



**The Navajo Nation** **DR. BUU NYGREN** **PRESIDENT**  
**Yideeskáądi Nitsáhákees** **RICHELLE MONTROYA** **VICE PRESIDENT**

August 4, 2023

Honorable Crystalyne Curley, Speaker  
Navajo Nation Council  
Post Office Box 3390  
Window Rock, AZ 86515

RE: *CJY-68-23 An action relating to Resources and Development; Naabik'iyáti 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.*

Dear Speaker Curley,

I am pleased to sign this resolution into law. The Navajo Nation is taking the proactive step of adopting modern building codes for new government and commercial buildings. Specifically, we are adopting the 2021 International Building Code. Please note that there will likely be an updated building code issued in 2024 and I look forward to the Council's consideration of adopting that code should it meet the Navajo Nation's needs.

As you know, this resolution will take effect 180 days from today and my office is tasked with creating a plan of operation for a building code hearing body and presenting a budget to the Navajo Nation. I look forward to the Council's support in funding that budget.

In addition, my staff will be working to ensure that other elements are in place so that the Navajo Nation successfully implements the building code. This will involve determining which division or office will be responsible for inspections and enforcement.

I will have my staff report back to me and you in 90 days on what they anticipate presenting to the Council so that we successfully implement the new building code.

I am so pleased that we are modernizing our building codes and that we stand unified on this.

Sincerely,

Dr. Buu Nygren, President  
THE NAVAJO NATION

RESOLUTION OF THE  
NAVAJO NATION COUNCIL  
25<sup>th</sup> NAVAJO NATION COUNCIL - FIRST YEAR, 2023

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

SECTION TWO. FINDINGS

- A. The Navajo Nation finds it necessary to establish a non-residential building code, i.e., commercial and government building code to protect public health, safety and general welfare as they relate to the construction and occupancy of commercial and government buildings and structures.
- B. The purpose of uniform codes and standards published by national and international organization is to provide minimum standards for safety, health, and general welfare including

structural integrity, mechanical integrity (including sanitation, water supply, light, and ventilation), means of egress, fire prevention and control, and energy conservation. The uniform codes generally include:

1. Standards for structure, placement, size, usage, wall assemblies, fenestration size/locations, egress rules, size/location of rooms, foundations, floor assemblies, roof structures/assemblies, energy efficiency, stairs and halls, mechanical, electrical, plumbing, site drainage & storage, appliance, lighting, fixtures standards, occupancy rules, and swimming pool regulations; and
  2. Rules regarding parking and traffic impact; and
  3. Fire code rules to minimize the risk of a fire and to ensure safe evacuation in the event of such an emergency; and
  4. Requirements for specific building uses (for example, storage of flammable substances, or housing a large number of people); and
  5. Energy provisions and consumption; and
  6. Grandfather clauses: Unless the building is being renovated, the building code usually does not apply to existing buildings; and
  7. Specifications on components; and
  8. Allowable installation methodologies; and
  9. Minimum and maximum room ceiling heights, exit sizes and location; and
  10. Qualification of individuals or corporations doing the work.
- C. Building codes have been used in the United States since the 1600s, but only within the last 20 years have they been standardized across all 50 states. In 1994, the International Code Council (ICC) was created by merging the Building Officials Code Administrators, Southern Building Code Congress International, and the International Conference of Building Officials to standardize building codes across the United States.
- D. Currently the ICC has adopted the following codes:

1. International Building Code (IBC);
  2. International Residential Code (IRC);
  3. International Fire Code (IFC);
  4. International Plumbing Code (IPC);
  5. International Mechanical Code (IMC);
  6. International fuel gas code (IFGC);
  7. International Energy Conservation Code (IECC);
  8. ICC Performance Code (ICCPC);
  9. International Wildland Urban Interface Code (IWUIC);
  10. International Existing Building Code (IEBC);
  11. International Property Maintenance Code (IPMC);
  12. International Private Sewage Disposal Code (IPSDC);
  13. International Zoning Code (IZC);
  14. International Green Construction Code (IGCC); and
  15. International Swimming Pool and Spa Code (ISPSC).
- E. The Navajo Nation historically has adopted building codes that include the following:
1. Resolution ACAU-16-66, Ratification and Adoption of the Navajo Tribal Utility Authority Resolution No. NTUA-28-66, which ratifies and directs that all utility construction on the Navajo Reservation conform to the following codes: Electrical (National Fire Protection Association - No. 70), Gas (National Bureau of Fire Underwriters - 54), and Water (National Plumbing Code No. ASA A40.8 - 1955); and
  2. Resolution CS-75-65, Directing Preparation of Codes for Planning Communities on Navajo Lands, which directs consideration of the following codes: Electrical Code, Building Code, Plumbing Code, Housing Code, and Health and Sanitation Code; and
  3. Resolution ACJN-99-68, Approving and Recommending to the Navajo Tribal Council and Adopting a Housing Code and a Dwelling House Construction Code, which approves the

