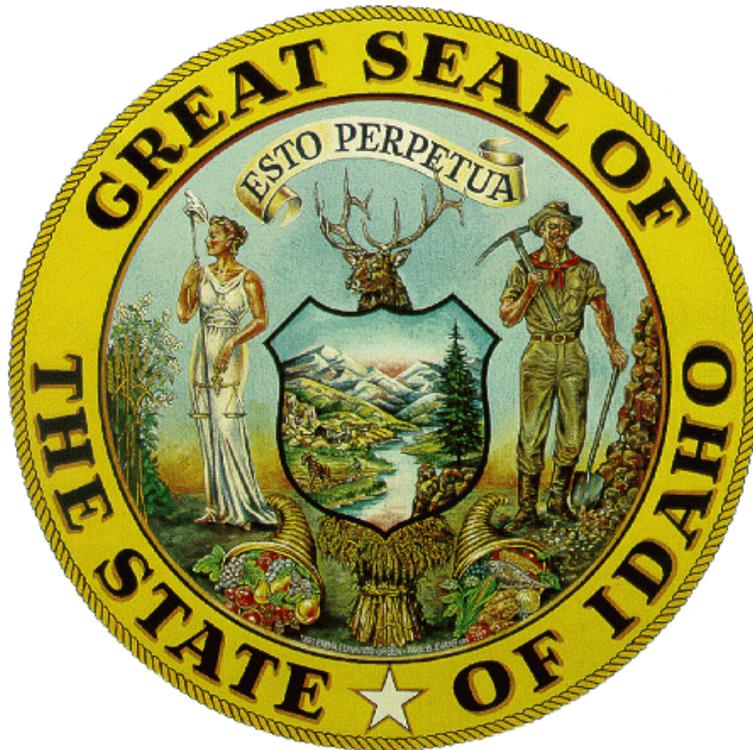


DIVISION OF BUILDING SAFETY

IDAHO BUILDING CODE BOARD  
VIDEOCONFERENCE MEETING

JULY 17, 2014



# IDAHO BUILDING CODE BOARD

## Agenda Item No. 01

## Agenda

**PRESENTER:** Andrew Bick, Chairman

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**OBJECTIVE:** Approve agenda for the July 17, 2014 Idaho Building Code Board meeting.

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Tentative agenda

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## **TENTATIVE AGENDA**

### **NOTICE OF PUBLIC MEETING/PUBLIC HEARING**

#### **IDAHO BUILDING CODE BOARD VIDEOCONFERENCE MEETING**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian, Idaho  
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho  
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho  
dbs.idaho.gov – (208) 332-7137**

***Thursday, July 17, 2014  
9:30 a.m.–12:30 p.m. (MT)***

*(Note: North Idaho - Meeting Commences @ 8:30 a.m. PT)*

- 
- 9:30 a.m. CALL TO ORDER** – Andrew Bick, Chairman
- Roll Call & Introductions
  - Open Forum

#### **CONSENT AGENDA**

1. Approval of the July 17, 2014 Agenda
2. Approval of the April 15, 2014 Board Meeting Minutes
3. Approval of the May 15, 2014 Board Hearing Minutes

#### **PUBLIC HEARING**

4. Negotiated Rulemaking – Review proposed amendments to the currently adopted building and energy codes. – Jason Blais, Code Collaborative Representative
  - a. IRC Section R105.2 “Work Exempt From Permits”
  - b. IRC Table R302.1(1) “Exterior Walls”
  - c. IRC Section 303.4 “Mechanical Ventilation”

#### **ACTION AGENDA**

5. Vote on proposed amendments to the currently adopted building and energy codes. – Jason Blais, Code Collaborative Representative
  - a. IRC Section R105.2 “Work Exempt From Permits”
  - b. IRC Table R302.1(1) “Exterior Walls”
  - c. IRC Section 303.4 “Mechanical Ventilation”

6. IRC Section R101.2 “Bed and Breakfast” – Correction – Steve Keys

**INFORMATIONAL AGENDA**

7. 2013 Idaho Homeowners Energy Code Survey – Sharon Grant, Eco Edge

8. Idaho Building Code – Ron Whitney

9. Program Manager Report – Arlan Smith

10. Operational Report – Steve Keys

11. Administrator Report

a. Financial Report – C. Kelly Pearce and Kathleen Watkins

b. Administrator – C. Kelly Pearce

**12:30 p.m. ADJOURN**

*All times, other than beginning, are approximate and are scheduled according to Mountain Time (MT), unless otherwise noted. Agenda items may shift depending on Board preference. 07/01/14r*

# IDAHO BUILDING CODE BOARD

**Agenda Item No. 02**

**Minutes**

**PRESENTER:** Andrew Bick, Chairman

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**OBJECTIVE:** Approve minutes from the April 15, 2014 Idaho Building Code Board meeting.

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** Draft minutes

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**IDAHO BUILDING CODE BOARD  
VIDEOCONFERENCE MEETING**

**Tuesday – April 15, 2014 – 9:30 a.m. (MT)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian, Idaho  
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho  
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho**

**\*DRAFT MINUTES OF THE APRIL 15, 2014 MEETING**

NOTE: The following report is not a verbatim transcript of the discussions at the meeting,  
but is intended to record the significant features of those discussions.

Chairman Andrew Bick called the meeting to order at 9:30 a.m. (MT).

**Board Members Present:**

Andrew Bick, Chairman  
Chuck Bleth  
Scott Buck  
Travis Beck  
Jan Welch, P.E.  
Dennis Schaffner  
Mike Tracy  
Michael Arrington  
Dan Hunter  
Jason Blais

**DBS Staff Members Present:**

C. Kelly Pearce, Administrator  
Steve Keys, Deputy Administrator-Operations  
Ron Whitney, Deputy Administrator-Administration  
Adam Warr, Deputy Attorney General  
Kathleen Watkins, Financial Manager  
Arlan Smith, Program Manager  
Terry Blessing, Regional Manager, Region 1  
Chris Jensen, Regional Manager, Region 3  
Adam Bowcutt, Regional Supervisor, Region 3  
Bill Hatch, Public Information Officer  
Renee Bryant, Administrative Assistant 2/Board Secretary

**DBS Staff Members Absent:**

Patrick Grace, Deputy Attorney General

◆ **Open Forum**

Proclamation – May 2014 is Building Safety Month in Idaho. Chairman Bick read the Governor's Proclamation.

Code Amendments – As part of the negotiated rulemaking process, Board Member Hunter suggested the Board set dates for submission of any proposed amendments to the codes.

◆ **Approval of the April 15, 2014 Agenda**

MOTION: Jan Welch made a motion to approve the agenda as presented. Dan Hunter seconded.

It was suggested if the Board wants to accept proposed amendments to the codes, the topic *Solicitation of Proposed Code Changes* should be added to the agenda for further discussion.

Board Member Hunter withdrew his second. Chairman Bick stated the topic would be added as item 4.5 under the informational agenda. Board Member Welch removed her initial motion.

**MOTION:** Jan Welch made a motion to add the topic *Solicitation of Proposed Code Changes* to the informational agenda as item 4.5 for further discussion. Mike Tracy seconded. All in favor, motion carried.

◆ **Approval of the February 18, 2014 Board Meeting Minutes**

**MOTION:** Mike Tracy made a motion to approve the minutes as written. Scott Buck and Dennis Schaffner seconded. All in favor, motion carried.

◆ **Indoor Air Quality/Combustion Air**

Intermountain Gas will host a collaborative meeting to discuss combustion air and air quality impacts. The meeting will be held April 30, 2014, from 1–4 p.m. in the Hospitality Room of the Boise Intermountain Gas building. To receive an invitation, contact Robert Peterson, Intermountain Gas; Jerry Peterson, DBS; or Steve Keys, DBS.

A PowerPoint presentation on residential indoor air quality was presented by the HVAC Program Manager. DBS created and played a public service announcement on carbon monoxide poisoning.

The HVAC Program Manager will provide the Indoor Air Quality PowerPoint presentation at the May 14, 2014 HVAC Board meeting. Building Code Board members were encouraged to attend.

◆ **IRC Bed and Breakfast Rule-Correction**

In July 2013, the Board approved the following proposed amendment to the International Residential Code (IRC) Section R101.2: “Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings.”

When submitted to the 2014 Legislature, the amended language was incorrect; stating three or fewer guestrooms. A proposed amendment to correct the language from *three or fewer* to *five or fewer guestrooms* was submitted to the Board for review.

The Division will bring to the July 17, 2014 Board meeting a temporary/proposed rule for the Board’s vote.

**ACTION:** DBS will provide a temporary/proposed rule with regard to IRC Section R101.2, owner-occupied lodging house occupancies (bed and breakfasts), at the July 17, 2014 Board meeting.

**ACTION:** The topic *IRC Bed and Breakfast Rule-Correction* will be placed on the July 17th agenda as an action item.

◆ **Solicitation of Proposed Code Changes**

At the encouragement of the Board, DBS will publish the Notice of Intent to Promulgate Rules in the Administrative Bulletin and notify the 13 entities recognized in statute.

**ACTION:** DBS will have the Notice of Intent to Promulgate Rules published in the Administrative Bulletin and notify the 13 entities recognized in statute.

The Deputy Administrator of Administration offered himself and Leon Duce, Association of Idaho Cities (AIC) Representative, to provide the Notice to the Collaborative Group

**ACTION:** The Deputy Administrator of Administration and AIC Representative will provide the Collaborative Group with the Notice of Intent to Promulgate Rules.

DBS staff discussed the following: 1) Negotiated rulemaking process, 2) Procedure in which the Idaho Residential and Idaho Energy Codes were created, 3) Method to amend the Codes, 4) Means to incorporate amendments into the Codes, 5) Publication, cost, and effective date of the new code book, and 6) Possible placement of the Code online.

It was suggested the Code Collaborative meet on an annual basis; bringing any code changes to the Board for consideration at its fall meeting.

The Administrator offered to provide a sample of the new Idaho Building Code and cost estimates at the July 17th Board meeting.

**ACTION:** At the July 17th Building Code Board meeting, the Division will provide a sample of the new Idaho Building Code and cost to purchase the book.

To assist the Board in understanding the legislative process for the new Idaho Building Code and future amendments, Board Member Schaffner requested the Division provide the Board with a chart or an outline of the protocol.

**ACTION:** DBS will provide the Board with a step-by-step procedure on the legislative processes to promulgate temporary/pending rules with regard to the new Idaho Building Code and future amendments.

◆ **Legislative Update**

This item was addressed under the topic *Solicitation of Proposed Code Changes*.

◆ **Idaho State Residential and Idaho Energy Codes**

Update – This item was addressed under the topic *Solicitation of Proposed Code Changes*.

Rulemaking – This item was addressed under the topic *Solicitation of Proposed Code Changes*.

◆ **Program Manager Report**

Project DOX – The Division’s Project DOX computer program has been updated and is now compatible with Apple computers.

Activity/Applications – There has been an increase in activity and applications within the Division’s contract areas of Ketchum, Hailey, and Lincoln County.

2012 IBC – The Division has been using the 2012 International Building Code (IBC) for several months and has not seen any “big” negative effects of the new code.

◆ **Operational Report**

Revenue – As part of the Building program, DBS acts as the in-plant inspection agency (IPIA) and state administrative agency for the U.S. Department of Housing and Urban Development (HUD) in relation to manufactured housing.

Since February 2014, the funding DBS has received in the IPIA role, not including funds received from HUD, is approximately 19% of the revenue for the Building Code fund. Ketchum and Hailey projects amount to over a quarter of the revenue for the fund.

◆ **Administrator Report**

Financial Report – The Idaho Building Code fund, FY 2014 financial statement as of February 28, 2014, was reviewed.

Legislative Audit – An audit of the Division’s business practices has been completed.

Salmon School District – Salmon Middle School has been condemned due to the roof structure. Administrator Pearce explained the process to refurbish the Salmon elementary and high schools to include the middle school. The estimated project cost is \$1.4 million.

Salaries and Wages – The Joint Finance Appropriations Committee has approved a 1% increase, on a permanent basis, to all eligible state employees and an additional 1% bonus to each unit of state government to use as bonuses on a one-time basis.

Per Capita Production – Information from July 2010 to January 2014, based on quarterly per capita production for each full-time DBS employee, was provided.

Permits – As of today, 68% of permits purchased through DBS are done electronically.

School Inspections – Every year, DBS provides physical sight inspections on all schools in the state of Idaho. The Division looks for work hazards related to work safety; however, the top priority is to look for any indication of structural problems. Should problems fall into an imminent or serious hazard, the Administrator has specific authority to enforce the districts to address the issue(s).

Earthquakes and Public Buildings – Southeastern Idaho is one of the most earthquake prone regions of Idaho. With the recent earthquake in Challis, the question arose whether the Division needs to begin to assess public buildings in that region for damages.

The Bureau of Homeland Security (BHS) is the only source of funding specific to earthquake evaluations. DBS has been working closely with BHS and would ultimately like to compile information on every school/public building in the state of Idaho, particularly the southern half.

A year ago, the Division performed a rapid visual assessment on a targeted number of school buildings following the Applied Technology Council (ATC)-20 process which is for seismic event survivability and safety of buildings.

It was suggested, and DBS agreed, to send a notice to schools in the areas recently affected by the earthquakes; offering to provide visual evaluations.

The Division's public information officer will create/send a notice to schools in southeastern Idaho affected by the recent earthquakes; offering visual evaluations of their structures.

◆ **Adjournment**

**MOTION:** Dan Hunter made a motion to adjourn the meeting. Dennis Schaffner seconded. All in favor, motion carried.

The meeting adjourned at 11:30 a.m. (MT).

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ANDREW BICK, CHAIRMAN  
IDAHO BUILDING CODE BOARD

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C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

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DATE

\*These DRAFT minutes are subject to possible correction and final approval by the Idaho Building Code Board. 05/29/14rb

# IDAHO BUILDING CODE BOARD

**Agenda Item No. 03**

**Minutes**

**PRESENTER:** Andrew Bick, Chairman

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**OBJECTIVE:** Approve minutes from the May 15, 2014 Idaho Building Code Board meeting.

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**ACTION:** Consent

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**BACKGROUND:**

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** Draft minutes

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**IDAHO BUILDING CODE BOARD  
VIDEOCONFERENCE HEARING**

**Thursday – May 15, 2014 – 9:30 a.m. (MT)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian, Idaho  
1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho  
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho**

**\*DRAFT MINUTES OF THE MAY 15, 2014 HEARING**

NOTE: The following report is not a verbatim transcript of the discussions at the meeting,  
but is intended to record the significant features of those discussions.

Chairman Andrew Bick called the hearing to order at 9:31 a.m. (MT).

**Board Members Present:**

Andrew Bick, Chairman  
Dennis Schaffner  
Michael Arrington  
Dan Hunter  
Jason Blais

**DBS Staff Members Present:**

C. Kelly Pearce, Administrator  
Steve Keys, Deputy Administrator-Operations  
Ron Whitney, Deputy Administrator-Administration  
Arlan Smith, Program Manager  
Terry Blessing, Regional Manager, Region 1  
Chris Jensen, Regional Manager, Region 3  
Aaron Reynolds, Regional Supervisor, Region 1  
Adam Bowcutt, Regional Supervisor, Region 3  
Renee Bryant, Administrative Assistant 2/Board Secretary

◆ **Introductions**

As part of the negotiated rulemaking process for the Idaho Building Code Board two hearings must be held 60 days apart. This is the first of two hearings. Board members are invited but not required to attend this hearing.

