

Dear Senators TIPPETS, Patrick, Schmidt, and
Representatives HENDERSON, Thompson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
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).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/07/2013. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/04/2013.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the
memorandum attached below.



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

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Adoption and amendment of the 2012 editions of the International Residential Code and International Energy Conservation Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. Code amendment proposals submitted to the Board by the collaborative group resulted in the Board's recognition that amending several provisions could save contractors and property owners significant expense without an adverse effect on health or safety. Specifically, amendments to the building code bring it into conformity with existing state laws which allow day care facilities within a residence. Amendments to the residential and energy codes restore many critical provisions back to the levels contained in the 2009 codes, and/or provide more economical alternate methods to ensure compliance with code requirements. All of which was advocated by the collaborative group and is more widely accepted within the industry. This rulemaking would result in the adoption of the 2012 International Residential Code (IRC) and 2012 International Energy Conservation Code (IECC) as building standards within Idaho among all jurisdictions. It would also make further amendments to the 2012 IRC and 2012 IECC related to energy code requirements and alternate methods of compliance, as well as amend the International Building Code (IBC) related to daycare facilities within residences.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No impact to the General Fund; some increased short-term costs to jurisdictions enforcing the codes for obtaining code materials and training of inspectors. Amendments to the new code result in decreases in costs to builders that offset minor cost increases associated with new provisions contained in the code. However, no significant additional costs of conformance with the new versions of the codes were brought forward in discussions before the Board.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2013 Idaho Administrative Bulletin, [Vol. 13-5, pages 60 and 61](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption and amendment of the 2012 editions of the International Residential Code and International Energy Conservation Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. Code amendment proposals submitted to the Board by the collaborative group resulted in the Board's recognition that amending several provisions could save contractors and property owners significant expense without an adverse effect on health or safety. Section 39-4109, Idaho Code, requires the adoption of the above-

referenced codes for the state of Idaho, and allows the Board to adopt subsequent editions and amendments thereto as it determines necessary.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 13th day of August 2013.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
P. O. Box 83720
Meridian, ID 83720-0048
Phone: (208) 332-8986
Fax: 1-877-810-2840

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 07-0301-1301

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of a 2009 any edition of any of the codes adopted in this Section, with or any amendments identified thereto, shall be January 1, 2011 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-29-10)()

01. International Building Code. 2012 Edition with the following amendments: (4-4-13)

a. Delete section 305.2.3 and replace with the following: Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ()

b. Delete section 308.6.4 and replace with the following: Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ()

c. Delete section 310.5 and replace with the following: Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: ()

- i. Buildings that do not contain more than two (2) dwelling units: ()
- ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants: ()
- iii. Boarding houses (transient) with ten (10) or fewer occupants: ()
- iv. Care facilities that provide accommodations for five (5) or fewer persons receiving care: ()
- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants: ()
- vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or ()
- vii. Dwelling units providing day care for twelve (12) or fewer children. ()
- d. Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. ()
- ae. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)
- bf. Add the following Delete footnote ~~(g)~~ contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: ~~(g)~~ For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (4-4-13)()
- 02. **International Residential Code.** 200912 Edition with the following amendments: (4-4-13)()
 - a. Delete ~~the~~ exception No. 1 contained under IRC section R101.2 - Scope. (4-7-11)()
 - b. Delete item No. 2 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)
 - c. Delete item No. 7 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)
 - d. Add the following item No. 11 at the end of the “Building” subsection of IRC section R105.2 - Work exempt from permit: Flag poles. ()
 - de. Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)
 - ef. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the “Walls” and “Projections” elements, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet

Minimum Fire Separation Distance	
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-29-10)()

fg. Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

h. Delete IRC section R303.4. ()

gi. Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-29-10)

hj. Delete IRC section R313.2. (3-29-10)

ik. Add the following to IRC section R315.23 - Where required in existing dwellings: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (4-4-13)()

jl. Delete IRC section R322.1.10. (3-29-10)

km. Delete IRC section R322.2.2 subparagraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-29-10)()

ln. Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

o. Chapter 11 [RE] Energy Efficiency - The following sections and tables of chapter 11 shall be amended in accordance with the requirements contained below in Subsection 004.04 of these rules which correspond to the appropriate section: ()

i. Table N1102.1.1 (Table R402.1.1) - Insulation and Fenestration Requirements by Component; ()

ii. Table N1102.1.3 (Table R402.1.3 - Equivalent U-Factors; ()

iii. Table N1102.2.6 (Table R402.2.6) - Steel-Frame Ceiling, Wall and Floor Insulation (R-Value); ()

iv. Section N1102.4.1 (R402.4.1) Building Thermal Envelope; ()

v. Section N1102.4.1.1 (R402.4.1.1) - Insulation; ()

