



Jeff Youtz
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee
FROM: Principal Legal Analyst - Eric Milstead
DATE: September 18, 2013
SUBJECT: Division of Building Safety

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - International Residential & Energy Conservation Codes (Docket No. 07-0301-1301)

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - bracing walls in 1 & 2-family dwellings (Docket No. 07-0301-1302)

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - Remodels of B&Bs (Docket No. 07-0301-1303)

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - Fire resistant floors in residences (Docket No. 07-0301-1304)

IDAPA 07.03.11 - Rules Pertaining To The Rules Governing Manufactured/Mobile Home Industry Licensing (Docket No. 07-0311-1301)

1. IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - International Residential & Energy Conservation Codes (Docket No. 07-0301-1301).

The Division of Building Safety submits notice of proposed rulemaking at 07.03.01 -- Rules of Building Safety. The division notes that the proposed rule reflects the adoption, with certain amendments, of the 2012 editions of the International Building Code, the International Residential Code and the International Energy Conservation Code. The division also notes that the proposed rule is the result of negotiated rulemaking, including participation from members of the building industry, local building official, code development official, Board members and other stakeholders. This collaborative approach formed the basis for the first four dockets discussed in this memorandum.

The proposed rule includes a number of amendments, proposed to the Board by stakeholders, to the adopted international codes. The division states that the adopted amendments could save contractors and property owners certain expenses while not compromising health or safety. The amendments to the International Building Code bring the rule into conformity with statute which allows day care facilities within a residence. (See Rule Section 004.01.) Other amendments concerning energy efficiency were also proposed by the stakeholder group. The division states that amendments to the energy and residential codes restore provisions that existed in the 2009 edition of the codes or provide efficient and economical alternative methods to comply with the codes.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The agency's proposed rule appears to be authorized pursuant to section 39-4107 and 39-4109, Idaho Code.

2. IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - bracing walls in 1 & 2-family dwellings (Docket No. 07-0301-1302).

The Division of Building Safety submits notice of proposed rulemaking at 07.03.01 -- Rules of Building Safety. The proposed rule in this docket reflects negotiated rulemaking with a group of stakeholders described in the immediately preceding docket addressed in the memorandum. The proposed rule amends the International Residential Code by adding an optional method for bracing a wall in one and two family dwellings. The amendment includes a provision from the most recent edition of an APA - Engineered Wood Association publication. (See Rule Section 004.02.1.)

The division's proposed rule appears to be authorized pursuant to sections 39-4104 and 39-4109, Idaho Code.

3. IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - Remodels of B&Bs (Docket No. 07-0301-1303).

The Division of Building Safety submits notice of proposed rulemaking at 07.03.01 -- Rules of Building Safety. The proposed rule in this docket is the result of negotiated rulemaking described in the two preceding dockets. The proposed rule in this docket amends the International Residential code so that certain lodging houses (bed and breakfasts) may be constructed, remodeled or operated pursuant to the provisions of the Residential Code instead of the commercial Building Code (See Rule Section 004.02.b.)

The agency's proposed rule appears to be authorized pursuant to sections 39-4107 and 39-4109, Idaho Code.

4. IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety - Fire resistant floors in residences (Docket No. 07-0301-1304).

The Division of Building Safety submits notice of proposed rulemaking at 07.03.01 -- Rules of Building Safety. The proposed rule in this docket is the result of negotiated rulemaking described in the three preceding dockets. The revisions in the proposed rule include the following: amend the International Residential Code by eliminating a requirement that floors in residences not already "fire resistance rated" shall be enhanced with additional structural fire protection (wallboard, wood or equivalent fire protection) on the underside of the floor assembly. The agency states that by eliminating this requirement found in the 2012 edition of the IRC, there will be a cost savings to builders and property owners. The division notes that a number of exceptions to the new provision found in the IRC already exist in the code.

The agency's proposed rule appears to be authorized pursuant to sections 39-4107 and 39-4109, Idaho Code.

5. IDAPA 07.03.11 - Rules Pertaining To The Rules Governing Manufactured/Mobile Home Industry Licensing (Docket No. 07-0311-1301).

The Division of Building Safety submits notice of proposed rulemaking at 07.03.11 -- Rules Governing Manufactured/Mobile Home Industry Licensing. The proposed rule in this docket reflects amendments to statute made during the 2013 Session. The legislation removed a requirement that persons and companies that provide work on manufactured and mobile homes be licensed. (See Rule Sections 012.03 and 012.07.) The proposed rule reflects that statutory change. The proposed rule also includes revisions to certain definitions to more closely mirror statutory definitions.

The agency states that negotiated rulemaking was not conducted because the rulemaking was simple in nature.

The agency's proposed rule appears to be authorized pursuant to section 44-2104, Idaho Code.

cc: Division of Building Safety
Steve Keys