

Key Findings

Notes:

The following descriptive words are used consistently in the report to describe the size of groups that expressed ideas.

- “Most” is more than a majority
- “Many” is up to a majority
- “Some” is less than a majority but still a significant group

Since every respondent did not express a view on every issue, these are only rough guides to the strength of positions.

These findings reflect the comments of participants in the groups - architects, code officials, fire department officials, builders, developers and others. These focus group participants were probably more informed and perhaps more professional than others of their profession. Conversely, there were no new and inexperienced code officials or novice builders participating. Only two participants in the developers group might be thought of as “outsiders” to the world of codes. Perspectives of less experienced groups might be different than those that participated in the focus groups.

1. Most participants agreed that Maine’s “patchwork quilt” of building codes creates unnecessary confusion, fails to adequately protect consumers, and wastes money that adds to construction costs.

There was little disagreement with this. Maine does not have a smoothly functioning building code system. Building codes can be working in one jurisdiction but as a whole we are worse off for the lack of a system.

2. Most participants agreed that there are many advantages to using a standard version of a building code throughout Maine and they would prefer that all jurisdictions use the same building code.

The use of one building code would:

- *Better protect consumers by making it more likely that codes are followed.*
- *Make consistent training readily available to all.*
- *Improve the code knowledge of all parties through training.*
- *Make ownership of code reference books more practical (only one set needed).*
- *Reduce the cost of “code studies” or evaluation of what code applies to a project.*
- *Reduce the time code officials spend policing and training builders.*
- *Make construction costs more predictable – requirements are known upfront.*
- *Reduce code related rework due to misinformation or varying interpretations.*
- *Increase the pool of candidates qualified for open code official positions.*

- Conversely, there was almost no downside seen to the idea of one code for all.*
3. Many thought that the ICC family of codes was the best candidate for this standard building code.

Other codes such as BOCA and SBC have been absorbed into the ICC family of codes, so these codes are no longer being revised or supported. Nationwide, the industry is moving naturally to ICC as a building code standard. Participants thought that the process that ICC uses to revise codes, a vote by membership, was the best way to make revisions. In addition, some participants appreciated the fast and thorough support that this organization provides.

4. Even with the use of one standard building code, additional standardization consolidation and clarification of code jurisdictions was thought to be necessary. In particular, inconsistencies between the NFPA life safety code and ICC codes would need to be resolved. The Maine elevator code needs to be revisited to make it more consistent with national codes. The requirements of the Maine Human Rights Act need to be looked at to be sure they are consistent with ADA.

Differences between NFPA and ICC requirements were sometimes very troublesome to participants, even though it was thought that these differences were not really significant and could be readily resolved. Either one or the other approaches could be adopted without compromising safety, or a common ground between the two approaches could be hammered out.

When participants talked about a standard statewide building code the one they talked about was IBC or IRC. They noted that the ICC family of codes addresses the same "life safety" issues as NFPA and includes protection against other structural safety issues. The NFPA code was more often thought of only as a fire or life safety code.

Maine's elevator code was seen by those familiar with it as being quirky and counter productive. Some requirements seemed to be arbitrary and others were unsupported by science and unnecessary to assure safety. This code needs to be revisited and revised.

Maine's adoption of its own human rights act was seen as creating more stringent regulation than federal ADA rules. At a minimum, the wisdom of making Maine more stringent was greeted with skepticism. If this act is to be effective, at a minimum training for compliance must be provided by the state. It would also be wise to revisit this law to determine if rules more stringent than ADA are practical in Maine.

5. Even with adoption of one standard building code, it was thought that this code would need to be modified somewhat to meet needs that are particular to Maine. How this would be done best was a contentious issue.

The full ICC codes include provisions that might not be desirable or practical for Maine, such as a multi-step inspection process. In addition, Maine's climate makes structural requirements for roofing or hurricane protection different than for other regions of the US. For these reasons, ICC codes will need to be adapted for Maine.

Most thought that these modifications or adaptations could NOT be done effectively at the state level through a standard rulemaking process. Most thought that code modifications were technical issues and that professionals in the industry were the only ones that could provide useful input. They were concerned about making code development a political process where uninformed citizens had as much influence as the pros. In addition, many were concerned about lobbyists controlling the process – marginalizing the influence for those who really know the issues. Some pointed to the way agencies now modify the plumbing or electrical codes as examples as processes gone awry.

Some participants suggested that some sort of professional organization, board or commission should have responsibility for adaptation of the standard code, pointing to the method now employed by the ICC itself. Here all members (consisting of dues paying professionals) vote and the majority rules. (Note: NFPA codes are now amended at the state level by rule.)

6. Some participants thought that if there was one standard code, it should be a minimum code and that municipalities should be allowed to make it stricter if they chose to. Most thought that allowing municipalities to modify codes would lead right back to the labyrinth of codes that now exists.

Some participants noted that the ICC codes needed to be adapted and thought that the best place to do that would be at the local level. For example, a particularly snowy area might need more stringent requirements for roof loading.

Many other participants pointed out that without consistency among municipalities, there really wouldn't be one code, rather, just a set of more or less similar codes something like what we have now.

7. The most contentious issue was HOW Maine would get to one building code, particularly whether it would be appropriate or effective for the state to mandate one code.