◆ **Negotiated Rulemaking**

Review Proposed Amendments of the Currently Adopted Building and Energy Codes – Board Member Blais presented the following proposed amendments:

- R105.2 Item 2 “Work Exempt From Permit” – The work exempt permit section of the 2012 International Residential Code (IRC) has changed the fence requirements from six (6) feet to seven (7) feet. The current rule amendment on this section states six (6) feet. At present the rule is more restrictive than the model code.

It was recommended the rule amendment be updated to reflect the current code language.

- Table R302.1(1) “Exterior Walls” – The 2012 IRC has created two tables in the code.

The rule amendment would correct the applicable table reference. It would also update the table for openings in walls (unlimited) and for penetrations to be consistent with amended minimum fire separation distance requirements for walls and projections.

- R303.4 “Mechanical Ventilation” – During the adoption process of the 2012 IRC, the Code Collaborative recommended the Idaho Building Code Board approve the deletion of R303.4 from the code. Since that time, data on the subject has been collected on homes across the state.

The amendment would re-establish the scope in the building code to require mechanical whole-house ventilation in all new dwelling units. An exception has been added where whole-house mechanical ventilation is not required when it can be shown air changes per hour (ACH) are at five (5) to less than seven (7) when a blower door test is conducted.

For clarity, it was recommended the verbiage be changed to “... equal five (5) or greater ACH when tested with blower door ...”.

◆ **Homeowner Energy Code Survey**

Sharon Grant, Eco Edge, will present the results of the 2013 Idaho Homeowners Energy Code Survey at the July 17, 2014 Idaho Building Code Board meeting.

◆ **2014 AIC Annual Conference**

As part of the Association of Idaho Cities (AIC) Annual Conference, a Building Officials Track will be offered June 18-20, 2014 at the Boise Centre in Boise, Idaho. To receive the membership price, write “Building Officials Track” next to *Special Requests* on the registration form.

◆ **Code Collaborative Meeting**

The Collaborative will meet Wednesday, May 28, 2014, at the AIC office in Boise.

◆ **Adjournment**

Chairman adjourned the meeting at 9:55 a.m. (MT).

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ANDREW BICK, CHAIRMAN  
IDAHO BUILDING CODE BOARD

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C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE

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DATE

\*These DRAFT minutes are subject to possible correction and final approval by the Idaho Building Code Board. 05/21/14rb

# IDAHO BUILDING CODE BOARD

## Agenda Item No. 04a      IRC Section R105.2 “Work Exempt From Permits”

**PRESENTER:** Jason Blais, Code Collaborative Representative

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**OBJECTIVE:** Review proposed amendment to the currently adopted building and energy codes.

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**ACTION:** Informational

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**BACKGROUND:** May 2014 – The work exempt permit section of the 2012 International Residential Code (IRC) has changed the fence requirements from six (6) feet to seven (7) feet. The current rule amendment on this section states six (6) feet. At present, the rule is more restrictive than the model code.

It was recommended the rule amendment be updated to reflect the current code language.

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### **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** IRC Section R105.2

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**5. Proposed Code Amendment.** Use 'legislative format' including both old and new language. See instructions on page five for specific details. Please attach a separate sheet for each separate proposal.

2012 IRC	R105.2 Item #2	3
<b>Code</b>	<b>Section</b>	<b>Page</b>

**Please note number of additional pages: 3**

Delete IDAPA 07.03.01, 004, 02, c. that amends IRC R105.2 Item #2 with no replacement:

~~e. Delete item No. 2 contained under the "Building" subsection of IRC section R105.2—Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect.~~

**Supporting Data for Statewide Amendment Proposals.** This information is required for all statewide amendment proposals. Attach supporting documentation, as necessary; incomplete proposals will not be accepted.

The governing boards require supporting data on any amendment proposal to show:

1. That it meets basic criteria – See Part I to specify how this proposal meets the criteria for code amendment.
2. The intended effect – See Part II to describe the purpose of the proposed amendment, including the benefits and the problems addressed.
3. The potential impacts or benefits to business – See Part III/Types of Construction, to explain how methods in construction businesses, industries and services would be affected.
4. The potential impacts on enforcement procedures, See Part III/Types of Services Required, to provide some analysis of the impacts on code enforcement in local jurisdictions.
5. Economic costs and benefits – Use the Table in Part IV of this form to estimate the costs and benefits of the proposal on construction practices, users and/or the public, the enforcement community, and operation and maintenance.

**Part I ♦ Background information on amendment.**

Code references: R105.2

Title: Work exempt from permit

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Related Codes: None

(Does this amendment change other related codes?)

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Proponent: Jason Blais

Phone: 384-3807

Date: 5/13/14

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**NOTE:** Amendments to the state building code must be based on one of the following criteria; please indicate the pertinent rationale for the proposed amendment by selecting from the list below:

- (1) The amendment is needed to address a critical life/safety need.
- (2) The amendment is needed to address a specific state policy or statute.
- (3) The amendment is needed for consistency with state or federal regulations.
- (4) The amendment is needed to address a unique character of the state.
- (5) The amendment corrects errors and omissions.

**Part II ♦ Amendment Benefit:**

**PROBLEM(S) ADDRESSED** (Describe the intended effect of the proposed code amendment):

The 2012 International Residential Code has made a change now stating fences not over 7 feet high are exempt from permit. A current IDAPA rule amendment on this section states fences not over 6 feet high are exempt from permit. The Code Collaborative concluded this IDAPA rule amendment needs to just be deleted and current 2012 IRC language (without amendment) adhered to. Any zoning issues on this subject should be appropriately addressed through a jurisdiction's zoning ordinance not the building code.

**PRIMARY REASON FOR AMENDMENT:** (Describe how the amendment meets one of the criteria listed above)

This amendment will align with Idaho Statute, Title 39, Chapter 41, Section 39-4109 (3) which states "No amendments to the International 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." The current IDAPA rule amendment on this subject is currently more restrictive than in the nationally published code therefore should be deleted.

**TYPE OF BENEFITS PROJECTED:**

**Part III ♦ Amendment Impacts or Benefits:**

**TYPES OF CONSTRUCTION:**  New Construction  Alteration/Tenant Improvement/Repair  
 Residential-Single Family  Residential-Multi Family  Commercial  Industrial

**List businesses/industries affected by amendment:**

Manufacturers: \_\_\_\_\_  
 Specific Construction Contractors & Trades: Fence contractors  
 Construction Supply Industry: \_\_\_\_\_  
 Specialty Trades: \_\_\_\_\_  
 Types of Buildings: \_\_\_\_\_  
 Fire Protection Industry: \_\_\_\_\_

**Types of Services Required:**

**Reporting:** Brief Description \_\_\_\_\_  
 **Record Keeping:** Brief Description \_\_\_\_\_  
 **Other:** Brief Description \_\_\_\_\_  
 **Indirect Cost to Industry:** Indicate whether there are multiple sources to obtain the equipment, material or service required by this proposal. If not, provide a justification of the benefit versus small business impact.

**Part IV ♦ Amendment Costs and Benefits**

Building Type	Construction <sup>1</sup>			Enforcement <sup>2</sup>			Operations & Maintenance <sup>3</sup>		
	Co sts	% impact <sup>4</sup>	Benefits <sup>5</sup>	Costs	% impact	Benefits	Costs	% impact	Benefits
Residential	∅	/	yes	∅	/	yes	∅	/	yes
Single family	∅	/	yes	∅	/	yes	∅	/	yes
Multi-family									
Commercial/ Retail									
Industrial									
Institutional									

1 \$ / square foot of floor area or other cost. Attach data. **Construction** costs are costs prior to occupancy, and include both design and direct construction costs that impact the total cost of the construction to the owner/consumer.

2 Cost per project plan. Attach data. **Enforcement** costs include governmental review of plans, field inspection, and mediated litigation required for enforcement.

3 Cost to building owner/tenants over the life of the project.

4 Cost differential over a specific size project or range of projects as determined by the proponent. Provide sufficient cost and benefit detail to clarify the impact to the Council. All data should be created and referenced to third party reputable sources for verification.

5 Note sectors with measurable benefit from Part II, including benefits to a) the user, b) the public, c) the industry, and/or d) the economy; use e) for all of the above.

- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
- vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)
- vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)
- d. Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. (3-20-14)
- e. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)
- f. Delete footnote (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-14)
- 02. International Residential Code.** 2012 Edition with the following amendments: (3-20-14)
  - a. Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)
  - b. Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with three (3) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. Such occupancies shall be required to install smoke alarms and carbon monoxide alarms in accordance with sections R314 and R315 respectively of the International Residential Code for One- and Two-family Dwellings. (3-20-14)
  - c. Delete item No. 2 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)
  - d. Delete item No. 7 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)
  - e. Add the following item No. 11 at the end of the "Building" subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)
  - f. Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)
  - g. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the "Walls" and "Projections" elements, and replace with the following:

<b>Minimum Fire Separation Distance</b>	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet



# Idaho Statutes

## TITLE 39 HEALTH AND SAFETY

### CHAPTER 41 IDAHO BUILDING CODE ACT

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

(a) The 2006 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 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 (5) of this section and in accordance with subsections (2) and (3) herein 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 incorporated International Residential Code, parts I, II, III, IV and IX; International Energy Conservation 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 2006 International Residential Code as published by the International Code Council, except for parts V, VI, VII and VIII as they pertain to mechanical, fuel gas, plumbing and electrical requirements 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 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;

(c) The 2006 International Energy Conservation 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 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; and

(d) The 2006 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 International 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 effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section [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 entities 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 communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

**History:**

[39-4109, added 2002, ch. 345, sec. 13, p. 971; am. 2004, ch. 272, sec. 3, p. 759; am. 2004, ch. 359, sec. 2, p. 1074; am. 2007, ch. 184, sec. 1, p. 532; am. 2009, ch. 173, sec. 2, p. 552; am. 2009, ch. 279, sec. 1, p. 841; am. 2010, ch. 79, sec. 14, p. 143.]

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# IDAHO BUILDING CODE BOARD

## Agenda Item No. 04b

## IRC Table R302.1(1) "Exterior Walls"

**PRESENTER:** Jason Blais, Code Collaborative Representative

---

**OBJECTIVE:** Review proposed amendment to the currently adopted building and energy codes.

---

**ACTION:** Informational

---

**BACKGROUND:** May 2014 – The 2012 IRC has created two tables in the code.

The rule amendment would correct the applicable table reference. It would also update the table for openings in walls (unlimited) and for penetrations to be consistent with amended minimum fire separation distance requirements for walls and projections.

---

### **PROCEDURAL HISTORY:**

---

**ATTACHMENTS:** IRC Table R302.1(1)

---



**DIVISION OF BUILDING SAFETY  
APPLICATION FOR REVIEW OF A PROPOSED STATEWIDE AMENDMENT  
TO STATE ADOPTED CODES  
2012 Code Adoption Cycle**

Log# \_\_\_\_\_  
(Office Use Only)

**PLEASE FOLLOW INSTRUCTIONS ON PAGE FIVE**

**1. State Building Code to be Amended:**

<input type="checkbox"/> International Building Code	<input type="checkbox"/> International Energy Conservation Code
<input checked="" type="checkbox"/> International Residential Code	<input type="checkbox"/> International Mechanical Code
<input type="checkbox"/> International Fuel Gas Code	<input type="checkbox"/> National Electrical Code
<input type="checkbox"/> International Existing Building Code	<input checked="" type="checkbox"/> IDAPA 07.03.01, 004, 02, g.
<input type="checkbox"/> Idaho State Plumbing Code	<input type="checkbox"/>

**Section:** Table R302.1(1)

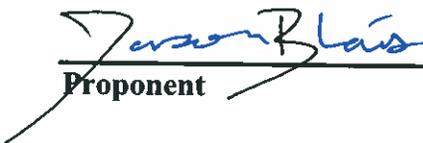
**Page:** 48

**2. Applicant Name (Specific local government, organization or individual):**

Jason Blais, City of Boise

---

**3. Signed:**

	City of Boise Building Official	6-25-14
<b>Proponent</b>	<b>Title</b>	<b>Date</b>

**4. Designated Contact Person:**

Jason Blais	City of Boise Building Official
<b>Name</b>	<b>Title</b>

**Address:** City of Boise – Planning & Development Services  
P.O. Box 500  
Boise, ID 83701

---

384-3807		
<b>Office Phone</b>	<b>Cell</b>	<b>Fax</b>

**E-mail address:** jblais@cityofboise.org

---

**5. Proposed Code Amendment.** Use ‘legislative format’ including both old and new language. See instructions on page five for specific details. Please attach a separate sheet for each separate proposal.

2012 IRC	Table R302.1(1)	48
<b>Code</b>	<b>Section</b>	<b>Page</b>

**Please note number of additional pages: 2**

Amend IDAPA 07.03.01, 004, 02, g. that amends IRC Table R302.1(1) as follows:

**g.** IRC Table R302.1(1) Exterior Walls – delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the “Walls” and “Projections” elements, and replace entire Table including amendments in accordance with the following:

<b>Minimum Fire Separation Distance</b>
<del>Walls (fire-resistance rated): &lt; Three (3) Feet</del>
<del>Walls (not fire-resistance rated): ≥ Three (3) Feet</del>
<del>Projections (fire-resistance rated): &lt; Three (3) Feet</del>
<del>Projections (not fire-resistance rated): ≥ Three (3) Feet</del>

**TABLE R302.1(1)  
EXTERIOR WALLS**

<b>EXTERIOR WALL ELEMENT</b>		<b>MINIMUM FIRE-RESISTANCE RATING</b>	<b>MINIMUM FIRE SEPARATION DISTANCE</b>
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 3 feet
	Not fire-resistance rated	0 hours	≥ 5 3 feet
Projections	Fire-resistance rated	1 hour on the underside	≥ 2 feet to < 5 3 feet
	Not fire-resistance rated	0 hours	≥ 5 3 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet ≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 3 feet
		None required	≥ 5 3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

**Supporting Data for Statewide Amendment Proposals.** This information is required for all statewide amendment proposals. Attach supporting documentation, as necessary; incomplete proposals will not be accepted.

The governing boards require supporting data on any amendment proposal to show:

1. That it meets basic criteria – See Part I to specify how this proposal meets the criteria for code amendment.
2. The intended effect – See Part II to describe the purpose of the proposed amendment, including the benefits and the problems addressed.
3. The potential impacts or benefits to business – See Part III/Types of Construction, to explain how methods in construction businesses, industries and services would be affected.
4. The potential impacts on enforcement procedures, See Part III/Types of Services Required, to provide some analysis of the impacts on code enforcement in local jurisdictions.
5. Economic costs and benefits – Use the Table in Part IV of this form to estimate the costs and benefits of the proposal on construction practices, users and/or the public, the enforcement community, and operation and maintenance.

**Part I ♦ Background information on amendment.**

Code references: Table R302.1(1)

Title: Exterior Walls

---

Related Codes: None

(Does this amendment change other related codes?)

---

Proponent: Jason Blais

Phone: 384-3807

Date: 6/25/14

---

**NOTE:** Amendments to the state building code must be based on one of the following criteria; please indicate the pertinent rationale for the proposed amendment by selecting from the list below:

- (1) The amendment is needed to address a critical life/safety need.
- (2) The amendment is needed to address a specific state policy or statute.
- (3) The amendment is needed for consistency with state or federal regulations.
- (4) The amendment is needed to address a unique character of the state.
- (5) The amendment corrects errors and omissions.

**Part II ♦ Amendment Benefit:**

**PROBLEM(S) ADDRESSED** (Describe the intended effect of the proposed code amendment):

The 2012 International Residential Code has now created two tables in the code so the applicable table reference needs correction. This IDAPA rule amendment also needs updating to the table for openings in walls and for penetrations to be consistent with amended minimum fire separation distance requirements for walls and projections. Currently as written, a building would not need a wall rating at 3' from the property line but would need protected penetrations at less than 5 feet. Requirements for openings in walls also need clarification. For consistency, additional portions of the table need to be amended accordingly to the 3 feet (equal to, less than, greater than) thresholds as other elements within the table have been.

