



Association of Idaho Cities
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To: Members of the Senate Commerce and Human Resources Committee
From: Jess Harrison, Executive Director
Date: March 13, 2018
Re: AIC Opposes HB 547 on Building Code Amendments

The Board of Directors of the Association of Idaho Cities (AIC) opposes House Bill 547 and we respectfully ask that you hold the legislation in committee.

The current building code law allows a city or county governing board to amend a code to address “local concerns” and requires “good cause” to make such changes. The process requires notice to affected stakeholders and a public hearing prior to adoption. The result in community after community has been a very peaceful code adoption process. We should not change what has been a stable and beneficial policy due to disagreements in a few communities. AIC has always supported basic code uniformity for the benefit of the building contractors, building officials, architects, and others.

But it is important that cities and counties be able to make amendments to ensure that local conditions are reflected in codes and provide for efficient code administration. House Bill 547 would eliminate this ability by restricting amendments to those needed to address “an immediate threat to human life or safety.”

The sponsors of House Bill 547 fail to recognize how frequently cities and counties make amendments to state-adopted codes to address administrative issues and to avoid conflicts between provisions of building codes and state law. Examples include:

- The state-adopted building code nominally requires "appointment" of a building official. State laws govern the process of selecting and removing city appointed officers and city personnel policies do not apply in such situations. AIC consistently recommends that the state-adopted code be amended to eliminate appointment of the building official so that the city can conventionally hire or independently contract for such services
- The state-adopted building code provides building officials with significant authority to interpret codes. It may be more beneficial for a local governing board to make definitive amendments to the existing codes to assure consistency and greatly diminish the potential for inconsistent interpretations. This process of amending the code to include such interpretations facilitates fair and uniform treatment. This is one of those “you don’t know what you’ve got till it’s gone” capabilities.
- Flood plain management to assure availability of flood insurance and eligibility for disaster relief provides another example of the need for local revisions. Flood hazard ordinances must be pre-approved by the Idaho Department of Water Resources pursuant to agreements with FEMA. The codes contain provisions that address building within flood-prone areas, but some of the generic code requirements are not consistent with the specific flood plain ordinances approved by IDWR. The state-adopted building code needs to be amended to apply the state-approved ordinances to avoid potential conflicts in administration.

We urge you to vote to hold House Bill 547 in committee. We understand the desire for uniformity in codes and share that goal with the building industry. However, the current code amendment process is important in ensuring that the building code works efficiently and effectively for everyone that relies on it.