



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 13, 2018

The Honorable Jim Patrick
Idaho State Senator
Statehouse
VIA HAND DELIVERY

Re: House Bill 547 – Our File No. 18-60842

Dear Senator Patrick:

Your recent inquiry regarding House bill 547 has been referred to me for response. In addition to the request received initially, asking about the impact of the proposed amendment to section 2, your office forwarded correspondence from Brody Aston, a public affairs specialist with Westerberg and Associates. In his correspondence, Mr. Aston raises several additional questions for response by the Office of the Attorney General. My analysis follows:

Proposed Amendment. The existing legislation requires a local jurisdiction to make a finding of “good cause” prior to “adopting any provision of the International Building Code or the Idaho residential Code or appendices thereto.” Idaho Code § 39-4116. Instead of requiring a “good cause” finding, the proposed legislation requires a finding that “an immediate threat to human life or safety” exists. The proposed amendment replaces the “immediate threat to human life or safety” finding with a finding of “a community uniqueness in regard to building safety, fire, or life safety.” The question is how the language in the proposed legislation and proposed amendment would affect the bill.

The proposed legislation does not define “immediate threat to human life or safety.” The proposed amendment does not define “a community uniqueness in regard to building safety, fire, or life safety.” My research did not yield any clarification of either of these terms in the building code context that would be useful in further defining legislative intent. Regardless of the term selected, the proposed legislation should be clarified to define legislative intent for the selected criteria and detail the specific facts local jurisdictions must consider in arriving at their determinations.

Grandfathering. The question is whether current codes adopted by local jurisdictions would be “grandfathered” under the proposed legislation.

Proposed legislation typically applies prospectively. That said, the proposed legislation does not include any grandfathering provisions and, because of the way it is worded, leaves open the question of its intended impact on local jurisdictions' existing code enforcement programs. To avoid unintended consequences, the proposed legislation should be clarified to address the legislature's intent with regard to the legislation's impact on local jurisdictions' existing code enforcement programs.

Applicable Codes. The question is what codes are implicated in the proposed legislation. Idaho Code section 39-4109 adopts four building codes for the state of Idaho and establishes the criteria by which the Idaho Building Code Board can adopt or amend those codes. The codes are: the International Building Code (IBC), International Residential Code (IRC), International Energy Conservation Code (IECC), and the International Existing Building Code (IEBC).

Idaho Code section 39-4116 pertains to local government adoption and enforcement of building codes. Subpart (2) provides that local governments enforcing building codes must adopt current versions of the IBC (omitting other referenced codes within the IBC), parts I-IV and IX of the Idaho Residential Code (presumably this references the Idaho-adopted version of the IRC), and the Idaho Energy Conservation Code (again, presumably the Idaho-adopted version of the IECC). See Idaho Code § 39-4116.

The proposed legislation adds the following provision to subpart (2):

Local governments shall not adopt provisions, chapters, sections or parts of subsequent versions of the International Residential Code or International Energy Conservation Code, or subsequent versions in their entirety that have not been adopted by the Idaho building code board, except as provided in subsection (4) (b) of this section.

This new provision limits local jurisdictions in the scope of their enforcement programs. It authorizes adoption of the IRC and IECC only to the extent that the Idaho Building Code Board has done so. This is a substantial change from the broader language in the existing legislation, which contemplates that local governments may amend all adopted codes to reflect "local concerns." This broader language has been deleted from subpart (4) of the bill.

There are differing interpretations with regard to the impact of the proposed legislation's reference in subsection (2)(c) to subsection (4)(b). On one hand, it is argued that this reference permits local governments the latitude they are afforded under the existing legislation. On the other hand, it is argued that this reference does not grant that latitude. In my view, the reference to subsection (4)(b) does not communicate a broader grant of authority.