- vi. [Table N1102.4.1.1 \(Table R402.4.1.1\) - Air Barrier and Insulation Installation;](#) ()
 - vii. [Section N1102.4.1.2 \(R402.4.1.2\) Testing Option;](#) ()
 - viii. [Add Section N1102.4.1.3 \(R402.4.1.3\) - Visual Inspection Option;](#) ()
 - ix. [Add Section N1102.6 \(R402.6\) - Residential Log Home Thermal Envelope;](#) ()
 - x. [Add Table N1102.6 \(Table R402.6\) - Log Home Prescriptive Thermal Envelope Requirements by Component; and](#) ()
 - xi. [Section N1104.1 \(R404.1\) - Lighting Equipment.](#) ()
- 03. International Existing Building Code.** 2012 Edition. (4-4-13)
- 04. International Energy Conservation Code.** 2009~~12~~ Edition with the following amendments. (4-7-11)()
- a.** [Delete the values contained in Table R402.1.1 \(Table N1102.1.1\) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:](#) ()

Table R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

<u>Climate Zone</u>	<u>Fenestration U- Factor</u>	<u>Skylight U-factor</u>	<u>Glazed Fenestration SHGC</u>	<u>Ceiling R-Value</u>	<u>Wood Frame Wall R-Value</u>	<u>Mass Wall R-Value</u>	<u>Floor R-Value</u>	<u>Basement Wall R-Value</u>	<u>Slab R-Value</u>	<u>Crawlspace Wall R-Value</u>
<u>5 and Marine 4</u>	<u>0.35</u>	<u>0.60</u>	<u>NR</u>	<u>38</u>	<u>20 or 13+5^h</u>	<u>13/17</u>	<u>30^g</u>	<u>10/13</u>	<u>10. 2 ft</u>	<u>10/13</u>
<u>6</u>	<u>0.35</u>	<u>0.60</u>	<u>NR</u>	<u>49</u>	<u>20 or 13+5^h</u>	<u>15/19</u>	<u>30^g</u>	<u>15/19</u>	<u>10. 4 ft</u>	<u>10/13</u>

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- b.** Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: ^k For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)

- c.** [Delete the values contained in Table R402.1.3 \(Table N1102.1.3\) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:](#)

Table R402.1.3
EQUIVALENT U-FACTORS

<u>Climate Zone</u>	<u>Fenestration U-factor</u>	<u>Skylight U-factor</u>	<u>Ceiling R-Value</u>	<u>Wood Frame Wall R-Value</u>	<u>Mass Wall R-Value</u>	<u>Floor R-Value</u>	<u>Basement Wall R-Value</u>	<u>Crawlspace Wall R-Value</u>
<u>5 and Marine 4</u>	<u>0.35</u>	<u>0.60</u>	<u>0.030</u>	<u>0.057</u>	<u>0.082</u>	<u>0.033</u>	<u>0.059</u>	<u>0.065</u>
<u>6</u>	<u>0.35</u>	<u>0.60</u>	<u>0.026</u>	<u>0.057</u>	<u>0.060</u>	<u>0.033</u>	<u>0.050</u>	<u>0.065</u>

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- d.** Delete Table R402.2.6 (Table N1102.2.6) and replace with the following:

TABLE R402.2.6
STEEL-FRAME CEILING, WALL AND FLOOR INSULATION
(R-VALUE)

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE^a
Steel Truss Ceilings	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings	
R-30	R-38 in 2 x 4 or 2 x 6 or 2 x 8 R-49 in any framing
R-38	R-49 in 2 x 4 or 2 x 6 or 2 x 8 or 2 x 10
Steel-Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 x 6 R-19 + 6 in 2 x 8 or 2 x 10
R-19	R-19 + 6 in 2 x 6 R-19 + 12 in 2 x 8 or 2 x 10
<p><u>a. Cavity insulation R-value is listed first, followed by continuous insulation R-value.</u></p> <p><u>b. Insulation exceeding the height of the framing shall cover the framing.</u></p>	

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- e.** Delete section 402.4.1 (N1102.4.1) and replace with the following: Building thermal envelope. The building thermal envelope shall comply with sections R402.1.1 and either section R402.4.1.2 or R402.4.1.3. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. ()

- f.** Delete section 402.4.1.1 (N1102.4.1.1) and replace with the following: Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer’s instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. ()

- g.** Delete the criteria requirement for the “Fireplace” component of Table R402.4.1.1 (Table N1102.4.1.1) - Air Barrier and Insulation Installation, and replace with the following: An air barrier shall be installed on fireplace walls. ()

- h.** Delete section 402.4.1.2 (N1102.4.1.2) and replace with the following: Testing option. Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven

(7) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. During testing: ()

- i. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed; ()
- ii. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers; ()
- iii. Interior doors shall be open; ()
- iv. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; ()
- v. Heating and cooling system(s) shall be turned off; ()
- vi. HVAC ducts shall not be sealed; and ()
- vii. Supply and return registers shall not be sealed. ()

i. Add the following as section 402.4.1.3 (N1102.4.1.3): Visual inspection option. Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. ()

bj. Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

ek. Add the following section: R402.6 (N1102.6) Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows: ~~(4-7-11)~~()

- i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)
- ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)
- iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)

el. Add Table R402.6 (Table N1102.6) Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

TABLE R402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR ^a	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^d	SLAB R-VALUE & DEPTH ^b	CRAWL SPACE WALL R-VALUE ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

b. R-5 shall be added to the required slab edge R-values for heated slabs.

c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(4-7-11)()

m. Delete section R404.1 (N1104.1) and replace with the following: Lighting equipment (Mandatory). A minimum of fifty percent (50%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of fifty percent (50%) of the permanently installed lighting fixtures shall contain only high efficacy lamps. ()

