LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 660

BY STATE AFFAIRS COMMITTEE

AN ACT

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 97, Title 39, Idaho Code, and to read as follows:

CHAPTER 97
IDAHO ENERGY CONSERVATION CODE

39-9701. IDAHO ENERGY CONSERVATION CODE. (1) On and after July 1, 2022, the Idaho state energy code shall be the 2018 international energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature. The international energy conservation code, together with such amendments, revisions, or modifications as approved by the Idaho building code board and the legislature shall collectively constitute and be named the Idaho energy conservation code and shall be deemed approved by the Idaho building code board and the legislature.

(2) The provisions of this chapter preempt, eliminate, and prohibit any cities, counties, incorporated or unincorporated areas, special use districts, or any other local governmental entities of any kind from adopting energy code or related requirements that differ from or are more extensive than the requirements of the Idaho energy conservation code as provided for in this chapter. The provisions of this chapter shall not apply to chapter 1 of the 2018 international energy conservation code with respect to the administrative processes of any city, county, incorporated or unincorporated area, special use district, or any other local governmental entity.

(3) This chapter shall not be applied retroactively to codes or amendments adopted by local jurisdictions prior to July 1, 2018.
SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. (1) The following codes are hereby adopted for the state of Idaho division of building safety occupational and professional licenses and shall only be applied by local governments only as prescribed by section 39-4116, Idaho Code:

(a) The 2006 2018 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and as amended by the Idaho building code board through the negotiated rulemaking process as established in section 67-5221, Idaho Code, and as further provided in subsection (54) of this section and in accordance with subsections (2) and (3) of this section shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;
(ii) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and
(iii) Including the 2018 incorporated Idaho residential code, parts I, II, III and IX; 2018 Idaho energy conservation code pursuant to section 39-9701, Idaho Code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included;
(b) The version of the 2018 International Residential Code adopted by the Idaho building code board, together with the amendments, revisions or modifications adopted by the Idaho building code board through the negotiated rulemaking process, except for parts IV, V, VI, VII and VIII, as they pertain to energy conservation, mechanical, fuel gas, plumbing and electrical requirements, shall collectively constitute and be named the 2018 Idaho residential code. The Idaho residential code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent version of the Idaho residential code, as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section, shall be in effect. Any amendments, revisions or modifications made to the 2018 Idaho residential code by the board shall be made by administrative rules promulgated by the board; and
(c) The version of the International Energy Conservation Code adopted by the Idaho building code board, together with the amendments, deletions or additions adopted by the Idaho building code board through the negotiated rulemaking process provided in this chapter, shall be in effect. The International Energy Conservation Code, together with any amendments, revisions or modifications made by the board, shall collectively constitute and be named the Idaho energy conservation code. The Idaho energy conservation code shall be in effect until such time as a subsequent version is adopted by the Idaho building code board.
at which time the subsequent versions of the Idaho energy conservation
code, as adopted and amended by the Idaho building code board through
the negotiated rulemaking process provided in this section, shall be in
effect. Any amendments, revisions or modifications made to the Idaho
energy conservation code by the board shall be made by administrative
rules promulgated by the board; and
(4) The 2006-2018 International Existing Building Code as published by
the International Code Council shall be in effect until such time as a
subsequent version is adopted by the Idaho building code board, at which
time the subsequent versions of the International Existing Building
Code, as adopted and amended by the Idaho building code board through
the negotiated rulemaking process provided in this section, shall be in
effect.
(2) No amendments to the accessibility guidelines shall be made by the
Idaho building code board that provide for lower standards of accessibility
than those published by the International Code Council.
(3) No amendments to the 2018 Idaho residential building code shall be
made by the Idaho building code board that provide for standards that are
more restrictive than those published by the International Code Council.
(4) Any edition of the building codes adopted by the board will take ef-
fect on January 1 of the year following its adoption.
(5) In addition to the negotiated rulemaking process set forth in sec-
tion 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public
hearings, not less than sixty (60) days apart. Express written notice of
such public hearings shall be given by the board to each of the following en-
tities not less than five (5) days prior to such hearing: associated general
contractors of America, associated builders and contractors, association
of Idaho cities, Idaho association of building officials, Idaho association
of counties, Idaho association of REALTORS®, Idaho building contractors
association, American institute of architects Idaho chapter, Idaho fire
chiefs association, Idaho society of professional engineers, Idaho state
independent living council, southwest Idaho building trades, Idaho building
trades, and any other entity that, through electronic or written communica-
tion received by the administrator not less than twenty (20) days prior to
such scheduled meeting, requests written notification of such public hear-
ings.

