



RESOLVE Chapter 46

123rd Maine State Legislature

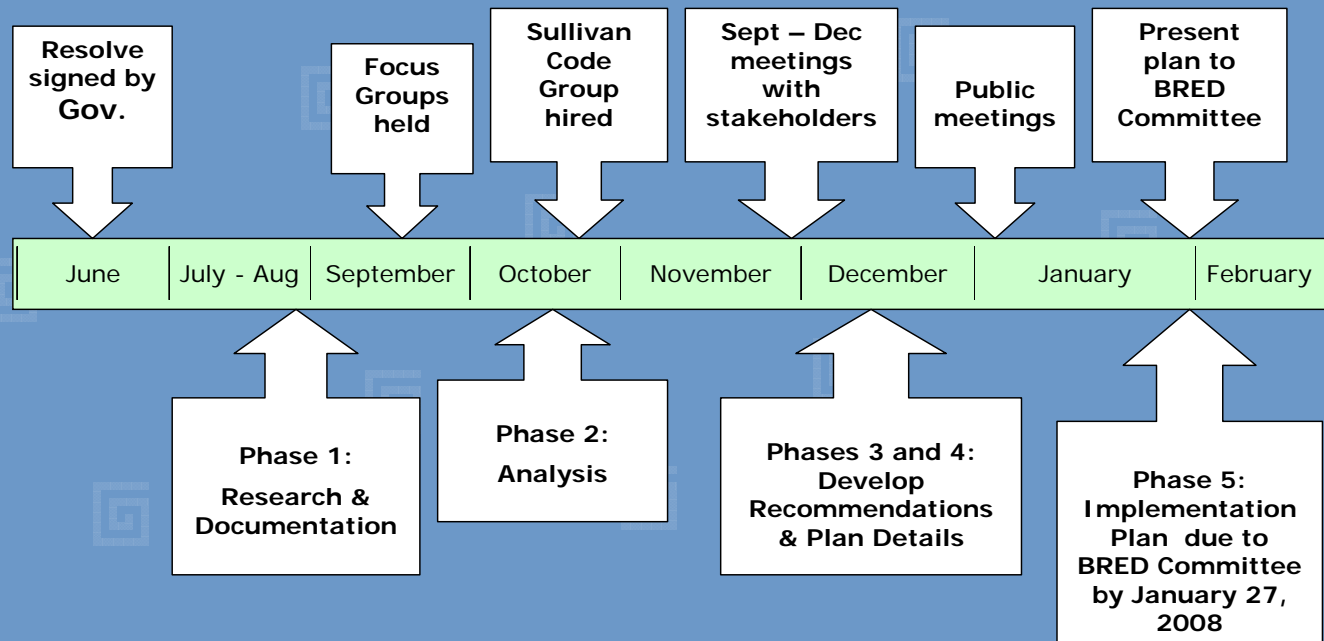
Directing the Development of a Building
Code and Building Rehabilitation Code
Implementation Plan

Resolve 46 Committee Duties

- Develop a plan for the implementation of the Maine Model Building Code and International Existing Building Code including:
 - ID state agency to adopt, amend and administer the codes
 - Technical assistance to municipalities
 - Training and certification
 - Enforcement and appeal procedures
 - Identify and resolve conflicts between codes

Resolve 46 Timeline

June 2007 – Feb 2008



Committee Members

- State Planning Office
 - Sue Inches, Deputy Director
- Office of State Fire Marshal
 - Rich McCarthy, Public Safety Inspector, Plans Review
- Department of Economic and Community Development
 - Paul Brunetti, Assistant to the Commissioner
- Department of Professional and Financial Regulation
 - Anne Head, Director Office of Licensing and Registration
- Maine Historic Preservation Commission
 - Mike Johnson, Architectural Historian

Focus Groups

The State Planning Office contracted with a market research firm to better understand the issues around the administration of building related codes.

Four focus groups were held at Market Decisions' facility in Portland, Maine on September 26th and 27th

These groups were:

- 1) architects and engineers,
- 2) code enforcement officials and fire department officials,
- 3) builders and contractors, and
- 4) developers, lenders and insurance agents.

This research was intended to better understand:

- Views on current building codes
- Familiarity with standard or model codes
- Understanding of and ideas for resolving conflicts with other statewide codes
- Perceptions of effective and ineffective aspects of code enforcement. Ideas for improvement
- Familiarity with building rehabilitation codes

Meetings

- Resolve 46 Committee
 - MMA, MBOIA, GrowSmart, Energy Coalition
 - Sullivan Code Group
- Community Preservation Advisory Council (CPAC)
- Downtown Center Advisory Council
- MBOIA Annual Meeting
- Mid-Coast Regional Planning Commission
- Governor's Quality of Place Council
- Alpha-One
- Juice Conference
- Energy Coalition
- Downtown Coalition
- Service Centers Coalition
- Invest in Historic Maine Coalition
- ME Fire Chiefs Association

Where we are now...