This proposal has been reviewed and discussed in the Code Collaborative. The group decided that all would be better served if the amendment included the entire table for reference to eliminate ambiguity.

**PRIMARY REASON FOR AMENDMENT:** (Describe how the amendment meets one of the criteria listed above)

The current amended table omits needed language for openings in walls and for penetrations to correlate with the amended minimum fire separation distance for walls and projections. This amendment brings consistency in application for all exterior wall elements listed in Table R302.1(1) not just for walls and projections. Replicating the entire table with amendments for reference has also been suggested by the Code Collaborative to reduce ambiguity. Reference further explanation for amendment need on previous page under the “Problem(s) Addressed” section.

**TYPE OF BENEFITS PROJECTED:**

**Part III ♦ Amendment Impacts or Benefits:**

**TYPES OF CONSTRUCTION:**  New Construction  Alteration/Tenant Improvement/Repair  
 Residential-Single Family  Residential-Multi Family  Commercial  Industrial

**List businesses/industries affected by amendment:**

Manufacturers: \_\_\_\_\_  
 Specific Construction Contractors & Trades: Building contractors / Drafters / Designers  
 Construction Supply Industry: \_\_\_\_\_  
 Specialty Trades: \_\_\_\_\_  
 Types of Buildings: \_\_\_\_\_  
 Fire Protection Industry: \_\_\_\_\_

**Types of Services Required:**

- Reporting:** Brief Description \_\_\_\_\_
- Record Keeping:** Brief Description \_\_\_\_\_
- Other:** Brief Description \_\_\_\_\_
- Indirect Cost to Industry:** Indicate whether there are multiple sources to obtain the equipment, material or service required by this proposal. If not, provide a justification of the benefit versus small business impact.

**Part IV ♦ Amendment Costs and Benefits**

Building Type	Construction <sup>1</sup>				Enforcement <sup>2</sup>			Operations & Maintenance <sup>3</sup>		
	Co sts	% impact <sup>4</sup>	Benefits <sup>5</sup>	Costs	% impact	Benefits	Costs	% impact	Benefits	
Residential	∅	∅	Yes-	∅	∅	Yes-	∅	∅	∅	
Single family	∅	∅	Clarifies	∅	∅	Clarifies	∅	∅	∅	
Multi-family										
Commercial/ Retail										
Industrial										
Institutional										

1 \$ / square foot of floor area or other cost. Attach data. **Construction** costs are costs prior to occupancy, and include both design and direct construction costs that impact the total cost of the construction to the owner/consumer.  
 2 Cost per project plan. Attach data. **Enforcement** costs include governmental review of plans, field inspection, and mediated litigation required for enforcement.  
 3 Cost to building owner/tenants over the life of the project.  
 4 Cost differential over a specific size project or range of projects as determined by the proponent. Provide sufficient cost and benefit detail to clarify the impact to the Council. All data should be created and referenced to third party reputable sources for verification.  
 5 Note sectors with measurable benefit from Part II, including benefits to a) the user, b) the public, c) the industry, and/or d) the economy; use e) for all of the above.

- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
- vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)
- vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)
- d. Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. (3-20-14)
- e. Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)
- f. Delete footnote (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-14)
- 02. **International Residential Code.** 2012 Edition with the following amendments: (3-20-14)
  - a. Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)
  - b. Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with three (3) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. Such occupancies shall be required to install smoke alarms and carbon monoxide alarms in accordance with sections R314 and R315 respectively of the International Residential Code for One- and Two-family Dwellings. (3-20-14)
  - c. Delete item No. 2 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)
  - d. Delete item No. 7 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)
  - e. Add the following item No. 11 at the end of the "Building" subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)
  - f. Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)
  - g. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the "Walls" and "Projections" elements, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

**TABLE R301.7  
ALLOWABLE DEFLECTION OF STRUCTURAL MEMBERS<sup>b,c</sup>**

STRUCTURAL MEMBER	ALLOWABLE DEFLECTION
Rafters having slopes greater than 3:12 with no finished ceiling attached to rafters	$L/180$
Interior walls and partitions	$H/180$
Floors/ceilings with plaster or stucco finish	$L/360$
All other structural members	$L/240$
Exterior walls—wind loads <sup>a</sup> with plaster or stucco finish	$H/360$
Exterior walls with other brittle finishes	$H/240$
Exterior walls with flexible finishes	$H/120^d$
Lintels supporting masonry veneer walls <sup>e</sup>	$L/600$

Note:  $L$  = span length,  $H$  = span height.

- a. The wind load shall be permitted to be taken as 0.7 times the Component and Cladding loads for the purpose of the determining deflection limits herein.
- b. For cantilever members,  $L$  shall be taken as twice the length of the cantilever.
- c. For aluminum structural members or panels used in roofs or walls of sunroom additions or patio covers, not supporting edge of glass or sandwich panels, the total load deflection shall not exceed  $L/60$ . For continuous aluminum structural members supporting edge of glass, the total load deflection shall not exceed  $L/175$  for each glass lite or  $L/60$  for the entire length of the member, whichever is more stringent. For sandwich panels used in roofs or walls of sunroom additions or patio covers, the total load deflection shall not exceed  $L/120$ .
- d. Deflection for exterior walls with interior gypsum board finish shall be limited to an allowable deflection of  $H/180$ .
- e. Refer to Section R703.7.2.

**R301.8 Nominal sizes.** For the purposes of this code, where dimensions of lumber are specified, they shall be deemed to be nominal dimensions unless specifically designated as actual dimensions.

**SECTION R302  
FIRE-RESISTANT CONSTRUCTION**

**R302.1 Exterior walls.** Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or dwellings equipped throughout with an automatic sprinkler system

installed in accordance with Section P2904 shall comply with Table R302.1(2).

**Exceptions:**

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of dwellings and accessory structures located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.

**R302.2 Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

**Exception:** A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

**R302.2.1 Continuity.** The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions



**TABLE R302.1(1)  
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Fire-resistance rated	1 hour on the underside	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

For SI: 1 foot = 304.8 mm.  
N/A = Not Applicable.

# IDAHO BUILDING CODE BOARD

## Agenda Item No. 04c                      IRC Section 303.4 “Mechanical Ventilation”

**PRESENTER:** Jason Blais, Code Collaborative Representative

---

**OBJECTIVE:** Review proposed amendment to the currently adopted building and energy codes.

---

**ACTION:** Informational

---

**BACKGROUND:** May 2014 – During the adoption process of the 2012 IRC, the Code Collaborative recommended the Idaho Building Code Board approve the deletion of R303.4 from the code. Since that time, data on the subject has been collected on homes across the state.

The amendment would re-establish the scope in the building code to require mechanical whole-house ventilation in all new dwelling units. An exception has been added where whole-house mechanical ventilation is not required when it can be shown air changes per hour (ACH) are at five (5) to less than seven (7) when a blower door test is conducted.

For clarity, it was recommended the verbiage be changed to “... equal five (5) or greater ACH when tested with blower door ...”.

---

### **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** IRC Section 303.4

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**DIVISION OF BUILDING SAFETY  
APPLICATION FOR REVIEW OF A PROPOSED STATEWIDE AMENDMENT  
TO STATE ADOPTED CODES  
2012 Code Adoption Cycle**

Log# \_\_\_\_\_  
(Office Use Only)

**PLEASE FOLLOW INSTRUCTIONS ON PAGE FIVE**

**1. State Building Code to be Amended:**

<input type="checkbox"/> International Building Code	<input type="checkbox"/> International Energy Conservation Code
<input checked="" type="checkbox"/> International Residential Code	<input type="checkbox"/> International Mechanical Code
<input type="checkbox"/> International Fuel Gas Code	<input type="checkbox"/> National Electrical Code
<input type="checkbox"/> International Existing Building Code	<input type="checkbox"/>
<input type="checkbox"/> Idaho State Plumbing Code	<input type="checkbox"/>

**Section:** R303.4

**Page:** 53

**2. Applicant Name (Specific local government, organization or individual):**

Jason Blais, City of Boise

---

**3. Signed:**

	City of Boise Building Official	6-25-14
<b>Proponent</b>	<b>Title</b>	<b>Date</b>

**4. Designated Contact Person:**

Jason Blais	City of Boise Building Official
<b>Name</b>	<b>Title</b>

**Address:** City of Boise – Planning & Development Services (PDS)  
P.O. Box 500  
Boise, ID 83701

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384-3807

<b>Office Phone</b>	<b>Cell</b>	<b>Fax</b>
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**E-mail address:** jblais@cityofboise.org

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**5. Proposed Code Amendment.** Use 'legislative format' including both old and new language. See instructions on page five for specific details. Please attach a separate sheet for each separate proposal.

2012 IRC	R303.4	53
<b>Code</b>	<b>Section</b>	<b>Page</b>

**Please note number of additional pages:**

Insert section R303.4 to read as follows:

**R303.4 Mechanical ventilation.** Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.

**Exception:** Where the air infiltration rate of a dwelling unit is equal to 5 air changes per hour or greater when tested with a blower door at a pressure of 0.2 inch w.c. (50 pa) in accordance with Section N1102.4.1.2.

**Supporting Data for Statewide Amendment Proposals.** This information is required for all statewide amendment proposals. **Attach supporting documentation, as necessary; incomplete proposals will not be accepted.**

The governing boards require supporting data on any amendment proposal to show:

1. That it meets basic criteria – See Part I to specify how this proposal meets the criteria for code amendment.
2. The intended effect – See Part II to describe the purpose of the proposed amendment, including the benefits and the problems addressed.
3. The potential impacts or benefits to business – See Part III/Types of Construction, to explain how methods in construction businesses, industries and services would be affected.
4. The potential impacts on enforcement procedures, See Part III/Types of Services required, to provide some analysis of the impacts on code enforcement in local jurisdictions.
5. Economic costs and benefits – Use the Table in Part IV of this form to estimate the costs and benefits of the proposal on construction practices, users and/or the public, the enforcement community, and operation and maintenance.

**Part I ♦ Background information on amendment.**

Code references: R303.4

Title: Mechanical ventilation

---

Related Codes: None

(Does this amendment change other related codes?)

---

Proponent: Jason Blais

Phone: 384-3807

Date: 6/25/14

---

**NOTE:** Amendments to the state building code must be based on one of the following criteria; please indicate the pertinent rationale for the proposed amendment by selecting from the list below:

- (1) The amendment is needed to address a critical life/safety need.
- (2) The amendment is needed to address a specific state policy or statute.
- (3) The amendment is needed for consistency with state or federal regulations.
- (4) The amendment is needed to address a unique character of the state.
- (5) The amendment corrects errors and omissions.

**Part II ♦ Amendment Benefit:**

**PROBLEM(S) ADDRESSED** (Describe the intended effect of the proposed code amendment):

Section R303.4 Mechanical ventilation was deleted out of the code by the Idaho Building Code Board with the recommendation of the Code Collaborative during the adoption process of the 2012 IRC. At the time, it was unknown what the average air changes per hour were for typical homes being constructed. Since that time, data has been collected on homes across the state. For example, NEEA collected data from 600 homes showing the average air changes per hour (ACH) at 3.6. Data within the City of Boise is also showing numbers with a similar average. This is well below the threshold of less than 5 air changes per hour where whole-house mechanical ventilation needs to be provided within dwellings.

This new amendment re-establishes the scoping in the building code requiring mechanical whole-house ventilation in all dwelling units. An exception has been added stating whole-house mechanical ventilation is not required when it can be shown that the air changes per hour is at 5 or greater when a blower door test is conducted. Crafting the amendment language in this manner does not mandate blower door testing on all dwellings as the original language for IRC Section R303.4 stated. Important to note that the amended IECC requires building envelope tightness to be less than 7 ACH as a maximum threshold.

**PRIMARY REASON FOR AMENDMENT:** (Describe how the amendment meets one of the criteria listed above)

This amendment addresses a life/safety/health need regarding the air quality for occupants in newly constructed dwellings. Energy codes are working and builders are doing a good job of air sealing houses. Tighter homes result in more energy efficiency but also necessitate the need to provide ventilation (fresh air) into the home for occupants.

The mechanical portions of the IRC already specify how to install whole-house mechanical ventilation and a current state amendment from the Idaho HVAC Board further clarifies sizing. There are several options for whole-house ventilation including some that are relatively inexpensive such as the fresh air duct method.

With the new knowledge of statistical data on the air changes per hour within newly constructed homes in Idaho, this amendment will correct the previous action of deleting Section R303.4 Mechanical ventilation from the building code, making homes safe, healthy and livable for our citizens.

This issue has been presented and discussed with the Code Collaborative and the Idaho HVAC Board. Both groups agreed this issue is of concern for safety and health indicating support for this amendment.

**TYPE OF BENEFITS PROJECTED:**

**Part III ♦ Amendment Impacts or Benefits:**

**TYPES OF CONSTRUCTION:**  New Construction  Alteration/Tenant Improvement/Repair  
 Residential-Single Family  Residential-Multi Family  Commercial  Industrial

**List businesses/industries affected by amendment:**

Manufacturers: \_\_\_\_\_  
 Specific Construction Contractors & Trades: Building Contractors / Mechanical Contractors  
 Construction Supply Industry: \_\_\_\_\_  
 Specialty Trades: \_\_\_\_\_  
 Types of Buildings: \_\_\_\_\_  
 Fire Protection Industry: \_\_\_\_\_

**Types of Services Required:**

- Reporting:** Brief Description \_\_\_\_\_
- Record Keeping:** Brief Description \_\_\_\_\_
- Other:** Brief Description \_\_\_\_\_
- Indirect Cost to Industry:** Indicate whether there are multiple sources to obtain the equipment, material or service required by this proposal. If not, provide a justification of the benefit versus small business impact.

**Part IV ♦ Amendment Costs and Benefits**

Building Type	Construction <sup>1</sup>			Enforcement <sup>2</sup>			Operations & Maintenance <sup>3</sup>		
	Co sts	% impact <sup>4</sup>	Benefits <sup>5</sup>	Costs	% impact	Benefits	Costs	% impact	Benefits
Residential	\$200 to	low	yes - construct healthy	0	very low	yes public	0	0	yes - occupant
Single family	\$450	very low	homes.	0	very low	safety	0	0	yes - occupant live in healthy safe home
Multi-family									
Commercial/ Retail									
Industrial									
Institutional									

1 \$ / square foot of floor area or other cost. Attach data. **Construction** costs are costs prior to occupancy, and include both design and direct construction costs that impact the total cost of the construction to the owner/consumer.  
 2 Cost per project plan. Attach data. **Enforcement** costs include governmental review of plans, field inspection, and mediated litigation required for enforcement.  
 3 Cost to building owner/tenants over the life of the project.  
 4 Cost differential over a specific size project or range of projects as determined by the proponent. Provide sufficient cost and benefit detail to clarify the impact to the Council. All data should be created and referenced to third party reputable sources for verification.  
 5 Note sectors with measurable benefit from Part II, including benefits to a) the user, b) the public, c) the industry, and/or d) the economy; use e) for all of the above.

# IDAHO BUILDING CODE BOARD

## Agenda Item No. 05a      IRC Section R105.2 “Work Exempt From Permits”

**PRESENTER:** Jason Blais, Code Collaborative Representative

---

**OBJECTIVE:** Vote on proposed amendment to the currently adopted building and energy codes.

---

**ACTION:** Accept or reject proposed amendment.

---

**BACKGROUND:** May 2014 – The work exempt permit section of the 2012 International Residential Code (IRC) has changed the fence requirements from six (6) feet to seven (7) feet. The current rule amendment on this section states six (6) feet. At present, the rule is more restrictive than the model code.