SECTION 3. That Section 39-4116, Idaho Code, be, and the same is hereby
amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING
CODES. (1) Local governments enforcing building codes shall do so only in
compliance with the provisions of this section. Local governments that have
not previously instituted and implemented a code enforcement program prior
to the effective date of this act may elect to implement a building code
enforcement program by passing an ordinance evidencing the intent to do so.
Local governments may contract with a public or private entity to administer
their building code enforcement program.

(2) Local governments that issue building permits and perform build-
ing code enforcement activities shall, by ordinance effective January 1 of
the year following the adoption by the Idaho building code board, adopt the
following codes as published by the International Code Council together
with any amendments or revisions set forth in section 39-4109, Idaho Code,
including subsequent versions of the International Building Code as adopted
and amended by the Idaho building code board through the negotiated rulemak-
ing process or as provided in this chapter:
(a) 2018 International Building Code, including all rules promulgated
by the board to provide equivalency with the provisions of the Americans
with disabilities act accessibility guidelines and the federal fair
housing act accessibility guidelines;
(b) 2018 Idaho residential code, parts I-III and IX; and
(c) 2018 Idaho energy conservation code pursuant to chapter 97, title
39, Idaho Code.
Local governments are not required by this chapter to adopt the other refer-
cenced codes in the International Building Code. Local jurisdictions shall
not adopt provisions, chapters, sections or parts of subsequent versions
of the International Residential Code or residential provisions of the
International Energy Conservation Code, or subsequent versions in their
entirety, that have not been adopted by the Idaho building code board in
section 39-4109, Idaho Code, except as provided in subsection (4) of this
section.
(3) All single-family homes and multiple-family dwellings up to two
(2) units are hereby exempted from the provisions of the International Fire
Code, the International Building Code and the Idaho residential code that
require such dwellings to have automatic fire sprinkler systems installed.
Nothing in this section shall prevent any person from voluntarily installing
an automatic fire sprinkler system in any residential dwelling.
(4) Except as provided in this subsection, local governments may amend
by ordinance the adopted codes or provisions of referenced codes to reflect
local concerns, provided such amendments establish at least an equivalent
level of protection to that of the adopted building code. A local jurisdic-
tion shall not have the authority to amend any accessibility provision pur-
suant to section 39-4109, Idaho Code, except as provided in this subsection.
Local governments may amend by ordinance as provided in this subsection.
(a) A local jurisdiction shall not have the authority to amend any ac-
ceptability provision pursuant to section 39-4109, Idaho Code.
(b) A local jurisdiction shall not adopt any provision, chapter, sec-
tion or part of the International Residential Code or residential pro-
visions of the International Energy Conservation Code, or subsequent
versions in their entirety, that have not been adopted or that have been
expressly rejected or exempted from the adopted version of those codes
by the Idaho building code board through the negotiated rulemaking
process as provided in section 39-4109, Idaho Code.
(c) Local jurisdictions may amend by ordinance the following provi-
sions of the Idaho residential code to reflect local concerns:
(i) Part I, Administrative;
(ii) Part II, Definitions;
(iii) Part III, Building Planning and Construction, Section R 301,
Design Criteria; and
(iv) Part IX, Appendices.
(d) Local jurisdictions may amend by ordinance the following provisions of the Idaho energy conservation code to reflect local concerns:
   (i) Chapter 1, Scope and Application; and
   (ii) Chapter 2, Definitions.

(e) Local jurisdictions may amend the remainder of Part III of the 2018 Idaho residential code if they find that good cause for building or life safety exists for such an amendment to such codes and that such amendment is reasonably necessary. Amendments shall be adopted by ordinance in accordance with the provisions of chapter 9, title 50, Idaho Code, or chapter 7, title 31, Idaho Code, and provided further that such local jurisdiction shall conduct a public hearing and, provided further, that notice of the time and place of the public hearing shall be published in the official newspaper or paper of general circulation within the jurisdiction and written notice of each of such public hearing and the proposed language shall be given by the local jurisdiction to the local chapters of the entities identified in section 39-4109(54), Idaho Code, not less than thirty (30) days prior to such hearing. In the event that there are no local chapters of such entities identified in section 39-4109(54), Idaho Code, within the local jurisdiction holding the hearings, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

(7) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.