Public comments on Committee recommendations extended through January 11th

Committee presentation of Implementation Plan to BRED Committee by end of January

Legislative hearings Feb-March if BRED reports out legislation for the Implementation Plan

Key Findings

- Municipalities voluntarily adopt, amend and enforce building codes.
 - Versions of the adopted codes differ from town to town, leading to our current “patchwork quilt” of codes.
 - Lack of uniform building codes creates unnecessary confusion, and added time and cost to the design and permitting process.

Key Findings cont.

- State professional boards and agencies also adopt and enforce codes and standards separately- creating uncoordinated, sometimes contradictory, regulations.
- While the state has identified model building and energy codes in statute, there are few or no resources to administer and enforce them.

Key Findings cont.

- While there are conflicts when you compare the language of various codes, the more significant “harmonization” issue is a lack of clarity in the permitting process at the state and local level.
- Training for building and energy codes is not regularly offered in Maine, and we have found interest from stakeholders for training and certification in these codes.

Key Findings cont.

- Code compliance for existing and historic buildings is typically a negotiated process on a project by project basis. This system generally works, but could work better.
- The state model rehab code (IEBC) does increase options for bringing old buildings into code compliance, but training needs to be available for this code in order for it to be used effectively.

Committee Recommendation

Phase One:

Uniform State Building Code and
Code Administration System
(to be enacted by Legislature in 2008)

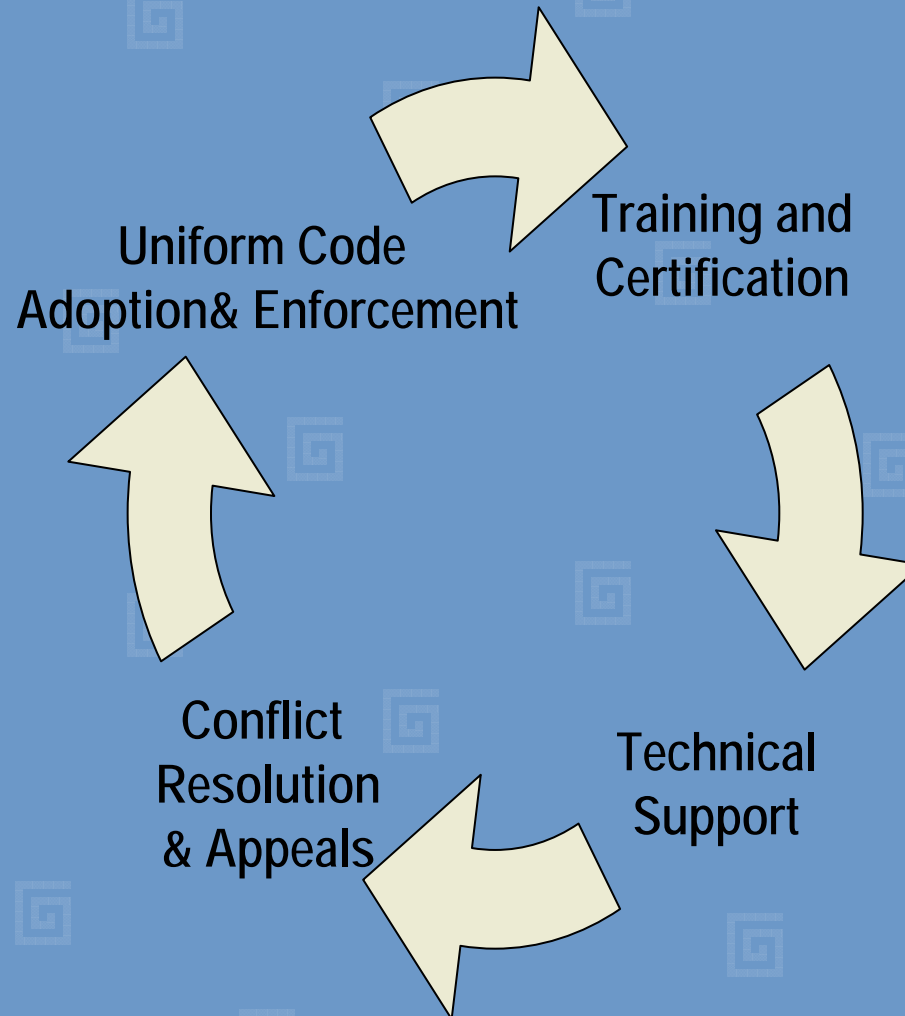
Phase Two:

Develop Plan for Coordinating All State Building
Related Codes Administration Systems
(to be enacted by Legislature in 2009)

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Phase One



Uniform Code Adoption and Enforcement

Task	Public & Commercial Buildings	Residential Buildings
Adopt, amend, update state uniform building code (IBC, IEBC, IRC, IECC)	State – required, no local amendments to state code	State – required, no local amendments to state code
Plan Review	State – required, with delegated authority for eligible municipalities	Local - voluntary
Inspection and C of O	Local - voluntary	Local - voluntary
Appeals	Local, State	Local

Training and Certification

- Working with ICC and local partners, the State will provide readily affordable, available and accessible training for CEOs in the IBC, IEBC, IRC and IECC.
- All state and local plan reviewers and inspectors will have phased-in requirements for ICC certification.
- Training and certification not only improves public safety - it also improves consumer protection.

Technical Support

- The state will provide uniform building code interpretations and publish them.
- Plan review for commercial and public buildings (over 3000 sq.ft.) will be provided by the state for municipalities who do not want to participate in the delegated authority option.

Conflict Resolution & Appeals

- Conflicts between the uniform building code and other building related codes (including fire, life safety, elevators, accessibility, etc.) will be resolved, documented and published.
- An appeals procedure will be available for state bureau decisions and for decisions not resolved at the local level.

Uniform Building Code Administration

Department of
Public Safety

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Technical Building
Codes Board

State Fire Marshal:
Plan Review Division
Training Coordinator

Technical Building Codes Board

AUTHORITY AND DUTIES

- Adoption and maintenance of Uniform Building Code
 - Amendments may be submitted and will be reviewed in a fair and open process (using ICC amendment process as model)
- Proactive identification and resolution of conflicts between state adopted building related codes and standards in the adoption and maintenance of the Uniform Building Code
- Appeals process
- Ensure that CEO training for IBC, IEBC, IRC and IECC is readily available, affordable and accessible
- Establish Municipal Delegated Authority Criteria

Codes Board Membership

Board Chair: Commissioner of Public Safety

1. State Fire Marshal or designee
2. Fire Chief
3. CEO from a non-service center town
4. CEO from a service center community
5. Residential builder
6. Commercial builder
7. Architect
8. Structural Engineer
9. Energy expert
10. Historic Preservation expert
11. Building access specialist

State Fire Marshal's Office

Plan Review Division

- Technical assistance for codes interpretation
- Supplement ICC training
- Expand current NFPA 1, 101 etc. and MHRA plan review to include Uniform Building Code review for non-delegated authority municipalities

Training Coordinator

- Set up training programs for CEOs
- Coordinate ICC certifications with SPO CEO program
- Provide administrative support for Technical Building Codes Board

Proposed Uniform Building Code Adoption Schedule

April 2008: Uniform Building Code Act signed into law

Fall 2008: Building Codes Board appointed by Governor and SFM Plan Review Division and Training Coordinator

February 2009: ICC releases draft 2009 versions of IBC etc. for review and comment

June 2009: Uniform Building Code 2009 adopted with 6 month grace period for using existing building codes

January 1, 2010: Uniform Building Code goes into effect statewide

Phase Two: Coordinating All State Building Related Codes Administration Systems

In order to create efficient, coordinated “one-stop shopping” for state building related codes administration, a restructuring of our current code administration system is needed.

Currently, at least 5 state agencies with associated boards and divisions administer building related codes, resulting in an uncoordinated system that adds cost and inconvenience to projects regulated by them.

The Resolve 46 Committee recommends that further work be done to develop a plan to be enacted by Legislature in 2009.

Related Issues

Contractor Licensing

While the above proposal does not address contractor licensing, the Resolve 46 Committee recognizes that implementing a uniform building code could serve as a first step towards contractor licensing.

Contractor Responsibility

In NH statute, contractors are responsible for building to the state building code. In Maine, where local enforcement is voluntary, there may be value in adopting a similar contractor responsibility statute.

Elevators, Accessibility and Flood Regulations

- ICC Codes include standards for elevators, accessibility and flood hazards.
- Maine's standards for elevators, accessibility and flood hazard development are in some instances more strict than national minimum standards.
- The Resolve 46 Committee is recommending that the costs and benefits associated with maintaining Maine's standards that exceed national minimum standards be analyzed before the next legislative session.

Resolve 46 Building Codes Implementation Plan

NOW – YOUR QUESTIONS AND FEEDBACK

Please send questions and comments to Linda C. LaPlante
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