Those that did not want communities to lose control over codes were very passionate and this is and will be a significant obstacle to adoption of a single code. The chief substantive concern here is that any state mandates will be poorly thought out and impractical. There is a strong belief by many that the state is more likely to create problems and confusion than to really improve the situation. Some simply thought that losing local control was THE issue, and regardless of the benefits of one code, this right should not be compromised.

8. Many thought that the standard building code should apply to all parts of the state, including those municipalities that now have no building code. However, many also recognized that a standard (or complicated) building code is more than small communities' can afford to administer and enforce..

Since building codes were seen as a consumer protection issue, it was thought by many that a building code should apply everywhere. Most pointed to adoption and implementation of statewide plumbing and statewide electrical codes as models for what could be done with a statewide building code.

Those that argued against mandating codes wanted to provide exceptions for small communities. Some thought that the complicated codes might be necessary in a city like Portland, but these were not necessary in a small rural area. Some others noted that small communities could neither afford nor had the skills to learn about, administer or enforce building codes. Some others thought that the use of a single building code would allow communities to cost effectively share inspectors.

Those that supported codes everywhere noted that compliance with state plumbing and electrical codes are required everywhere, even if there is no policing or inspections. They also noted that commercial and public buildings everywhere must comply with the life safety requirements of the Fire Marshal's Office as well as ADA requirements. They thought that codes could be used everywhere even if every municipality didn't police them.

9. Most participants recognized that adoption of one building code would NOT eliminate misinterpretation of codes by local officials. However, it was thought that the training for all parties and increased knowledge would reduce code conflicts.

Most participants thought that as long as codes needed to be interpreted in the field, then there would be differences in interpretation.

Today, concerns about code interpretation are largely resolved through direct discussion and give and take between builders and design professionals and code officials. This is not formal and it may not always result in the concern being fairly and completely considered, but it does get the issue resolved. Architects, builders and developers primarily want to keep projects moving. More structured appeals processes that might delay projects were not viewed as being useful.

10. Licensing of contractors was supported by most participants in all groups, and the adoption of a statewide code was seen as a necessary step to achieving this.

Building contractor licensing was seen as a tool to promote higher quality construction and improved consumer safety through code compliance.

Builders thought contractor licensing would help reduce the number of fly-by-night operations. Code officials thought that contractor licensing would shift more of the burden of code compliance to the builders and reduce the pressure on their policing. Architects thought that consumers would be better protected by licensing.

11. Some participants thought that the use of one code and licensing of building contractors would allow moving the burden of code compliance to the contractor, making the requirement that the same building code be used everywhere more practical.

It was thought that concern about losing one's license would improve self regulation in much the same way that it does with licensed electrical contractors and licensed building contractors. Licensing would encourage building contractors to know the building code, and work to it.

12. The consistent use of one code was seen as an important step to more complete training of all parties involved in building construction, including architects and

designers, code officials, builders, developers and even individual citizens seeking to build or develop properties.

Training is a significant issue. No group considered itself adequately trained with respect to building codes. Architects do not receive any training in codes as part of their degree program. Vocational training, such as that at the trade programs at Maine's community colleges, does not include coursework on codes. While code officials must eventually be certified, the training for this is very general. Much of the knowledge must be picked up on the job or by asking questions of officials in other places. Because of the difficulty of finding qualified applicants, some code officials have no training when they start their jobs. Because of turnover, some municipalities have perpetually untrained officers.

The great variety of codes in use is the major obstacle to training. Training on the code used in one municipality may not be transferable to another municipality. Training may not be available locally because a particular code is not widely used. Standardization creates economies and makes regular training more practical.

13. There was little support for a greater state role in managing training or providing more technical support on codes. Some participants suggested looking directly to ICC for this support.

Most participants saw the need for increased training and technical support but they were skeptical about creating a new state agency to provide this. They were also skeptical that any agency would have or be able to attract staff with the skills to provide useful technical support. Further, some noted that state agencies are not liable for the advice and interpretations they give, so they could not be reliable sources.

Some participants had experience going to the ICC directly for support. They noted that this support was very useful as they usually would get the issue clarified, often in writing, directly with the person that "wrote" the code. These services came with a membership, which is available at very low cost.

Some participants mentioned local professional code official organizations as sources of training. These regional organizations now sponsor training and could do so more easily with one standard code.

14. Older buildings were seen as a special situation. Most thought it inappropriate to strictly apply codes for new buildings to older ones. Some wanted few or no new codes to apply to older buildings. Some others thought it was very important for consumer protection and safety to bring buildings at least closer to code. Most thought that either adoption of an "existing" building code or development of an older building code, especially for Maine, was critical to the preservation and reuse of older buildings and downtowns.

Most agreed that the financial viability of a reuse or redevelopment of an older building often hinges on the costs of complying with building codes. Some were emotional, suggesting that compromises must be made for preservation. Some others wanted to preserve older buildings so long as safety or modern standards for safety could be assured.

For most, the system of give and take applying codes for older buildings works. Sometimes this give and take is informal as when a sympathetic code official agrees to alternative ways to make a building safer, even though an option may not be spelled out in the code. In other cases, this give and take is part of a formal process of trade offs built into a code for existing buildings. In either case, compromises are routinely made that make reuse and development financially practical. (Note: Maine has had a rehab code, the IEBC, in statue since 2004, however only a handful of towns have adopted it.)

15. While most agreed that Maine's building codes were indeed a patchwork, confusing, slow and costly, construction regulation was not seen as a problem unique to Maine.

Participants noted that other states have complicated building code systems and some with simplified systems have bureaucratic and slow processes.