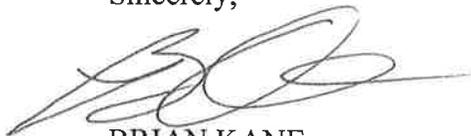
In contrast to subsection (2)(c), subsection (4)(b) of the bill limits local jurisdiction adoption of the IBC and the Idaho residential code to the extent that the Idaho Building Code Board has done so. Whether this difference was intended is not clear. However, without the broader language in subpart (4) of the existing legislation, which allows amendment of all adopted codes, the difference could create confusion for local jurisdictions and should be addressed.

Local Conditions. The question is whether the proposed legislation prevents local jurisdictions from adjusting the adopted codes for local conditions. I understand that the Idaho Division of Building Safety believes, pursuant to language in the IRC and adopted in rule, that the proposed legislation would not negatively impact the ability of local jurisdictions to adjust the adopted codes for local conditions. While the IRC does give building officials the authority to make certain determinations, where the proposed legislation removes local jurisdictions' ability to amend the adopted codes to reflect local concerns, it is difficult to comprehend how language in rule would enable local jurisdictions to adjust the adopted codes for local conditions. This may well be an unintended consequence of the proposed legislation, and, if so, should be addressed.

As indicated, there are serious questions with regard to the proposed legislation and its potential impact on local jurisdictions' building code enforcement programs. These questions are not resolved by reference to the language of the revision itself. To assure that the intent of the Legislature is fulfilled and to limit the potential impact on local jurisdictions' current and future code enforcement activities, I recommend that the proposed legislation be revised accordingly.

I hope you find this response helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "BK", with a long horizontal flourish extending to the right.

BRIAN KANE
Assistant Chief Deputy

BK/tjn

Email correspondence between Senator Winder and Office of Attorney General:

From: "Holm, Spencer" <spencer.holm@ag.idaho.gov>
Date: December 18, 2017 at 4:57:40 PM MST
To: "'cwinder@senate.idaho.gov'" <cwinder@senate.idaho.gov>
Cc: "Kane, Brian" <brian.kane@ag.idaho.gov>, "Christensen, Kay" <kay.christensen@ag.idaho.gov>
Subject: Boise City Adoption of 2015 Codes

Senator Winder,

You asked whether Boise City's adoption of the 2015 International Residential Code (IRC) and International Energy Conservation Code (IECC) would violate Idaho Code title 39, chapter 41. Boise City's adoption of the 2015 IRC and IECC likely would violate Idaho Code title 39, chapter 41 for two reasons.

First, the intent of title 39, chapter 41, is to create uniform building codes throughout the State of Idaho. See Idaho Code § 39-4101(1). The state has adopted the 2012 IRC and the residential provisions of the 2012 IECC pursuant to Idaho Code section 36-4109 and IDAPA 07.03.01.004. By adopting the 2015 IRC and IECC, Boise City's codes would differ from the state's codes, thus causing concerns the legislature sought to address by enacting title 39, chapter 41.

Second, the plain language of Idaho Code section 39-4116(4)(b) allows local jurisdictions to *amend* the state's adopted codes and adopt *provisions* of the IRC or IECC that differ from the state's adopted codes, not to replace the codes wholesale.

Please let me know if you have any additional questions or if I can help in any other way.

Thank you,
Spencer Holm
Deputy Attorney General
Contracts and Administrative Law Division
(208) 332-3098

H 547
attachment 2
3/13/18



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 2, 2018

The Honorable Chuck Winder
Idaho State Senator
Statehouse
VIA Email: cwinder@senate.idaho.gov

Re: Local Jurisdiction Adoption of Building Codes Other than Those Duly
Adopted by the Idaho Building Code Board

Dear Senator Winder:

You have inquired specifically as to enforcement mechanisms which might apply if a local jurisdiction adopted building codes other than those duly adopted by the Idaho Building Code Board. Earlier correspondence discussed the specific scenario in which a local jurisdiction adopts the 2015 version of certain building codes despite the fact that it is the 2012 version that has been adopted by the Building Code Board pursuant to its statutory mandate. The correspondence concluded that adoption of the new codes would be in violation of Idaho Code section 39-4116 and be contrary to the notion of uniformity which provides the underpinning for this chapter.

