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Research Report

Maine State Planning Office Building Code Focus Groups

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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. (Note: “patchwork quilt” refers to the fact that towns have adopted different building codes and have made different amendments to them.)

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. (Note: The ICC codes are recognized in Maine statute as Maine's model building codes, but these are national codes that haven't been adapted specifically for Maine.)

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 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 of 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.

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. Some others 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.

Some 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 role of state government relative to the role of municipalities in moving to a uniform version of the building codes (that all towns that have a code must use) was a contentious issue.

Many participants were opposed to the state taking over the role of municipalities in deciding on when to update codes and when to amend building codes. For some this was a philosophical issue. They were against the perceived loss of local control. Others were concerned that state decisions on codes would be tainted by politics or that whatever was done would be poorly thought out and executed. Of course, there is a contradiction here. Most participants wanted or saw value in having one code used statewide – but they were reluctant to let state government make this so.

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. (Note: A rehabilitation code, the IEBC, is recognized in Maine statute as the rehab code for Maine, but few towns have adopted it and no training for it is offered in Maine.)

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.

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.

Background and Methodology

Background

The Maine State Planning Office wished to conduct research among four groups to better understand the issues around building codes. 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, effective aspects, ineffective aspects, issues that need to be addressed.
- Familiarity with standard or model codes, perceptions of advantages and disadvantages. 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, perceptions of effective and ineffective aspects. Ideas for incentives for communities to adopt rehabilitation codes (specifically IEBC).

Methodology

Four focus groups were conducted in total. All groups were held at the Market Decisions facility in Portland, Maine.

- One group was conducted with architects and engineers on Wednesday, September 26th, 2007. There were 9 participants in attendance.
- One group was conducted with code enforcement officials and fire department officials on Wednesday, September 26th, 2007. There were 12 participants in attendance.
- One group was conducted with builders and contractors on Thursday, September 27th, 2007. There were 8 participants in attendance.
- One group was conducted with developers on Thursday, September 27th, 2007. There were 5 participants in attendance.

A total of 34 individuals participated in the 4 groups.

The Maine State Planning Office provided Market Decisions with four separate sample lists from which to call from. The Maine State Planning Office assembled a list of professionals from public sources such as association lists that they believed would have important opinions to share about building codes.

One list contained contact names and numbers for architects and engineers, one for code enforcement officials and fire department officials, one for builders and contractors, and finally, one for developers, lenders and insurance agents. Each list contained anywhere from 60-100 records.

Nearly all records were assigned a priority rating, that is, an “A” or a “B.” Those records assigned with an “A” were to be attempted first when recruiting participants. All sample files were sorted by their priority rating (A or B, or none) and were then randomized within each ranking. All records were attempted at least once.

Findings of a focus group are representative of those who participate in the groups, not necessarily of all potential respondents. Group participants can be characterized as:

- Working in their profession for at least 3 years.
- Being somewhat or very knowledgeable about building codes.
- Believing building codes are somewhat or very important.

The discussion guide and screener were developed by Market Decisions in consultation with the client.

Groups were moderated by Curtis Mildner, a Riva Institute trained moderator.

Limits of Qualitative Research

Focus groups are considered qualitative research. They identify issues and types of responses, but they do not result in statistically meaningful allocations of responses by percentages, as would quantitative research. Focus groups can tell us how consumers may act, think or feel but they cannot tell us how many consumers think or feel a certain way.

Since focus groups allow for probing, in depth discussion and the use of special tools and techniques, they are much better than quantitative research in getting beyond the easy to get at surface or top of mind responses. This beneath the surface information is much more likely to reveal the underlying attitudes, preferences, and beliefs that ultimately drive thinking and behavior.

The findings reported from Market Decisions focus groups can be used with confidence. However, care should always be taken in interpreting or acting on individual participant comments. A single comment may not represent anything more than one individual instance – unless it can be shown to be indicative of a general theme or a pattern of beliefs, perceptions or behaviors.

Quantitative research should always be considered as a next step to qualitative research. Such research adds power to the findings of focus groups by more fully describing who the respondents are that think or act in a certain way, how many there are as well as where they can be found.

Detailed Discussion & Comments

Detailed Discussion

Note: Notes style comments from every participant and every topic are presented here. While these are not verbatim transcriptions complete with pauses, incomplete sentences and redundancies, nothing was left out. Some comments were simplified to avoid repetitiveness, others were clarified to include what the participants were referring to and incomplete comments were made into sentences. Even most tangential comments were included and only those that weren't related to building codes in any way were omitted. By providing all comments, readers can see the breadth of discussion and verify or dispute the overall summary of the discussions.

Notes style comments from participants are presented in italics, by group.

AE = Architects & Engineers

CFO = Code Enforcement & Fire Department Officials

BC = Builders & Contractors

D = Developers

Code Confusion

Maine's system of local building codes was consistently characterized as contradictory, confusing, costly and counterproductive. No one in the groups argued that the codes used in Maine were clear and easy to follow.

We encounter MSHA and when we do public buildings we encounter ADA. If you are doing housing you are looking at IBC, MSHA, NFPA, ADA and ANSII. You will often find discrepancies between the codes. One might say the handrail needs to be 'x' inches away from the wall and another might say the handrail needs to be 'y' inches away from the wall. Then we call the state fire marshal who says, 'it will be fine if you do this.' I take massive notes of each project. I will bring this to the local official's attention because they have no way of knowing the entire code. We say the IBC says to do this and NFPA says to do this. We have chosen to do this... there is a hole here, we are trying to meet both codes. (AE)

Every week we are doing some kind of code review to see which apply. In Maine the issues have to do with uniformity. (AE)

One way to meet conflicting codes is to meet the worst case through all of them. The most strict. (AE)

Not only do you have four or five codes, but each one is changing every three years or so. The Maine Human Rights Act has a code and they have appendices. If you don't ask for these you don't know what has happened in the meantime. We get paid a lot of money to sort all this out. It's costing homeowners and clients. Or they're not willing to spend the money and their building is not being reviewed. (AE)

If you do work for the state of Maine, it follows BOCA. Augusta local follows IBC. You have to follow NFPA 101. And because it's a state office building you have to follow ADA. (AE)

The state has written into law that it will use BOCA. But if you are a municipality, and you say you want to adopt a code, it must be IBC. (AE)

In Buxton, they use BOCA 1996 for Commercial and IRC 2003 for residential. Confused? (AE)

Residential has a real crisis because they have don't usually have professionals overseeing the production of drawings. They are often done by contractors, who really don't care or they don't even open the books. If you are in Windham you have BOCA, and if you are in Westbrook you will have IRC, and if you are in Buxton you will have a third code. Three codes. Suppose you have condos being built in all three towns by one contractor. It's raining and he moves his crew to where he can do inside work and he moves them across the line and now they are in different town. Do you think they open up the code book? (AE)

The fact that there is a code makes you responsible as a professional. Even if a plan is reviewed and stamped, they say that you are responsible for meeting code...even things that they didn't see. But it's confusing when the web of codes is so complicated. (AE)

HUD oversees double wide construction, what makes up an approved foundation, and the head of HUD couldn't give me an answer...it's nuts. (AE)

The lack of one set of codes is confusing to builders. (CFO)

They say we can do this in that town, and I say you are not in that town, you are in this town. (CFO)

Some towns go with IBC and the fire department uses the life safety code and there are certain parts of the code that directly contradict each other. (BC)

We go to the most restrictive one to resolve this. (BC)

A housing project, a six story building, we needed a backup generator if there was any accessible space on a floor above four and we needed a back up generator. The only thing accessible was a rooftop terrace. It went through plan review, the fire marshal's office, though the architectural firm signed off, the elevator inspector signed off and then the financier, MSHA, says we need this \$70,000 generator. (BC)

We had a job where everyone approved PEX tubing and after the building was roughed in, MSHA came in and said they have their own code and that we couldn't use that. As long as it was allowed by code and by the specs, that's what we bid. (BC)

Worse than that is to have codes that haven't been done correctly. They start picking all these different sections – the fire marshal wants this and the fire people want a different code. (BC)

When you have to go to a new place, you ask a lot of questions but the answers don't always come back the same. Handicapped accessibility is one of the biggest issues. (BC)

In other cases, codes conflict. The code official says one thing and the fire marshal says another thing. You have to stop and resolve this. (D)

Then there's the elevator code, ADA. They operate in completely different agencies. (D)

Consumer Protection

Participants reminded each other that the purpose of building codes is consumer protection. Codes establish minimums for safe, sturdy and secure construction.

Many thought that the current system of building codes compromised the basic purpose of codes. The building codes themselves were up to the task but implementation and policing was confusing and was inconsistent.

Interestingly, some thought that codes protect consumers from themselves. They thought that price dominated consumers' concerns – and low price construction could compromise safety and strength.

Since different municipalities used different codes, this was confusing to builders and contributed to a training problem. With so many codes, training was difficult. With one standard code, all the parties could have training that would cover all they needed to know. With one code, training was likely to become more accessible to all.

You are missing the irony. You create codes and standards to create safer buildings. Safer and better. Yet because of the way codes are set up, you will create buildings that are not built as well as they should be because you have people that are confused about the codes. Whenever you have confusion, you create chaos. So buildings aren't built as well as they should be. (AE)

By building to codes life safety has been followed; buildings are making buildings safer. (D)

I'm in Florida, and my house is being built in Windham. I hired the cheapest builder. I won't run into problems while I own the house, but the next homeowner will. Homeowners don't care about the codes – they won't be in the house long enough. (CFO)

We catch most of the mistakes, other builders squeal on them. If you have a good set of plans and you do all inspections, it won't get any better. (CFO)

A lot of consumers are not educated enough to know what they are buying. It isn't even necessarily clear in the contract. Codes protect them. (BC)

It's a level playing field for the consumer if we are all following the same code. We're not getting underbid by someone who says I am not going to do that. (BC)

Codes would improve our building business as we wouldn't be competing with those who are doing things wrong and cheaply. (BC)

Professional Liability

The participants in these groups were generally concerned with building in the safest and the most structurally sound way. This was a matter of perceived legal responsibility (or liability), or a matter of personal ethics. In either case, codes were not seen as just a regulation to comply with, but as the best way to assure safety and strength.

Clearly, both the legal process and the insurance companies were seen as key forces in the industry. Most thought that the use of a single statewide code would protect them by making the standards clearer.

If you don't get it (codes) right, you get sued. It's very important to our profession. (AE)

You are vulnerable in court. If someone is hurt because of a building you designed, because it's not in the code or it's wrong... that's negligence. That's the thing that lawyers look at, the rules. (AE)

The problem is that before you get to court, the insurance people are whispering in your ear what you can and cannot do. (AE)

What happens when a condo association comes into being? They look at whether the builder built the condo to code. They might find the codes weren't followed, but what codes? The codes in Buxton or the codes in Windham or Westbrook? This is a big problem in Maine. (AE)

There's a special insurance policy for condos. Carriers recommend that you don't do condos. Claims are so high. (AE)

It's design by insurance companies. (AE)

We use the latest code because it protects me the most. If you want me to put my seal on it, it must meet code, and the basic one is NFPA 101. (AE)

When you have letters after our names and licenses to protect, we are not only working to code but to ethics. All of us have a standard we work to. (AE)

The answer for us is errors and omissions insurance. It's a no win situation...we design to a standard of care. Clients want perfect. (AE)

Its huge, codes shape your building, we think about these things every day. (AE)

If a system of building codes, if the state wants a building code, then that code should separate non-professionals from what we do. We're all professional and will follow the rules and preserve our reputation. (BC)

I don't know if I am liable if I don't build to code, but I don't want to find out. (BC)

One Statewide Code

The concept of everyone in the state using the same version of the building codes had near unanimous support.

