

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 639

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE FOR CERTAIN HEAT DETECTION DEVICES AND TO CLARIFY A TERM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

(a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;

(b) Idaho residential code, parts I-III and IX; and

(c) 2018 Idaho energy conservation code, pursuant to chapter 97, title 39, Idaho Code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code. Local jurisdictions shall not adopt provisions, chapters, sections or parts of subsequent versions of the International Residential Code or residential provisions of the International Energy Conservation Code, or subsequent versions in their entirety, that have not been adopted by the Idaho building code board except as provided in subsection (4) of this section.

(3) (a) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code and the Idaho residential code that require such dwellings to have automatic fire sprinkler systems installed. However, for this exemption to apply to any single

1 family home or multiple family dwelling up to two (2) units for which a
2 building permit is issued for new construction on or after July 1, 2024,
3 such unit shall have a heat detection device with a suitable temperature
4 rating installed in any attached garage. Any such heat detection de-
5 vice shall be interconnected with the smoke alarm system for the home or
6 dwelling unit to which the garage is attached. Nothing in this section
7 shall prevent any person from voluntarily installing an automatic fire
8 sprinkler system in any residential dwelling.

9 (b) For the purpose of this subsection, the term "multiple family
10 dwelling up to two (2) units" includes multiple family dwellings that
11 exceed two (2) units if:

12 (i) The building permit for new construction was issued on or af-
13 ter July 1, 2024;

14 (ii) No more than two (2) units are on the same side of the same two
15 (2) hour fire wall between dwelling units; and

16 (iii) The fire wall separating dwelling units is constructed from
17 the lowest portion of the unit and extends to the roof of the unit
18 without any penetrations.

19 (4) Except as provided in this subsection, local governments may amend
20 by ordinance the adopted codes or provisions of referenced codes to reflect
21 local concerns, provided such amendments establish at least an equivalent
22 level of protection to that of the adopted building code. A local jurisdic-
23 tion shall not have the authority to amend any accessibility provision pur-
24 suant to section 39-4109, Idaho Code, except as provided in this subsection.

25 (a) A local jurisdiction shall not have the authority to amend any ac-
26 cessibility provision pursuant to section 39-4109, Idaho Code.

27 (b) A local jurisdiction shall not adopt any provision, chapter, sec-
28 tion or part of the International Residential Code or residential pro-
29 visions of the International Energy Conservation Code, or subsequent
30 versions in their entirety, that have not been adopted or that have been
31 expressly rejected or exempted from the adopted version of those codes
32 by the Idaho building code board through the negotiated rulemaking
33 process as provided in section 39-4109, Idaho Code.

34 (c) Local jurisdictions may amend by ordinance the following provi-
35 sions of the Idaho residential code to reflect local concerns:

36 (i) Part I, Administrative;

37 (ii) Part II, Definitions;

38 (iii) Part III, Building Planning and Construction, Section R 301,
39 Design Criteria; and

40 (iv) Part IX, Appendices.

41 (d) Local jurisdictions may amend the remainder of Part III of the
42 Idaho residential code if they find that good cause for building or life
43 safety exists for such an amendment to such codes and that such amend-
44 ment is reasonably necessary. Amendments shall be adopted by ordinance
45 in accordance with the provisions of chapter 9, title 50, Idaho Code, or
46 chapter 7, title 31, Idaho Code, and provided further that such local
47 jurisdiction shall conduct a public hearing and, provided further, that
48 notice of the time and place of the public hearing shall be published
49 in the official newspaper or paper of general circulation within the
50 jurisdiction and written notice of each of such public hearing and the

1 proposed language shall be given by the local jurisdiction to the lo-
2 cal chapters of the entities identified in section 39-4109(5), Idaho
3 Code, not less than thirty (30) days prior to such hearing. In the event
4 that there are no local chapters of such entities identified in sec-
5 tion 39-4109(5), Idaho Code, within the local jurisdiction holding the
6 hearings, the notice shall be provided to the state associations of the
7 respective entities.

8 (5) Local governments shall exempt agricultural buildings from the re-
9 quirements of the codes enumerated in this chapter and the rules promulgated
10 by the board. A county may issue permits for farm buildings to assure com-
11 pliance with road setbacks and utility easements, provided that the cost for
12 such permits shall not exceed the actual cost to the county of issuing the
13 permits.

14 (6) Permits shall be governed by the laws in effect at the time the per-
15 mit application is received.

16 (7) The division shall retain jurisdiction for in-plant inspections
17 and installation standards for manufactured or mobile homes and for in-plant
18 inspections and enforcement of construction standards for modular buildings
19 and commercial coaches.

20 SECTION 2. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after
22 July 1, 2024.