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1302

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendment of the 2012 edition of the International Residential Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. This amendment will create more flexibility in building residential structures by adding an alternate method contractors may use when bracing a one and two-family dwelling residential wall by allowing such to be braced in accordance with the APA–Engineered Wood Association publication SR-102. This rulemaking would amend the International Residential Code by adding an alternate method of bracing walls in one and two-family dwellings by including the most recent edition of the APA System Report SR-102 as an additional standard.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No fiscal impact to the General Fund or to the Agency, but may in certain situations result in savings to the owner or builder.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket No. 07-0301-1301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2013 Idaho Administrative Bulletin, [Vol. 13-5, pages 60 and 61](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Amendment of the 2012 edition of the International Residential Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. This amendment will create more flexibility in building residential structures by adding an alternate method contractors may use when bracing a one and two-family dwelling residential wall by allowing such to be braced in accordance with the APA–Engineered Wood Association publication SR-102. This rulemaking would amend the International Residential Code by adding an alternate method of bracing walls in one and two-family dwellings by including the most recent edition of the APA System Report SR-102 as an additional standard. Section 39-4109, Idaho Code, requires the adoption of the above-referenced codes for the state of Idaho, and allows the Board to adopt subsequent editions and amendments thereto as it determines necessary.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 13th day of August 2013.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
P. O. Box 83720
Meridian, ID 83720-0048
Phone: (208) 332-8986
Fax: 1-877-810-2840

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 07-0301-1302

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-29-10)

01. International Building Code. 2012 Edition with the following amendments: (4-4-13)

a. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)

b. Add the following footnote to Table 2902.1 Minimum Number of Required Plumbing Fixtures: (g) For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (4-4-13)

02. International Residential Code. 2009~~12~~ Edition with the following amendments: ~~(4-4-13)~~()

a. Delete the exception contained under IRC section R101.2 - Scope. (4-7-11)

b. Delete item No. 2 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)

c. Delete item No. 7 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)

d. Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)

e. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-29-10)

f. Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

g. Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-29-10)

h. Delete IRC section R313.2. (3-29-10)

i. Add the following to IRC section R315.2 - Where required in existing dwellings: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (4-4-13)

j. Delete IRC section R322.1.10. (3-29-10)

k. Delete IRC section R322.2.2 paragraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-29-10)

l. Delete IRC section R602.10 and replace with the following: Wall bracing. Buildings shall be braced in accordance with this section or, when applicable section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this section, those portions shall be designated and constructed in accordance with section R301.1. ()

m. Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

- 03. International Existing Building Code.** 2012 Edition. (4-4-13)
- 04. International Energy Conservation Code.** 2009 Edition with the following amendments. (4-7-11)
- a.** Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: ^k For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)
- b.** Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)
- c.** Add the following section: 402.6 Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows: (4-7-11)
- i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)
- ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)
- iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)
- d.** Add Table 402.6 Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

TABLE 402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR ^a	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^d	SLAB R-VALUE & DEPTH ^b	CRAWL SPACE WALL R-VALUE ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

- a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- b. R-5 shall be added to the required slab edge R-values for heated slabs.
- c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
- d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(4-7-11)

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1303

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendment of the 2012 edition of the International Residential Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. This amendment will allow owner-occupied lodging house occupancies (bed and breakfasts) with three or fewer guestrooms to be constructed or remodeled in accordance with the Residential Code instead of the commercial Building Code, and allow such to be operated without the installation of fire sprinklers. It will, however, require that smoke and carbon monoxide alarms be installed. This is expected to be a cost saving to owners of such occupancies who reside in them, relieving them from having to install fire sprinklers and comply with other requirements of the commercial Building Code if they are remodeled. This rulemaking would amend the International Residential Code to allow owner-occupied lodging house occupancies (bed and breakfasts) with three or fewer guestrooms to be constructed or remodeled in accordance with the Residential Code instead of the commercial Building Code. It also would allow such bed and breakfasts to be operated without the installation of fire sprinklers, but require that smoke and carbon monoxide alarms are installed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No impact to the General Fund. Amendment to the code would result in decreases in cost to operators of owner-occupied lodging houses (bed and breakfast property) as a result of the elimination of fire sprinkler requirements in those with three or fewer guestrooms. No significant additional costs of conformance with the newer edition of the code were brought forward in discussions before the board.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket No. 07-0301-1301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2013 Idaho Administrative Bulletin, **Vol. 13-5, pages 60 and 61.**

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Amendment of the 2012 edition of the International Residential Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. This amendment will allow owner-occupied lodging house occupancies (bed and breakfasts) with three or fewer guestrooms to be constructed or remodeled in accordance with the Residential Code instead of the commercial Building Code, and allow such to be operated without the installation of fire sprinklers. It will; however, require that smoke and carbon monoxide alarms be installed. This is expected to be a cost saving to owners of such occupancies who reside in them, relieving them from having to install fire sprinklers and comply with other requirements of the commercial Building Code if they are remodeled. Section 39-4109, Idaho Code, requires the adoption of the above-referenced codes for the state of Idaho, and allows the Board to adopt subsequent editions and amendments thereto as it determines necessary.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 13th day of August 2013.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
P. O. Box 83720
Meridian, ID 83720-0048
Phone: (208) 332-8986
Fax: 1-877-810-2840