Should every town have a code? Yes (unanimous). (AE)

And it should be a standard code. (AE)

Mass has their own code book. It seems to have integrated many codes. I had to buy the books and I received invitations to seminars to educate professionals on codes. What a great idea. (AE)

I'm the fire chief, and the code enforcer and the building inspector. I've been around for a while. I have the ability to interpret codes. The state is lacking. It requires every municipality to have a code enforcement officer. State law also says that if you have a town of over 2000, you have to have a building inspector. Nowhere does it say you have to be competent or to have a set of standards to follow. Maine has short circuited the consumer for 200 years because we do not have a set of standards to follow. Subsurface waste water treatment people have the same set of standards in Saint Agatha as in Biddeford. There are no such standards for buildings and code enforcement. If the legislature wants to change something, look at the majority of the people that do the training and the work and don't have the training or the money and see what we can do to standardize – one set of building codes. (CFO)

We the industry have created our own problems by not sitting down until recently and coming up with one set of standard codes. (CFO)

That way you can teach it. In this state you can be a code officer and you don't even need to be certified for 12 months so selectmen play that game and one takes it (becomes the code inspector) for 12 months and a second selectman takes it for the next 12 months. (CFO)

For the first eleven months you don't have to be certified. You can be out there as a building inspector with no training, no clue and no back-up. Who would I call for help with a building code issue? If you are in plumbing there is someone to call, but not for building codes. (CFO)

You have large municipalities here. In smaller towns that guy is a full time carpenter and he goes out on weekends to catch this stuff and I know he misses things because the masonry contractor comes into my town and tries to do the exact same stuff. (CFO)

For those municipalities that can't afford their own officers, maybe there should be regional shared staff. We're overloaded and trying to keep up. (CFO)

Architects and engineers want one code. So they can work in each town and design it to the state code. (CFO)

It's easier for me if I'm an architect in Portland and it's the same in Portland and in East Bunk - it's easier for me. (CFO)

We need to make sure roofs are structurally sound and hit hurricane stresses and that they are better insulated and the only way that will happen is through codes. (CFO)

It would be nice to have everyone on the same page. If all the cities and towns used the same code, no matter where you go in the state of Maine, you could use the same code and it would be nice. (BC)

No matter where we go in the state, the handicapped accessibility codes are the same. I'm not sure it's on top of the list to have 18" on the side of the door, but as builders we know that we're supposed to have it. And that's what we conform to. (BC)

The electrical codes are the same everywhere. (BC)

The benefit for us of one code is that it makes it more predictable, more predictable for the owner and less expensive. You know that you are building the first time and you are not tearing stuff out. (BC)

All towns should use the same code. (D)

With code uniformity, you have smaller transaction costs. (D)

We're doing work out of state but the economics here are so bleak we are working out of state more. If we could use our learnings and not have to learn another code, it would be easier for us. So on the margin, one code is beneficial. (D)

We work with those that are not professional developers and they don't know the codes. (D)

Moving to the ICC Family of Codes

Participants noted that most municipalities were moving to the newer ICC family of codes when they upgraded their codes. This was thought to be a good thing by all participants in the groups. Municipalities in Maine and elsewhere were moving inexorably to ICC as the new standard. (Note: Statute requires that towns adopting a building code adopt the IBC and the IRC and those adopting a code for renovated buildings adopt the IEBC.)

Every state deals differently. I don't know why we can't have some similarities. Now we've gone to ICC in the majority of states. It was a tough decision for Maine to adopt this – they were leaning towards NFPA. (AE) (Note: Maine has adopted ICC for building codes and NFPA for fire codes, resulting in a mix of these two families of codes.)

There is a big difference in IBC codes, because of seismic considerations and special inspections required so that an engineer comes out to inspect. This is required by the code itself. That's a good thing. (AE)

The seismic issue on existing buildings, they are not made to deal with these lateral forces. And there are loopholes – if you are or not changing the building enough for the new rules to apply. (AE)

All we need is one hurricane to hit the coast of Maine for people to begin to look at IRC differently. (AE)

They passed a law in 2004 that says the standard is IBC 2003. However, if you have an existing code or no code at all, you don't have to do anything. If you upgrade, you must use IBC 2003. (AE)

All three organizations, BOCA, SBC and ICC, have come together and now we are one. (CFO)

Most are trying to get standardized. If you go to Hermon its BOCA 93 and you go to Bangor they go by IBC 2003. (BC)

You go to different cities and towns and some don't have any, some have BOCA, and some are using IBC because they are hearing that that is the one that is going to be adopted as the statewide code. People are jumping on that train. (BC)

The difference between NFPA and ICC is a national issue. These are national codes. (D)

Most places choose to use either the I codes or NFPA. In my view, that's the issue. (D)

State Fire Marshal's Office

Most participants had some experience with the State Fire Marshal's office because of the agency's responsibility for approving and permitting all public buildings. Some participants lauded the agency for its accessibility and its responsiveness. Others, particularly those involved in redevelopment of older buildings, saw the agency as inflexible and as blocking desirable projects. Since the agency relies on NFPA as its standard code, and since this code can be in conflict with building codes such as the ICC codes, the agency is sometimes at the center of seemingly irresolvable differences.

In some situations, the NFPA code and the Fire Marshal's Office require one approach and the local building code and local building inspector another. Some participants thought that local government or the 'jurisdiction with authority' was the final arbitrator of all disputes. Local officials had the final say.

The state fire marshal's office is very good at being very responsive. They are doing a good job at being efficient. They are very responsive. (D)

The other thing is that the state fire marshal isn't going to review on either of those codes (IBC or BOCA). They are going to review on NFPA 101. (AE)

We had a disagreement about nosing on stairs; one wanted an overhang or a nosing and the other wanted only a slope. This is an example about parallel codes. You have IBC, the Maine state elevator code, and you have NFPA. All may say different things. The elevator says you cannot have smoke detectors in the elevator shaft. NFPA says you must have smoke detectors in an elevator shaft. So you have a negotiation. (BC)

We advise architects to sit down with Steve Dodge before you start designing. (BC)

The fire marshal is involved all the time. In Maine, the fire marshal is completely separate from the local building department. In other states, this is combined in one office, like in Boston. (BC)

Our communities have different experiences with the state fire marshal's office. Communities like Bangor have been able to look at their codes and work with the office collaboratively to resolve conflicts. But that conflict can stop projects in its tracks. (D)

In the fire marshal's office the interpretation isn't always the same. When they come in after pointing out everything, that is wrong, they need to be upfront. (CFO)

Obstacles to One Statewide Code

Most thought the primary obstacle to having one building code applied to the entire state was politics. Either the state lacked the will to act or local governments and their representative, the Maine Municipal Association, were unwilling to give up their authority.

Some participants thought that small towns in rural areas did not need the same detailed codes as more populated city and suburban areas. Some others countered that codes were about safety and safe construction, and that was the same everywhere. They pointed out that the state already had codes for electricity and plumbing that applied everywhere and a statewide building code could work in the same way.

I think it all goes back to self government. (AE)

The chances are zero of reaching code uniformity. I think its all about local control. They and the MMA are going to be against it. (AE)

MMA would argue about costs, loss of local control. (AE)

It's the very basic concept of home rule; they don't want the state telling us what to do. (AE)

We have home rule here. God forbid they go into Skowhegan and tell them what to do. That's the problem. (D)

We need to have a set of standard codes that everyone follows that is the minimum for the state. You can build upon that. (CFO)

If you live in my area you don't want codes - they have only a few people. When you have more people you have more complaints and you have to hire police and inspectors. (CFO)

There is an imbalance in the state between urban and rural and that means that it is impractical to have one code. (D)

I agree it would be nice if we all had one code to work with, but you start looking at this whole state and the small towns that can't afford it. I am totally into mandating codes because when the government gets into mandating codes, they make names of it. They botch everything they do. There are 400 communities that don't want codes and 100 that do. It would be wonderful if we had one code, but don't force us. There's a lot in the code that we may not want – a property maintenance section for example. (CFO)

There are parts of IBC that are just cost prohibitive. The life safety code requires sprinklers in all buildings, including residential. It's just cost prohibitive. (D)

The need for codes comes from different needs – egress, fire safety, building technology. Instead of an entire code, is it possible for the state to just look at the most important problems? I think there are pieces that drive the code. (CFO)

I disagree that the state can't do it or it will botch it up. They did come up with an inspection program that made cars safe. Also, the health engineering of septic systems that small towns rely on, that's an excellent program. I think there should be minimums or basic construction standards. Don't worry about city buildings or commercial buildings - residential buildings. (CFO)

Let's go with a carrot approach. Maybe we go with the ISO approach; if you have codes, your insurance will be lower. (CFO)

It unrealistic to expect politicians to make the trade offs to have a lower level of safety than they could have. If nothing happens, then they get to keep their job. If something happens, then they keep their job. The bias is toward more and more regulation. It's not going to change. (D)

Code Training

A lack of training was seen as the single biggest obstacle to improving compliance with codes.

Surprisingly, few in the industry receive adequate code training. Architects receive no training in codes. Maine's vocational training in building technology does not include code training. Code Enforcement Officials can start their jobs without code training of any kind, and while certification is required after twelve months, this only covers general topics, not the detail of the codes to be implemented.

Conversely, one of the reasons that participants were supportive of the use of one building code throughout the state was the sense that this would lead to increased training of everyone in the industry.

I've also practiced in several different states. School doesn't prepare you for codes. I had to figure out which codes apply. In PA, as many as five codes apply. (AE)

In schools we talk only briefly about codes...you think about design only. (AE)

On top of that whole problem where contractors are not familiar with the codes and not even paying attention to one versus the other. (AE)

A lot of code enforcement people are not well versed on their own codes. The bigger municipalities may do a better job. Smaller towns are all over the place. Sometimes you are explaining the code to them, rather than them explaining it to you. (AE)

You need to walk into a meeting with a code official knowing how you want the code to be interpreted. Because that's the only way it will be interpreted the right way. (AE)

There's no training going on. (AE)

We have had to learn by working with each other – Portland and Auburn. (CFO)

If they had to replace me they would not find anyone that would know the book. It took me 34 years. (CFO)

The thing about training, I've gone on the ICC and in NH there are 50-60 officials certified by ICC. In Maine there are 5 or 6 because there is no mandatory code. (CFO)

I called SMTC and they had this great kid, had some background in construction but in the two year building technology program there is no training on codes. They never had a code book in the classroom. (CFO)

Architects and engineers don't even get code classes. (CFO)

You can get code classes at BOCA and ICC. They don't come up here very often. (CFO)

We don't get paid very much yet we need to have the qualifications of an architect of engineer and that's scary. I favor shifting the responsibilities; I rely on the stamp of an architect. The responsibility for the design is from the design professionals and we get paid to do the inspection to see that it's done according to the plan. I feel I'm out on the limb. (CFO)

The people who build buildings have not gone to any school and you can do anything you please. So it falls on code officials to teach. (CFO)

One part is lacking – if you are going to have a mandatory code, who is doing the training? (CFO)

Smaller colleges should have a two year course to get training to become a code official. (CFO)

Our local mid-coast builder's alliance set up a code class with 34 attendees. (BC)

Code officials are not really trained on a specific code because every town is different. (D)

It's not certification in a code, its just general knowledge. (D)

Ongoing Code Communication

Participants thought that even with code training, there needs to be on ongoing communications from the administering body regarding code changes, exceptions and complex issues. Currently, municipalities or state agencies adopting codes are under no obligation to communicate about what they have adopted – the burden falls on the building owner, architect or builder to learn what rule applies. While this may be a practical approach from a governmental perspective, it makes it difficult for those who wish to comply with the codes.