It was recommended the rule amendment be updated to reflect the current code language.

---

### **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** See agenda item 04a for supporting documentation

---



# IDAHO BUILDING CODE BOARD

## Agenda Item No. 05b

## IRC Table R302.1(1) "Exterior Walls"

**PRESENTER:** Jason Blais, Code Collaborative Representative

---

**OBJECTIVE:** Vote on proposed amendment to the currently adopted building and energy codes.

---

**ACTION:** Accept or reject proposed amendment.

---

**BACKGROUND:** May 2014 – The 2012 IRC has created two tables in the code.

The rule amendment would correct the applicable table reference. It would also update the table for openings in walls (unlimited) and for penetrations to be consistent with amended minimum fire separation distance requirements for walls and projections.

---

### **PROCEDURAL HISTORY:**

---

**ATTACHMENTS:** See agenda item 04b for supporting documentation

---



# IDAHO BUILDING CODE BOARD

## Agenda Item No. 05c                      IRC Section 303.4 “Mechanical Ventilation”

**PRESENTER:** Jason Blais, Code Collaborative Representative

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**OBJECTIVE:** Vote on proposed amendment to the currently adopted building and energy codes.

---

**ACTION:** Accept or reject proposed amendment.

---

**BACKGROUND:** May 2014 – During the adoption process of the 2012 IRC, the Code Collaborative recommended the Idaho Building Code Board approve the deletion of R303.4 from the code. Since that time, data on the subject has been collected on homes across the state.

The amendment would re-establish the scope in the building code to require mechanical whole-house ventilation in all new dwelling units. An exception has been added where whole-house mechanical ventilation is not required when it can be shown air changes per hour (ACH) are at five (5) to less than seven (7) when a blower door test is conducted.

For clarity, it was recommended the verbiage be changed to “... equal five (5) or greater ACH when tested with blower door ...”.

---

### **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** See agenda item 04c for supporting documentation

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# IDAHO BUILDING CODE BOARD

## Agenda Item No. 06

## IRC Bed and Breakfast Rule-Correction

**PRESENTER:** Steve Keys, Deputy Administrator-Operations

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**OBJECTIVE:** Vote on the proposed amendment to correct language in IRC Section R101.2

---

**ACTION:** Accept or reject the temporary/proposed rule.

---

**BACKGROUND:** July 2013 – The Board approved the following proposed amendment to the International Residential Code (IRC) Section R101.2: “Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings.”

April 2014 – When submitted to the 2014 Legislature, the amended language was incorrect; stating three or fewer guestrooms. A proposed amendment to correct the language from *three or fewer* to *five or fewer guestrooms* was submitted to the Board for review.

The Division will bring to the July 17, 2014 Board meeting a temporary/proposed rule for the Board’s vote.

---

**PROCEDURAL HISTORY:** Another version of the amendment language for IRC Section R101.2 was approved by the Board.

---

**ATTACHMENTS:** IRC Section R101.2

---



**f.** Delete footnote (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-14)

**02. International Residential Code.** 2012 Edition with the following amendments: (3-20-14)

**a.** Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)

**b.** Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with ~~three (3)~~ **five (5)** or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. Such occupancies shall be required to install smoke alarms and carbon monoxide alarms in accordance with sections R314 and R315 respectively of the International Residential Code for One- and Two-family Dwellings. (~~3-20-14~~)

**c.** Delete item No. 2 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)

**d.** Delete item No. 7 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)

**e.** Add the following item No. 11 at the end of the “Building” subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)

**f.** Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)

**g.** IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the “Walls” and “Projections” elements, and replace with the following:

<b>Minimum Fire Separation Distance</b>	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-20-14)

**h.** Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

**i.** Delete IRC section R303.4. (3-20-14)

# IDAHO BUILDING CODE BOARD

## Agenda Item No. 07                      2013 Idaho Homeowners Energy Code Survey

**PRESENTER:**            Sharon Grant, Eco Edge

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**OBJECTIVE:**            Provide the results of the 2013 Idaho Homeowners Energy Code Survey.

---

**ACTION:**                Informational

---

**BACKGROUND:**

---

**PROCEDURAL  
HISTORY:**

---

**ATTACHMENTS:**    Survey

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# Understanding what Idahoans think about Energy Codes



PRESENTER

Sharon Grant, Eco Edge

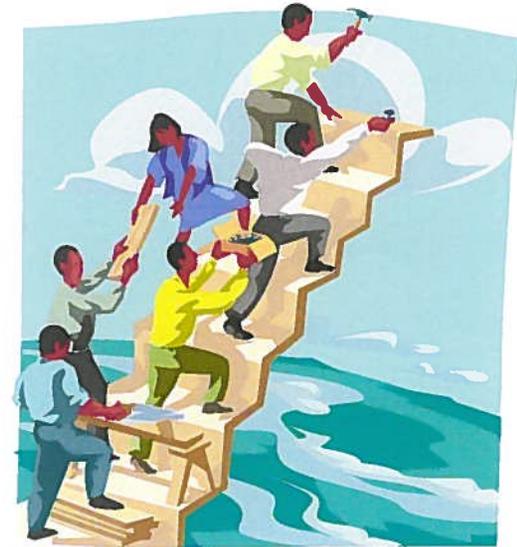
April 30, 2014

2013 Idaho Homeowner  
Energy Code Survey



THANK YOU

## The Team



**Jennifer Pope, Office of Energy Resources**

**David Eberle, Boise State University**

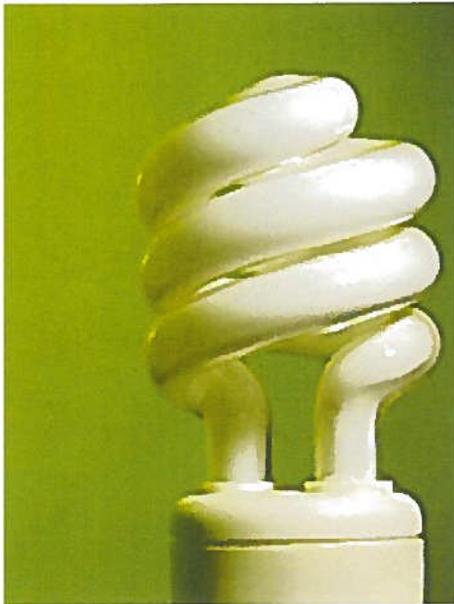
**Rebecca Elmore-Yalch, Northwest Research Group, LLC**

**Nathan Wiggin, Northwest Research Group, LLC**

# Notable

- Top drivers for supporting energy codes include lower monthly costs and a belief that they have a right to a new home purchase that meets energy standards.
- Idahoans agree that the State should adopt a state energy code consistent with national standards. However, less than half say that they trust the State to adopt the right energy codes.
- A payback period of 7 years is acceptable.

# TODAY'S AGENDA



- **Objectives**
- **Methodology**
- **Results**
- **Lessons Learned**

# OBJECTIVES

- 1 Determine *if* Idahoans value energy efficiency
- 2 Establish a *priority* of value
- 3 Determine if Idaho homeowners value *statewide standards* for energy efficiency
- 4 Determine how much Idaho homeowners are *willing to pay* for energy efficiency

# METHODOLOGY

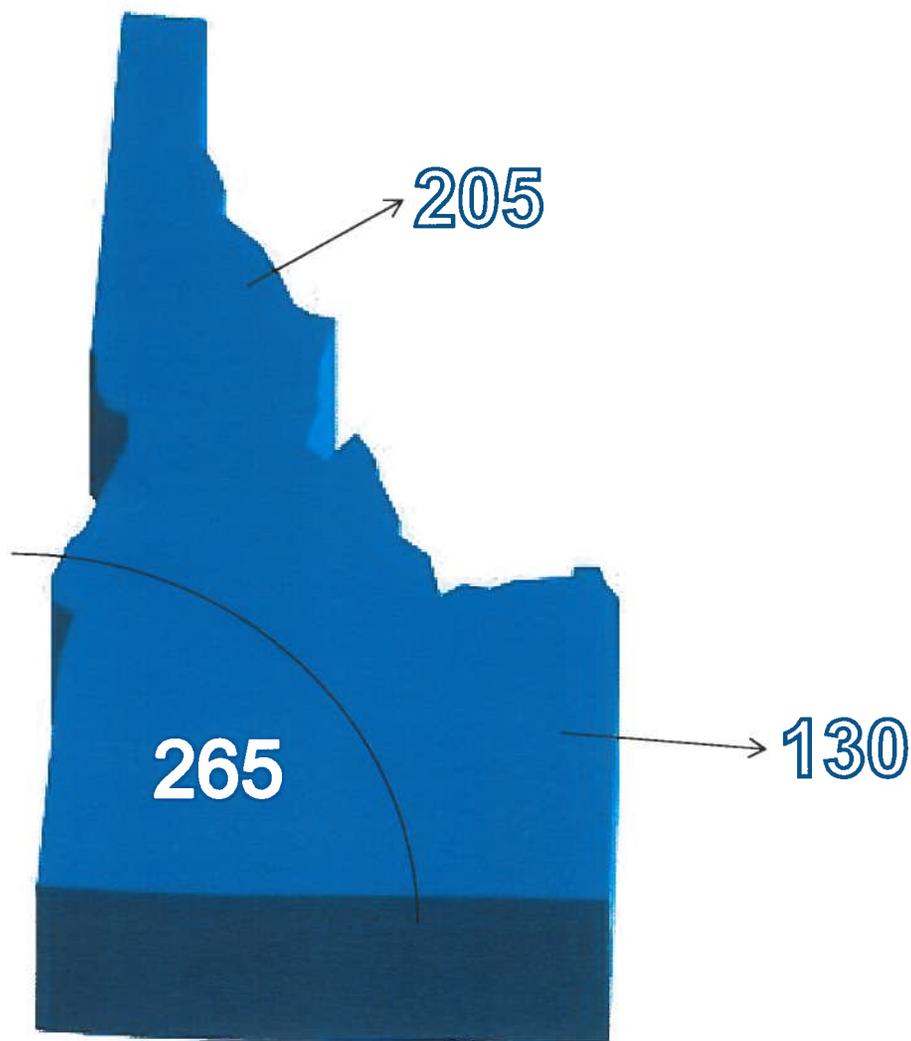
**600** Random Digit Dial surveys

**13** minutes each

**30%** wireless

Homeowners and renters, over age 18.

# METHODOLOGY

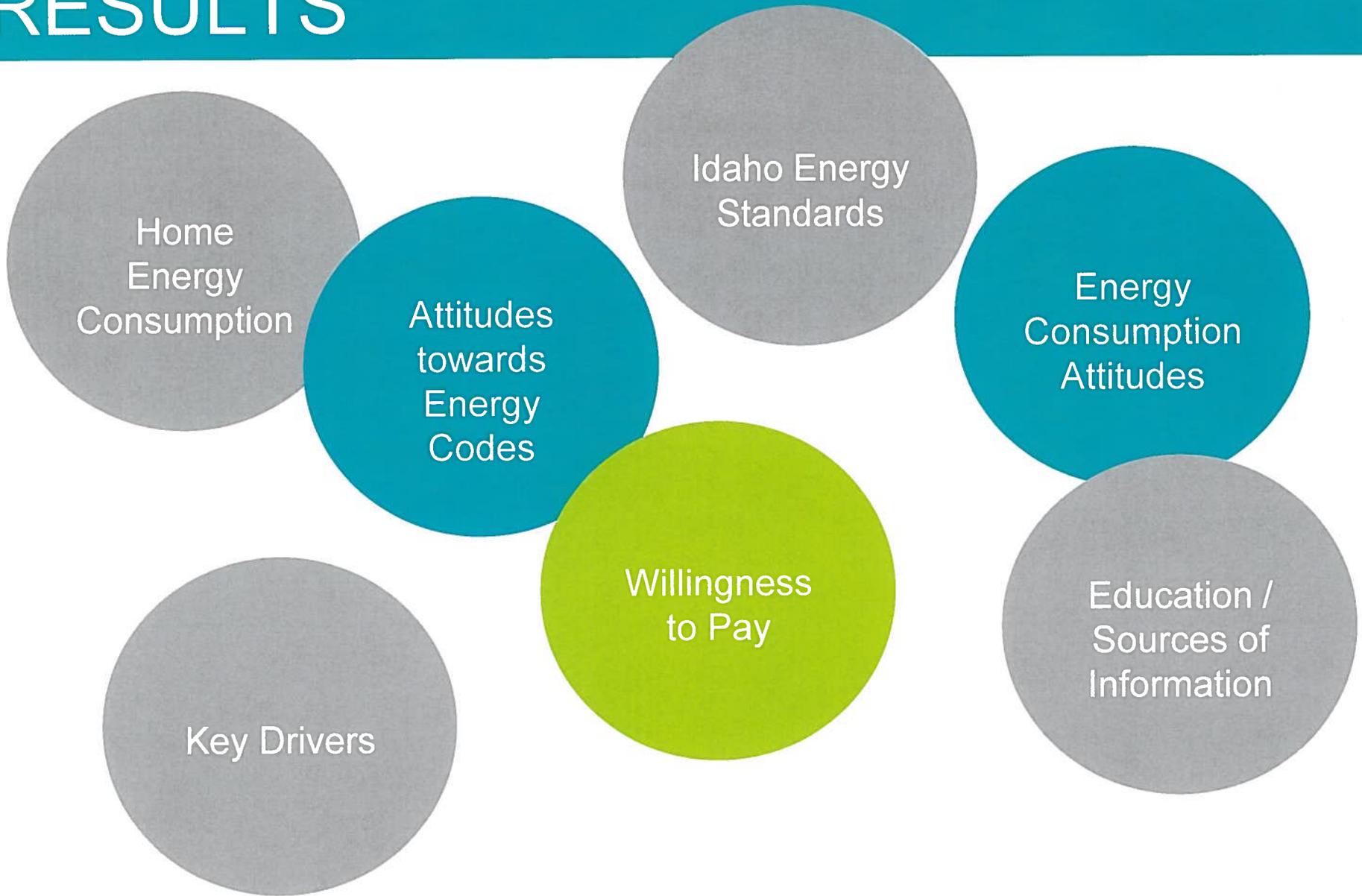


# METHODOLOGY

- Pre-tested  $n=30$  respondents
- ISO 20252:2012 Market Research Standards
- December 12-December 22, 2013
- Demographics monitored