Uniform Building Code, Volume 3, Housing, 1967 Edition, and the Uniform Building Code, Volume 6, Dwelling House Construction, 1967 Edition, and recommends to the Navajo Tribal Council the adoption of these codes; and

4. Resolution CN-93-68, Adopting a Housing Code and a Dwelling House Construction Code, which adopts Volume 3, the Housing Code of the Uniform Building Code, and Volume 6, the House Construction Code of the Uniform Building Code (1967 Edition) as standards for all federal housing programs, new housing construction and new house construction.
- F. As a current general rule, if federal or state funds are approved for the construction of building or other structures within the Navajo Nation, there is normally a funding requirement that international building codes or other specified codes will be used.
- G. The latest International Building Code (ICC's 2021 International Building Code) <https://codes.iccsafe.org/content/IBC2021P2> applies to all buildings including commercial buildings except detached one- and two-family dwellings and townhouses up to three stories. This Code should not interfere with the construction of housing for the Navajo people. This Code should not be confused with the latest Residential International Building Code (ICC's 2021 International Residential Code) which is a comprehensive code comprises all building, plumbing, mechanical, fuel gas and electrical requirements for one- and two-family dwellings and townhouses up to three stories.
- H. It is in the best interest of the Navajo Nation and for the health, safety and welfare of the Navajo people, residents and visitors to the Navajo Nation that the Navajo Nation adopt the latest International Building Code (ICC's 2021 International Building Code) <https://codes.iccsafe.org/content/IBC2021P2> for construction of commercial and government buildings by the Navajo Nation government and its entities and political subdivisions.

### SECTION THREE. APPROVAL

- A. The Navajo Nation hereby adopts the latest International Building Code (ICC's 2021 International Building Code) <https://codes.iccsafe.org/content/IBC2021P2> for construction of commercial and government buildings by the Navajo Nation government and its entities and political subdivisions, including enterprises, authorities, corporations, chapters, and townships.

- B. The adopted Code will not apply to those construction projects that are state or federal funded and there is a requirement that other international building codes or other specified codes will be used.
- C. The Navajo Nation hereby rescinds its approval of all prior building codes that are not up to date, such as the building codes approved during the 1960s.
- D. The adopted Code is not retroactive to existing commercial and governmental buildings.
- E. The adopted Code will apply to renovations to existing commercial and governmental structures.
- F. The Navajo Nation President, with the assistance of the Navajo Department of Justice, is directed to present a plan of operation to the Navajo Nation Council for a building code hearing body that will ensure compliance with the Code and to hear challenges to the implementation of the Code. A budget for this hearing body will also be created.
- G. The Navajo Nation directs the President of the Navajo Nation to designate a division, department, or office that will implement the intent of this resolution.

#### SECTION FOUR. EXEMPTIONS


This resolution adopting the latest International Building Code <https://codes.iccsafe.org/content/IBC2021P2> for construction of commercial and government buildings by the Navajo Nation government and its entities and political subdivisions shall not be applicable to Navajo traditional buildings such as hooghan nímazí {hogans}, chaha'oh {shade houses}, táchééh {sweathouses}, other such dwellings and Navajo ceremonial structures.

#### SECTION FIVE. EFFECTIVE DATE

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

## CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in Favor, and 05 Opposed, on this 20<sup>th</sup> day of July 2023.



Honorable Crystalyne Curley, Speaker  
25<sup>th</sup> Navajo Nation Council

7/26/23

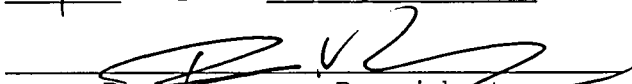
DATE

Motion: Honorable George H. Tolth  
Second: Honorable Shaandiin Parrish

Speaker Crystalyne Curley not voting

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10), on this 4 day of August, 2023.



Buu Nygren, President  
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Buu Nygren, President  
Navajo Nation

RESOLUTION OF THE ADVISORY COMMITTEE  
OF THE NAVAJO TRIBAL COUNCIL

Ratification and Adoption of the Navajo Tribal Utility  
Authority Resolution No. NTUA-28-66

WHEREAS:

1. By Resolution CAP-46-65, the Navajo Tribal Council confirmed the creation of the Navajo Tribal Utility Authority to Enterprise status and delegated authority and responsibility to the Enterprise for installation, expansion, modification, improvements and operation of all electric, natural gas, water and sewer utility systems now operated by the Authority and such future services as may be authorized by the Navajo Tribal Council and accepted by the Management Board of the Enterprise.