It is true that the plain language of Idaho Code section 39-4116(4)(b) allows local jurisdictions to amend the codes adopted by the Idaho Building Code Board. The statute permits local jurisdictions to adopt *provisions of the IRC or IECC* that differ from the codes adopted by the Idaho Building Code Board. The statute, however, does not permit the local jurisdictions to *replace* the adopted codes by adopting newer, revised versions.

The limited enforcement mechanisms within the Idaho Building Code Act are not of much utility as applied to this situation. They empower the Division of Building Safety to seek injunctive relief enjoining construction of a building, buildings, or modular buildings which do not conform to the requirements of the chapter. This mechanism, however, requires the filing of an affidavit of the Division that the building does not conform to the requirements of the chapter, and doing it on a building-by-building (or possibly development-by-development) basis. Idaho Code § 39-4125. This appears to place an onerous burden on the Division both in terms of time and expense.

The Honorable Chuck Winder
February 2, 2018
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The chapter also provides misdemeanor penalties for violations. Idaho Code § 39-4126. These penalties attach to those individuals found to have willfully violated the provisions of the chapter or the codes which are enumerated therein. Successful prosecution of such claims, however, is a matter for the county prosecutor, not the Division.

The current building codes have been lawfully enacted by the legislature. While there is some latitude given to the local jurisdictions to make changes within the parameters of the adopted codes, adoption of entirely different codes violates both the letter and the spirit of the law. Individuals or jurisdictions desiring adoption of entirely new codes should do so by seeking changes to Idaho Code section 39-4116(4)(b) through the legislative process. Those individuals negatively impacted by actions which are taken in violation of the law may find it appropriate to pursue claims for injunctive relief or damages through the court system.

If you have any additional questions or concerns, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Kay Christensen', written over a circular stamp or seal.

S. KAY CHRISTENSEN
Deputy Attorney General
Contracts and Administrative Law Division

SKC/blm

**E-mail Correspondence to Rep. Demordaunt from Ron Whitney, Idaho
Division of Building Safety, February 28, 2018**

Representative DeMordaunt,

Following up on your concerns expressed yesterday relative to H 547 and the restrictions placed on local jurisdictions.

The attached language is taken directly from the "Idaho Residential Code", 2017 edition as published by the International Code Council. It is a blend of the 2012 International Residential Code and all applicable IDAPA rules through the 2017 legislative session.

I have highlighted the specific sections that address the authority given to local jurisdiction building officials for the purpose of addressing local concerns. The language in H 547 does not remove any of this authority. Included are the following:

- * Render interpretations of the code and adopt policies to clarify the application.
- * Approve alternative material, design or method of construction
- * Set building permit fees
- * Set climatic and geographical design criteria to include
 - * Snow load
 - * Wind load
 - * Seismic design category
 - * Flood hazards

I believe there was contrary testimony in committee.

Please do not hesitate to contact me if you would like to discuss.

Ron Whitney

Deputy Administrator
Idaho Division of Building Safety
1090 E Watertower St. Suite 150
Meridian, ID 83642
208-332-7150
208-318-4987 cell

H547
attachment 3
3/13/18

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION R103 DEPARTMENT OF BUILDING SAFETY

R103.1 Creation of enforcement agency. The department of building safety is hereby created and the official in charge thereof shall be known as the *building official*.

R103.2 Appointment. The *building official* shall be appointed by the chief appointing authority of the *jurisdiction*.

R103.3 Deputies. In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

R104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

R104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

R104.7 Department records. The *building official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

R104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the *jurisdiction* until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

R104.9 Approved materials and equipment. Materials, equipment and devices approved by the *building official* shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials, equipment and devices shall not be reused unless

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirements of this code shall also be permitted as an alternate.