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 07-0301-1303

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-29-10)

01. International Building Code. 2012 Edition with the following amendments: (4-4-13)

a. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)

b. Add the following footnote to Table 2902.1 Minimum Number of Required Plumbing Fixtures: (g) For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (4-4-13)

02. International Residential Code. 2009~~12~~ Edition with the following amendments: ~~(4-4-13)~~()

a. Delete ~~the~~ exception No. 1 contained under IRC section R101.2 - Scope. ~~(4-7-11)~~()

b. Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with three (3) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. Such occupancies shall be required to install smoke alarms and carbon monoxide alarms in accordance with sections R314 and R315

respectively of the International Residential Code for One- and Two-family Dwellings. ()

bc. Delete item No. 2 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)

ed. Delete item No. 7 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)

de. Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)

ef. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-29-10)

fg. Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

gh. Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-29-10)

hi. Delete IRC section R313.2. (3-29-10)

ji. Add the following to IRC section R315.2 - Where required in existing dwellings: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (4-4-13)

jk. Delete IRC section R322.1.10. (3-29-10)

kl. Delete IRC section R322.2.2 paragraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic

entry and exit of floodwaters. (3-29-10)

m. Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

03. International Existing Building Code. 2012 Edition. (4-4-13)

04. International Energy Conservation Code. 2009 Edition with the following amendments. (4-7-11)

a. Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: ^k For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)

b. Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

c. Add the following section: 402.6 Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows: (4-7-11)

i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)

ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)

iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)

d. Add Table 402.6 Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

TABLE 402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR ^a	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^d	SLAB R-VALUE & DEPTH ^b	CRAWL SPACE WALL R-VALUE ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

- a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- b. R-5 shall be added to the required slab edge R-values for heated slabs.
- c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
- d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(4-7-11)

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1304

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendment of the 2012 edition of the International Residential Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. This amendment will eliminate a new provision of the IRC which requires floors in residences not already fire resistance rated to be enhanced with an additional structural fire protection on the underside of the floor assembly. This will be a cost saving to builders and property owners by eliminating the additional expense of installing fire protection membranes on the floor assemblies. The existence of the original provision in the Residential Code prior to amendment is primarily due to the short amount of time that may potentially exist for a fire to cause failure in manufactured I-joists which are commonly installed in residences. It provided additional protection to firefighters and officials who may be present to provide fire and life-safety services during a fire. However, several exceptions to the additional flooring protection requirement are already contained under the existing code provision. This rulemaking would amend the International Residential Code by deleting a section, including the exceptions thereto, that requires floor assemblies in one- and two-family dwellings which are not already fire-resistance rated to be enhanced by installing additional wallboard, wood or equivalent fire protection to the underside of the floor.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No fiscal impact to the General Fund or the jurisdictions enforcing building codes, including the Division. Construction savings to builders and property owners was identified by proponents of the amendment.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket No. 07-0301-1301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2013 Idaho Administrative Bulletin, [Vol. 13-5, pages 60 and 61](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Amendment of the 2012 edition of the International Residential Code was the result of negotiated rulemaking and the deliberations of a collaborative group consisting of members of the building industry, local building officials, code development officials, Board members, and other interested stakeholders. This amendment will eliminate a new provision of the IRC which requires floors in residences not already fire resistance rated to be enhanced with an additional structural fire protection on the underside of the floor assembly. This will be a cost saving to builders and property owners by eliminating the additional expense of installing fire protection membranes on the floor assemblies. The existence of the original provision in the Residential Code prior to amendment is primarily due to the short amount of time that may potentially exist for a fire to cause failure in manufactured I-joists which are commonly installed in residences. It provided additional protection to firefighters and officials who may be present to

provide fire and life-safety services during a fire. However, several exceptions to the additional flooring protection requirement are already contained under the existing code provision. Section 39-4109, Idaho Code, requires the adoption of the above-referenced codes for the state of Idaho, and allows the Board to adopt subsequent editions and amendments thereto as it determines necessary.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 13th day of August 2013.

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Deputy Administrator - Operations
Division of Building Safety
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THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 07-0301-1304

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-29-10)

01. International Building Code. 2012 Edition with the following amendments: (4-4-13)

a. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)

b. Add the following footnote to Table 2902.1 Minimum Number of Required Plumbing Fixtures: (g) For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (4-4-13)

02. International Residential Code. 2009~~12~~ Edition with the following amendments: ~~(4-4-13)~~()

a. Delete the exception contained under IRC section R101.2 - Scope. (4-7-11)

b. Delete item No. 2 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)

c. Delete item No. 7 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)

d. Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)

e. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-29-10)

f. Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

g. Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-29-10)

h. Delete IRC section R313.2. (3-29-10)

i. Add the following to IRC section R315.2 - Where required in existing dwellings: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (4-4-13)

j. Delete IRC section R322.1.10. (3-29-10)

k. Delete IRC section R322.2.2 paragraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-29-10)

