

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 660, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE ENERGY CONSERVATION CODE; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF THE IDAHO ENERGY CONSERVATION CODE, TO PROVIDE FOR APPROVAL OF THE IDAHO ENERGY CONSERVATION CODE BY THE IDAHO BUILDING CODE BOARD AND THE LEGISLATURE, TO PROVIDE FOR PREEMPTION, AND TO CLARIFY AN EFFECTIVE DATE; AMENDING SECTION 39-4109, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO PROVIDE FOR THE 2018 IDAHO ENERGY CONSERVATION CODE; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE FOR THE 2018 IDAHO ENERGY CONSERVATION CODE AND TO REMOVE PROVISIONS REGARDING LOCAL JURISDICTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

CHAPTER 97  
IDAHO ENERGY CONSERVATION CODE

39-9701. IDAHO ENERGY CONSERVATION CODE. (1) On and after July 1, 2022, the Idaho state energy code shall be the 2018 international energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature. The international energy conservation code, together with such amendments, revisions, or modifications as approved by the Idaho building code board through rulemaking conducted pursuant to the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and approved by the legislature shall collectively constitute and be named the Idaho energy conservation code and shall be deemed approved by the Idaho building code board and the legislature.

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

(3) This chapter shall not be applied retroactively to codes or amendments adopted by local jurisdictions prior to July 1, 2018.

SECTION 2. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

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

5           (a) The 2006 International Building Code shall be in effect, until  
6 such time as a subsequent version is adopted by the Idaho building  
7 code board, at which time the subsequent versions of the International  
8 Building Code as adopted and amended by the Idaho building code board  
9 through the negotiated rulemaking process as established in section  
10 67-5221, Idaho Code, and as further provided in subsection (5) of this  
11 section and in accordance with subsections (2) and (3) of this section  
12 shall be in effect:

13           (i) Including appendices thereto pertaining to building accessi-  
14 bility;

15           (ii) Excluding the incorporated electrical codes, mechanical  
16 code, fuel gas code, plumbing codes, fire codes or property main-  
17 tenance codes other than specifically referenced subjects or  
18 sections of the International Fire Code; and

19           (iii) Including the incorporated Idaho residential code, parts I,  
20 II, III and IX; Idaho energy conservation code; and rules promul-  
21 gated by the board to provide equivalency with the provisions of  
22 the Americans with disabilities act accessibility guidelines and  
23 the fair housing act accessibility guidelines shall be included.

24           (b) The version of the International Residential Code adopted by the  
25 Idaho building code board, together with the amendments, revisions or  
26 modifications adopted by the Idaho building code board through the ne-  
27 gotiated rulemaking process, except for parts IV, V, VI, VII and VIII,  
28 as they pertain to energy conservation, mechanical, fuel gas, plumb-  
29 ing and electrical requirements, shall collectively constitute and be  
30 named the Idaho residential code. The Idaho residential code shall be  
31 in effect until such time as a subsequent version is adopted by the Idaho  
32 building code board, at which time the subsequent version of the Idaho  
33 residential code, as adopted and amended by the Idaho building code  
34 board through the negotiated rulemaking process provided in this sec-  
35 tion, shall be in effect. Any amendments, revisions or modifications  
36 made to the Idaho residential code by the board shall be made by adminis-  
37 trative rules promulgated by the board;

38           (c) ~~The version of the International Energy Conservation Code adopted~~  
39 ~~by the Idaho building code board, together with the amendments, dele-~~  
40 ~~tions or additions adopted by the Idaho building code board through the~~  
41 ~~negotiated rulemaking process provided in this chapter, shall be in~~  
42 ~~effect. The International Energy Conservation Code, together with any~~  
43 ~~amendments, revisions or modifications made by the board, shall collec-~~  
44 ~~tively constitute and be named the Idaho energy conservation code. The~~  
45 ~~Idaho energy conservation code shall be in effect until such time as a~~  
46 ~~subsequent version is adopted by the Idaho building code board, at which~~  
47 ~~time the subsequent versions of the Idaho energy conservation code, as~~  
48 ~~adopted and amended by the Idaho building code board through the nego-~~  
49 ~~tiated rulemaking process provided in this section, shall be in effect.~~  
50 ~~Any amendments, revisions or modifications made to the Idaho energy~~

~~conservation code by the board shall be made by administrative rules promulgated by the board~~ The 2018 Idaho energy conservation code, as amended, revised, or modified by the Idaho building code board and approved by the legislature pursuant to section 39-9701, Idaho Code; 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 Idaho residential building code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take 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.

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

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

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, in-

1 cluding subsequent versions of the International Building Code as adopted  
 2 and amended by the Idaho building code board through the negotiated rulemak-  
 3 ing process provided in this chapter:

4 (a) International Building Code, including all rules promulgated by  
 5 the board to provide equivalency with the provisions of the Americans  
 6 with disabilities act accessibility guidelines and the federal fair  
 7 housing act accessibility guidelines;

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

9 (c) 2018 Idaho energy conservation code, pursuant to chapter 97, title  
 10 39, Idaho Code.

11 Local governments are not required by this chapter to adopt the other refer-  
 12 enced codes in the International Building Code. Local jurisdictions shall  
 13 not adopt provisions, chapters, sections or parts of subsequent versions  
 14 of the International Residential Code or residential provisions of the  
 15 International Energy Conservation Code, or subsequent versions in their  
 16 entirety, that have not been adopted by the Idaho building code board except  
 17 as provided in subsection (4) of this section.

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

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

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

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

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

41 (i) Part I, Administrative;

42 (ii) Part II, Definitions;

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

45 (iv) Part IX, Appendices.

46 ~~(d) Local jurisdictions may amend by ordinance the following provi-~~  
 47 ~~sions of the Idaho energy conservation code to reflect local concerns:~~

48 ~~(i) Chapter 1, Scope and Application; and~~

49 ~~(ii) Chapter 2, Definitions.~~

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

18       (5) Local governments shall exempt agricultural buildings from the re-  
19 quirements of the codes enumerated in this chapter and the rules promulgated  
20 by the board. A county may issue permits for farm buildings to assure com-  
21 pliance with road setbacks and utility easements, provided that the cost for  
22 such permits shall not exceed the actual cost to the county of issuing the  
23 permits.

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

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

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