

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 706

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING CHAPTER 41, TITLE 39,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4109C, IDAHO CODE, TO
3 ESTABLISH PROVISIONS AUTHORIZING LOCAL GOVERNMENTS TO ALLOW FOR SINGLE
4 STAIRWAYS IN CERTAIN APARTMENT BUILDINGS; AMENDING SECTION 39-4116,
5 IDAHO CODE, TO REVISE A PROVISION REGARDING LOCAL GOVERNMENT ADOPTION
6 AND ENFORCEMENT OF BUILDING CODES; AND DECLARING AN EMERGENCY AND PRO-
7 VIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Chapter 41, Title 39, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 39-4109C, Idaho Code, and to read as follows:

13 39-4109C. SINGLE STAIRWAY BUILDING EXCEPTIONS. (1) Notwithstanding a
14 local government's adoption of the International Building Code or any other
15 provision of law to the contrary, local governments may allow residential
16 group R-2 apartment buildings to be served by one (1) single stairway under
17 the following conditions:

18 (a) The building has no more than six (6) stories above grade plane
19 without an occupiable roof, or has no more than five (5) stories above
20 grade plane with an occupiable roof and no more than one (1) basement
21 level;

22 (b) The building has no more than four (4) dwelling units on any floor
23 with a maximum gross floor area not exceeding six thousand (6,000)
24 square feet for each story;

25 (c) The building is of type I, II, III, IV, or V construction;

26 (d) An automatic sprinkler system shall be provided throughout the
27 building in accordance with section 903.3.1.1 of the national fire pro-
28 tection association's standard, NFPA 13;

29 (e) An interior stairway is provided and doors in the stairway swing
30 into the interior stairway regardless of the occupant load served, pro-
31 vided that doors from the interior exit stairway to the building exte-
32 rior are permitted to swing in the direction of exit travel;

33 (f) Openings into the interior exit stairway shall be ninety (90)
34 minute fire protection rated with self-closers and no hold-open de-
35 vices, unless they are interconnected with the fire alarm system to
36 release upon activation of the occupant notification system and open-
37 ings are limited to those required for exit access into the enclosure
38 from normally occupied spaces, openings required for egress from the
39 stairway, and openings to the exterior. Elevators shall not open into
40 the interior exit stairway;

1 (g) The interior exit stairway and elevator shaft shall have a fire re-
2 sistance rating of not less than two (2) hours regardless of the number
3 of stories connected;

4 (h) The width of the exit stairway shall not be less than forty-eight
5 (48) inches;

6 (i) A minimum one (1) hour fire resistance rated corridor separates
7 each dwelling unit entry and exit door from the door to an interior exit
8 stairway, including any related exit passageway, on each floor;

9 (j) Dwelling unit doors shall not open directly into an interior exit
10 stairway;

11 (k) No more than twenty (20) feet of travel distance shall exist between
12 the exit stairway and the entry and exit door of any dwelling unit;

13 (l) Exit access travel distance shall not exceed one hundred twenty-
14 five (125) feet;

15 (m) An exit serving the group R-2 occupancy as defined in the Interna-
16 tional Building Code shall not discharge through any other occupancy,
17 including an accessory parking garage;

18 (n) An exit shall not terminate in an egress court where the court depth
19 exceeds the court width unless it is possible to exit in either direc-
20 tion to the public way;

21 (o) Exterior wall openings shall be three-fourths (3/4) hour fire pro-
22 tection rated when located within ten (10) feet of the exit discharge
23 door or other unprotected exterior wall openings into the interior exit
24 stairway;

25 (p) Emergency escape and rescue openings shall comply with the require-
26 ments of the International Building Code on all floors served by the
27 single exit;

28 (q) No electrical receptacles shall be installed in an interior exit
29 stairway. Any electrical receptacles in a common corridor or lobby
30 shall have lockable outlet covers, accessible by maintenance person-
31 nel;

32 (r) An automatic smoke and fire detection system that activates the oc-
33 cupant notification system in accordance with the requirements of the
34 International Building Code shall be installed in the building;

35 (s) An approved sign mounted adjacent to the fire alarm control panel
36 shall be provided stating "THIS BUILDING CONTAINS ONLY ONE STAIR";

37 (t) There shall be no more than two (2) buildings, or two (2) areas in a
38 single building, each provided with a single exit, per lot. Where there
39 are two (2) buildings on the same lot, exception 1 of section 705.3 of
40 the International Building Code shall not be allowed; and

41 (u) The building shall meet all other applicable provisions of the
42 adopted local building codes.

43 (2) A manual fire alarm system and automatic smoke detection system
44 that activates the occupant notification system in accordance with the re-
45 quirements of the International Building Code shall be installed in single
46 stairway apartment buildings provided for in this section in the following
47 locations:

48 (a) Common spaces outside of dwelling units;

49 (b) Laundry rooms, mechanical equipment rooms, and storage rooms;

50 (c) Interior corridors serving dwelling units; and

1 (d) Interior corridors, interior exit stairways, and exit passageways.

2 SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby
3 amended to read as follows:

4 39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING
5 CODES. (1) Local governments enforcing building codes shall do so only in
6 compliance with the provisions of this section. Local governments that have
7 not previously instituted and implemented a code enforcement program prior
8 to the effective date of this act may elect to implement a building code
9 enforcement program by passing an ordinance evidencing the intent to do so.
10 Local governments may contract with a public or private entity to administer
11 their building code enforcement program.