+/- **4%** variance **95%** confidence level

# RESULTS

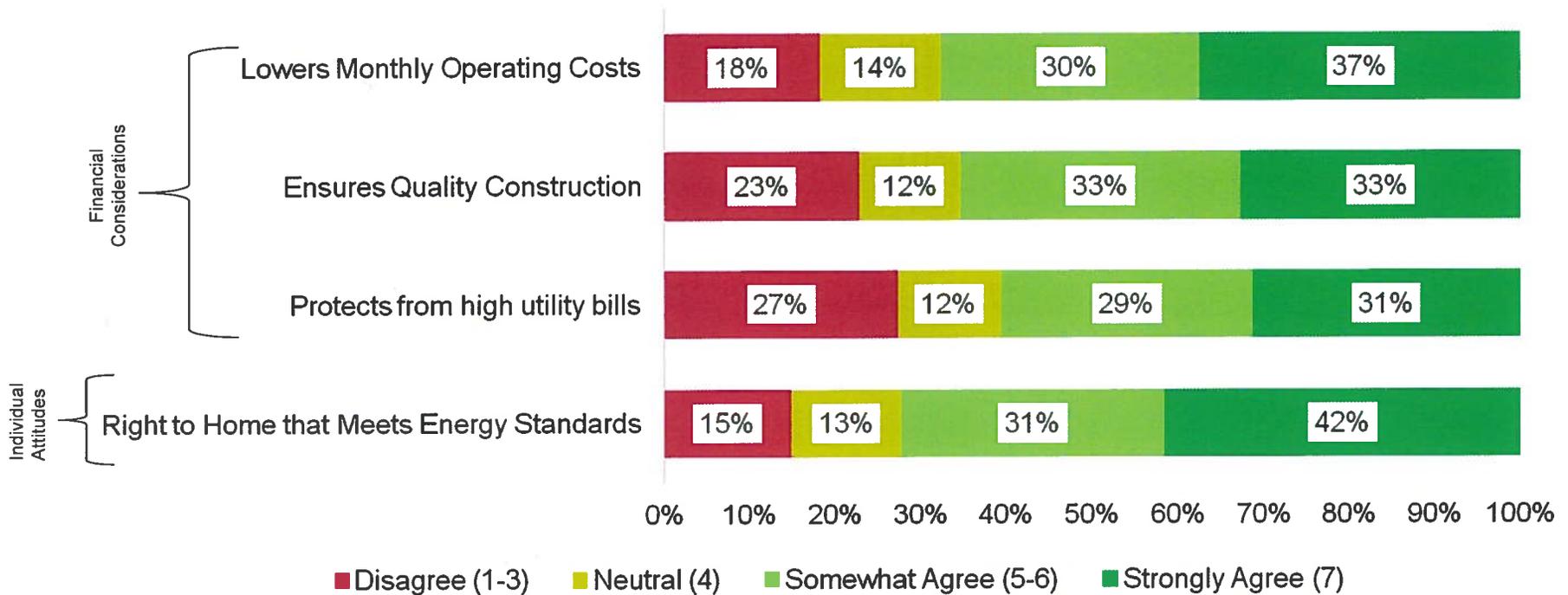




65% favor  
energy codes

# Key Drivers

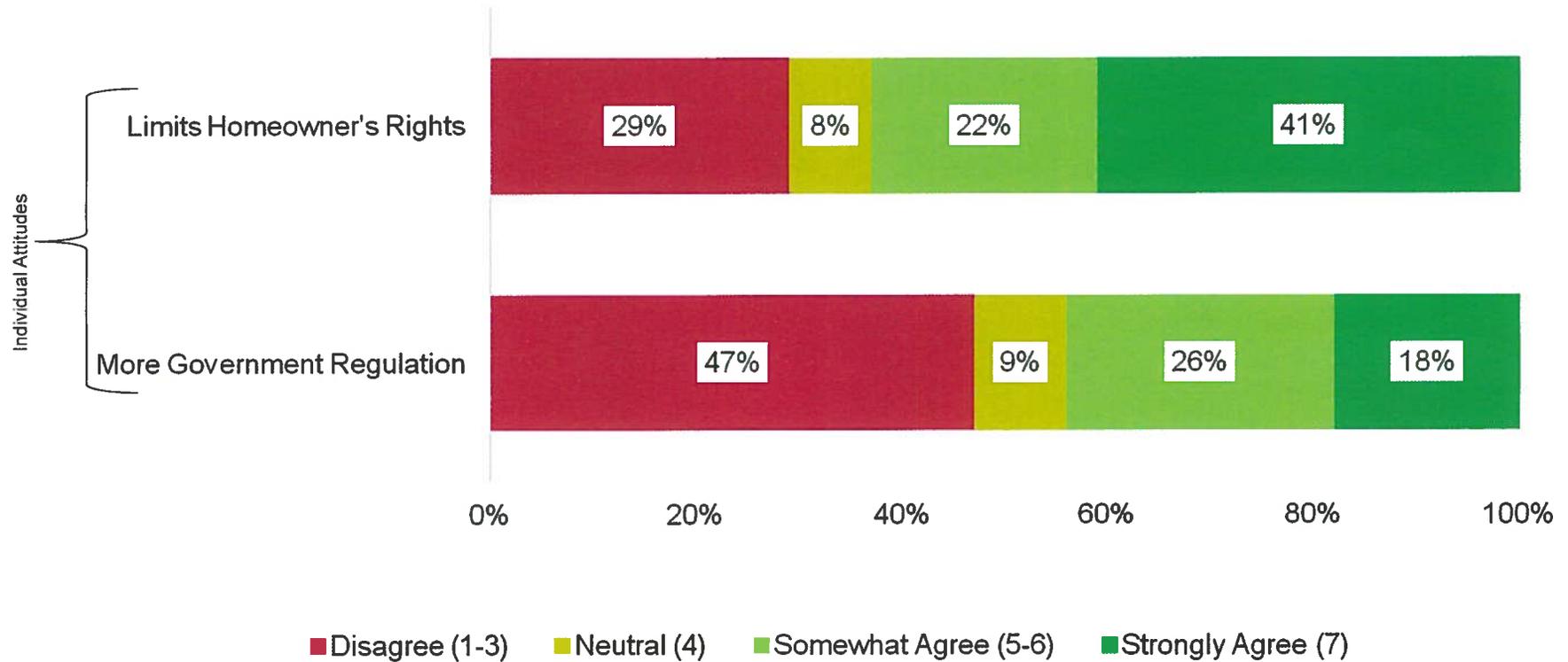
## What Drives Agreement with Energy Codes?



↑ Base: Random selection respondents (weighted n=277-323 / unweighted n=300)  
 ↑ Arrows indicate statistically significant difference at 95% confidence level  
 ↓ Bolding indicates statistically significant difference at 90% confidence level  
 Northwest Research Group, February 2014

# Key Drivers

What Drives Disagreement with Energy Codes?



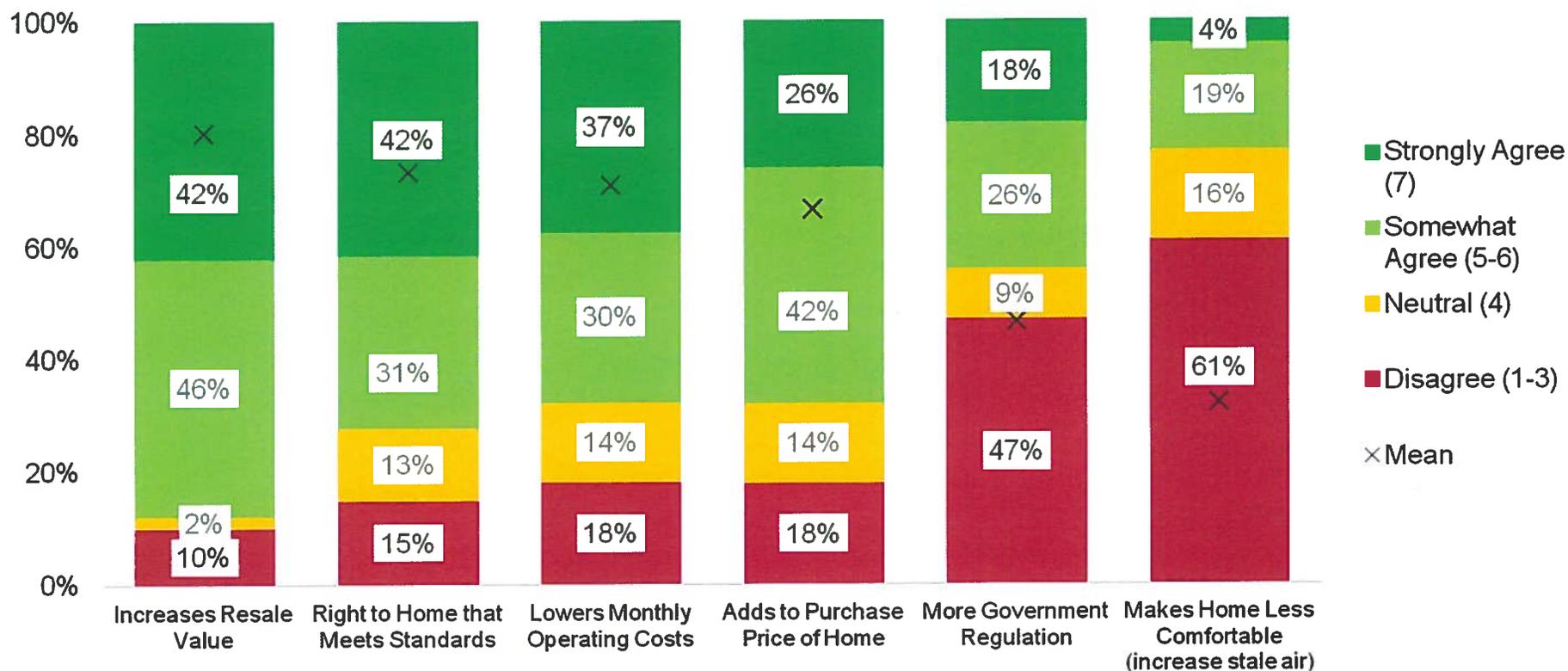
Base: All respondents (n=600)

↑ Arrows indicate statistically significant difference at 95% confidence level  
 Bolding indicates statistically significant difference at 90% confidence level

↓ Northwest Research Group, February 2014

# Attitudes toward Energy Codes

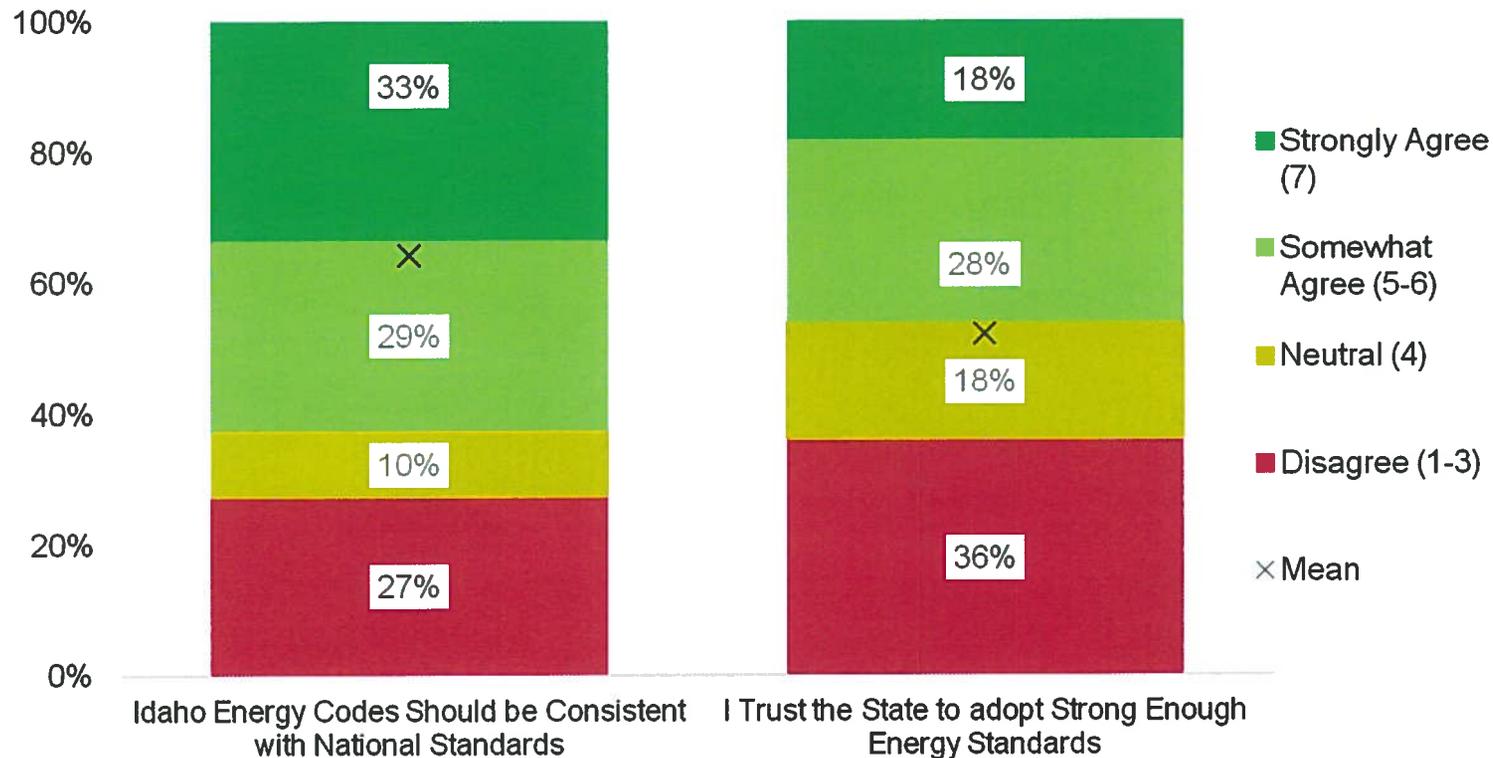
Idahoans strongly agree that energy efficient homes have a higher resale value and also increase the purchase price of a home.



↑ Base: Random selection respondents (weighted n=277-323 / unweighted n=300)  
 ↑ Arrows indicate statistically significant difference at 95% confidence level  
 ↓ Bolding indicates statistically significant difference at 90% confidence level  
 Northwest Research Group, February 2014

# Idaho Energy Standards

Nearly 2 out of 3 Idahoans agree that the State should adopt a state energy code consistent with national standards; however, less than half say that they trust the State to adopt the right energy codes.



↑ Base: All respondents (n=600)  
 ↑ Arrows indicate statistically significant difference at 95% confidence level  
 ↓ Bolding indicates statistically significant difference at 90% confidence level  
 Northwest Research Group, February 2014

# Willingness to Pay

Idahoans appear to be willing to pay as much as \$10 per month in additional rent or mortgage costs to save \$16 per month on energy bills. Those living in Southwest Idaho are willing to pay more per month in rent or mortgage costs to save money on energy while those living in Northern Idaho are willing to pay less.

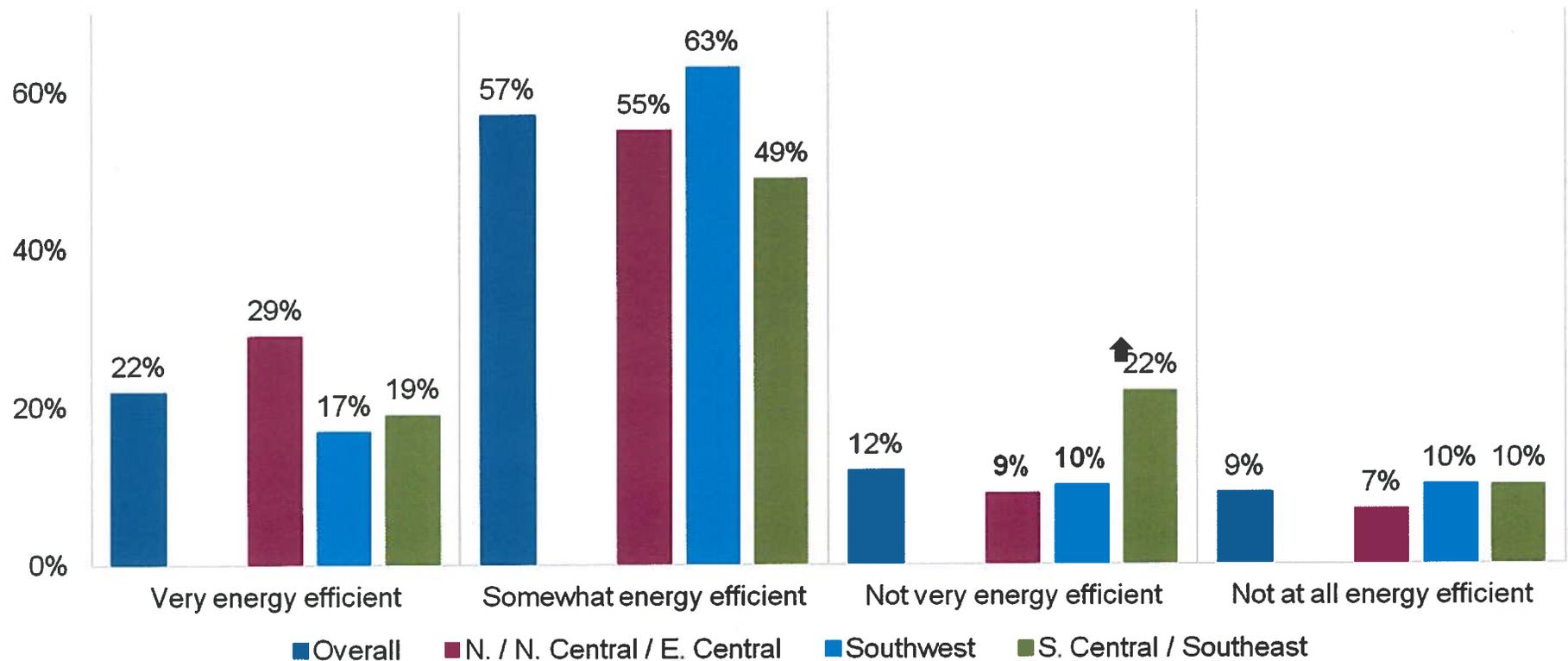
**\$10** payment to save **\$16** per month

Idahoans appear to be willing to accept a payback period of about 7 years to build a more energy-efficient home.

