

Comments made to Resolve 46 Committee on Draft Report to the Legislature

The Maine Building Officials and Inspectors Association (MBOIA) would like to take this opportunity to thank the Resolve 46 Committee for its work in developing the recommendations found in its draft report to the Legislature. We believe its guiding principals have always been to do what is best for the citizens of the State and to assist in moving its economy forward. We agree with most of its major findings but disagree on many of the recommendations contained in this report. We offer the following comments for entry into the record:

- **Adoption of a Statewide Uniform Building Code:**

MBOIA supports the adoption of a mandatory Statewide Building Code with procedures to amend and revise the edition of the code adopted.

MBOIA opposes the shifting of all commercial building plan review and permitting to the State Fire Marshall's Office. Although this office currently performs plan review and permitting on a certain group of commercial projects, we believe that the draft represents an expansion and shifting of responsibilities to the State that are not justified by the focus group discussions. We believe that the shifting of all commercial permitting to the state will result in:

1. A longer waiting period for permits based on the current workload and staffing of the State Fire Marshall's Office.
2. Fewer inspections performed on commercial projects. If the permitting authority is the State, few if any local code officials will take responsibility for inspecting these projects. Based on the current financial state of the State, it is highly unlikely that new personnel will be hired to complete the required inspections. The result will be a reduction in public safety.
3. A significant loss of permit fees to municipalities. Commercial building permit fees represent a significant revenue source to local communities and help support and staff a viable Code Enforcement Department. With the loss of these fees, local inspection staffing could, and most likely will be cut. This will again result in a reduction in public safety.
4. Even if local communities obtain delegated authority, it is unclear if the State Fire Marshall's Office is willing to cede all of its review and permitting authority to these communities. If it is not willing to do so, then delegated authority is meaningless.
5. It is questionable that communities with no code enforcement department will have the ability to advise those undertaking any commercial project in those communities that a state permit is required. Who will know?

- **Training and Certification of local Code Enforcement Officers:**

MBOIA continues to support training and certification of code officials Statewide. We do, however take issue with the following proposals found in the draft report:

1. Currently, there exists Code Enforcement Officer Training and Certification Program located in the State Planning Office. This program and the underlying statute that enables it, require that Code Enforcement Officers be trained and certified in all areas of their job responsibility. Code Enforcement Officers that were employed at the time the statute was

enacted were “grandfathered” and not required to pass a certification test. They were, however required to be recertified every 5 years by either taking a new test or by attendance in training and certification seminars put on by the SPO or an approved outside training agency. We support this process and would recommend that any building code training required under this draft fall under the current building standards certification. We oppose any effort to remove certification of those holding a valid building standards certification through the requirement of a new testing requirement. We also oppose establishing a new category of job responsibility that would, in turn, require an additional 12 hours of training for recertification.

2. If delegated authority becomes a reality, we believe any training and certification required to obtain such authority must be fully funded by the State. In addition, any certification(s) required by the State in order to obtain delegated authority must also be required of any State official who hold the same authority to perform plans review, inspections and permitting.

- **Technical Building Code Board:**

MBOIA supports the establishment of a Technical Building Code Board for the purposes of establishing standards and code adoption. We believe an important task of this board will involve the coordination and meshing of the building and energy codes with the existing fire and construction codes to form a single consistent set of codes. We oppose the effort to make this a general appeals board for the following reason:

1. Any appeals to a Code Officials determination or interpretation of code provisions are currently done at the local level where meetings can be set up in a timely fashion and at a reasonable cost. Builders, residents and parties-in-interest who wish to attend these hearings can do so in relative ease. If this authority is shifted to a State board, meetings and hearings would shift to a central location, possibly Augusta. This would result in more time and expense for travel, delay since it is highly unlikely that a volunteer board would meet more than once a month to consider its agenda. Delays such as this are very costly to builders and developers.
2. We oppose the ability of this group to propose and/or adopt major sustentative changes to the model codes as they are written.
3. We also oppose the concept of the Commissioner of Public Safety or his/her designee acting as chair of this group by default. We believe the group should have the ability and authority to elect a chair from their own members.

- **Builders and contractors become responsible to build to model codes.**

MBOIA has long supported some type of contractor accountability through licensing, registration, bond or some other type of financial leverage. We believe contractor education in code requirements is essential and is sought after by legitimate and reputable builders. We view the draft report on this aspect as sorely lacking in detail and scope.