- l.** Delete IRC section R501.3 and its exceptions. ()
- m.** Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)
- 03.** **International Existing Building Code.** 2012 Edition. (4-4-13)
- 04.** **International Energy Conservation Code.** 2009 Edition with the following amendments. (4-7-11)
 - a.** Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: ^k. For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)
 - b.** Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)
 - c.** Add the following section: 402.6 Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows:
 - i.** Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)
 - ii.** Section 405 Simulated Performance Alternative (Performance); or (4-7-11)
 - iii.** REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)
 - d.** Add Table 402.6 Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

TABLE 402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR ^a	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^d	SLAB R-VALUE & DEPTH ^b	CRAWL SPACE WALL R-VALUE ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

- a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- b. R-5 shall be added to the required slab edge R-values for heated slabs.
- c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
- d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(4-7-11)

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.11 - RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

DOCKET NO. 07-0311-1301

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 44-2104, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2013.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In the 2013 legislative session, the requirement that individuals and companies who provide service and repair work on manufactured and mobile homes was eliminated from the manufactured home licensing provisions of the Idaho Code. Amendments in this rulemaking will eliminate the corresponding rule requirements for manufactured and mobile home service companies to obtain a license to perform such work. Additionally, several definitions and terms contained in the rule chapter are amended to be more consistent with their statutory definitions.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No impact on the General Fund, and a \$2K reduction in revenue to the Manufactured Housing account. Favorable impact on individuals who service manufactured or mobile homes and will not be required to obtain a license.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2013.

DATED this 16th day of August 2013.

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THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 07-0311-1301

000. LEGAL AUTHORITY.

The administrator of the Idaho Division of Building Safety and the Idaho Manufactured Housing Board are authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code, including the establishment of a mandatory statewide manufactured home setup code, as well as to define and prohibit deceptive practices, and to establish administrative penalties. (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Industry Licensing," Division of Building Safety. (3-24-05)

02. Scope. These rules apply to persons engaged in the business of manufacturing, selling, ~~or installing~~ ~~or servicing~~ manufactured or mobile homes for purposes of human habitation (living and sleeping) in the state of Idaho. (3-24-05)()

002. WRITTEN INTERPRETATIONS.

The Division may from time to time provide legal opinions regarding these rules. To the extent not privileged, these documents will be made available for inspection at the Division's main office, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. (3-24-05)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (5-25-94)

01. Administrator. The administrator of the Division of Building Safety of the state of Idaho. (3-24-05)

02. Board. The Manufactured Housing Board. The composition and duties of the Board are set forth at Section 44-2104, Idaho Code. (3-29-10)

03. Bond. The performance bond required by Section 44-2103, Idaho Code. (5-25-94)

04. Branch Office. An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the retailer. (3-29-10)

05. Business. Occupation, profession, or trade. (5-25-94)

06. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (5-25-94)

a. Is misleading or inaccurate in any material respect; (3-29-10)

b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, salesman, or ~~service or~~ installation company. (3-29-10)()

- 07. Division.** The Division of Building Safety for the state of Idaho. (5-25-94)
- 08. Installer.** A person who owns a business which installs manufactured/mobile homes at the sites where they are to be occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home retailer who does not install manufactured/mobile homes. A retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. (3-29-10)
- 09. Installation.** The term includes “setup” and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (5-25-94)
- 10. Manufactured Home.** A structure, constructed after June 15, 1976, in accordance to accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which:
(3-24-05)
- a- fin the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length; or (5-25-94)
 - b- When erected on site, is three hundred twenty (320) or more square feet in size; and which (5-25-94)
 - c- fis built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and (5-25-94)
 - d- fincludes the plumbing, heating, air conditioning, and electrical systems contained therein; (5-25-94)
 - e- Except that such term shall include any structure which meets all the requirements of this definition subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401, et seq. (5-25-94)()
- 11. Manufactured Home Retailer.** Except as otherwise provided in these rules: (3-29-10)
- a.** Any person engaged in the business of selling or exchanging new and used units; or (5-25-94)
 - b.** Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (5-25-94)
- 12. Manufactured/Mobile Home Salesman.** Except as otherwise provided in these rules: Any person employed by a manufactured/mobile home dealer retailer or resale broker for a salary, commission, or compensation of any kind to sell, list, purchase, or exchange or to negotiate for the sale, listing, purchase, or exchange of new, used, brokered, or third-party owned units, except as otherwise provided in Title 44, Chapter 21, Idaho Code. (3-24-05)()
- ~~**13. Manufactured/Mobile Home Service Company.**~~ Any person who owns or is the responsible managing employee of a business that has grossed more than two thousand five hundred dollars (\$2,500) in any one (1) year from the service of manufactured or mobile homes. The term does not include a manufactured/mobile home retailer or owner. The term also does not include licensed electrical or plumbing contractors, carpet and vinyl installers, painting or concrete contractors, tape and texture installers, cabinet installers, public utilities, or the employees of any of the occupations listed in this sentence. Finally, the term does not include manufactured/mobile home installers. (3-29-10)
- ~~**14.3. Manufacturer.**~~ Any person engaged in the business of manufacturing facility which has been certified by the U.S. Department of Housing and Urban Development (HUD) to construct prefabricated manufactured homes in accordance with the Manufactured Housing Construction Safety Standards Act of 1974 that are offered for sale, lease, or exchange in the state of Idaho. (5-25-94)()