*How do you know what the state is saying (with respect to new laws on codes)?
Occasionally I'll get something from the AIA or something. There's no conduit or website on the latest codes or the fire marshal's latest epistle. (AE)*

It's a difficult task to understand what the latest changes are to say nothing of the complexities of the different codes. (AE)

There are exceptions to the code that they will allow, but nowhere is this documented. (AE)

The code is only as good as the person interpreting it. Sometimes a code is not written so that it's easy to interpret. References will drive you nuts. (CFO)

When I have a problem I give it to my fire marshal. (CFO)

Our fire chief wrote to John Dean that when they approve a project, they have a set of plans and make changes. I asked that they send us a copy of what they approved but they don't have the money to keep us informed. That's why I say they botch things. (CFO)

The Maine Elevator Code

The Maine Elevator code was a particular source of frustration.

Its differences from other states make it a trap for anyone not familiar with the specifics of the code and some provisions seen to be unnecessarily stringent.

Some believe that the code is primarily based on the suggestions of elevator companies who wish to make existing elevators obsolete and sell new replacement elevators.

The elevator code also has a conflict with the NFPA code that the state Fire Marshal enforces. It is impossible for elevators to meet both codes.

Part of the reaction to the elevator code is a frustration with the requirement for elevators. Elevators may be required for access to upper stories of older buildings and this makes rehabilitation of these older buildings economically unfeasible.

Maine has its own elevator code. If I'm building an elevator in NH, the shaft is 5" less. If I build it in Maine, it has to be 5" more because Maine in their infinite wisdom says we have to have more space. Any architect that comes from out of state, the first change order they will have is for the elevator pit. As a taxpayer, that's a huge undertaking. (AE)

The elevator thing has come up three times in the last three jobs. It's a nightmare. (BC)

I 100% agree with you, the most screwed up code is the elevator code. You don't know if you need a smoke detector in the shaft or you don't. The elevator inspector and the fire marshal argue and it all depends on who sits on the top of the mountain that day. (D)

Elevators are another issue. A lot of buildings have elevators and the fire marshal shut down an elevator because the code had changed. You have an elevator that has been working well for years and now it can't be used. It shut off access to the fourth floor. (D)

If I could change one thing it would be to unwind that terrible accident in Bethel so the kid would be alive and the fox would not be in the henhouse. What happened is that the state went to the elevator companies and asked what should we do to improve elevators? The requirements that have been imposed since that date to old safe elevators have been an extraordinary drain. They said you need new elevators. (D)

The state elected to have the sole source of information on what should be in the new elevator code, be those who sell elevators. But you also need input from those who use, specify and install the equipment. (D)

We had a trash elevator and this changes the code so that vertical lift elevators couldn't be used. (D)

The things you have to have done are so difficult to comply with and the only purpose is so the elevator companies sell new elevators. (D)

In some places owners of downtown buildings are being told they have to have very large elevators that will accommodate a stretcher. (D)

It's a theoretical issue because you are screwed by the elevator code in any small building. (D)

Contractor Licensing

Licensing of residential building contractors was almost universally supported. Many noted that it's easy to become a building contractor – anyone can get in the business and many are poorly qualified. This means that most have no training with building in a structurally secure manner or building to meet safety codes.

Licensing was seen as a tool to prove safety and quality. By requiring code training, contractors would be provided with basic information on how to build safe and structurally sound buildings. Government would provide some control over builders, at least the worst of the group, by revoking the license of those who do not follow code.

Adoption of a single statewide code was seen as a prerequisite to contractor licensing.

If someone picks up a hammer and pulls out his business card, he's not licensed like the plumber is, like the electrician, like the heating technician is. The subcontractors are licensed – but he's not. (AE)

The problem is not just codes; if I want plumbing or electrical work, I hire a licensed contractor. If I want a house built, I just hire the guy with a four foot level in his gun rack. The state fell down when it didn't pass licensing for contractors. (CFO)

We're in a state here where contractors don't have to be licensed. We are professionals who are trying to design by the code and have a license to protect...the contractor doesn't have that. (AE)

The people that come in from Mass where they have a lemon law, they aren't protected here. They hire a home inspector. Is he licensed or certified? Of course not. He can be a defunct contractor. You can be a hairdresser one week and a home inspector the next and the joke is that the home inspector doesn't need the license. (AE)

A lot of the issues come up in shoddy construction in residential, and that's where you don't see an architect and engineer. (CFO)

They don't use the proper number of nails. They don't cut rafters at the proper angle. They modify a truss – cut a truss up and frame in a cathedral ceiling. (CFO)

There are no repercussions to those who do shoddy work – no one can pull their licenses because there are no licenses. (BC)

I take time to go over plans with contractors up front. (CFO)

You should be able to be in Florida while your house is being built in Maine and feel good about it. (CFO)

If I'm a plumbing contractor and I do shoddy work and I get caught, I lose my license. If I'm a building contractor, I go to a town where nobody knows and nobody cares. (CFO)

You could have the licensed pulled – if it is blatant. (AE)

You've got to have a standard for them to follow. They've got the standard; the state has started the process. (CFO)

The legislature said we're not going to require a license if you guys can't agree on a standard. Reputable contractors want a license because it would drive the riff-raff out. I don't subscribe to the fact that the government screws everything off. If you speed, sometimes you get away with it, sometimes you don't, but that doesn't diminish the need for a speed limit. The state needs something to protect its citizens. You can't rely on self regulation. (CFO)

There's a member of our building alliance that went to Washington, Maine to do some repairs. The customer went to the code officer who told them, 'Sorry there is no code.' It was things like the wrong size rafters. (BC)

You can't have licensing without a building code. (BC)

I've been to Augusta on licensing and they're not concerned about how we build a building; they are more concerned about bad business practices. (BC)

She's right, most of what is driving discussion about licensing are consumer issues. If you look at the list of complaints, most of the time its deposits and not doing work, shoddy roof and siding repairs, and that's it. One of the legislators was dumb enough to give a contractor money twice. (BC)

Consumers enable people to do shoddy work because they buy low price. (BC)

For those of us who work in areas without building codes and build to a code anyway, it's because we want to show we are professionals and stand by our work and go home and sleep at night. (BC)

An attorney asked me to be witness on cases, and I am surprised with the shoddy work. There has to be some way to separate the real builders from those who can quit you after a week. (BC)

We're supposed to sign contracts for anything over \$3000, but nobody signs contracts, not even the legislators. (BC)

There are lots of towns that have code enforcement officials but no building codes. It's up to the plumber or electrician to build to code – he inspects. (BC)

Codes in Older Buildings

The application of building codes in older buildings was a contentious issue.

Most agreed that rehabilitated or renovated buildings should be subject to modern standards – they should be upgraded to today's codes as much as is practical. After all, these building codes are based on the science of making buildings safer and stronger. Many thought that the object should be to improve their safety, but not necessarily to make them as safe as they might be if they complied entirely with the newest codes.

Most agreed that applying modern building codes in older buildings required thoughtful tradeoffs. Some noted that rehabilitation codes handled this with a point system that awarded points for adding certain safety features and subtracted points for desirable features that were not added. In other places, these tradeoffs were handled less formally by negotiation with a local building code official. Those that used either the formal or informal to make trade offs were generally pleased with the outcome. Reasonable accommodations appear to have been made. However, in the cases described where the State Fire Marshal's office was involved in citing code requirements, there was more disagreement and controversy.

The contentious part of codes in older buildings is that the application of modern codes makes some buildings economically unfeasible, particularly in areas where the market is not strong. In downtowns in smaller, less economically privileged cities, it is thought that the application of codes is killing redevelopment of old buildings and shifting development efforts to new buildings outside of the city.

Existing buildings, how do you reconcile codes in buildings that have been let go for a while... where codes haven't been followed? What is safe? Working with the state fire marshal to negotiate equivalencies, what is safe vs. what is in the books. Trying to get leniency. (AE)

Some towns like Waterville have adopted IBC, but not the part that pertains to existing buildings. It doesn't work very well. (AE)

You come up with other ways of making it safer and negotiate with the state fire Marshall. Then the local official may say, if the state says OK, we will go along with it. The fire marshal tends to know most about codes – and the local guys are part time. They know a little about it. So they refer to the state fire marshal – which is probably where it should reside. (AE)

There's another piece to this. If you want to reinforce downtowns rather than sprawl, you can look at codes in a way that makes that easier or harder. I would think that the SPO would bring this into the discussion. (AE)

I was chief in Waterville for ten years and we had a significant challenge to rebuild the downtown and make the buildings safe and still be affordable. That was a struggle. The ICC has tackled that, and codes must be cost effective and workable. (CFO)

Existing buildings are the problem. These codes are designed for starting from scratch. You are always trying to find out how you can make it fit in an existing building without having to tear the whole thing down. (CFO)

In the older code there was a process you could go through and there were points you can gain for doing certain things and points you can lose depending on the situation. If you come up with a zero or better, you can go ahead. I prefer a code for existing buildings. Putting something into a building to improve it or make it safer as opposed to keeping it the same forever is worth going for. I strongly believe in the concept of doing part of a building. (CFO)

All codes are tools in the tool box. In XXX we adopted the 2003 IEBC code, the flexibility code. We had a five story wooden shoe shop. It was still being used as a warehouse and for some manufacturing. They were leaving and the guy wanted to do condos. Under IBC this couldn't happen. But under the IEBC code we broke it down, did the points thing and had trade offs. Now we have a building that has 20 artists' lofts in it, as good as any new construction. So it's a tool. (CFO)

If you adopt ICC codes, it includes the existing structures code. (CFO)

There's a main street in Waterville that's very similar to a main street in Saco that's very similar to a main street in Gardiner. And those are the towns that it's difficult to keep people in because we can't allow the buildings to be fixed without spending millions and millions of dollars. We have existing codes but we still don't have codes designed specifically for those buildings so that they are as safe as possible but still maintain their integrity and appearance. If you tell a guy in downtown Biddeford that in order to bring a building up to code, the hallway has to be four feet instead of three, he says I am going to lose a foot in each one of those rooms and I won't have any room left because that's what kind of building it is. He says I can't afford that. He doesn't do anything and he doesn't buy the building. So you have a ghost town. NJ addressed that by having a specific code for these kinds of buildings. (CFO)

We only deal with old buildings. Most small towns are there to collect the fee, and that's the last time you see them. There are three reasons to have a code enforcement official. One, they have to, two, they collect the fee and three, they know who to go after for more taxes. They don't do anything in small towns – the residential. We know more than they do and we have a reputation to protect. But we are always polite to them. (BC)

We ran into a situation in Paris Hill, there was a fire and everyone wanted the building preserved...we got in there and the front stair case didn't meet code. Since they were improving the building by more than 50%, it was supposed to meet code. In order to preserve the stairs, the code enforcement official said those aren't stairs, they're shelves. So I want you to build a stair case in the back. In an upper floor room he said, this is a study, not a bedroom. (BC)

We've done a lot of adaptive reuse. A residential building morphs into a commercial space so then you get into the parallel life of the life safety code. You have the building code line and the life safety line. In an adaptive road when the building morphs into commercial, the life safety code becomes more important. If you are a historian, these aren't good changes; if you are in insurance, they are. Historians want to preserve features. There's a lot of horse trading that goes on. You can't change the door width without destroying the building so you have to find compromises. (BC)

One example is a day care; none of the doors were wide enough. Changing them would destroy the fabric of the house and would be prohibitively expensive. So as a compromise we put on hinges that allowed the doors to swing back flat against the wall. This gained a couple extra inches so you could get a wheel chair through. In most places there is a strain of sensibility. (BC)

