

LEGISLATIVE SUMMARY SHEET
Tracking No. 0044-23

DATE: March 13, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ADOPTING THE LATEST INTERNATIONAL BUILDING CODE (ICC'S 2021 INTERNATIONAL BUILDING CODE) AS APPLICABLE TO COMMERCIAL AND GOVERNMENT BUILDINGS CONSTRUCTED BY THE NAVAJO NATION GOVERNMENT AND ITS ENTITIES AND POLITICAL SUBDIVISIONS

PURPOSE: This resolution, if approved, will adopted the latest international building code to construction by the Navajo Nation government.

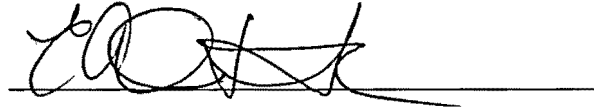
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 04-03-23
Eligible for Action: 04-04-23

Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0044-23

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; NAABIK'ÍYÁTI'
COMMITTEES AND THE NAVAJO NATION COUNCIL; ADOPTING THE
LATEST INTERNATIONAL BUILDING CODE (ICC'S 2021 INTERNATIONAL
BUILDING CODE) AS APPLICABLE TO COMMERCIAL AND
GOVERNMENT BUILDINGS CONSTRUCTED BY THE NAVAJO NATION
GOVERNMENT AND ITS ENTITIES AND POLITICAL SUBDIVISIONS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee was established as a standing committee of the Navajo Nation Council. 2 N.N.C. §§ 500(A).
- B. The Resources and Development Committee shall exercise oversight authority over economic and community development, commerce and trade. 2 N.N.C. § 500(C),
- C. The Resources and Development Committee has authority to make recommendations to the Navajo Nation for final approval of laws related to housing development, private and public facilities, including but not limited to building, construction, and utility codes. 2 N.N.C. § 501(B)(9).

- 1 D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council
2 and is empowered with authority to reviews proposed legislation which requires final
3 action by the Navajo Nation Council. 2 N.N.C. § 164 (A) (9).
- 4 E. The Navajo Nation Council must review and approve enactments or amendments of
5 positive law. 2 N.N.C. § 164(A).
- 6

7 **SECTION TWO. FINDINGS**

- 8 A. The Navajo Nation finds it necessary to establish a non-residential building code, i.e.,
9 commercial and government building code to protect public health, safety and general
10 welfare as they relate to the construction and occupancy of commercial and government
11 buildings and structures.
- 12 B. The purpose of uniform codes and standards published by national and international
13 organization is to provide minimum standards for safety, health, and general welfare
14 including structural integrity, mechanical integrity (including sanitation, water supply,
15 light, and ventilation), means of egress, fire prevention and control, and energy
16 conservation. The uniform codes generally include:
- 17 1. Standards for structure, placement, size, usage, wall assemblies, fenestration
18 size/locations, egress rules, size/location of rooms, foundations, floor assemblies,
19 roof structures/assemblies, energy efficiency, stairs and halls, mechanical,
20 electrical, plumbing, site drainage & storage, appliance, lighting, fixtures
21 standards, occupancy rules, and swimming pool regulations; and
 - 22 2. Rules regarding parking and traffic impact; and
 - 23 3. Fire code rules to minimize the risk of a fire and to ensure safe evacuation in the
24 event of such an emergency; and
 - 25 4. Requirements for specific building uses (for example, storage of flammable
26 substances, or housing a large number of people); and
 - 27 5. Energy provisions and consumption; and
 - 28 6. Grandfather clauses: Unless the building is being renovated, the building code
29 usually does not apply to existing buildings; and
 - 30 7. Specifications on components; and

1 8. Allowable installation methodologies; and

2 9. Minimum and maximum room ceiling heights, exit sizes and location; and

3 10. Qualification of individuals or corporations doing the work.

4 C. Building codes have been used in the United States since the 1600s, but only within the
5 last 20 years have they been standardized across all 50 states. In 1994, the International
6 Code Council (ICC) was created by merging the Building Officials Code
7 Administrators, Southern Building Code Congress International, and the Internal
8 Conference of Building Official to standardize building codes across the United States.

9 D. Currently the ICC has adopted the following codes:

10 1. International Building Code (IBC);

11 2. International Residential Code (IRC);

12 3. International Fire Code (IFC);

13 4. International Plumbing Code (IPC);

14 5. International Mechanical Code (IMC);

15 6. International fuel gas code (IFGC);

16 7. International Energy Conservation Code (IECC);

17 8. ICC Performance Code (ICCPC);

18 9. International Wildland Urban Interface Code (IWUIC);

19 10. International Existing Building Code (IEBC);

20 11. International Property Maintenance Code (IPMC);

21 12. International Private Sewage Disposal Code (IPSDC);

22 13. International Zoning Code (IZC);

23 14. International Green Construction Code (IGCC); and

24 15. International Swimming Pool and Spa Code (ISPSC).