154. Mobile Home. A factory-assembled structure similar to a manufactured home, but built to a mobile home code or structures generally constructed prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (5-25-94)()

165. Person. A natural person, corporation, partnership, trust, society, club, association, or other organization. (5-25-94)

176. Principal Place of Business. ~~An enclosed structure accessible and open to the public~~ The primary physical location at which the business of a manufactured home retailer or resale broker is lawfully conducted. Each of the following requirements ~~are~~ shall be met to qualify as the principal place of business: (5-25-94)()

a. The business of the manufactured ~~or~~ mobile home retailer or resale broker is lawfully conducted here; (3-29-10)()

b. The office or offices of the retailer or resale broker is or are located here; (3-29-10)()

c. The public may contact the retailer, resale broker, or salesman here; (3-29-10)()

d. The offices are accessible and open to the public; and ()

~~de.~~ **de.** The greatest portion of the retailer's business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer's principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there shall be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign shall provide the business name of the retailer. (3-29-10)

187. Responsible Managing Employee (RME). The person designated by the employer to supervise other employees, either personally or through others. (5-25-94)

~~19. Service. Service includes, but is not limited to, the installation or repair of awnings, roofing, skirting, siding, remodeling, material alterations, attached carports or decks, on or in manufactured/mobile homes.~~ (5-25-94)

~~20~~**18. Unit.** A mobile or manufactured home. (5-25-94)

~~21~~**19. Used Manufactured Home or Mobile Home.** A manufactured home or mobile home, respectively, which has been: (5-25-94)

a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (5-25-94)

b. Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (5-25-94)

011. (RESERVED)

012. LICENSE REQUIRED.

It shall be unlawful to engage in business as a manufacturer, manufactured/mobile home retailer, resale broker, manufactured/mobile home salesman, responsible managing employee, or ~~manufactured/mobile home service company or~~ installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (3-29-10)()

01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. (5-25-94)

02. Designated License Holder. Any applicant for a license under these rules who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under these rules including, but not limited to, testing and education. (3-24-05)

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. (5-25-94)

b. Any person designated under Subsection 012.02 of these rules shall represent one (1) applicant only, and shall immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder shall be considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. (5-25-94)

c. The applicant and the person designated under Subsection 012.02 of these rules agree by acceptance of the designation that the designated person shall act as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. (5-25-94)

03. Proof of License. Proof of the existence of any license issued pursuant to these rules shall be carried upon the person of the responsible managing employee or supervisor of any installation ~~or any person who is personally involved with the service of any manufactured/mobile home~~ at all times during the performance of the ~~service or~~ installation work. Such proof shall be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home retailer, resale broker, responsible managing employee, or salesman must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office shall also be posted in a conspicuous place at the location licensed. ~~(3-29-10)()~~

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen representing licensed real estate brokers shall not be required to obtain a license under these rules in order to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. (3-24-05)

05. License for Manufacturers. In order to engage in business in the state of Idaho or to be entitled to any other license or permit required by these rules each manufacturer must be licensed by the Division. (3-24-05)

06. License for Branch Office of Manufactured/Mobile Home Retailer or Resale Broker. (3-29-10)

a. The Division shall require as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home retailer or resale broker maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (3-29-10)

b. To open a branch office, a retailer or resale broker must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. (3-29-10)

c. If the branch office is closed, the retailer or resale broker shall immediately deliver the license to the Division. (3-29-10)

07. License to Engage in Business as Manufactured/Mobile Home Retailer, Resale Broker, Manufacturer, ~~Service Company,~~ or Installer; Application; Bond; Issuance, Expiration, and Renewal. ~~(3-29-10)()~~

a. Applications for a manufacturer's, retailers, resale brokers, ~~service company~~ or installer's license must be filed upon forms supplied by the Division, and the applicant shall furnish: (3-29-10)

i. Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, resale broker, ~~service company~~ or installer; (~~3-29-10~~)()

ii. Any proof the Division may require that the applicant has a principal place of business; (5-25-94)

iii. Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; (5-25-94)

iv. In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make concerned; (3-29-10)

v. A reasonable fee and proof of bond fixed by rule; and (5-25-94)

vi. In the case of a retailer, resale broker, ~~service company~~, or installer, proof of passing the examination required by these rules. (~~3-29-10~~)()

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. If any installer's ~~or service company's~~ working relationship with his employer is terminated, the employer shall immediately deliver the license of the terminated installer ~~or service company~~ to the Division. (~~5-25-94~~)()

08. License for Manufactured/Mobile Home Salesman. (5-25-94)

a. A person shall not act as a salesman in this state for a person who sells or leases any manufactured/mobile home subject to the provisions of Title 44, Chapters 21 or 22, Idaho Code, without having first received a license from the Division. Before issuing such a license, the Division shall require: (1) an application, signed by the applicant and verified by his employer, stating that he desires to act as a salesman and providing his residential address and the name and address of his employer; (2) a statement as to whether any previous application of the applicant has been denied or license revoked; (3) payment of the license fee established by rule; and (4) any other relevant information the Division deems necessary. (5-25-94)

b. Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)

c. Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)

d. A person licensed pursuant to Subsection 012.08 of these rules shall not engage in sales activity other than for the account of, or for and on behalf of, a single employer who is a licensed retailer or resale broker. (3-29-10)

e. If a salesman ceases to be employed by a licensed retailer or resale broker, his license to act as a salesman is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed retailer or resale broker. If the salesman's working relationship with his employer is terminated, the employer shall immediately deliver his license to the Division. (3-29-10)