2. Approved Council Resolution No. CAP-46-65, stipulates that the Navajo Tribal Utility Authority shall be operated in the manner and under the limitations set forth in an approved Plan of Operation.

3. The approved Plan of Operations has listed as one of its purposes:

"To promote the use of utility services where available in order to improve the health and welfare of the residents of the Navajo Indian Reservation."

4. Governmental, public and private agencies and businesses have in the past, installed utility distribution systems on the Reservation that have proven faulty, and unable to meet reasonable safety standards and which have or may become dangerous to human life.

5. The Management Board of the Navajo Tribal Utility Authority has instructed the Management of said Enterprise not to provide service to any new or existing utility facilities that are known to be inadequate, faulty or unsafe to human life.

6. The Navajo Tribal Utility Authority has adopted the following Utility Codes to insure appropriate, safe utility service of its utilities on the Navajo Indian Reservation.



- A. Electrical (National Fire Protection Association - No. 70)
- B. Gas (National Bureau of Fire Underwriters - 54)
- C. Water (National Plumbing Code No. ASA A40.8 - 1955)

7. The Management Board of the Navajo Tribal Utility Authority adopted Resolution No. NTUA-28-66, which contains the following:

"The Management Board of the Navajo Tribal Utility Authority requests the Advisory Committee of the Navajo Tribal Council to:

- a. Ratify this Authority's intent to refuse utility service to systems known to be unsafe and otherwise inadequate or dangerous to occupants or users of said utility services.
- b. Bring these unsafe practices and conditions to the attention of the appropriate Federal Authorities where Federal financed construction is involved, and
- c. Ratify the following Navajo Tribal Utility Authority's adopted utility Construction Codes and direct that all utility construction on the Navajo Reservation conform to the following codes:
  - 1. Electrical (National Fire Protection Association - No. 70)
  - 2. Gas (National Bureau of Fire Underwriters - 54)
  - 3. Water (National Plumbing Code No. ASA A40.8 - 1955)"

8. By Council Resolution CAP-46-65, the Advisory Committee has been delegated full authority to "act in all matters incidental to the Plan of Operation of the Navajo Tribal Utility Authority including, but not limited to, such modification of said Plan as experience shall demonstrate to be in the best interest of the Navajo Tribe."

NOW THEREFORE BE IT RESOLVED THAT:

The Advisory Committee of the Navajo Tribal Council hereby confirms and:

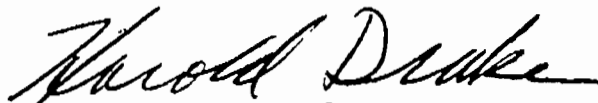
- a. Ratifies Navajo Tribal Utility Authority's intent to refuse utility service to systems

known to be unsafe and otherwise inadequate or dangerous to occupants or users of said utility services, and

- b. Directs the Management of Navajo Tribal Utility Authority to give notice immediately to all appropriate Federal, Public and private authorities, by copy of this resolution, that any and all known existing and future unsafe utility systems may be discontinued or refused service until corrections have been made by the customer and approved by the Navajo Tribal Utility Authority.
- c. Ratifies and directs that all utility construction on the Navajo Reservation conform to the following Codes:
  - 1. Electrical (National Fire Protection Association - No. 70)
  - 2. Gas (National Bureau of Fire Underwriters - 54)
  - 3. Water (National Plumbing Code No. ASA A40.8 - 1955)

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 13 in favor and 0 opposed, this 30th day of August, 1966.



Chairman Pro Tempore  
Navajo Tribal Council

RESOLUTION OF THE  
NAVAJO TRIBAL COUNCIL

Directing Preparations of Codes for Planned Communities on  
Navajo Lands

WHEREAS:

1. Economic development of Navajo lands is furthering the establishment and growth of communities located throughout Navajo lands;
2. Orderly growth and development of Navajo communities is essential to the welfare of the Navajo people and necessary to secure adequate housing and appropriate industry;
3. The Council has approved the concept of planned communities on Navajo lands and a procedure for their establishment; and
4. It will be necessary to adopt codes governing the construction of buildings in these planned communities.

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Tribal Council hereby directs that for its early consideration there shall be prepared by the Legal Department with the advice of the Navajo Community Planning Board the following codes:

1. Electrical Code
2. Building Code
3. Plumbing Code
4. Housing Code
5. Health and Sanitation Code

these Codes to be applicable only to all communities for which there has been adopted by the Advisory Committee a Comprehensive Community Plan and wherein the Advisory Committee has withdrawn land for the community as defined in said Plan.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present

and that same was passed by a vote of 45 in favor and  
0 opposed, this 1st day of September, 1965.