25 E. The Navajo Nation historically has adopted building codes that include the following:

26 1. Resolution ACAU-16-66, Ratification and Adoption of the Navajo Tribal Utility
27 Authority Resolution No. NTUA-28-66, which ratifies and directs that all utility
28 construction on the Navajo Reservation conform to the following codes:
29 Electrical (National Fire Protection Association – No. 70), Gas (National Bureau
30

- 1 of Fire Underwriters – 54), and Water (National Plumbing Code No. ASA A40.8
2 – 1955); and
- 3 2. Resolution CS-75-65, Directing Preparation of Codes for Planning Communities
4 on Navajo Lands, which directs consideration of the following codes: Electrical
5 Code, Building Code, Plumbing Code, Housing Code, and Health and Sanitation
6 Code; and
- 7 3. Resolution ACJN-99-68, Approving and Recommending to the Navajo Tribal
8 Council and Adopting a Housing Code and a Dwelling House Construction Code,
9 which approves the Uniform Building Code, Volume 3, Housing, 1967 Edition,
10 and the Uniform Building Code, Volume 6, Dwelling House Construction, 1967
11 Edition, and recommends to the Navajo Tribal Council the adoption of these
12 codes; and
- 13 4. Resolution CN-93-68, Adopting a Housing Code and a Dwelling House
14 Construction Code, which adopts Volume 3, the Housing Code of the Uniform
15 Building Code, and Volume 6, the House Construction Code of the Uniform
16 Building Code (1967 Edition) as standards for all federal housing programs, new
17 housing construction and new house construction.
- 18 C. As a current general rule, if federal or state funds are approved for the construction of
19 building or other structures within the Navajo Nation, there is normally a funding
20 requirement that international building codes or other specified codes will be used.
- 21 D. The latest International Building Code (ICC's 2021 International Building Code)
22 applies to all buildings including commercial buildings *except* detached one- and two-
23 family dwellings and townhouses up to three stories. This Code should not interfere
24 with the construction of housing for the Navajo people. This Code should not be
25 confused with the latest Residential International Building Code (ICC's 2021
26 International Residential Code) which is a comprehensive code comprises all building,
27 plumbing, mechanical, fuel gas and electrical requirements for one- and two-family
28 dwellings and townhouses up to three stories.
- 29 E. It in the best interest of the Navajo Nation and for the health, safety and welfare of the
30 Navajo people, residents and visitors to the Navajo Nation that the Navajo Nation adopt

1 the latest International Building Code (ICC's 2021 International Building Code) for
2 construction of commercial and government buildings by the Navajo Nation
3 government and its entities and political subdivisions.
4

5 **SECTION THREE. APPROVAL**

- 6 A. The Navajo Nation hereby adopts the latest International Building Code (ICC's 2021
7 International Building Code) for construction of commercial and government buildings
8 by the Navajo Nation government and its entities and political subdivisions, including
9 enterprises, authorities, corporations, chapters, and townships.
- 10 B. The adopted Code will not apply to those construction projects that are state or federal
11 funded and there is a requirement that other international building codes or other
12 specified codes will be used.
- 13 C. The Navajo Nation hereby rescinds its approval of all prior building codes that are not
14 up to date, such as the building codes approved during the 1960s.
- 15 D. The Navajo Nation directs the President of the Navajo Nation to designate a division,
16 department, or office that will implement the intent of this resolution.
17

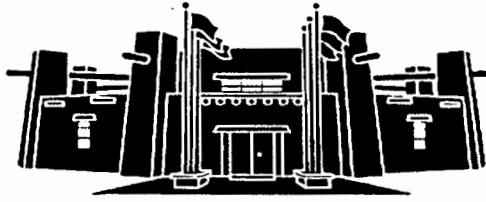
18 **SECTION FOUR. EXEMPTIONS**

19 This resolution adopting the latest International Building Code for construction of
20 commercial and government buildings by the Navajo Nation government and its entities and
21 political subdivisions shall not be applicable to Navajo traditional buildings such as hooghan
22 nimazi {hogans}, chaha 'oh {shade houses}, tacheeh {sweathouses}, other such dwellings and
23 Navajo ceremonial structures.
24

25 **SECTION FIVE. EFFECTIVE DATE**

26 The adoption of the International Building Code and the directive to the President of
27 the Navajo Nation shall become effective in accordance with 2 N.N.C. § 221(B) one
28 hundred and eighty (180) days after adoption by the Navajo Nation Council and signature
29 of the President of the Navajo Nation or Navajo Nation Council override of a Presidential
30 veto.

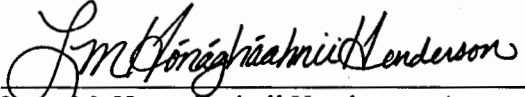
Office of Legislative Counsel
Telephone: (928) 871-7166
Fax No.: (928) 871-7576



Honorable Crystallyne Curley
Speaker
25th Navajo Nation Council

MEMORANDUM

TO: Hon. Eugenia Charles-Newton, Council Delegate
25th Navajo Nation Council

FROM: 
Loya M. Honaghaahnii Henderson, Attorney
Office of Legislative Counsel

DATE: March 13, 2023

SUBJECT: **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION
COUNCIL; ADOPTING THE LATEST INTERNATIONAL BUILDING
CODE (ICC'S 2021 INTERNATIONAL BUILDING CODE) AS
APPLICABLE TO COMMERCIAL AND GOVERNMENT BUILDINGS
CONSTRUCTED BY THE NAVAJO NATION GOVERNMENT AND ITS
ENTITIES AND POLITICAL SUBDIVISIONS**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.