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**Local Government Building Code Adoption Review:
2012 International Residential Building Code Appendixes
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Summary:

- It is important to look at the plain language of the statutes and read Idaho Code (I.C.) 39-4109 and 39-4116 together. I.C. 39-4109 establish which parts of the International Residential Code are to be adopted, and leaves it up to the Idaho building code board to determine which version of the IRC is adopted.
- Part IX includes the Appendixes of the International Residential Code.¹
- The Idaho building code board adopted the 2012 IRC, therefore Part IX of the 2012 IRC (which contains the Appendixes) should have been included in the “2017 Idaho Residential Code” published by the International Code Council (ICC).
- The Idaho Legislature has authorized local jurisdictions to adopt and amend Part IX. That is, local jurisdictions can include the Appendixes included in the 2012 IRC in their ordinance and can also make amendments to those Appendixes. It is not prohibited by HB547 and the current statutes.
- DBS intends to ensure the International Code Council include Part IX when they publish the 2018 Idaho Residential Code.
- The 2017 Idaho Residential Energy Conservation Code has not been revised, and will not need to be re-published in 2018.

Background

Idaho Code 39-4109 (a) establishes that the 2006 International Building Code will be in effect until such time as a subsequent version is adopted by the Idaho building code board and includes any amendments made by the board. It goes further to state that the code shall include appendixes pertaining to building accessibility; excludes the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes and fire codes or property maintenance codes; and includes the incorporated Idaho Residential Code, parts I, II, III and IX (Part IX contains the appendixes).

Idaho Code 39-4109(b) provides that the version of the International Residential Code adopted by the Idaho building code board, together with amendments, revisions or modifications, except for parts IV, V, VI, VII and VIII shall collectively constitute the ***Idaho Residential Code***. Part IX of the International Residential Code contains the appendixes. Since the Legislature by statute did not exempt the International Residential Code Part IX, it is part of the 2017 Idaho Residential Code. Further,

¹ <https://codes.iccsafe.org/public/document/IRC2018>, accessed 10/3/2018.

consistent with this interpretation, the legislature, in HB 547, expressly authorized local jurisdictions to amend Part IX.

Although ICC inadvertently failed to include Part IX in the *published* 2017 Idaho Residential Code, this omission does not void the statute that includes the 2012 Appendixes previously adopted. Idaho Code 39-4116 authorizes local jurisdictions to amend Part IX of the Idaho Residential Code, including the Appendixes in place in 2012. It is important to look at the plain language of the statute and read both code sections together. DBS will ask ICC to correct that error when they draft the next version of the Idaho Residential Code.

In 2017 the Idaho building code board adopted the 2015 IBC with some amendments. None of those amendments eliminated Part IX.

In 2012 the Idaho building code board adopted the 2012 IRC with amendments. None of those amendments eliminated Part IX that was included by the Legislature.

Conclusion

The Idaho Building Code Board has not modified Part IX or eliminated it; therefore, the Part IX Appendixes listed in the 2012 IRC are available for adoption by local jurisdictions. Part IX of the IRC consists of Appendixes A-Q. An additional appendix was adopted by the building code board and available for statewide implementation was The Tiny Homes appendix, Appendix Q. By adding an additional appendix, it is clear that the Board's intent was to add to Part IX and not delete it.

Although Part IX is still part of the provisions required by I.C. 39-4109, it is important to remember that appendices are typically guidelines. Section 102.5 of the 2012 IRC adopted by the Board states that provisions in the appendices do not apply unless they are specifically referenced in the adopting ordinance by the local jurisdiction. Local jurisdictions can include the appendices in their ordinance and can also make amendments to those appendices. It is not prohibited by HB547.