12 (2) ~~Local~~ Except as otherwise provided in this chapter, local govern-
13 ments that issue building permits and perform building code enforcement ac-
14 tivities shall, by ordinance effective January 1 of the year following the
15 adoption by the Idaho building code board, adopt the following codes as pub-
16 lished by the International Code Council together with any amendments or re-
17 visions set forth in section 39-4109, Idaho Code, including subsequent ver-
18 sions of the International Building Code as adopted and amended by the Idaho
19 building code board through the negotiated rulemaking process provided in
20 this chapter:

21 (a) International Building Code, including all rules promulgated by
22 the board to provide equivalency with the provisions of the Americans
23 with disabilities act accessibility guidelines and the federal fair
24 housing act accessibility guidelines;

25 (b) Idaho residential code, parts I-III and IX; and

26 (c) 2018 Idaho energy conservation code, pursuant to chapter 97, title
27 39, Idaho Code.

28 Local governments are not required by this chapter to adopt the other refer-
29 enced codes in the International Building Code. Local jurisdictions shall
30 not adopt provisions, chapters, sections or parts of subsequent versions
31 of the International Residential Code or residential provisions of the
32 International Energy Conservation Code, or subsequent versions in their
33 entirety, that have not been adopted by the Idaho building code board except
34 as provided in subsection (4) of this section.

35 (3) All single family homes and multiple family dwellings up to two
36 (2) units are hereby exempted from the provisions of the International Fire
37 Code, the International Building Code and the Idaho residential code that
38 require such dwellings to have automatic fire sprinkler systems installed.
39 Nothing in this section shall prevent any person from voluntarily installing
40 an automatic fire sprinkler system in any residential dwelling.

41 (4) Except as provided in this subsection, local governments may amend
42 by ordinance the adopted codes or provisions of referenced codes to reflect
43 local concerns, provided such amendments establish at least an equivalent
44 level of protection to that of the adopted building code. A local jurisdic-
45 tion shall not have the authority to amend any accessibility provision pur-
46 suant to section 39-4109, Idaho Code, except as provided in this subsection.

47 (a) A local jurisdiction shall not have the authority to amend any ac-
48 cessibility provision pursuant to section 39-4109, Idaho Code.

1 (b) A local jurisdiction shall not adopt any provision, chapter, sec-
2 tion or part of the International Residential Code or residential pro-
3 visions of the International Energy Conservation Code, or subsequent
4 versions in their entirety, that have not been adopted or that have been
5 expressly rejected or exempted from the adopted version of those codes
6 by the Idaho building code board through the negotiated rulemaking
7 process as provided in section 39-4109, Idaho Code.

8 (c) Local jurisdictions may amend by ordinance the following provi-
9 sions of the Idaho residential code to reflect local concerns:

10 (i) Part I, Administrative;

11 (ii) Part II, Definitions;

12 (iii) Part III, Building Planning and Construction, Section R 301,
13 Design Criteria; and

14 (iv) Part IX, Appendices.

15 (d) Local jurisdictions may amend the remainder of Part III of the
16 Idaho residential code if they find that good cause for building or life
17 safety exists for such an amendment to such codes and that such amend-
18 ment is reasonably necessary. Amendments shall be adopted by ordinance
19 in accordance with the provisions of chapter 9, title 50, Idaho Code, or
20 chapter 7, title 31, Idaho Code, and provided further that such local
21 jurisdiction shall conduct a public hearing and, provided further, that
22 notice of the time and place of the public hearing shall be published
23 in the official newspaper or paper of general circulation within the
24 jurisdiction and written notice of each of such public hearing and the
25 proposed language shall be given by the local jurisdiction to the lo-
26 cal chapters of the entities identified in section 39-4109(5), Idaho
27 Code, not less than thirty (30) days prior to such hearing. In the event
28 that there are no local chapters of such entities identified in sec-
29 tion 39-4109(5), Idaho Code, within the local jurisdiction holding the
30 hearings, the notice shall be provided to the state associations of the
31 respective entities.

32 (5) Local governments shall exempt agricultural buildings from the re-
33 quirements of the codes enumerated in this chapter and the rules promulgated
34 by the board. A county may issue permits for agricultural buildings to as-
35 sure compliance with road setbacks and utility easements, provided that the
36 cost for such permits shall not exceed the actual cost to the county of issu-
37 ing the permits.

38 (a) For the purposes of this subsection, "agricultural buildings"
39 means:

40 (i) Livestock shelters or buildings, including shade structures
41 and milking barns;

42 (ii) Poultry buildings or shelters;

43 (iii) Barns;

44 (iv) Storage and maintenance structures for equipment and machin-
45 ery used exclusively in agricultural operations;

46 (v) Horticultural structures, including detached production
47 greenhouses and crop protection shelters;

48 (vi) Sheds used as part of an agricultural operation;

49 (vii) Grain silos;

50 (viii) Stables; and

1 (ix) Any other structure designed, constructed, and intended to
2 house, accommodate, or store farm implements, hay, grain, poul-
3 try, livestock, or other horticultural products.

4 (b) For the purposes of this subsection, "agricultural buildings" does
5 not include:

6 (i) A place of human habitation, which means a space in a build-
7 ing for living, sleeping, or cooking. Structures with bathrooms,
8 shower rooms, break rooms, locker rooms, storage or utility space,
9 or other similar areas are not considered places of human habita-
10 tion;

11 (ii) A place of employment where agricultural products are pro-
12 cessed, treated, or packaged; or

13 (iii) A place used by the public.

14 (c) Counties shall not alter, amend, deny, limit, or narrow the exemp-
15 tion provided pursuant to this subsection by, including but not limited
16 to, requiring size limitations of agricultural buildings, requiring
17 maximum travel distances to exits within agricultural buildings, or
18 requiring installation of automatic sprinkler systems in agricultural
19 buildings.

20 (6) Permits shall be governed by the laws in effect at the time the per-
21 mit application is received.

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

26 SECTION 3. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2026.