R104.11.1 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION R105 PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required permit.

4. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are not greater than four (4) feet [one thousand, two hundred nineteen (1219) mm] deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.
11. Flag poles.

Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed

R106.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved* in writing or by a stamp which states "REVIEWED FOR CODE COMPLIANCE." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or his or her authorized representative.

R106.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

R106.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

R106.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

R106.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

R107.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION R108 FEES

R108.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

R108.3 Building permit valuations. Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

R108.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

R108.5 Refunds. The *building official* is authorized to establish a refund policy.

R108.6 Work commencing before permit issuance. Any person who commences work requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required *permit* fees.

BUILDING PLANNING

SECTION R301 DESIGN CRITERIA

R301.1 Application. Buildings and structures, and all parts thereof, shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood loads, snow loads, wind loads and seismic loads as prescribed by this code. The construction of buildings and structures in accordance with the provisions of this code shall result in a system that provides a complete load path that meets all requirements for the transfer of all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures constructed as prescribed by this code are deemed to comply with the requirements of this section.

R301.1.1 Alternative provisions. As an alternative to the requirements in Section R301.1 the following standards are permitted subject to the limitations of this code and the limitations therein. Where engineered design is used in conjunction with these standards, the design shall comply with the *International Building Code*.

1. *AF&PA Wood Frame Construction Manual (WFCM)*.
2. *AISI Standard for Cold-Formed Steel Framing—Prescriptive Method for One- and Two-Family Dwellings (AISI S230)*.
3. *ICC Standard on the Design and Construction of Log Structures (ICC 400)*.

R301.1.2 Construction systems. The requirements of this code are based on platform and balloon-frame construction for light-frame buildings. The requirements for concrete and masonry buildings are based on a balloon framing system. Other framing systems must have equivalent detailing to ensure force transfer, continuity and compatible deformations.

R301.1.3 Engineered design. When a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practice. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the *International Building Code* is permitted for all buildings and structures, and parts thereof, included in the scope of this code.

R301.2 Climatic and geographic design criteria. Buildings shall be constructed in accordance with the provisions of this

code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1).

R301.2.1 Wind design criteria. Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code using the basic wind speed in Table R301.2(1) as determined from Figure R301.2(4)A. The structural provisions of this code for wind loads are not permitted where wind design is required as specified in Section R301.2.1.1. Where different construction methods and structural materials are used for various portions of a building, the applicable requirements of this section for each portion shall apply. Where not otherwise specified, the wind loads listed in Table R301.2(2) adjusted for height and exposure using Table R301.2(3) shall be used to determine design load performance requirements for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors and exterior doors. Asphalt shingles shall be designed for wind speeds in accordance with Section R905.2.4. A continuous load path shall be provided to transmit the applicable uplift forces in Section R802.11.1 from the roof assembly to the foundation.

R301.2.1.1 Wind limitations and wind design required. The wind provisions of this code shall not apply to the design of buildings where wind design is required in accordance with Figure R301.2(4)B or where the basic wind speed from Figure R301.2(4)A equals or exceeds 110 miles per hour (49 m/s).

Exceptions:

1. For concrete construction, the wind provisions of this code shall apply in accordance with the limitations of Sections R404 and R611.
2. For structural insulated panels, the wind provisions of this code shall apply in accordance with the limitations of Section R613.

In regions where wind design is required in accordance with Figure R301.2(4)B or where the basic wind speed shown on Figure R301.2(4)A equals or exceeds 110 miles per hour (49 m/s), the design of buildings for wind loads shall be in accordance with one or more of the following methods:

1. *AF&PA Wood Frame Construction Manual (WFCM)*; or
2. *ICC Standard for Residential Construction in High-Wind Regions (ICC 600)*; or

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^g	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ⁱ	AIR FREEZING INDEX ^j	MEAN ANNUAL TEMP ^k
	Speed ^d (mph)	Topographic effects ^e		Weathering ^a	Frost line depth ^b	Termite ^c					

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97^{1/2}-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBIMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF²-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.