If you go to a code officer and say this is what we are looking to do, we realize that the code says that this won't meet code. We ask what can we do and they are usually very accommodating. They won't let you do crazy things. Most of the time they will sit and talk. We have had good luck with that. (BC)

Most of my work is in Portland and Scarborough. They have large staffs and I have found them to be accommodating. So long as there is give and take. Recently I had to move an 1850's house and none of the windows had proper egress. So what we did is they allowed us to convert some of the existing windows to casement windows – that was a reasonable compromise. (BC)

In another instance the windows were only 8" off the floor. They didn't want to destroy the historic fabrics so they allowed us to put tempered glass into the lower part of the window, instead of enlarging all the windows. (BC)

If they get to know you and they realize that you are not trying to hide things, they are more flexible and easier to deal with. Some code enforcement officials have their pet peeves. If you know that, you can address specific issues. (BC)

The state system or lack of a system is hindering redevelopment of downtowns. (D)

We are struggling getting buildings up to code – it's too much work and they can't afford them in Somerset County. (D)

We have moved from rehab to new construction because of the problems with older buildings. (D)

The existing regulatory environment makes it difficult to know what the rules are. (D)

You rehab buildings in Portland and bring them up to code because there is a market for the building, a return on investment. But you can't afford the same amount in Skowhegan. You're never going to make you money back. (D)

The last building we renovated was 90,000 square feet. It's a lot easier to put a new alarm panel in this and two sets of stairs. There's no doubt that our systems for all the good reasons that have to do with life safety has killed downtowns. (D)

If you go to downtown Skowhegan, it's a local guy without much money and a code official that's just happy to see anything going on there. So you are not being brought up to code. (D)

We're trying to get retail on the first floor, office on the second and rental on the third. And that puts a wrench in it. When you have people living there, there's a whole set of new problems. (D)

To me it's a policy issue. What is our future? Is it building big boxes out of town because it's easy and cheap and that's what codes allow? Or is it investing in communities that make Maine unique? (D)

If we had uniform codes that were not encouraging big boxes, that would be good thing. (D)

When you were talking about taking a tin ceiling down, I understand the fire marshal. You are trying to achieve fire ratings to protect people between floors. You need to upgrade the building. You take the tin ceiling down, you fire rate it and you put the ceiling back up. It's expensive, but someone needs to invest. Otherwise, it's dangerous.

Both the I codes and NFPA have historic preservation parts. (D)

With smart codes, NJ has found a balance between rehabbing historic buildings and making them safe in an affordable way. Why do other states have their acts together? It's overwhelming for Joe Schmoe who has a dream for a coffee shop with apartments upstairs. (D)

I've worked in NJ and they require ten inspections. It may sound great there, but it's a nightmare. I've built in four towns and none of them were great to build in. (D)

All these ideas apply to the current regulatory system. If we are serious about downtowns then we need to make compromises. (D)

I don't agree at all. If you take a building like this and you don't make it safe and as soon as there are a thousand people working in there and it catches fire and nobody can get out, then you will have repercussions through the whole state. I think that's exactly what you are heading to when you go with old buildings and accept less than safe conditions. (D)

This tin ceiling thing bothers me. If you have someone on the first floor and a family on the second floor, are you willing to risk your and your child's life because someone didn't want to upgrade the firewall? (D)

Code Conflicts: NFPA & ICC

Despite the fact that Maine law recognizes the ICC code family for building codes and the NFPA family for fire codes, there was considerable discussion about which family of codes should be adopted for building codes. Most of the discussion about the move to one building code in Maine implied that the code to move to would be the ICC family of codes, as the law now requires. The ICC codes have their roots in a merger of BOCA and SBC and these are the building codes that many communities have used in the past. Some communities have already moved to ICC codes.

It was thought that the ICC family of codes was all encompassing and included residential, commercial and existing buildings. Some participants were active members of ICC and liked the way revisions were voted on by the entire membership before being adopted.

The NFPA code was more generally associated with the State Fire Marshal and with life safety or fire and egress issues. The NFPA code was not thought of as a building code to address such issues as minimum designs for foundations and rafters.

IBC covers a lot more issues than fire safety. NFPA just covers safety. You're actually more vulnerable under IBC because it covers more things. (AE)

Even if you narrow it down you'll have IBC and NFPA so we're forced to have two codes. Steve Dodge has 20-30 volumes to the NFPA code. We buy just one. You have to own all the volumes – two shelves, IBC and NFPA, and they change every three years. (AE)

The state fire marshal has a lot of clout and the codes (IBC and NFPA) are different. (AE)

We have a subscription to NFPA and you can look things up online, but I'm an architect. It's not my area of expertise. And what if my subcontractor had a bad year and didn't buy the latest version of the code? (AE)

Even if you narrow it down you'll have IBC and NFPA so we're forced to have two codes. Steve Dodge has 20-30 volumes to the NFPA code. We buy just one. You have to own all the volumes – two shelves, IBC and NFPA, and they change every three years. (AE)

I have two examples where someone bought a building and isn't a developer and doesn't know codes. They check with code officials and went to the get the paperwork and got completely blocked by the state. Now they have a building they can't develop. (D)

The way stairs are designed, the IBC has one set of requirements and the fire code has another set of requirements. (D)

You can have a building and they meet with an inspector. Something triggers the fire marshal's office and they need to start from scratch. (D)

Life safety says that stairs need to be 3 foot 6 and its being applied by other building inspectors to residential homes and commercial. (D)

Some towns use the 1980 BOCA code and you have to reconcile that to the code in the state fire marshal's office. (D)

It's the same issue with the sprinkler in the electrical room. You have to have a sprinkler in every room but you can't have a sprinkler in the electrical room because you will electrocute everything. You can't have it for the electrical code. (D)

Building Codes in Municipalities without Codes

The lack of codes in many municipalities was a controversial issue.

Some thought that local jurisdictions should have the option of having no building code. Adoption of codes was seen as a self rule issue. Some thought that detailed codes were unnecessary in smaller communities. Others thought that smaller communities couldn't afford to and therefore wouldn't enforce the codes anyway.

Those that supported a statewide code that applied everywhere thought of building codes as a safety and consumer protection issue. Building codes were not seen as overkill; they were necessary for basic safety and security. Those that favored a code also pointed out that plumbing and electrical codes were statewide codes and they applied even where there were no

local code inspectors to enforce it. Others pointed out that building codes were much more complex than plumbing and electrical codes.

Participants also noted that with respect to commercial or public buildings, some aspects of a statewide code and authority already exists. The NFPA life safety code and the State Fire Marshal's office are involved. In addition, many larger projects involve architects and substantial builders who will build to a building code even if one is not mandated by local government.

If you do a building in an area that does not have a code, you are still under the purview of the state fire marshal. If you are a smart practitioner, you always use a code. (AE)

The biggest issue is among the towns that do have codes and those that don't. (CFO)

We already have a set of state codes that are working well; a plumbing code, a sub-surface code. (CFO)

Building codes are a lot more complex than plumbing or electrical and would require a lot more inspections. If you are talking about small towns, they would have to share inspectors. (CFO)

I think we all agree that it would be nice to have one code, but towns don't care. (CFO)

Codes and permits are revenue sources for towns. (CFO)

The selectman and counselors are shortchanging people by NOT having a code that protects them. (CFO)

Every town has a choice with police. If they want a certain level of service they can have their own police. I live in Limerick – I'll get the sheriff or the state police. There's still a police department but nowhere near the level of service you'd have elsewhere. (CFO)

The ISO or insurance companies are driving some towns to codes. They look at your permitting. The idea is that if you are building with no code and no inspection, then you should be paying a higher premium. I think towns are realizing there is a disadvantage to not having proper codes and proper inspectors. (CFO)

My department is operating with revenue that is greater than my costs. (CFO)

I have a beautiful camp in northern Maine. I went through LURC to make sure my wastewater didn't affect the lake but I could have built anything I wanted. Some of the buildings being built for tourists are firetraps. There are places I won't take my family to eat because I don't know if I would be able to get them out in a fire. (CFO)

I've been into a couple hen houses that have been converted to a book store and you don't want to be on the second floor. (CFO)

Instead of putting the burden on the little towns that aren't going to do it, put it on the builders so we can go after them to follow the code. (CFO)

I don't want the state to come in and require me to file state reports and take my money. That's what they did before. (CFO)

They want to be able to go through the code and not have it forced down our throats because a lot what's in the code is not about buildings. (CFO)

Yes. Every town should have a building code. Mass has the statewide code and it's the same everywhere. (BC)

If you are going to have a code, have one code. For towns over a certain size and those that are rapidly growing, they must have a code. But in small towns it's a problem. As soon as we got a code official that knew what they were doing, they left. I'm talking about residential. (BC)

Commercial should all have a building code, for public accommodation. (BC)

If you make small towns have a code, it will be a well intentioned law that will fail because no one knows how to do this. They can't keep up with the requirements that come down from the state. If a town isn't really growing, there is no reason to go through hoops. (BC)

Shouldn't there be a minimum standard of framing sizes, requirements for the foundation? (BC)

In large towns you live by rules, in small towns you live by reputation. The local guys are all working for each other. (BC)

I have out of state people who come in with plans, designed say in Georgia. But I have to involve a structural engineer. In your small town, a builder with little experience builds to plan and the customer gets a bad house. There has to be some regulation or review. (BC)

Do you put the responsibility on the consumer or the builder? (BC)

It's called the Maine model building code. It's the small towns that are fighting the universal building code. They don't have the officials. (BC)

Suppose a heating technician comes into a house and the furnace needs a new pipe but it also doesn't meet clearances and can't meet clearances. Does he put in the pipe and make the system safer? Or does to leave fast and say the furnace doesn't meet code? These are the real trade offs. (BC)

We had a technician come in and say, 'I should shut this off, but I won't. I'll give you a week to decide what to do.' (BC)

Why not have a building code if you have a plumbing code? (BC)

If you try to force a code on small towns, it won't happen; there is no one to enforce the rules. Why pass laws that don't work? If they mandated on the towns, in large parts of the state it wouldn't work. (BC)

Cumberland County is night and day from Somerset County. In smaller towns you have a code enforcer that works once a month; he only sort of knows what he is doing and this creates problems. (D)

Smaller cities can't have full time inspections and the towns can't be burdened with this. (D)

We deal with cities and they are on the latest codes. But in rural Maine they may have a different code. It's necessary that they have a different code, as they don't have full time people. You can't have full time inspections in Greenville, Maine. (D)

Even if there is no code, they inspect the plumbing. The electrician self inspects. If the inspector isn't right there, there is no one watching it. We would design to IBC or IRC anyway. (D)

Your plumbing, electrical and life safety codes are ones we all have to follow no matter where we are. But building codes are another matter. (BC)

Inconsistent or Arbitrary Code Interpretation

Most participants said that codes were interpreted differently depending on the location. Sometimes these differences were significant.

While this was a source of frustration, most said they were able to work around this by asking others about the style and interests of the code officials, meeting with code officials upfront and bringing potential issues to their attention. Many found that “working with” code officials built a relationship that led to faster and more reasonable decisions.

Despite issues with arbitrary interpretation, most did not think that a more formal appeals process was desirable. There were two reasons for this. First, most were comfortable working in the give-and-take in the current system. Second, timeliness was a concern. Decisions couldn't wait for the time it might take for a formal process.