*Nelson Damon*  
Vice Chairman  
Navajo Tribal Council

RESOLUTION OF THE ADVISORY COMMITTEE  
OF THE NAVAJO TRIBAL COUNCIL

Approving and Recommending to the Navajo Tribal Council  
the Adoption of a Housing Code and a Dwelling  
House Construction Code

WHEREAS:

1. The Advisory Committee of the Navajo Tribal Council has been delegated the responsibility for reviewing codes and recommending them to the Tribal Council (6 N.T.C. 5; Tribal Council Resolution CS-75-65), and

2. To assist the Advisory Committee in discharging its responsibility for code review a Code Advisory Committee was formed (6 N.T.C. 6; Advisory Committee Resolution ACMY-72-63), and

3. The General Counsel's office and members of the Code Advisory Committee have proposed that the Navajo Tribe adopt the Uniform Building Code, Volume 6, Dwelling House Construction, 1967 Edition, and the Uniform Building Code, Volume 3, Housing, 1967 Edition, as the dwelling house and housing codes of the Navajo Tribe, and

4. It is in the best interests of the Navajo people that effective codes be adopted by the Navajo Tribal Council so as to provide for the best and safest construction and community development on Navajo tribal lands.


NOW THEREFORE BE IT RESOLVED THAT:

1. The Advisory Committee of the Navajo Tribal Council hereby approves the Uniform Building Code, Volume 3, Housing, 1967 Edition, and the Uniform Building Code, Volume 6, Dwelling House Construction, 1967 Edition, and recommends to the Navajo Tribal Council the adoption of these codes.

2. The Advisory Committee of the Navajo Tribal Council further recommends that the Navajo Tribal Council delegate to the Advisory Committee the authority to modify and amend these codes whenever necessary to meet particular or unusual requirements on Navajo tribal lands.

# CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 11 in favor and 0 opposed, this 4th day of June, 1968.

  
Vice Chairman  
Navajo Tribal Council

RESOLUTION OF THE  
NAVAJO TRIBAL COUNCIL

Adopting a Housing Code and a Dwelling House Construction Code

WHEREAS:

1. By Resolution CS-75-65, the Navajo Tribal Council considered and recommended the possible adoption of the following codes:

- (a) Electrical Code
- (b) Building Code
- (c) Plumbing Code
- (d) Housing Code
- (e) Health and Sanitation Code

2. The National Electrical, Plumbing and Gas Codes have been adopted by the Advisory Committee of the Navajo Tribal Council, by Resolution ACAU-164-66, and

3. The Advisory Committee, by Resolution ACJN-99-68, has recommended to the Navajo Tribal Council the adoption of the below resolved Housing Code and Dwelling House Construction Code and this adoption is also recommended by the Department of Housing and Urban Development.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby adopts Volume 3, the Housing Code of the Uniform Building Code, and Volume 6, the House Construction Code of the Uniform Building Code (1967 Edition) as standards for the Navajo Tribe for application to the following construction programs:

- a. For all federal housing programs now being sponsored by the Navajo Housing Authority.
- b. For all new housing construction by the Tribal Design and Construction Department or other Tribal enterprises, and all bona fide contractors and subcontractors operating on Navajo lands.
- c. For all new house construction by individuals in planned or withdrawn community areas on the Navajo Indian Reservation.

2. The Advisory Committee of the Navajo Tribal Council is hereby delegated the authority to modify and amend these codes whenever necessary to meet particular or unusual requirements on Navajo Tribal lands.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 40 in favor and 1 opposed, this 18th day of November, 1968.

A handwritten signature in dark ink, appearing to read 'Nelson A. ...', is written above the printed title.  
Vice Chairman  
Navajo Tribal Council



# NAVAJO NATION

208

7/20/2023

Navajo Nation Council Summer Session

06:38:05 PM

Amd# to Amd#	Legislation 0044-23: Adopting	PASSED
MOT Tolth, G	the Latest International	
SEC Parrish, S	Building Code (ICC's 2021	
	International Building Code....	

**Yeas : 15**

**Nays : 5**

**Excused : 3**

**Not Voting : 0**

## **Yea : 15**

Begay, H	Damon, S	Nez, R	Simpson, D
Begay, N	Daniels, H	Notah, N	Slater, C
Charles-Newton, E	James, V	Parrish, S	Tolth, G
Crotty, A	Nez, A	Simonson, G	

## **Nay : 5**

Arviso, S	Claw, S	Johnson, C	Yazzie, C
Aseret, L			

## **Excused : 3**

Jesus, B	Tso, O	Yanito, C
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## **Not Voting : 0**

**Presiding Speaker: Curley, C**