09. License for Responsible Managing Employee. (5-25-94)

- a.** A person shall not act as a responsible managing employee for an installer ~~or service company~~ without first having been issued a license by the Division. Before issuing such a license the Division shall require: (3-29-10)()
- i.** An application, signed by the applicant and verified by his employer, stating that he desires to act as a responsible managing employee and providing his residential address and the name and address of his employer; (5-25-94)
- ii.** A statement as to whether any previous application of the applicant has been denied or license revoked; (5-25-94)
- iii.** Payment of the license fee established by rule; and (5-25-94)
- iv.** Any other relevant information the Division deems necessary. (5-25-94)
- b.** Within thirty (30) days after receipt of a completed application, the Division shall issue or deny the license. (5-25-94)
- c.** Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (5-25-94)
- d.** A person licensed pursuant to Subsection 012.09 of these rules shall not engage in such activity other than for the account of, or for and on behalf of, a single employer who is a licensed ~~service company or~~ installer. (5-25-94)()
- e.** If a responsible managing employee ceases to be employed by an installer ~~or service company~~, his license to act as a responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases. He shall not engage in such activity until reemployed by a licensed installer ~~or service company~~. (3-29-10)()
- f.** If the responsible managing employee's working relationship with his employer is terminated, the employer shall immediately deliver his license to the Division. (5-25-94)

013. THE DIVISION'S MAILING ADDRESS.

Any correspondence or notices required by these rules or Title 44, Chapters 21 or 22, Idaho Code, shall be addressed to the Division of Building Safety, 1090 E. Watertower Street, Suite 150 Meridian, Idaho 83642. (3-24-05)()

014. PROOF OF EDUCATION REQUIRED.

01. Satisfactory Proof for Initial Application Submission. An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: (4-7-11)

a. Installers, and ~~dealers~~ retailers who are installers: eight (8) hours. (4-7-11)()

b. The course of initial education must be approved by the Division and shall include information relating to the provisions of these rules, Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (4-7-11)

02. Satisfactory Proof for License Renewal. The Division shall not renew any installer license, or ~~dealer~~ retailer license of any dealer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during one (1) year immediately preceding the renewal of the license, completed at least four (4) hours of continuing education. (4-7-11)()

03. Continuing Education Course. The course of continuing education must be approved by the Division and shall include information relating to the following: (4-7-11)

- a. Manufactured housing or mobile home parks which will enable a person to give better service to the members of the general public and tenants of manufactured/mobile home parks; (4-7-11)
- b. The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (4-7-11)
- c. Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (4-7-11)
- d. These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. (4-7-11)

015. EXAMINATION OF APPLICANT FOR LICENSE.

01. Required Examinations. Effective January 1, 1995, the Division shall require a written examination of each applicant for a license, other than a license being renewed, as a manufactured/mobile home retailer, resale broker, ~~service company~~ or installer. The examination shall include, but may not be limited to, the following subjects: Title 44, Chapters 21 and 22, Idaho Code; these rules and IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations"; and the Manufactured Housing Construction Safety Standards Act of 1974. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. (3-29-10)()

02. Approval of Examination and Grade. Examinations for all classifications under these rules shall be approved by the Division and the Board. No license shall be issued unless the applicant receives a final grade of seventy percent (70%) or higher. (5-25-94)

03. Retesting. If an applicant for a license fails the written examination offered by the Division twice, he must wait at least thirty (30) days before retesting. (5-25-94)

016. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds: (3-24-05)

01. Violation of Rules and Statutes. For any willful or repeated violation of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or Title 44, Chapters 21 or 22, Idaho Code. (3-29-10)

02. Failure to Have Principal Place of Business. With regards only to a manufactured/mobile home retailer or resale broker, failure of the applicant or licensee to have a principal place of business. (3-29-10)

03. Revocation of License. The revocation of the license of the employer of a responsible managing employee or salesman is grounds for the revocation of the license of the installer, responsible managing employee or salesman. (3-29-10)

04. False Information. Material misstatement in the application or otherwise furnishing false information to the Division. (5-25-94)

05. Proof of Employment. Failure of a salesman or applicant for licensing as a salesman to establish by proof satisfactory to the Division that he is employed by a licensed retailer or resale broker. (3-29-10)

06. Disclosing Contents of Examination. Obtaining or disclosing the contents of an examination given by the Division. (5-25-94)