I was doing a project for a hospital and the local fire chief was adamant about certain things. Even though the code said you could put a smoke detector in a duct, he said he didn't agree with that. At the end of the project he's a little Nazi and he says that 'oops' he wants a smoke detector here and there. We had to spend another \$40,000 for items that weren't even in the code. (AE)

The codes say that the local code official having say will have the final say, if it is more stringent. (AE)

I had a run in with Steve Dodge, he and I were interpreting a paragraph two different ways. Everyone says I'm right, but it will be done his way. (AE)

The other problem is uniformity of administration; you get at that through training. (AE)

The code is only as good as the person interpreting it. Sometimes a code is not written so that it's easy to interpret. References will drive you nuts. (CFO)

It's like human nature, there's wide range of enforcement, biases and interests. (BC)

I find that if you ask the plumbers they will give you a scouting report on the code officials. Is this one a stickler or one that doesn't get out of his truck? (BC)

It can get to nitpicking if an official is having a bad day. (BC)

The fire marshal, a disgruntled former selectman got the fire marshal to shut down a building, but the fire marshal would only speak to an architect. In a small town they can come up with something; even if they don't understand the situation, they (the fire marshal) do as they please. (BC)

They say you must use rot resistant wood species. Officials say that must be pressure treated. But there are other species that will last a lot longer. (BC)

Here's an interpretation issue – a renovation of a wood framed dorm. They just wanted to get a roof on and temp it while waiting for a new dorm. There was some structural work and the code official says you have to put in some accessibility enhancements. We ask what he wants. He asked for a second egress and approves a fire escape with doors and hold opens. It rolls on and on. It was just a roof upgrade and interpretations lead to a \$500,000 redo. They got their dorm and it was safer, but it cost a lot more. The deal kept changing. (BC)

When you go from community to community and a building inspector enforces codes completely differently. (D)

You can have one code enforcement officer that's great and then the next town over they're a mess. (D)

Idea: Require that all jurisdictions that have a building code migrate to the state building code by a specific date

The idea of using one building code throughout the state had near unanimous support. Many advantages were cited.

- Improved safety of consumers.
- A more consistent product for consumers.
- Reduced costs by sharing code inspectors.
- Reduced design and construction costs.
- Reduced uncertainty for developers.
- Making ownership of code books affordable.
- Improved consistency among code officials.
- A larger pool of experienced and trained code officials.
- Reduced "soft costs" for home construction.
- Fewer mistakes and rebuilds.
- Makes contractor licensing possible.

When some participants voiced support for one building code – they meant one building code for all communities, even those currently without a building code. When some others supported the idea of a building code, they thought that this would apply only to jurisdictions that had a building code in effect.

We're forgetting about the client. The whole purpose of the code is to protect safety, well being and quality of life of the client. (AE)

The client moves around the state and he or she should expect to get a consistent product and we're not giving them that. That's the problem. (AE)

Several communities have agreements that if their code official isn't available, a code official from another area will come in and resolve issues. Having a similar code with similar training will give uniformity. (AE)

Another side of this is that it would give towns that can't fund a code inspector, if the state used the same code, they could rely on the state. (AE)

Several communities could band together to hire a single code inspector to work part time in several communities. (AE)

It would create consistency because code enforcement officers don't last that long. So if you go from one community to another, there would be consistency. (AE)

I would think that this would help big development, like large residential developments. (AE)

I had lunch with two developers and a former state official head of BPS, they said uniformity is being explicit, lack of subjectivity. (AE)

By enacting a single code across the state you will save money in the long run. The end user is not going to have to pay for code officials to understand all the different codes for designers to understand all the different codes and to design for them. (AE)

It could reduce the cost of a home, the soft costs that we are all a part of. It's not our fault; it's because of all these things we have to deal with. (AE)

If a contractor knew very clearly what he was up against, he could reduce his costs. (AE)

He would make fewer mistakes and rebuilds. (AE)

There would be lower errors and omissions insurance. (AE)

We're doing too much permitting and code compliance. (AE)

One book. (AE)

Not having to buy so many code books – costs that get buried. (AE)

If you migrate too much to the state it's a problem. (CFO)

Establish a minimum code and then put the responsibility on the builder. This would mean all buildings are built to code, not just in those towns that have established a code. (CFO)

The premise is that you have to have a building block, you need a standard. (CFO)

The state has a building code and has adopted a life safety code, but they don't enforce it. (CFO)

Everyone should have the same code; all 430 towns in this state should have the same code to go by. That should be the minimum. (CFO)

I have a commercial laundromat going into this town with no codes. They don't have a ground fault on every washer, they could get electrocuted. (CFO)

I am required by law to be a building inspector – but there's no requirement about what I am to enforce other than sewer, electrical and plumbing. (CFO)

This could be fixed by fixing the so-called 'architects law' that requires technical submission according to square footage and fee. (CFO)

Give people notice that in three or four years we will all be using this playbook. Give them time to get up to speed. (BC)

It's Duh! (Unanimous support in the group for one building code) (BC)

I think this is population based. All towns should go to a specific code by a specific date. Portland needs to have a different code by a different date. (D)

I think it needs to be uniform whether you are in Harpswell or Portland. (D)

I disagree because of the enforcement part. IBC 2006 requires special inspections; a small town can't be burdened by all this paperwork. It would make it easier for development if we were on the same code. (D)

With one code you could have contractors licensed and they have to follow that code whether they were here or there. This takes the onus off the town and puts it on the contractor. (D)

I agree that there should be contractor licensing. (D)

Contractor licensing would make it easier to be sure smaller projects happen in places like Gardiner. (D)

If they said we would move to a state building code, I think this turns to a five. (D)

My blood boils with the elevator code. We should start there. (D)

I have to laugh. In my town we can't agree on zoning for a second bridge. I can imagine the talk – 'those city folks are coming to my town to tell me what to do?' It's not realistic. (D)

Idea: Allow amendments and updates to codes only through rulemaking that includes public input. Remove authority of towns or other bodies to amend codes.

Most participants recognized the need to adapt the standard ICC codes to fit with Maine's special situations or to fit the needs of specific communities. They also recognized the need to revise codes from time to time. However, most participants reacted very negatively to the idea of a rulemaking process with public input. Participants thought that building codes were a highly technical issue and the general public was ill equipped to provide useful and informed comments. They were concerned that these uninformed comments would be treated with the same weight as the comments from professionals. Some were also concerned that lobbyists would divert or side track the process to develop rules that reflected the needs of interest groups.

Conversely, participants were supportive of professionals leading any rule making or code revision process. Some participants thought that this was not an issue as adoption and revision should be handled at the local level.

Many participants thought that responsibility for adopting and revising a statewide standard code should be at the state level. Participants were divided about the wisdom of allowing local government decide which parts of a code to adopt or to customize the code to local needs and preferences. Some thought that only local government could choose the appropriate sections of a code for a community or what revisions were necessary. Others thought that allowing local selection and revision would lead to the myriad rules that exist today.

A code is a benchmark; this will allow erosion. If you have this big involved process, it will be short circuited. If you do this by public hearing and that's the only way it happens, I can get up a big enough constituency that says, 'I don't like firewalls so I don't want them and they cost too much.' If I get enough people to bang that drum, firewalls are out even though they are a great idea. (AE)

We assume that codes are based on technical knowledge and experience. The whole idea is that the building code is a model, a place to start. (AE)

It's not a democracy, it's technical and scientific. (AE)

Its not public input, its parties like us aboard that establish state standards. (AE)

I'm not sure what was meant by public input on amendments to codes. What public? (BC)

Why would you want public input? (BC)

I thought rulemaking would work if it follows the ICC way. All members vote on changing the code. (CFO)

I took public as meaning the mass public, but if it was professional input, that would be different. (BC)

I took the public input as every time a law is created you have to allow public input. (BC)

I worry about the professionalism of input. I've seen farmers do a lot of stuff and I wouldn't want their input to a code. (BC)

I like allowing amendments, but not by public input. (BC)

I think public input would be OK, but the weighting the input would vary. (BC)

Public input is just a bad idea. You end up with mom and pop arguing. You don't want public input. You need to leave it up to the professionals. (D)

I've gone and lobbied too many times to have any faith in that process. Who are the ten people in front of me? (D)

What needs to be refined is who is the public? (D)

The Mass code was designed by engineers and architects on a committee who assembled parts from different codes. They regularly amend it. That's an appropriate way to do this. (BC)

In Maine, rule making, special interest groups and lobbyists have the money to influence things. At ICC we listen to industry lobbyists but we are the ones who vote. (CFO)

But now you go back to the elevator code issue. (D)

The system is broken in the state currently, let's stay away from it. If you look at rulemaking as a whole, it's broken whether it's DHS, fire marshals, liquor. (CFO)

They put in the legal notices, have a public hearing and listen to only those who show up, make changes and then not tell anyone. (CFO)

I gave removing the authority to amend high marks. I would like to see authority to amend move up (to the state level). (AE)

I don't think local towns should be messing with codes. There ought to be a state overriding policy. (AE)

I disagree. Snow loadings, they are generalized. If you have one little town with lots of snow, the load criteria needs to be higher. (AE) (Note: the ICC building codes do identify different snow zones in Maine.)

If a decision is made higher, it doesn't mean it has to mean the same. (AE)

Shoreland zoning works this way. It's set by the state. They have the ability to be more strict but they can't be more relaxed. (AE)

There is the problem with what level it's enforced at. If you move it up the ladder, there's the opportunity for more qualified code development. (AE)

The whole object of the building code is to standardize it so everyone is on the same page, so if everyone is doing their own tweaking of it, we miss the point. (CFO)

We need to have the right to amend codes – there are things in the code, IBC that we don't want. (CFO)

We have a stamp that requires that we apply standards of care. (AE)

If they are adopting a new code, they should tell us what they are adopting and changing. They adopted the 2006 life safety code and they handed us a set of amendments. (CFO)

We had eight code officers in the Bangor area and we crawled through the IRC and we only made a dozen changes. (CFO)

We are having a conversation with the state electrical inspector talking about all the changes that they made in the code. In the same breath he was complaining about local code officials telling licensed electricians how to do their jobs. Changes were made through rulemaking but no one informs the towns. (CFO)

The code may say this but there may be parts that won't work here in this community. (BC)

You need to allow amendments. If you are going to make a uniform code, then you don't allow towns to amend codes. (BC)

I don't think you can allow towns to make amendments – in the small towns they don't know what they are doing. (BC)

Towns need to adapt their own codes. (D)

If you let this happen town by town, you end up with what you have now, this patchwork of codes. (D)

One town adopted an energy code, but it was a model with blanks. They adopted it and it was meaningless. It hadn't been adopted properly. (AE)

There's often a difference between what we say and what the state plumbing or electrical inspector says. Not so much with the fire marshal. But the state doesn't have any authority; they only license plumbers and electricians. We have the jurisdiction, we make the final decisions. (CFO)

I've never had a state inspector come in unless I've asked. (CFO)

We have the jurisdiction. The final say. (CFO)

Idea: Establish a state codes office that offers regular communication and outreach (and technical assistance?) for towns concerning building codes: a website, e-newsletter and hotline for code questions.

Most participants recognized the need for on-call technical assistance and outreach to address unusual, one of a kind code issues. Presently, the lack of technical resources is a significant problem.

However, there was opposition to the state undertaking this role and skepticism that the state would execute this role well. This is partly due to low expectations of state government and partly due to the nature of the technical knowledge. Most did not believe that competent technical staff could be found to fill this role.

Some participants advocated using existing resources at the ICC home office. Some already used these, literally going to those who “wrote the book.”