AIA
Idaho

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March 10, 2018

The Idaho Chapter of the American Institute of Architects (AIA Idaho) is writing this letter to officially set the record as strongly **opposed to House Bill 547**. The AIA Idaho governing board represents over 300 AIA members in Idaho whose main professional concern is welfare and health of public infrastructure and private building safety.

The AIA Idaho position is strongly backed by the AIA National Counsel, State and Local Policy office. American Institute of Architects is the national organization of design professionals whose mission is to ensure that the public's health, safety and welfare are protected through sound legislative and regulatory processes and building codes.

HB547 puts the Idaho economy at major risk by removing the ability for cities and counties to make local amendments to building codes. If passed, the State of Idaho will jeopardize the built environment's ability to withstand extreme weather events, devastating fires, and seismic and geologic events.

Every time we repeal building codes that require structures to be more secure and resilient, we endanger the life and property of the public. Both state and local building codes are the foundation of a resilient, safe infrastructure as the local public demands. Idaho is not a one-size-fits-all state. The infrastructure we design today must be reflective of the climate zone, local specifics, and municipal regulations which support and regulate the local economy and welfare of citizens. The local building codes have not been created in one day but have evolved based on state law plus many years of local building practice and best suit the needs of each region and locality in Idaho.

We must oppose efforts to create uniform legislation which undermines the local building codes in the quest for short-term profits. Attached is the statement of the AIA Idaho Mountain section which addresses our position in more detail.

Sincerely,

AIA Idaho Board
(Idaho Chapter of the American Institute of Architects)

H 547
attachment 4
3/13/18



American Institute of Architects
The Mountain Section of the Idaho Chapter

House Bill 547 Statement

Building codes are the foundation of resilient, safe infrastructure. Strong building codes that incorporate the most up-to-date technologies, materials, and design strategies are vital to ensuring the safety of the public. Codes establish the minimum requirements that our members rely upon to design and guide the construction of homes, hospitals, schools, and numerous other types of buildings.

Repealing the very building codes that require structures to be more secure and resilient endangers both life and property. Efforts like House Bill 547 jeopardize the building environment's ability to withstand extreme weather events, devastating fire, as well as seismic and geological events. Allowing local jurisdictions to adopt versions of the code above and beyond the state minimum enables cities to tailor the model building codes to the unique needs of each city, and allows them to be the best drivers of development they can be. It also ensures that architects and engineers design buildings with the latest safety advances in mind.

Rolling back the state minimum from its current version to an outdated model code is a step even further in the wrong direction. The negative impacts of such a rollback far outweigh any supposed benefit to both the economy, and the safety of our citizens. They would be a retraction of the commitment that our profession makes to our residents and businesses. The immediate impact (contrary to the Bill's stated purpose of providing uniformity and consistency) would be confusion as several jurisdictions have successfully implemented codes more relevant than the 2006 version proposed by the Bill, potentially exposing them to lawsuits from current project owners and developers.

Passage of the Bill would make Idaho the first state in the nation to scale back the code establishing its minimum energy requirements, leaving it at an economic disadvantage. Fifty percent of states in the US are currently under the 2012 IECC, including our immediate neighbors in Montana, Nevada, Utah, and Washington. This is because it is widely recognized that building energy codes are the most cost-effective method of reducing energy consumption, increasing life-cycle cost savings, increasing occupant comfort, improved health, and increased productivity.

The fiscal impact is most evident when considering the Energy Code. The energy code ensures reduced utility bills, which puts money back into individuals' and companies' pockets. According to the U.S. Department of Energy, energy cost savings for Idaho resulting from the State maintaining its commercial and residential building energy codes are estimated to be on the order of nearly **\$40 million annually** by 2030. Considering the uncertainty of long-term energy costs, a meaningful energy code better ensures the State is safeguarded against a potentially devastating economic hardship should utility costs rise.