section 907.5 is provided.

67.486. 1. As used in this section, the following terms mean:

(1) "Political subdivision", a local public body created under the Constitution of Missouri or by the general assembly that exercises governmental functions for purposes of a request made under this section;

(2) "Request", an application for a permit, license, variance, or any other kind of prior approval from a political subdivision for an action related to the construction of a new residential, commercial, or industrial building or the repair or renovation of any such existing building.

2. (1) If an applicant submits a request to a political subdivision, the political subdivision shall approve or deny the applicant's request within 90 business ~~thirty calendar~~ days.

(2) If no response is received by an applicant within thirty calendar days, the request shall be deemed approved and the applicant is authorized to proceed with the construction as provided in the request.

(3) If the request is approved, the political subdivision shall not impose on the applicant additional requirements related to the request.

(4) (a) If the political subdivision denies the request, the political subdivision shall state in writing to the applicant the reasons for the denial.

(b) The written denial shall include, but not be limited to, the following:

a. If the request relates to work that is stamped by a certified design professional and such request is denied on the basis of the political subdivision's rejection of such work, a detailed description of why the work of the design professional who stamped such work is so inferior or so insufficient that the political subdivision cannot approve the request; and

b. If the request is denied on the basis of a violation of a code provision governing any part of the development or improvement that is the subject of the request, a citation to the code provision the political subdivision determines has been violated.

(5) The time limit in this subsection begins upon the political subdivision's receipt of the applicant's request.

3. (1) A political subdivision may deny an applicant's request under subsection 2 of this section as incomplete.

HCS HB 2384 4

(2) The request is incomplete if the political subdivision determines the request fails to contain all information required by law, or by rule, ordinance, or policy of the political subdivision adopted prior to the submission of the request.

(3) If the political subdivision denies a request as incomplete, the political subdivision shall state in writing to the applicant the reasons for the denial of the request as incomplete.

(4) If an applicant resubmits a request after receiving a written denial as required under this section, the political subdivision shall not issue a subsequent denial that includes additional unrelated reasons for denial that were unspecified and not included in the denial of the initial request.

(5) The time limit in subsection 2 of this section shall reset only if, within ~~thirty business~~ ~~twenty~~ ~~calendar~~ days of receipt of the applicant's request, the political subdivision sends written notice to the applicant of the denial of the request as incomplete.

71.948. 1. If a municipality's general ordinances are not available online for inspection without cost by the public, at least three copies of the published book shall be kept on file in the office of the municipal clerk and kept available for inspection by the public at all reasonable business hours.

2. If a municipality's general ordinances are available online for inspection without cost by the public, at least one copy of the published book shall be kept on file in the office of the municipal clerk and kept available for inspection by the public at all reasonable business hours.

✓