We need a coherent effort to promulgate a code and get sufficient training for local officials and for someone to call to assist the new guys. (CFO)

I think it belongs in the state. (AE)

A new code officer that doesn't have someone to call can call that state office. (CFO)

You need a clearing house where information is disseminated. And you need it accessible. Any time you get the state involved in trying to make something uniformly applied, it becomes a bureaucratic nightmare. (AE)

I have so many different business owners that ask me where to go for information. It would help; they just need someone for assistance. (D)

You need some place you can go to for an answer. I don't think that the state is a responsible entity. If you had an entity that is training the inspectors and giving the code advice, then I think that's fine. (D)

I know what's going to happen any time the state sets up an agency; it's going to cost us time or money. (CFO)

I don't like it. The state can give you wrong advice and they won't be liable for it. It's scary to have someone in Augusta that just knows what they read in a book. (D)

You can call up the fire marshal's office. A hot line sounds like someone sitting in front of a book. Building codes are too technical – it would take a task force. (D)

I have owners who listened to advice, bought a building and now they are screwed. They cannot financially afford to make changes to meet the new rules. (D)

It's nice to have something local; we don't get nuts and bolts support from ICC, we have to go a long way for training. How would the state create an entity to support us without charging us up the ying-yang? Sounds great but I don't know how this would work. (CFO)

If you are a member of IBC or BOCA, you can sign up and get technical advice from the home office. So you call down to Texas and you talk to Joe Shmo and he says, 'Yeah you have to follow this rule. I know all about this code; I helped write it.' Then you go to the local guy and he goes to enforce it and he doesn't think it's that. (AE)

I call for code interpretations all the time. (AE)

If I am member of BOCA or ICC, I can call them up anytime and as many times as I need to and talk to an expert. I doubt the state would have anyone as qualified. It costs just \$100 a year. (CFO)

Why reinvent the wheel? (AE)

Would you agree if those who did the code books did the training and they uniformly provide the technical assistance? Yes. (AE)

The beauty of this is that I can call someone from ICC and I can argue and I can make my case and I can fax back and forth. Tomorrow I'm not going to be dealing with someone who is holding a grudge for arguing. (AE)

You can argue. But it's not going to even matter if the fireman from Bridgton doesn't agree with him or understand what he is saying. (AE)

ICC gives you an answer in writing and if there is a legal issue you have their backing. (CFO)

If I had come into a recent argument with a piece of paper from someone who had written the code, I would have won. They would have felt more comfortable. (AE)

I've done a fair number of projects with the state. I regularly have more appreciation for how much those people have to do and in how little time. So I wonder about another office that is understaffed and under funded and can't do the job. So I think that using this network that is already set up – ICC makes sense. (AE)

If the code officials like the ICC then the same ICC hotline should be available to everyone. (BC)

A young inspector needs help. You are not going to get that from the office out of state. (CFO)

If you could get the ICC office in Maine, you'd be in favor of that. (CFO)

If you used ICC advice, would the state fire marshal buy in and go with this? (D)

Even with ICC advice, you still have local code people interpreting the code. (D)

I thought of a great analogy for IBC and NFPA - Beta and VHS. (AE)

Idea: Offer training programs for building codes (IBC, IEBC).

For almost all, more readily available and more consistent training was a given. Use of a single building code statewide would permit this.

My concern is who is offering the program? (AE)

For example, The Maine Building Code Officials have a training session coming up in a couple weeks. In Mass it is run by ICC. (AE)

There's lots of training out there, I want relevant training. Is it going to be mandatory? (AE)

After a certain time period a code officer must be certified. (AE)

It's a must have. (BC)

Idea: Combine all code officer training programs under one roof.

While many thought that one government agency should have responsibility for seeing that training was available, most thought that existing entities could provide the training and existing associations (building code officials, for example) could be the conduit for the training. Some took the term "under one roof" literally and thought it meant in one place and by one organization. This was thought to be much too restrictive.

In theory it sounds great, but there are many codes besides the building code. You have many code official groups and each has their own organization. But if we have this, they should all be under one roof and that roof is ICC. (AE)

We are too big a state for one roof. (AE)

We're already there, the SPO does this. Training and certification. (CFO)

If we have a law or rule, your town may not provide you with the funds to go to a two day course on ICC. (CFO)

I assume you mean in Augusta. (BC)

I ask who the training is for. (BC)

I think there should be some training but I don't know where it should be. (BC)

I thought this means that the fire official's office, the handicapped people and the building code people would all get the same training and be saying the same thing. I thought this meant they would all be talking in one room. (BC)

If you do have training, it's the one roof thing. Ok if you had it in different places and it should be available to contractors. (BC)

Idea: Fund state codes office, rulemaking and training by a surcharge on construction permits.

While some saw the need for some funding to address the costs of technical support and training, there was almost no support for a surcharge on construction permits. Permit fees were already seen as being high and many thought that these fees were sufficient to support increased training and support. Many reacted instinctively and negatively to a possible increase in fees to go to state government.

Construction payments already have a lot of surcharges. If it's a good idea, let the legislature stand behind it, promote it and get it passed. (AE)

It's benefiting everyone. So it should be spread more evenly. (AE)

This would be a cowardly tax. (AE)

We are already paying for training in the building permit fees, what are the towns doing with that money? (AE)

Some towns it's \$5000 for impact fees. There's already a lot of money being charged by this. (AE)

This works really well in plumbing (sarcasm). (CFO)

I'm a believer that we need to move forward. When we tried to get contractor licensing through, we were told that we needed a building code. If we need fees then we need them. (CFO)

As a Mainer, I'm cheap, we have enough fees. (CFO)

I just think that of the perception the state is asking for more money. (BC)

Just another fee. We're lowering taxes and increasing fees. (BC)

If it's a code enforcement official that's being trained, why isn't the town paying for that? (BC)

It's just another fee tacked on. The state has too much money. (D)

It just another way for Augusta to make money that they waste. (D)

I think the money from the contractor licensing fee should go to this. (D)

Here we go again, just another way for the state to get money. (D)

Idea: Establish an option that allows a Code Enforcement Officer to issue a permit based on a review by a Professional Engineer (PE).

Participants were split on this idea. Code officials liked the idea as it put more of the responsibility for code compliance on the architects, engineers and designers. Interestingly, engineers did not favor the idea, believing that it was shifting liability to them.

Many thought that this was a good idea; a professional stamp should mean that the construction will be to code. However, it was not clear how often this provision would be used or what problem it solved.

I'm a professional engineer. I wouldn't touch that, too much liability. We don't have the shield that a public official has. I don't want to have to pay what doctors pay for insurance. (AE)

We can do that now. (CFO)

If you have BOCA code, you have the right to ask for a professional engineer to review something. (CFO)

The code part is the architect. Maybe the design professional can certify. (CFO)

We run into this with officials reviewing plans. They look at it and say, 'That's great. Get it stamped by an engineer and you're good to go.' (BC)

They pass the buck. They review the plans and issue a permit. (BC)

A professional engineer might be too specific. A design official would be better. (BC)

I am not sure I understand this as I don't know what it would solve. (D)

Sound like a good idea, truncates the process. (D)

Any building should have an engineer's stamp on it if it has any structural work on it. It has to happen. Mandatory. (D)

Yes, if it's stamped it should fly. If it's structural it must be stamped. (D)

Idea: Establish an appeals process for code disputes.

An appeals process sounded good to many participants. As it is now, they perceive there is no recourse should an official interpret a code in a way that they believe is wrong. However, support for this idea was at best, limited.

The perceived authority of local code officials seems to serve the system well. Since local officials have the final word, builders and designers are proactive in asking questions and bringing potential issues to the attention of code officials. As a practical matter, most issues appear to be resolved in a give and take manner.

Builders and designers are likely only to use an appeals process as a last resort and for only the most substantial issues. For them, time is of the essence and it is often cheaper to compromise or give in than it is to have a project held up in debate or in this case, an appeal. Builders and designers are also wary of addressing issues in a formal and adversarial process. They believe that code officials can get even by delaying other permits or by being extraordinarily fussy on other code compliance issues.

I'm not aware of an appeals process. The state fire marshal rules and there is no way to get around that. (AE)

ADA comes out of the Department of Justice. In most cases the state fire marshal may interpret it more strictly. (AE)

I have had decisions not go my way and I have had to work around this. I need to keep things going. I can't sue a lengthy appeals process. If there was a process that was quick, that would work. (AE)

The quickness of it is the problem. (AE)

There is a process for appeals in the ICC. The problem still is time. (AE)

Zoning has an appeals process and both codes and zoning would benefit from a similar logic. (AE)

I'd support this if this is local. (CFO)

BOCA calls for this and we have it now. (CFO)

On the state level though, you could get professionals to do the review. (CFO)

We have qualified engineers and surveyors on our planning board and the board has the responsibility for mediating disputes. (CFO)

The state could help by having qualified people available. (CFO)

I think the state should be out of our pocket. (CFO)

You need an avenue for grievance. (BC)

I know that in situations we took the expensive route because we chose not to piss off the code enforcement official. (BC)

This doesn't really register because it doesn't exist now. If you have code issues, you just do what you are told. If it's an expensive fix, I might choose to appeal it. (BC)

This might mean that those interpreting codes do a little more homework. (BC)

We don't want to piss off a code official we have to work with again. (BC)

Aren't you already dead if you have to go to an appeal? Your project is slowed down and dead in the water. (D)

I've asked for decisions prior to starting. You have to know there is an issue. If you are in a rough-in stage, maybe you wouldn't wait. It goes back to different people looking for different things. (D)

I had one inspector that would only look down, not up. (D)

You have to catch it in time. (D)

You have to decide whether to fight it or just move on and if you fight it, you know there will be 15 other things that are wrong. Their feathers will get ruffled. (D)

Practically we would avoid appeals. (D)

Idea: Establish state Construction Permitting Officers (or ombudsmen) who can coordinate and facilitate permitting for projects above a certain size (example: projects over 15 acres in size or more than 10 unit subdivisions). (Permitting includes all kinds of permits—fire, DEP, plumbing, building, etc.).

While this sounded like a good idea, many were skeptical that such an approach would be timely. From experience, participants expected that staffing would be limited and therefore turn around, slow.

I'm from NYC and to get a permit you hire a consultant. What I like about Maine is that I can sit down at the fire marshal's office and I can meet with these people one on one. If the decision doesn't go my way, that's OK, it's direct. Communication is hard enough, we don't need another layer. (AE)

A state construction permitting office, I don't think we need to establish another state office. (BC)

I went to a seminar about vernal pools. This will have a major impact on the properties that are buildable. LURC, DEP, IF&W, all of those people interpret the zone differently. How is this going to be resolved in a timely manner? (AE)

There are other venues, you engage in more professionals. (BC)

I'm not sure how much code officials actually look at plans. It's not comprehensive. In the big projects there are design professionals involved and that review code. (BC)

There's life safety review. (BC)

This would be nice. I have this big project and I go to one place. (BC)

If it said there would be a code review in 5 or 10 days, that would be great. (BC)

Turn around time is awful if you just leave things. (BC)

How do you fund this? I'm not in favor of them taking a quarter of my building permits. (CFO)

The big box stores sell stuff that don't meet code. S traps haven't been allowed in years, yet every plumbing store sells one. (CFO)

Idea: Allow developers to opt for a state inspection instead of local inspection for rehabilitation projects - buildings over 75 years old.

Since many participants believed that local governments were the final authority, they had difficulty understanding how this would work. Would the state trump this local authority? Or would the review be merely advisory?

Since the current process of implementing codes on older buildings was informal but working, there did not appear to be an advantage to such a system. Those that thought that code enforcement making rehabilitation or reuse of older buildings impossible did not see how this would improve the situation.

Some were concerned that such an authority would take the perspective of builders and developers and allow codes to be ignored.