**7** year simple payback

# Home Energy Consumption

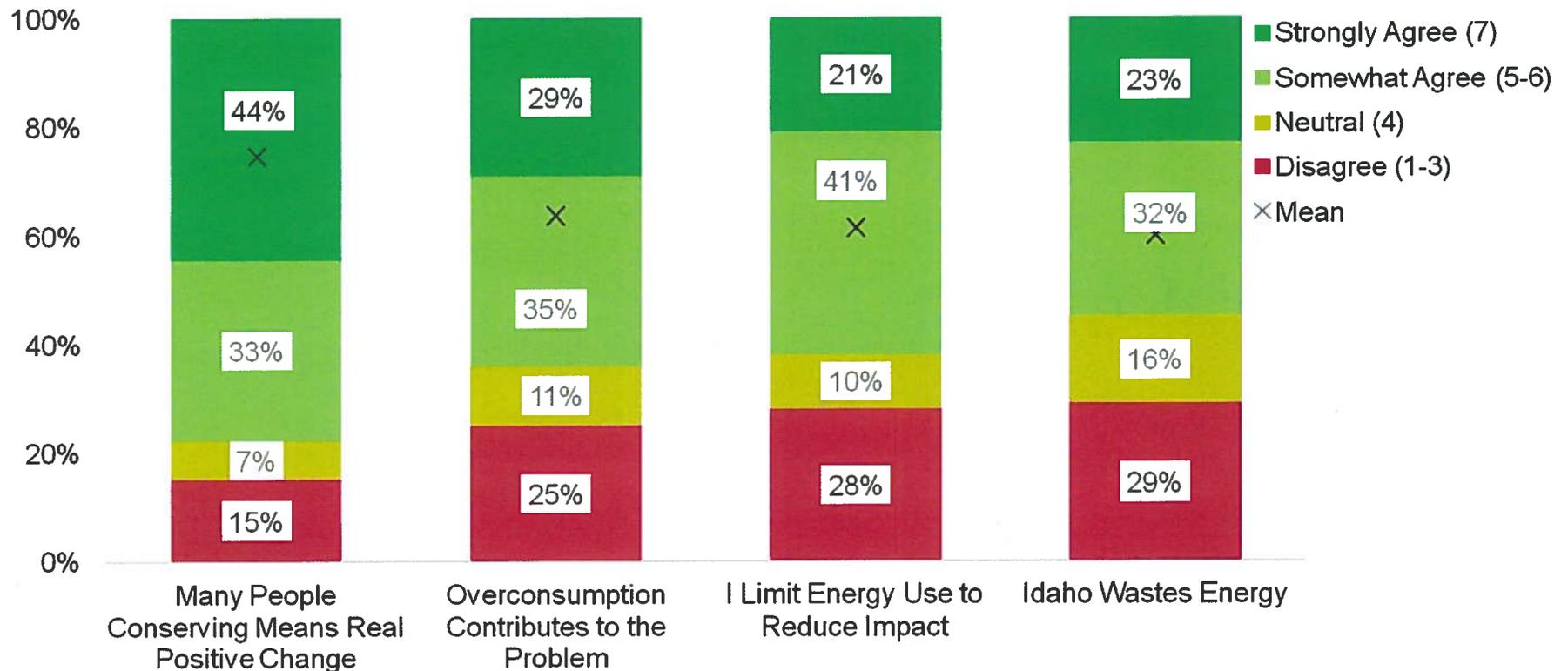
Nearly 4 out of 5 Idahoans feel their home is at least somewhat energy efficient.



↑ Base: All respondents (n=600)  
 ↑ Arrows indicate statistically significant difference at 95% confidence level  
 ↓ Bolding indicates statistically significant difference at 90% confidence level  
 Northwest Research Group, February 2014

# Energy Consumption Attitudes

More than three quarters of respondents (77%) agree that they can make a real impact if everyone conserves energy.

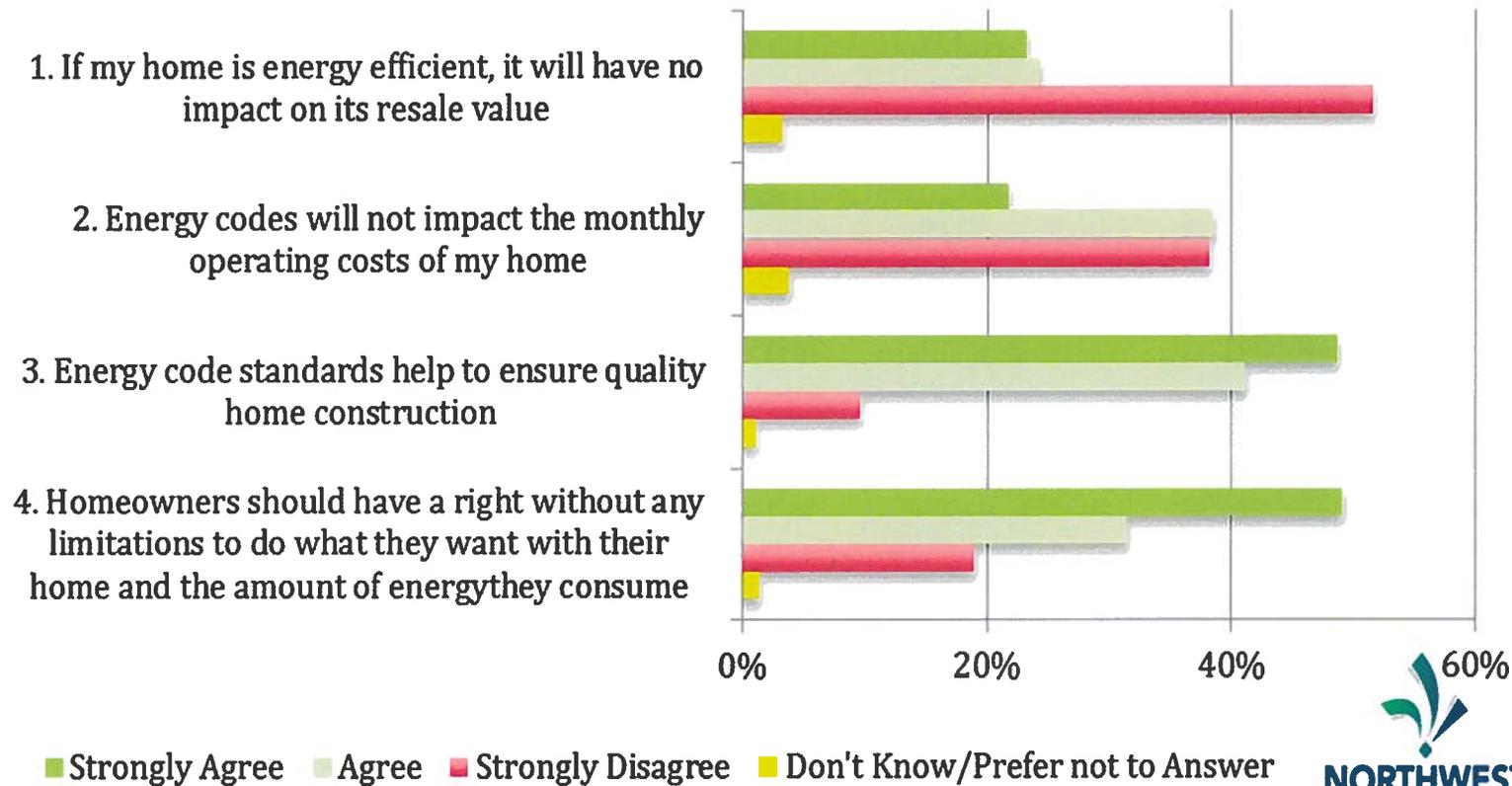


↑ Base: All respondents (n=600)  
 ↑ Arrows indicate statistically significant difference at 95% confidence level  
 ↓ Bolding indicates statistically significant difference at 90% confidence level  
 Northwest Research Group, February 2014

# Disagreement with Energy Codes

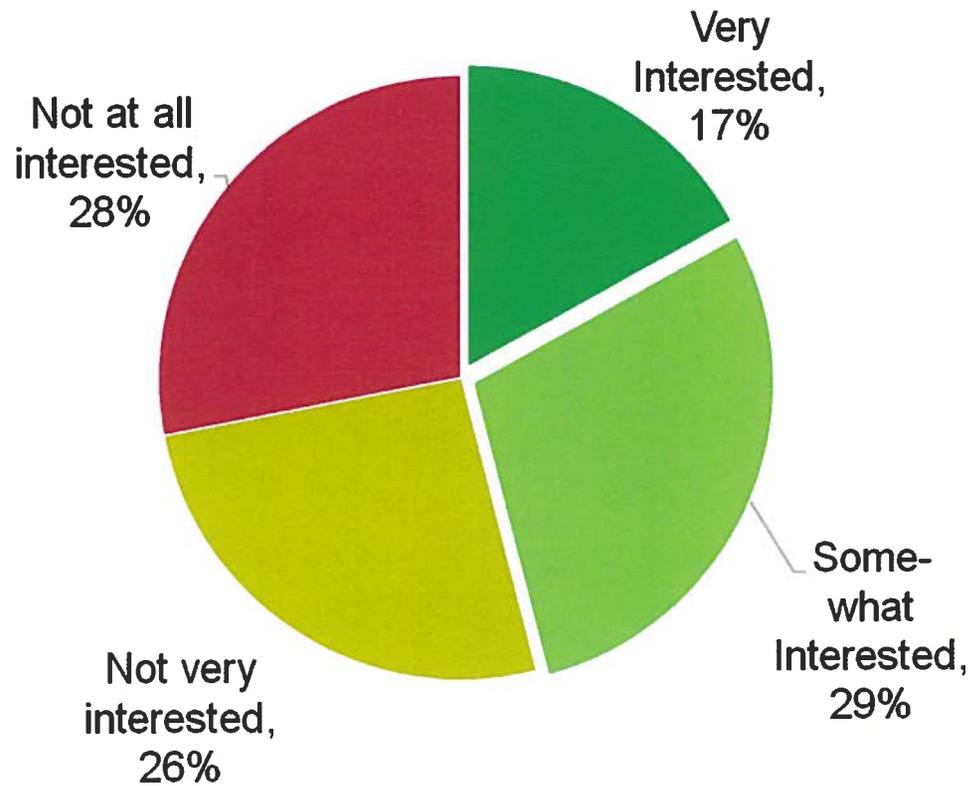
**Figure 4 Key Drivers - What Drives Disagreement With Energy Codes**

Please tell me how much you agree or disagree with each of the following statements about energy codes: Group 1



# Education / Sources of Information

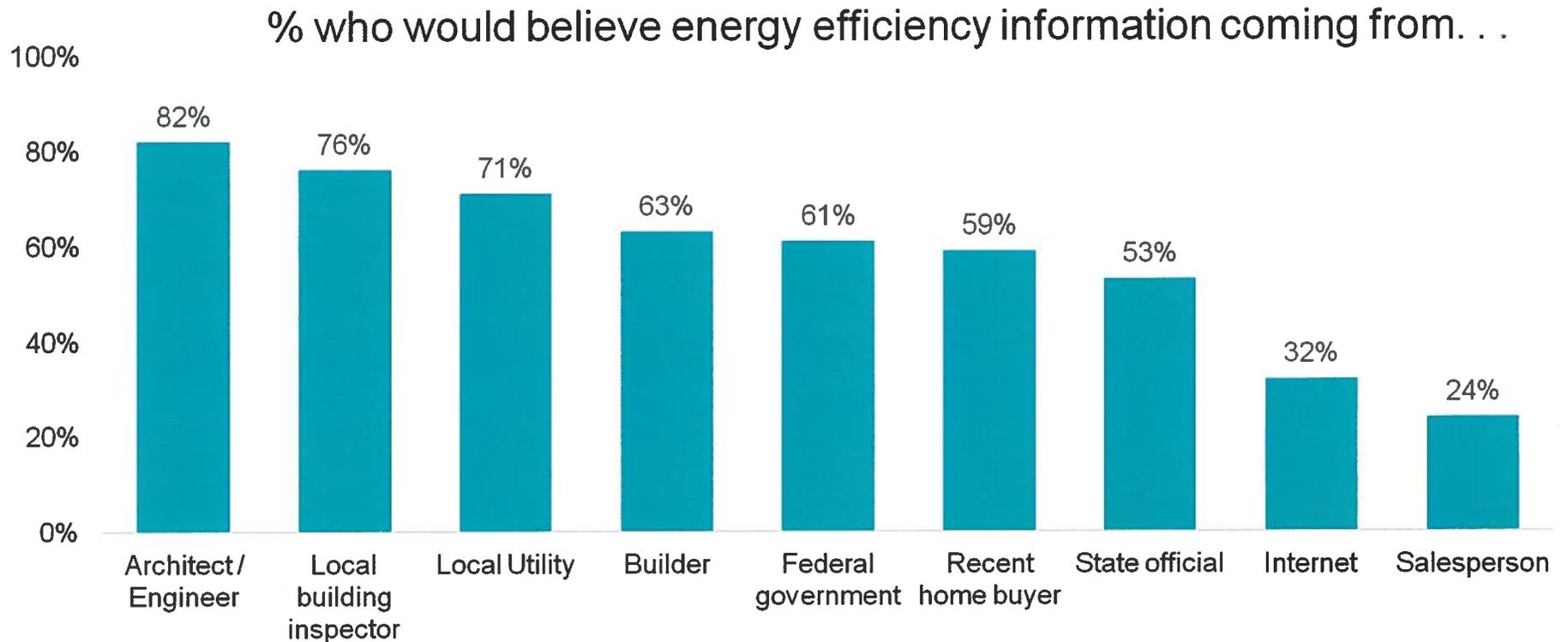
Just under half of the respondents are interested in learning how their homes compare to others.



↑ Base: All respondents (n=600)  
 ↑ Arrows indicate statistically significant difference at 95% confidence level  
 ↓ Bolding indicates statistically significant difference at 90% confidence level  
 Northwest Research Group, February 2014

# Education / Sources of Information

The most believable information sources would be local people such as an architect, a local building inspector, or their local utility.



