

## ***BUSINESS COMMITTEE***

### **IDAPA 07 - DIVISION OF BUILDING SAFETY**

#### **07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY**

**DOCKET NO. 07-0701-0801 (FEE RULE)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5005(1) and (2), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**There are no changes to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 3, 2008 Idaho Administrative Bulletin, Vol. 08-9, pages 39 through 41.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5005(1), Idaho Code.

**This rule change would simplify the calculation of inspection fees for heating, ventilation, and air conditioning (HVAC) systems of larger residences.**

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 25th day of September, 2008.

Steve Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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### ***THE FOLLOWING NOTICE WAS PUBLISHED WITH THE TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2008.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-5005(1) and (2), 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 17, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**Contractors feel the fee schedule applicable to new residential dwellings for large homes (homes over 4,500 square feet) is too complicated. Additionally, the basis of the permit fee schedule as square footage of living space only is not clearly stated for all sizes of single family dwellings. This rule change would simplify the calculation of permit fees for larger homes (homes over 4,500 square feet) to include a base fee plus additional fees for every 1,000 feet of square footage beyond 4,500 square feet (or a portion thereof). It also clarifies for the entire fee schedule that the square footage basis for the permits includes living space only.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

**This temporary rulemaking is necessary to confer a benefit to affected HVAC contractors, general contractors, and property owners doing their own HVAC installations by simplifying the calculation of permit fees for larger homes.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

**This proposed rule would simplify the calculation of permit fees for heating, ventilation, and air conditioning systems (HVAC) inspections of larger residences.**

**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:

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None.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2008.

DATED this 16th day of July, 2008.

### **THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE**

#### **051. FEES FOR HVAC INSPECTIONS.**

HVAC inspection fees are to cover the cost of HVAC inspections as provided by Section 54-5017, Idaho Code; any person, partnership, company, firm, association, or corporation making an HVAC installation shall pay to the Division of Building Safety an inspection fee as provided in the following schedule: (3-26-08)

**01. New Residential - Single-Family Dwelling.** Includes all buildings with HVAC systems being constructed on each property.

<b>New Residential - Single-Family Dwelling</b>	
Up to 1,500 Square feet of <del>construction</del> -living space	- \$130 (asterisk removed)
1,501 to 2,500 Square feet of <del>construction</del> living space	- \$19 (asterisk removed)
2,501 to 3,500 Square feet of <del>construction</del> living space	- \$260 (asterisk removed)
3,501 to 4,500 Square feet of <del>construction</del> living space	- \$325 (asterisk removed)
Over 4,500 Square feet of <del>construction</del> -living space	<del>Use Subsection 051-04, Other Installations-</del> Including Industrial and Commercial \$325 plus \$65 for each additional 1,000 square feet or portion thereof

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\* Fee is to include maximum of two (2) inspections up to 1,500 square foot, three (3) inspections 1,501 to 2,500 square foot, four (4) inspections 2,501 to 3,500 square foot, and five (5) inspections 3,501 to 4,500 square foot. Additional inspections charged at requested HVAC inspection rate of sixty five dollars (\$65) per hour.

(3-26-08)( )

### 02. New Residential - Multi-Family Dwellings.

New Residential - Multi-Family Dwellings	
Duplex Apartment	- \$260
Three (3) or more multi-family units	- \$130 per Building plus \$65 per Unit

(3-26-08)

03. **Existing Residential.** Sixty-five dollars (\$65) plus ten dollars (\$10) for each additional piece of HVAC equipment being installed up to a maximum of the corresponding square footage of the residential building.

(3-26-08)

04. **Other Installations Including Industrial and Commercial.** The inspection fees listed in this Section shall apply to any and all HVAC installations not specifically mentioned elsewhere in this schedule. The HVAC cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all HVAC equipment and materials installed as part of the HVAC system.

(3-26-08)

a. HVAC system cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two percent (2%) of the total HVAC system cost.

(3-26-08)

b. HVAC system cost over ten thousand dollars (\$10,000) but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of the HVAC system cost exceeding ten thousand dollars (\$10,000).

(3-26-08)

c. HVAC system cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one half of one percent (.5%) of the HVAC system cost exceeding one hundred thousand dollars (\$100,000).

(3-26-08)

d. All fees calculated under this schedule must be calculated on the total HVAC cost of the job, and this figure must be shown on the permit.

(3-26-08)

05. **Requested Inspections** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply, with the requesting party responsible for all costs incurred in out-of-state travel.

(3-26-08)

06. **Additional Fees and Re-Inspection Fees.** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply to:

(3-26-08)

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- a. Trips to inspect when the submitter of the permit had given notice to the Division of Building Safety that the work is ready for inspection and it is not, if the submitter has not accurately identified the work location, or if the inspector cannot gain access to make the inspection. (3-26-08)
  - b. Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (3-26-08)
  - c. Each trip necessary to remove a red tag from the jobsite. (3-26-08)
  - d. When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-26-08)
  - e. No permit - failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (3-26-08)
07. **Plan Check Fee.** Sixty-five dollars (\$65) per hour or portion thereof. (3-26-08)