The issue with these historic structures is that you have to bastardize them because you have a marble staircase and you smash it up to put up a steel and concrete staircase that meets code. But that's the code. (AE)

NJ has a code for historic structures so that they don't have to rise to current codes. (AE)

The state fire marshal's code has rules for new and existing structures while IBC has not. At least that's what I thought. (AE)

ICC has a rehab code – it may not have been adopted but it's there. (AE)

There needs to be a difference for historic properties. (AE)

This comes up in historic downtowns where you are trying to get people to live in the upper floors but they can't meet code. They can't meet requirements for elevators. (AE)

I read it that someone with better training in a decision-making position and a broader perspective would, rather than someone with less training and a narrower view in rehabilitation. (AE)

A specialist, someone to go to do the dance. You can't always get this to work at the local level. (AE)

The greater Portland area is relatively consistent. When you get into the hinterlands, that is where the patchwork quilt comes into effect. (AE)

Too many fire chiefs are becoming code officials and they are not trained for this. (AE)

If you have someone who can advise, that's great, but they shouldn't be the authority with jurisdiction. (CFO)

If this law got passed tomorrow this would get passed on to the fire marshal's office and guess what, all of a sudden they know everything on the building code. (CFO)

We interpret, we stretch the interpretation. (CFO)

It's get back to adopt a code and then train everyone. (CFO)

If you are talking about rehab of an old structure, you need to use a code for existing buildings with points and trade offs. If you can't muster there, you probably shouldn't be building it. (CFO)

Politically, you would be looking to a group that wants to give away the farm. Sometimes it would be nice to have someone else make the decision. (CFO)

This is like to girl with the curl. If it's good, it's good, if it's bad, it's awful. (BC)

Again, if you are having a problem with a local official, they have an office with the expertise. They have great ideas to get buildings to fit. They need to look at what these buildings are being used for. If it's a small museum, you can take. (BC)

This occurs right now. If a building is on the historic register I go to Earl's office and I say I really don't think they have this one right and ask him to check in on it. Without this it would drive us nuts. (BC)

Once we were asked to put panic bars on all the doors. We offered to make sure all doors were open when the building was occupied – he said OK. It's a summer house museum. They just train the staff. (BC)

I am not sure I want a developer choosing what happens in our historic buildings. (BC)

My biggest concern is structural techniques that are required now, but it was done in the past differently. (BC)

We converted an old house; the spans were insufficient to carry file cabinets and we had to improve the floor. We were allowed to add plywood to the floor without impacting the plaster. (BC)

It's like once you have your favorite state building inspector you can get anything approved. (D)

In conjunction with a rehab code with appropriate trade offs. (D)

State inspection by who? If it's the state fire marshal then no. I think it should be over 50 years, that's historic preservation. (D)

I'd rather go with my local guy. (D)

Suppose the Maine Historic Preservation Commission hired engineers - that still might not work. (D)

If you are going to group a bunch of buildings, you don't want to play favorites. (D)

You don't want to pass something that shouldn't be passed. (D)

Appendix 1. Moderator's Guide

Introduction

Hello everyone! Welcome, to Market Decisions, it's a pleasure to have you all here. My name is Curt Mildner and I will be the moderator for tonight's focus group discussion and we're going to be talking building codes.

Let's talk a little bit about focus groups. Focus groups are simply group discussions about a product, a service, or a program. You probably have participated in other types of research, such as mail surveys and phone surveys, but clients like focus groups because they allow us to hear directly from people like you about their opinions, attitudes, and beliefs.

Focus groups work best when you do the talking. Our client really doesn't want to hear what I have to say. I'm here to pose questions, to keep us on track, and to make sure that we hear from everyone.

I find that in group discussions, when one person speaks others are reminded of things they want to say – to add to the train of thought or to express another point of view. That's great; your job is to speak your mind. And we do want to hear from you especially if your ideas are different.

We don't expect that you'll all agree with one another and we do not need to come to a consensus on any topic. There are no right or wrong answers, we want to hear all your thoughts and opinions.

This room has been set up especially for market research groups like this one.

I'd like you to notice the microphones. We'll be audio taping and videotaping this group.

We do this so that I can review your remarks before I write my report and so that I don't have to try to write everything down while we're speaking together. I need to be engaged in the conversation and it is hard to follow what people say if I'm writing down everything you say, so the videos are basically for note-taking purposes.

But please, do not worry; none of you will be on the 11 o'clock news or on candid camera as a result of participating in this group. These tapes will be used for research purposes only. Also, behind me is a mirror through which people can observe groups like this one. We do have some observers tonight, and they are here because they're interested in your ideas and opinions.

To allow conversation to flow more smoothly, I'm going to offer the following ground rules so that we can all be moving in the same direction.

- 1.) Please speak one at a time and in a voice as loud as mine.
- 2.) This session is being taped so that I can write an accurate report, not of who said what, but of what got said. None of your names will be used in this report.

- 3.) I need to hear from everyone during the course of tonight's discussion, especially if you have a different point of view, but you do not have to answer every question that I ask.
- 4.) I may need to cut you off at some point to move onto a new topic because we do have a lot to cover tonight. I want to apologize in advance for this.
- 5.) You do not need to address all your comments to me to get them on the table. You can respond directly to what someone says, and I encourage you to respond to each other's comments, but please avoid having side conversations with your neighbors.
- 6.) There are no wrong answers in market research, just different opinions. We are looking for different points of view. Say what is true for you, even if you are the only one who feels that way. Don't let the group sway you and don't sell out to a strong talker or to group opinion.
- 7.) We will be observing the no smoking rule tonight.

Experience with Codes

You all have experience with building and related codes as part of your line of work. That professional experience is what I would like to focus on tonight.

Lets start by hearing about your involvement with building and related codes – how do building and related codes relate to your work?

Working and Not

Let's spend some time talking about what is working and what is not working with respect to building and related codes.

First, what is working well with respect to building and related codes?

What about them is not working well?

PROBE

- What about towns next to each other using a different code? How does that affect you?
- What about different authorities having overlapping jurisdiction? State Fire Marshal vs. local fire chief.
- What about enforcement inconsistencies in applications for the same code – different code officers with different interpretations or the same code officer offering different interpretations?

PROBE: What might be done to address the situation?

Mandatory Codes

As you know, most communities have building codes – but some do not.

Should every town have a building code?

What reasons do you say this?

Renovations

What about renovations or rehabilitations for older buildings. What experience have you had with codes in this situation?

PROBE: Is the problem a matter of:

- Enforcement - do you think it's inappropriate, too strict, inflexible?
- Is the problem the codes or the interpretation of the codes?
- Is the problem inappropriate standards--applying standards for new buildings to old buildings?

PROBE: What might be done to address these situations?

Conflicts Between Codes

What about any conflicts between codes or codes jurisdictions? What conflicts have you come across?

PROBE: What might be done to address the situation?

Uniform Building Code

Has anyone heard of a report by the Bookings Institute? If yes, what have you heard?

The report recommended that Maine “Achieve code uniformity in the near future.”

What does “code uniformity” mean?

OK, assume it means that everyone uses the same building code.

What advantages do you see for this proposal? LIST ON CHART

And disadvantages? LIST ON CHART

PROBE: Look for the following reasons:

- public safety
- consumer protection (from fraud or shoddy work)

- to stimulate investment
- to provide a standard to reduce hassle or uncertainty for builders/developers
- to make enforcement more uniform, fairer

Ideas to Improve Codes

Now I am going to pass out a sheet with some ideas on improving codes. Please read each one and rate it on a scale of 1-5 where 5 indicates an great idea and 1 indicates a terrible idea. If there are phrases or words that are unclear in their meaning, circle them.

PASS OUT SHEETS

OK, let's start with #1. Anyone rate this a 4 or 5? What was your thinking? Anyone rate this a 1 or 2? What was your thinking?

REPEAT FOR ALL TEN QUESTIONS.

Are there any ideas that you would like to add to this list? Take a minute to write this on the end or the back of the sheet.

OK, what did you write?

Wrap

The Maine State Planning Office and other state agencies have been charged by the Legislature with reviewing issues related to building codes, and this series of focus groups is part of the process they are using to listen to what constituents have to say.

We are at an end, but I'd like to close with a final question. Is there any advice you would like to pass on to the SPO on this matter?

Appendix 2. Screener

SPO BUILDING CODES SCREENER

Name:	_____
Company:	_____
Address:	_____ _____
Phone #:	_____
Date/Recruiter:	_____

Time of Groups:

- GR. 1 = 5:30 – 7:30pm – Wednesday, 9/26/07 (Architects/Engineers)
- GR. 2 = 7:30 – 9:30pm – Wednesday, 9/26/07 (Code Enforcement Officials/Fire Dep't Officials)
- GR. 3 = 5:30 – 7:30pm – Thursday, 9/27/07 (Builders/Contractors)
- GR. 4 = 7:30 – 9:30pm – Thursday, 9/27/07 (Developers/Lenders/Insurance Agents)

ASK FOR PERSON ON LIST - IF NO NAME:

Architects/Engineers/Builders/Contractors – ask for person in the office who deals with code issues

CEOs/Fire Dep't/Developers/Lenders/Insurance – ask for person who manages construction related projects

Hello, this is _____ from Market Decisions, a professional research firm in Portland and I am calling on behalf of the Maine State Planning Office.

We are conducting a research project with professionals in the building industry about their experiences with building codes. Do you have minute to answer three or four questions?

IF ASKED, HOW DID YOU GET MY NAME?, SAY: The Maine State Planning Office assembled a list of professionals from public sources such as association lists that they believed would have important opinions to share about building codes. We are calling from that list.

RECORD GENDER – BY OBSERVATION ONLY

MALE	<input type="checkbox"/>	RECRUIT 6
FEMALE	<input type="checkbox"/>	RECRUIT 6

1) Do you currently work as...? (READ RESPONSES)

An architect or engineer involved in residential or commercial building design or rehabilitation	<input type="checkbox"/>	GROUP 1
A code enforcement official	<input type="checkbox"/>	GROUP 2
An official in a fire department (RECRUIT 4+)	<input type="checkbox"/>	
A builder or contractor involved in residential or commercial construction	<input type="checkbox"/>	GROUP 3
A developer involved in residential or commercial projects (RECRUIT 6)	<input type="checkbox"/>	GROUP 4
A banker engaged in lending for new commercial or residential construction (RECRUIT 3)	<input type="checkbox"/>	
An insurance agent involved in insuring commercial or residential construction (RECRUIT 3)	<input type="checkbox"/>	
DK/REF	<input type="checkbox"/>	THANK + TERMINATE

2) About how many years have you been working as a/an _____ (INSERT PROFESSION)

_____ IF LESS THAN 3 YEARS, **THANK AND TERMINATE**

3) How knowledgeable would you say you are about building codes? (READ RESPONSES)

Very knowledgeable	<input type="checkbox"/>	THANK & TERMINATE
Somewhat knowledgeable	<input type="checkbox"/>	
Not very knowledgeable	<input type="checkbox"/>	
Not at all knowledgeable	<input type="checkbox"/>	
DK/REF	<input type="checkbox"/>	

4) How important are building codes in the conduct of your work? (READ RESPONSES)

Very important	<input type="checkbox"/>	THANK & TERMINATE
Somewhat important	<input type="checkbox"/>	
Not very important	<input type="checkbox"/>	
Not at all important	<input type="checkbox"/>	
DK/REF	<input type="checkbox"/>	

INVITATION

[IF MEET QUALIFICATIONS, CONTINUE]

Thank you very much - on behalf of the Maine State Planning Office, I would like to invite you to participate in a focus group on building codes. Information from these groups will be used to provide advice to the state legislature on changes that might be made to building codes and their administration. Comments shared in focus groups are anonymous and only general comments and ideas, not the name of the person that shared them, will be reported.