07. Deceptive Practice. The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.06 of these rules. (3-24-05)

- 08. Failure to Provide Business Name.** Failure to include in any advertising the name of the licensed retailer, resale broker, ~~service company~~, or installer, or the name under which he is doing business. ~~(3-29-10)~~()
- 09. Encouraging Falsification.** Intentionally inducing an applicant or licensee to falsify his credit application. (5-25-94)
- 10. Poor Workmanship.** Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Uniform Plumbing Code, and the International Mechanical Code, then in effect. (3-29-10)
- 11. Installation Supervisor Required.** Failure to have a licensed responsible managing employee personally supervise any installation ~~or service~~ of a manufactured/mobile home. ~~(3-29-10)~~()
- 12. Failure of Organizations to License its Employees.** Failure of an organization to have its employees maintain any license as required by these rules. (3-24-05)
- 13. Failure to Honor Warranties.** Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure. (3-29-10)
- 14. Revocation or Denial of License.** Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or U.S. territory. (3-29-10)
- 15. Failure to Maintain Any Required License.** Failure of the licensee to maintain any other license required by any city or county of this state. (5-25-94)
- 16. Failure to Respond to Notice.** Failure to respond to a notice served by the Division as provided by law within the time specified in the notice. (5-25-94)
- 17. Failure to Permit Access to Documentary Materials.** Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. (5-25-94)
- 18. Conviction of Misdemeanor.** Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (5-25-94)
- 19. Conviction of Felony.** Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. (3-29-10)
- 20. Dealing with Stolen Manufactured or Mobile Homes.** To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (5-25-94)
- 21. Violation of Permit or Inspection Requirements.** To knowingly violate any permit or inspection requirements of any city or county of this state. (5-25-94)

(BREAK IN CONTINUITY OF SECTIONS)

019. FEES.

- 01. Fees for Issuance and Renewal of License.** The following fees for the issuance and renewal of a license will be charged, and no application for licensing pursuant to these rules will be accepted by the Division unless it is accompanied by the appropriate fee: (5-25-94)

a. Manufactured/mobile home retailer or resale broker's license: four hundred forty dollars (\$440). Retailers who are also installers will not have to pay an installer's license fee in order to hold both licenses. (3-29-10)

b. Manufacturer license: four hundred forty dollars (\$440); (3-24-05)

c. Manufactured/mobile home ~~service company or~~ installer license: two hundred twenty dollars (\$220); ~~(3-29-10)~~()

d. Manufactured/mobile home salesman's license: forty-five dollars (\$45). (3-24-05)

e. Responsible managing employee license: forty-five dollars (\$45). (3-29-10)

02. Performance Bonding Requirements. No application for licensing pursuant to these rules shall be accepted unless it is accompanied by evidence of the following performance bond: (3-24-05)

a. Manufacturer: twenty thousand dollar (\$20,000) bond; (5-25-94)

b. Manufactured/mobile home retailer: twenty thousand dollar (\$20,000) bond; (3-29-10)

c. Manufactured/mobile home resale broker: thirty thousand dollar (\$30,000) bond; (3-29-10)

d. Manufactured/mobile home ~~service company or~~ installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. ~~(3-29-10)~~()

e. Responsible managing employee. No bond. (3-29-10)

03. Money or Securities Deposit in Lieu of Performance Bond. A money or securities deposit shall be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (3-29-10)

a. Any such money or securities deposit shall be in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (3-29-10)

b. Any such money deposit shall be deposited in a time certificate of deposit which provides on its face that the principal amount of such certificate of deposit shall be payable to the Division upon presentment and surrender of the instrument; (7-1-96)

c. Any such time certificate of deposit shall have a maturity date of one (1) year from the effective date of licensure and shall have an automatic renewal provision for subsequent years; (7-1-96)

d. Any such time certificate of deposit shall be provided to the Division at the time of application for licensure and shall be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; (7-1-96)

e. Any such time certificate of deposit shall be returned to an unsuccessful applicant for licensure; (7-1-96)

f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, shall be returned to the depositor by the Division on or before ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and (7-1-96)

g. Any interest income earned by reason of the principal amount of the time certificate of deposit shall be the property of the licensee. (7-1-96)

(BREAK IN CONTINUITY OF SECTIONS)

022. CIVIL PENALTIES.

The following acts shall subject the violator to penalties based on the following schedule: (3-29-10)

01. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, resale broker, salesman, installer, ~~service company~~, or responsible managing employee (RME) as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ~~(3-29-10)~~()

02. Deceptive Practice. In accordance with Section 44-2106(2), Idaho Code, any retailer, resale broker, installer, salesman, ~~service company~~, or RME who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer, resale broker, installer, ~~service company~~, or RME, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ~~(3-29-10)~~()

03. Dealing with Stolen Manufactured or Mobile Homes. In accordance with Section 44-2106(2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home shall be subject to a civil penalty of not more than one thousand dollars (\$1,000). (3-29-10)

04. Failure to Maintain a Principal Place of Business. In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer or resale broker duly licensed by the Division and who fails to maintain a principal place of business within Idaho, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-29-10)

05. Violation of Rules and Statutes. Any person who knowingly violates any of the provisions of these rules, IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," or the provisions of Title 44, Chapters 21 or 22, Idaho Code, shall be subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. (3-29-10)

06. Gross Violation. In case of continued, repeated, or gross violations of these rules or IDAPA 07.03.12, "Rules Governing Manufactured or Mobile Home Installations," a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals shall be subject to prosecution by the appropriate jurisdiction under Idaho law. (3-29-10)

07. Judicial Review. Any party aggrieved by the final action of the Administrator shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. (3-29-10)