↑ Base: All respondents (n=600)  
 ↑ Arrows indicate statistically significant difference at 95% confidence level  
 ↓ Bolding indicates statistically significant difference at 90% confidence level  
 Northwest Research Group, February 2014

# LESSONS LEARNED

- Idahoans perceive their homes as energy efficient but need education on what makes it energy efficient.
- Emphasize financials such as resale value and monthly savings.
- Don't step on rights; recognize them.
- Idahoans agree that Idaho should adopt a state energy code consistent with national standards.
- Communicate how much it will cost and how much it will save within a 7 year payback.

## NEXT STEPS

1. Revise the marketing and outreach plan for Idaho, reflecting the 2013 survey results.
2. Explore opportunities to share the results.
3. Apply the insights gained from the survey results and make an impact in Idaho and beyond.

# ADDITIONAL OPPORTUNITIES

1. Future presentations of results (Eco Edge at EEBA Green Building Conference and Idaho Building Code Board).
2. Other data analysis-GIS maps etc.
3. Results and documents to be made available on [www.idahoenergycode.com](http://www.idahoenergycode.com) and future energy publications.

**Questions?** Sharon Grant [sharon@buildingecoedge.com](mailto:sharon@buildingecoedge.com)

# IDAHO BUILDING CODE BOARD

**Agenda Item No. 08**

**Idaho Building Code**

**PRESENTER:** Ron Whitney, Deputy Administrator-Administration

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**OBJECTIVE:** Provide cost estimates and sample of the new Idaho Building Code (residential and energy)

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**ACTION:** Informational

---

**BACKGROUND:** April 2014 – As part of the negotiated rulemaking process, Board Member Hunter suggested the Board set dates for submission of any proposed amendments to the codes.

The Administrator offered to provide a sample of the new Idaho Building Code and cost estimates at the July 17th Board meeting.

To assist the Board in understanding the legislative process for the new Idaho Building Code and future amendments, Board Member Schaffner requested the Division provide the Board with a chart or an outline of the protocol.

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## **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** *Promulgation: Step-By-Step Procedures; Negotiated Rulemaking; and An Overview of the Process and Submittal Deadlines*

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## Promulgation: Step-By-Step Procedures

STEP	PROCEDURE
1.	Inception - decision to initiate rulemaking is made and agency prepares the rulemaking record.
2.	Agency prepares a Proposed/Temporary Administrative Rules Form (PARF) and submits it to the Division of Financial Management (DFM - Governor's Office). (This form must be submitted when doing either Proposed or Temporary Rulemaking.)
3.	Both DFM and Governor's Policy Advisors review PARF before either approving or denying the rulemaking request and return a signed copy to agency. (Agency should receive signed PARF before proceeding with the rulemaking in the event it is rejected.)
4.	*Agency prepares a "Notice of Intent to Promulgate a Rule - Negotiated Rulemaking" and forwards it to the Office of Administrative Rules (OAR). (E-mail** and hard copy)
5.	*"Notice of Negotiated Rulemaking" is published in the Administrative Bulletin (Bulletin).
6.	*Negotiated Rulemaking meetings are held.
7.	If amending an existing rule, the agency requests a copy of the rule from OAR who will forward the rule to the agency electronically via E-mail.
8.	Agency prepares Rulemaking Packet: "Notice of Rulemaking - (Proposed, Temporary, or Temporary/Proposed) Rulemaking," the rulemaking checklist, signed copy of PARF, and text of rule in legislative format.
9.	Agency submits the rulemaking packet via E-mail** and files one hard copy packet with OAR. OAR will then prepare and file a copy of the notice and rule text of the Proposed, Temporary, or Temporary/Proposed Rulemaking with the Legislative Services Office (LSO).
10.	OAR checks the rulemaking packet for copies of the signed PARF, checklist, and hard copies. OAR reviews the notice and text for required information, formatting, numbering, and style, assigns rulemaking docket number, prepares docket for publication, and generates a rough draft that is then sent to the agency for its review and approval.
11.	Agency reviews the rough draft (pdf copy that is emailed) of the docket, makes corrections and changes and forwards the hard copy back to OAR.
12.	The Proposed, Temporary, or Temporary/Proposed Rule is published in the Bulletin.
13.	Public hearings are held, if scheduled or requested. (Holding a public hearing is not required unless the hearing has been scheduled by the agency or the agency receives requests for a hearing in writing by 25 persons, a political subdivision, or another state agency.)
14.	Comment period ends. (Minimum of 21 days; may be extended, if necessary or desired.)
15.	Agency reviews and gives consideration to all oral and written comments that are submitted. Agency may then make changes, if warranted, to the proposed rule based on the comments received. Changes made must be a logical outgrowth of the proposed rule. (All submitted comments become part of the rulemaking record and made available for public inspection.)
16.	Agency adopts pending rule (pending legislative review) and prepares "Notice of Rulemaking - Pending Rule" and the rulemaking checklist. The text of the rule in legislative format is submitted only if changes are made to the pending rule, otherwise no rule text is published.
17.	Agency submits the "Notice of Rulemaking - Pending Rule" and text via E-mail**.

18.	OAR reviews the pending rulemaking checklist, notice and, if applicable, the rule text. OAR prepares rulemaking docket for publication and generates a rough draft of the pending rule that is then sent to the agency for review.
19.	Agency reviews the rough draft (pdf copy) of the docket, makes corrections or changes and forwards the hard copy back to OAR. If no changes, agency initials copy and approves draft.
20.	Pending Rule docket is published in the Bulletin. The Pending Rule remains unenforceable until it has been reviewed and approved by the Legislature and becomes a final rule.
21.	In December, OAR submits the Legislative Review Books of all Pending, Pending Fee, and ***Temporary Rules to the Germane Legislative Committees for review.
22.	Legislative Rules Review takes place during the first weeks of the session and agency presenters testify before the Legislative Committees on their rules that have been submitted for review.
23.	Rule dockets are approved or rejected by the Legislature. Rejection of a rule docket, or any part of it, requires the adoption of a concurrent resolution (both Houses). When rejected, the agency must submit a Notice of Final Rule and any necessary rule text to OAR for publication in the Bulletin. Pending Rules that are approved by the Legislature become final and enforceable at the end of the session and require no further action by the agency. Pending Fee Rules must be affirmatively approved by concurrent resolution to become effective. Temporary Rules must be extended by concurrent resolution to remain in effect after the conclusion of the session.
24.	Upon adjournment of the legislative session, OAR publishes an Omnibus Notice of Legislative Action on Pending Rules and Temporary Rules. (This notice is usually published in the May Bulletin and lists all pending, pending fee, and temporary rulemakings by docket number that were submitted for review and includes the effective dates of the rules, Bulletin volume numbers, and any action taken on the rules by concurrent resolution.)
25.	The Final Rule becomes effective upon the adjournment of the legislative session (sine die), or on the date specified in the Pending Rule, or on the date of the concurrent resolution, if any, affecting the rule.

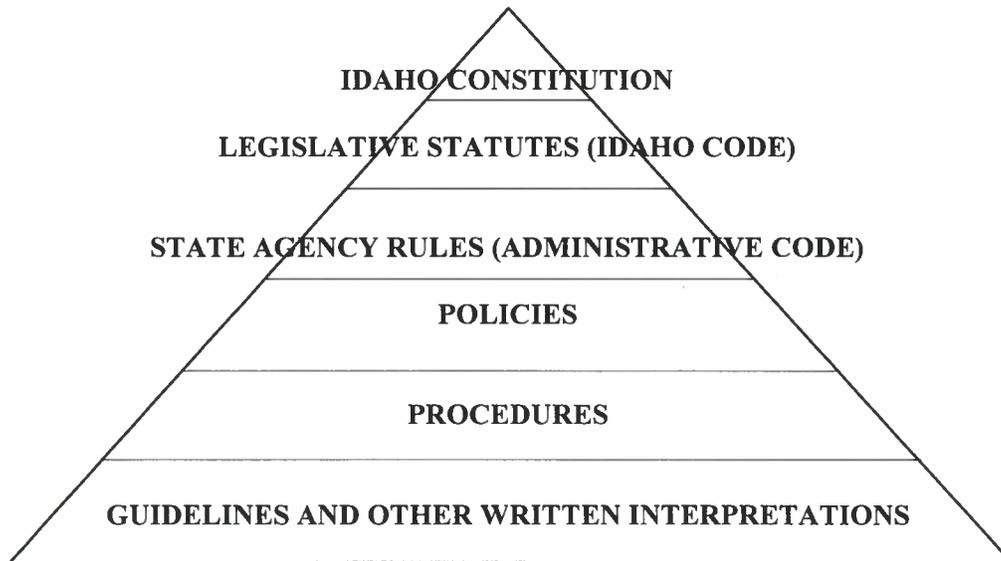
**\*This is an optional step of the Rulemaking Process (see page 2 - Negotiated Rulemaking).**

**\*\*When filing a rulemaking electronically (E-mail), the agency must still forward a signed hard copy of the PARF form and the rulemaking notice and rule text as verification of authenticity. Notices should be signed by the person who has rulemaking authority or a designee of such person, board or commission.**

**\*\*\*A Temporary Rule that has not been adopted as a Pending Rule prior to beginning of the Legislative session will be submitted by OAR to the Legislature for review and extension unless advised by the agency to do otherwise. Legislative approval extending a temporary rule allows the rule to remain in full force and effect until the end of the next succeeding legislative session unless the temporary rule will expire by its own terms or by a provision of law prior to the end of the next succeeding legislative session.**

**A moratorium on proposed rulemaking begins in mid-November and is in effect until the end of the legislative session. The moratorium affects proposed rulemakings only and does not affect negotiated, temporary, or pending rulemakings which may be filed for publication.**

HIERARCHY OF STATE DOCUMENTS



As with most organizations, a hierarchy is established to define the levels of precedent for state government documents. To illustrate these various levels, the analogy of a pyramid is useful. Each increasing level becomes smaller in size, yet greater in scope. The state Constitution defines the legislature. The legislation creating an agency defines and restricts the agency’s authority, which in turn restricts the scope of its rulemaking powers.

**Idaho Constitution:** Supreme law of the land; very difficult to change; framework of the government.

**Legislative Statutes (Idaho Code):** Legislative branch of government creates the uniform laws from which society must operate. Law usually contains: 1) a program the Legislature wants accomplished; 2) the executive branch agency it designates to carry out the program; and 3) guidelines for implementation.

**Agency Rules (Administrative Code):** The executive branch of government is broken into various subdivisions known as departments, divisions, agencies, offices, bureaus, and commissions. Rulemaking is the law-making power of these subdivisions and is governed by the Administrative Procedures Act. Rules carry the force and effect of law and interpret, prescribe or implement a law or policy or the procedure and practice requirements of an agency. They govern what the public may or may not do. Agencies are charged with enforcing laws the Legislature passes. Rules made under the statutory authority are general in scope. They are made to apply to all persons in a class, not to particular parties or single individuals, and must be applied equally. Because the statute normally does not contain all details, the designated agency must interpret the Legislature’s intent and develop a method to implement the program. Agencies do not originate state’s policy, but rather merely implement the state’s policy.

**Policy:** Mission statement. A general statement with no specifics. It is a high-level, overall plan embracing the general goals, acceptable methods, actions, and conduct of an agency. Usually an internal management tool used in the day-to-day operation of the agency. Does not have the force and effect of law.

**Procedure:** Step-by-step implementation of policy. Does not have the force and effect of law.

**Guidelines:** Description of procedures. Does not have the force and effect of law.

## NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of a rule. The process is generally informal and flexible and allows agencies to conduct negotiations as they see fit.

Agencies are encouraged to engage in this form of rulemaking whenever possible; however, unless negotiated rulemaking is required by statute, it is not mandatory. When feasible, informal negotiated rulemaking is required by the Attorney General rules of Administrative Procedure - IDAPA 04.11.01. If it is not feasible agencies are required to provide public notice of such determination. This is typically done in the Notice of Rulemaking (proposed/formal rule) published in the Idaho Administrative Bulletin. Circumstances that make negotiated rulemaking infeasible include:

- The need to adopt a temporary rule
- The simple nature of the changes being made to the rule
- The lack of identifiable representatives of affected interests; or
- The determination that affected interests are not likely to reach a consensus

Likewise, rulemaking that is being done to comply with an existing state or federal law or regulation or a controlling judicial decision or court order cannot be negotiated. An agency determination that negotiated rulemaking is not feasible is NOT a reviewable action.

### **Negotiated Rulemaking Process**

If informal negotiated rulemaking is engaged in by the agency, specific information in the bulletin notice is required to be provided to the public. The notice must state:

- The subject matter of and authority for rulemaking
- The dates, times, and locations of any scheduled meetings, if available,
- How a person may participate in the rulemaking,
- Where and if copies of the preliminary draft may be obtained,
- A non technical description of the principal issues involved and whose interests are likely to be significantly affected by the rule, and
- Agency contact information.

Negotiated rulemaking is an informal process. After the notice is sent, public meetings are conducted during which interested parties may provide testimony and comments. Negotiated rulemaking meetings should allow for interactive discussions on the subject matter between the parties in an attempt to reach consensus. Once a general determination of what the content of the rulemaking will be, a report of a consensus of the meeting(s) is submitted to the agency. The agency then considers the report as part of its determination of how the final rulemaking proposal that is submitted to the legislature will actually read.



## **Advantages to Negotiated Rulemaking**

- Negotiating the content of the rule text may save time and money by resolving discrepancies in the amendments or potential problems before committing additional resources to the rulemaking.
- May improve the substance of proposed rules by drawing upon shared information, expertise, and technical abilities possessed by the affected persons.
- Aids in arriving at a consensus on the content of the rule.
- Expedites formal rulemaking.
- Lessens the likelihood that affected persons will resist enforcement or challenge the rules in court.
- Public and industry constituents are generally more satisfied with the outcome if included in the process in the beginning rather than at the end, or not at all.

## **Formal Rulemaking Note**

Formal rulemaking (or rulemakings not using negotiated rulemaking) still require an agency to afford interested persons reasonable opportunity to submit data, views and argument orally or written. Agencies shall receive comments for a minimum of 21 days after publication in the bulletin. For substantive rules, an opportunity for oral presentation shall be provided if requested by 25 persons or another political subdivision within 14 days of publication in the bulletin. However, an opportunity for oral presentation need not be afforded if the agency has no discretion as the content of the rule because of compliance with an existing state or federal law or regulation or a controlling judicial decision or court order. (See I.C. § 67-5222)



## AN OVER VIEW OF THE PROCESS AND SUBMITTAL DEADLINES

*This overview (May through January) should give you an idea of how legislation is developed and the procedures and deadlines that must be followed. Please note that language should be kept as simple as possible (i.e., legislation will be read and re-read by several individuals who must readily come to an agreement on what that legislation specifies. The less complicated it is and the easier it is to understand, the better its chances of passage).*

### **May**

Ideas can be submitted any time after May 1, you do need to wait until the deadline to submit ideas. The deadline for all ideas for proposed legislation is **August 1**.

The online Executive Agency Legislative System will allow you to input your ideas and submit them electronically to DFM. ONE idea per form.

### **May – September**

DFM will notify agencies of approval or disapproval of their ideas via e-mail as they are reviewed. Notification will include its assigned EALS tracking number.

Once ideas are approved, agencies may begin working on their proposed legislation. All approved proposed legislation must be submitted to DFM by **September 19**. Proposed legislation is subject to final approval by the Governor's office.