There will be 8-10 other people like yourself attending the group and no preparation is required – we just want to hear your opinions. A professional moderator will lead the discussion and there will be no sales effort involved in any way.

**** IF THEY WANT TO KNOW WHO IS SPONSORING THE FOCUS GROUP:**

The Maine State Planning Office is sponsoring this research.

The focus group will last for 2 hours and will be held at the Market Decisions research facility, which is located at 75 Washington Ave in Portland – in the old Nissen Bakery Building. You will receive a gift certificate for \$25 as a token of our appreciation. Light refreshments will also be served. The discussion will be audio and videotaped – but this is just for research purposes and will only be used by the research team.

For _____ (READ OCCUPATION MENTIONED IN BEGINNING), we are having a focus group from _____ on _____:

<input type="checkbox"/> GR. 1	Architects and Engineers	5:30 – 7:30pm – Wed. 9/26/07
<input type="checkbox"/> GR. 2	Code Enforcement Officials and Fire Dep't Officials	7:30 – 9:30pm – Wed. 9/26/07
<input type="checkbox"/> GR. 3	Builders and Contractors	5:30 – 7:30pm – Thurs. 9/27/07
<input type="checkbox"/> GR. 4	Developers, Lenders and Insurance Agents	7:30 – 9:30pm – Thurs. 9/27/07

IF A PARTICIPANT OBJECTS TO DISTANCE AND IS MORE THAN ONE HOUR FROM PORTLAND, SAY: The Maine State Planning Office can arrange and pay for a motel room for you.

Will you be able to take part in this research discussion?

- NO – Not available
- NO – Not interested
- YES – **READ BELOW**

As these are small groups and with even one person missing, the overall success of the group may be affected, I would ask that once you have decided to attend that you make every effort. If for any reason you are unable to attend, please give us a call. This will enable us to find a replacement. You can contact Jen MacBride at 1-800-293-1538 extension 100.

Please arrive 15 minutes early so that we can sign you in and so you can enjoy some food. So we can send you a confirmation letter and directions to Market Decisions, may I please get your name and address? **RECORD ON FRONT PAGE – MAKE NOTE IF SENDING TO HOME OR BUSINESS ADDRESS.**

We look forward to you participation. Again my name is _____. Thank you for your time, Good night.

Appendix 3. Participant Exercise Sheet & Tallies

Ideas to Improve Codes

Your name: _____

Rate each idea from 1 to 5, where 5 is a great idea and 1 is terrible idea. Put the number in empty column. Circle words or phrases that you have questions on.

1)		Require that all jurisdictions that have a building code migrate to the state building code by a specific date.
2)		Allow amendments and updates to codes only through rulemaking that includes public input. Remove authority of towns or other bodies to amend codes.
3)		Establish a state codes office that offers regular communication and outreach (and technical assistance?) for towns concerning building codes: a website, e-newsletter and hotline for code questions.
4)		Offer training programs for building codes (IBC, IEBC)
5)		Combine all code officer training programs under one roof.
6)		Fund state codes office, rulemaking and training by a surcharge on construction permits
7)		Establish an option that allows a Code Enforcement Officer to issue a permit based on a review by a Professional Engineer (PE)
8)		Establish an appeals process for code disputes.
9)		Establish state Construction Permitting Officers (or ombudsmen) who can coordinate and facilitate permitting for projects above a certain size (example: projects over 15 acres in size or more than 10 unit subdivisions). (Permitting includes all kinds of permits—fire, DEP, plumbing, building, etc.)
10)		Allow developers to opt for a state inspection instead of local inspection for rehabilitation projects - buildings over 75 years old.

Group 1 - Architects & Engineers

Rate each idea from 1 to 5, where 5 is a great idea and 1 is a terrible idea.

Average Rating										
5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	1) Require that all jurisdictions that have a building code migrate to the state building code by a specific date
2.7	2.0	4.0	2.0	1.0	3.0	5.0	3.0	1.0	3.0	2) Allow amendments and updates to codes only through rule-making that includes public input. Remove authority of towns or other bodies to amend codes.
4.8	5.0	5.0	5.0	3.0	5.0	5.0	5.0	5.0	5.0	3) Establish a state codes office that offers regular communication and outreach (and technical assistance?) for towns concerning building codes: a website, e-newsletter and hotline for code questions.
4.8	5.0	5.0	5.0	3.0	5.0	5.0	5.0	5.0	5.0	4) Offer training programs for building codes (IBC, IEBC)
4.9	5.0	5.0	5.0	5.0	4.0	5.0	5.0	5.0	5.0	5) Combine all code officer training programs under one roof.
2.4	3.0	3.0	0.0	2.0	3.0	1.0	5.0	3.0	2.0	6) Fund state codes office, rulemaking and training by a surcharge on construction permits.
2.4	1.0	2.0	1.0	4.0	5.0	1.0	5.0	2.0	1.0	7) Establish an option that allows a Code Enforcement Officer to issue a permit based on a review by a Professional Engineer (PE)
3.8	5.0	4.0	3.0	4.0	3.0	0.0	5.0	5.0	5.0	8) Establish an appeals process for code disputes.
3.4	5.0	4.0	2.0	2.0	5.0	1.0	5.0	4.0	3.0	9) Establish state Construction Permitting Officers (or ombudsmen) who can coordinate and facilitate permitting for projects above a certain size (example: projects over 15 acres in size or more than 10 unit subdivisions). (Permitting includes all kinds of permits - fire, DEP, plumbing, building, etc.)
2.7	5.0	4.0	5.0	2.0	2.0	0.0	5.0	1.0	0.0	10) Allow developers to opt for a state inspection instead of local inspection for rehabilitation projects - buildings over 75 years old

Group 2 - CEO & Fire Department Officials

Rate each idea from 1 to 5, where 5 is a great idea and 1 is a terrible idea.

Average Rating													Idea
3.5	5.0	4.0	5.0	3.0	3.0	4.0	2.0	4.0	4.0	2.0	5.0	1.0	1) Require that all jurisdictions that have a building code migrate to the state building code by a specific date
1.8	1.0	4.0	1.0	2.0	1.0	1.0	2.0	4.0	1.0	1.0	2.0	1.0	2) Allow amendments and updates to codes only through rule-making that includes public input. Remove authority of towns or other bodies to amend codes.
3.3	3.0	5.0	5.0	2.0	3.0	3.0	2.0	5.0	3.0	2.0	5.0	1.0	3) Establish a state codes office that offers regular communication and outreach (and technical assistance?) for towns concerning building codes: a website, e-newsletter and hotline for code questions.
4.8	5.0	5.0	5.0	5.0	5.0	5.0	4.0	5.0	5.0	4.0	5.0	5.0	4) Offer training programs for building codes (IBC, IEBC)
2.3	5.0	4.0	3.0	5.0	0.0	0.0	4.0	0.0	3.0	0.0	3.0		5) Combine all code officer training programs under one roof.
2.1	1.0	1.0	4.0	1.0	4.0	1.0	4.0	2.0	1.0	3.0	2.0	1.0	6) Fund state codes office, rulemaking and training by a surcharge on construction permits.
4.1	2.0	5.0	2.0	5.0	4.0	5.0	4.0	4.0	3.0	5.0	5.0	5.0	7) Establish an option that allows a Code Enforcement Officer to issue a permit based on a review by a Professional Engineer (PE)
3.6	1.0	5.0	5.0	5.0	3.0	4.0	4.0	5.0	3.0	0.0	3.0	5.0	8) Establish an appeals process for code disputes.
1.3	1.0	3.0	1.0	2.0	2.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	9) Establish state Construction Permitting Officers (or ombudsmen) who can coordinate and facilitate permitting for projects above a certain size (example: projects over 15 acres in size or more than 10 unit subdivisions). (Permitting includes all kinds of permits - fire, DEP, plumbing, building, etc.)
1.4	1.0	3.0	1.0	2.0	1.0	1.0	2.0	2.0	1.0	1.0	1.0	1.0	10) Allow developers to opt for a state inspection instead of local inspection for rehabilitation projects - buildings over 75 years old

Group 3 - Builders & Contractors

Rate each idea from 1 to 5, where 5 is a great idea and 1 is a terrible idea.

Average Rating									Idea
4.6	5.0	3.0	5.0	5.0	5.0	4.0	5.0	5.0	1) Require that all jurisdictions that have a building code migrate to the state building code by a specific date
3.5	5.0	2.0	2.0	3.0	5.0	5.0	3.0	3.0	2) Allow amendments and updates to codes only through rule-making that includes public input. Remove authority of towns or other bodies to amend codes.
4.5	5.0	5.0	4.0	4.0	5.0	5.0	4.0	4.0	3) Establish a state codes office that offers regular communication and outreach (and technical assistance?) for towns concerning building codes: a website, e-newsletter and hotline for code questions.
4.9	5.0	5.0	5.0	5.0	5.0	5.0	4.0	5.0	4) Offer training programs for building codes (IBC, IEBC)
4.4	5.0	4.0	5.0	4.0	3.0	4.0	5.0	5.0	5) Combine all code officer training programs under one roof.
2.8	1.0	4.0	1.0	3.0	5.0	3.0	3.0	2.0	6) Fund state codes office, rulemaking and training by a surcharge on construction permits.
4.0	5.0	5.0	3.0	3.0	5.0	4.0	3.0	4.0	7) Establish an option that allows a Code Enforcement Officer to issue a permit based on a review by a Professional Engineer (PE)
4.5	5.0	5.0	4.0	3.0	5.0	5.0	5.0	4.0	8) Establish an appeals process for code disputes.
3.3	5.0	3.0	1.0	3.0	5.0	3.0	1.0	5.0	9) Establish state Construction Permitting Officers (or ombudsmen) who can coordinate and facilitate permitting for projects above a certain size (example: projects over 15 acres in size or more than 10 unit subdivisions). (Permitting includes all kinds of permits - fire, DEP, plumbing, building, etc.)
2.9	4.0	2.0	1.0	3.0	5.0	5.0		3.0	10) Allow developers to opt for a state inspection instead of local inspection for rehabilitation projects - buildings over 75 years old

Group 4 - Developers, Lenders & Insurance Agents

Rate each idea from 1 to 5, where 5 is a great idea and 1 is a terrible idea.

Average Rating					Idea
2.8	3.0	5.0	3.0		1) Require that all jurisdictions that have a building code migrate to the state building code by a specific date
2.5	1.0	4.0	3.0	2.0	2) Allow amendments and updates to codes only through rule-making that includes public input. Remove authority of towns or other bodies to amend codes.
2.5	1.0	4.0	5.0		3) Establish a state codes office that offers regular communication and outreach (and technical assistance?) for towns concerning building codes: a website, e-newsletter and hotline for code questions.
3.3	4.0	4.0	5.0		4) Offer training programs for building codes (IBC, IEBC)
3.5	5.0	4.0	5.0		5) Combine all code officer training programs under one roof.
3.0	4.0	3.0	3.0	2.0	6) Fund state codes office, rulemaking and training by a surcharge on construction permits.
2.3	5.0	2.0	2.0		7) Establish an option that allows a Code Enforcement Officer to issue a permit based on a review by a Professional Engineer (PE)
3.3	5.0	3.0	5.0		8) Establish an appeals process for code disputes.
2.8	4.0	4.0	3.0		9) Establish state Construction Permitting Officers (or ombudsmen) who can coordinate and facilitate permitting for projects above a certain size (example: projects over 15 acres in size or more than 10 unit subdivisions). (Permitting includes all kinds of permits - fire, DEP, plumbing, building, etc.)
1.8	3.0	1.0	3.0		10) Allow developers to opt for a state inspection instead of local inspection for rehabilitation projects - buildings over 75 years old

* 1 Respondent is missing