When submitted, each proposal will include the following:

- **The Legislation Proposal Form**
- **The Statement of Purpose** – a concise statement describing the purpose of the proposed legislation.
- **Fiscal Note** – an estimate of the amount of revenue or expenditure (for all funds) the proposed legislation would incur if enacted.
- **The Legislation Text** – a proposed amendment to the *Idaho Code*, or an additional to the *Idaho Code*. Make sure to attach your final version, no drafts or work in progress.

### **September through December**

When agencies submit proposed legislation to DFM, the governor's staff and the DFM Analyst review each proposal to ensure consistency with the approved idea. Upon final approval, DFM submits the proposals to the Legislative Services Office.



The Legislative Services Office reviews and drafts each proposal in actual bill format with an assigned Routing Slip (RS) number (an identification number used by the Legislative Services Office while the document is in proposal stages). Proposed legislation is identified by this RS number until it is introduced and receives a House or Senate Bill number.

DFM receives a RS from the Legislative Services Office and forwards the agency a copy of the RS'd legislation for review. The agency may make changes to the RS'd legislation or approve it.

After an RS'd proposal is approved by the authorizing agency, RS packets will be distributed to the House and Senate Committees at the beginning of the legislative session.

### **January**

During the first week of the session, all RS'd legislation is delivered to the House of Representatives or the Senate. The agency's preferred house of origin and committee are noted on the outside of each legislation packet, as well as a contact person and phone number.

The agency's designated contact person will be notified by a committee secretary (House or Senate) to appear before the committee when the proposed legislation is under consideration.

#### **IF YOU ARE ASKED TO ASSIST...**

Agency personnel may be asked to assist in drafting, or to testify on, legislation that was not reviewed during the legislation development process. These situations can generate sensitivities among agencies, program administrators, legislators, and interest groups. To minimize confusion and facilitate coordination within the executive branch, agencies are asked to notify their DFM Analyst with the following information: *(Note: This notification is not necessary for agency legislation already approved by DFM and the Governor's Office)*

- Name of legislator or interest group representatives who are requesting assistance in drafting or testifying on legislation.
- If the proposal does not have a bill number, please provide subject matter, agencies/programs affected, agency contact person, and fiscal impact. If the legislation has a bill number, please reference it in all other related items.

*\*This document is a product of the Division of Financial Management.*



# IDAHO BUILDING CODE BOARD

**Agenda Item No. 09**

**Program Manager Report**

**PRESENTER:** Arlan Smith, Building Safety Program Manager

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**OBJECTIVE:** Update the Board on the Building program's current activities.

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**ACTION:** Informational

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**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho Building Code Board meetings.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** No documentation

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# IDAHO BUILDING CODE BOARD

## Agenda Item No. 10

## Operational Report

**PRESENTER:** Steve Keys, Deputy Administrator-Operations

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**OBJECTIVE:** Provide update on the daily operations of the Building program and division.

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**ACTION:** Informational

---

**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho Building Code Board meetings.

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**PROCEDURAL  
HISTORY:**

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**ATTACHMENTS:** No documentation

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# IDAHO BUILDING CODE BOARD

## Agenda Item No. 11a

## Financial Report

**PRESENTER:** C. Kelly Pearce, Administrator and Kathleen Watkins, Financial Manager

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**OBJECTIVE:** Review the Idaho Building Code Board's financial report

---

**ACTION:** Informational

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**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho Building Code Board meetings.

---

### **PROCEDURAL HISTORY:**

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**ATTACHMENTS:** Financial report

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**Division of Building Safety**  
 IDAHO BUILDING CODE FUND 0229-02  
 Fiscal Year 2014 Financial Statements  
 As of 5/31/2014

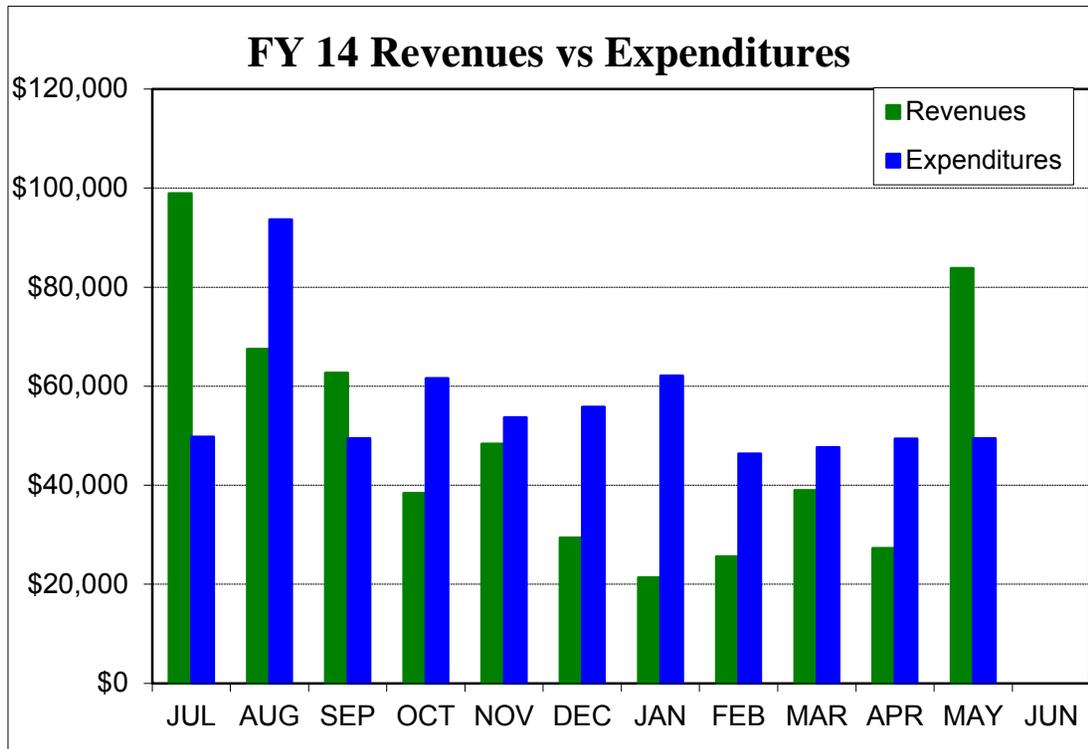
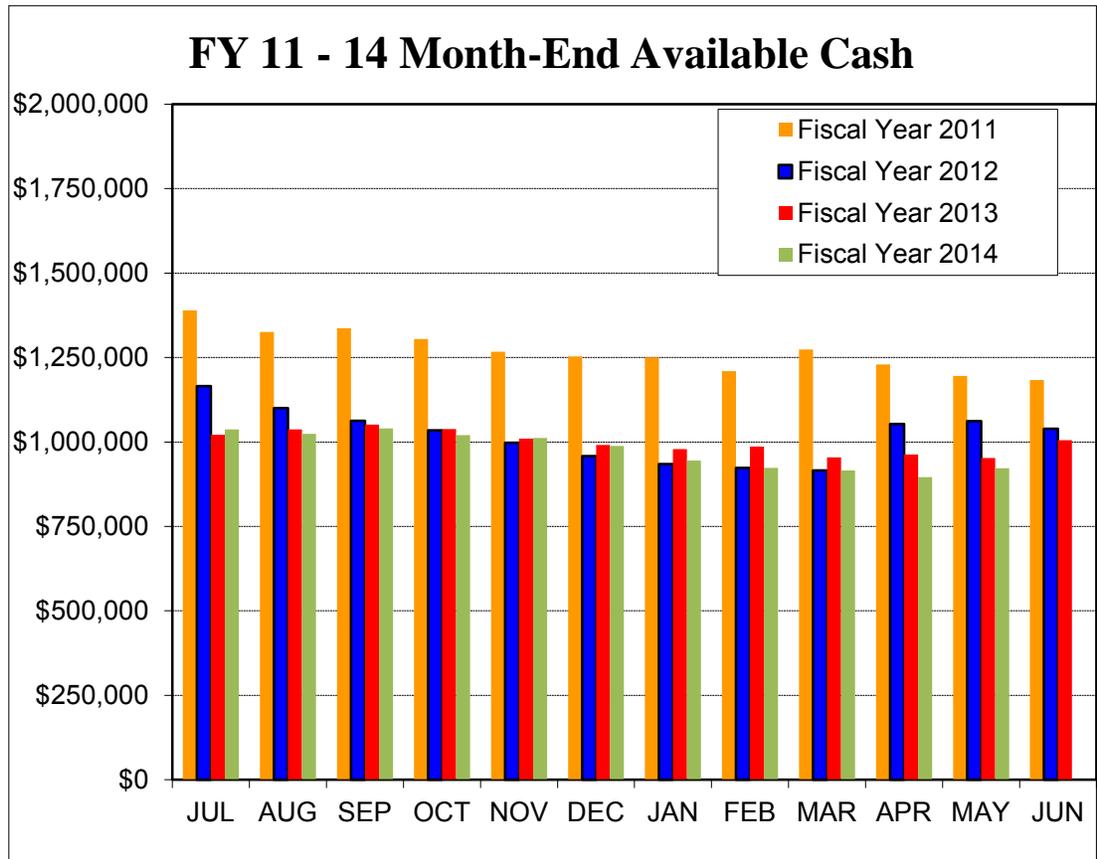
Statement of Revenues and Expenditures

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	759,000	542,367	71.5%	216,633	133,473	675,840	89.0%
Expenditures							
Personnel:	526,000	468,122	89.0%	57,878	39,010	507,132	96.4%
Operating:	139,000	137,843	99.2%	1,157	30,909	168,752	121.4%
Capital:	30,000	12,897	43.0%	17,103	27,433	40,330	134.4%
Total Expenditures	695,000	618,863	89.0%	76,137	97,351	716,214	103.1%
Net for FY 2014	64,000	(76,496)			36,121	(40,374)	

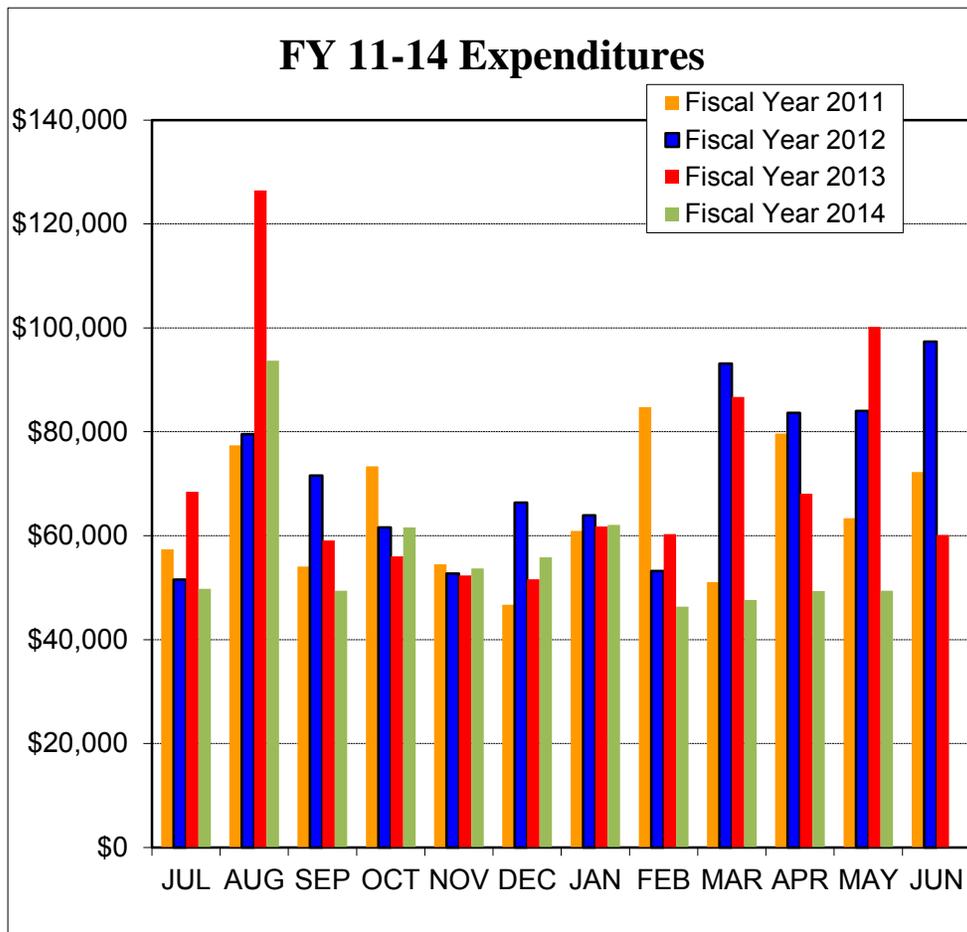
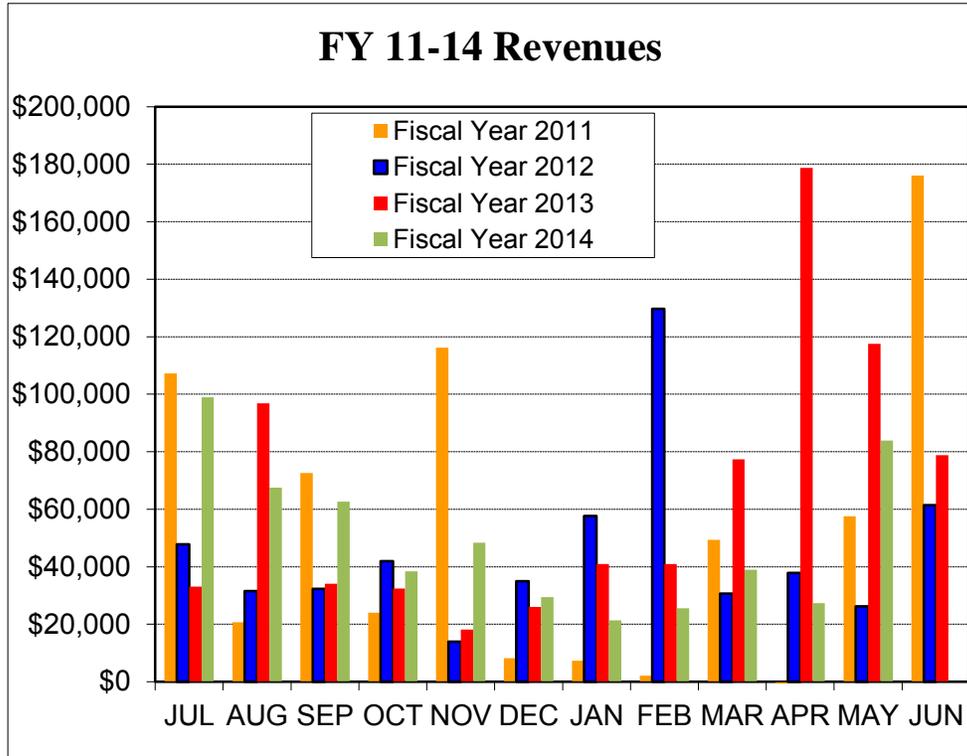
Statement of Cash Balance

July 1, 2013 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of May 31, 2014	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
1,005,440	542,367	(618,863)	(6,721)	922,223	36,121	958,344

## IDAHO BUILDING CODE FUND 0229-02



# IDAHO BUILDING CODE FUND 0229-02



# IDAHO BUILDING CODE BOARD

## Agenda Item No. 11b

## Administrator Report

**PRESENTER:** C. Kelly Pearce, Administrator

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**OBJECTIVE:** Provide the Board with an overview of the Division's current activities.

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**ACTION:** Informational

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**BACKGROUND:** This topic is addressed at all regularly scheduled Idaho Building Code Board meetings.

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**PROCEDURAL HISTORY:**

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**ATTACHMENTS:** No documentation

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