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Memo

From: Nancy Stricklin

Date: July 17, 2013

Re: Adoption of 2012 Edition of the International Building Code with 2 amendments; additional amendments to the 2009 International Residential Code; and the 2012 edition of the International Existing Building Code

In 2011, the Idaho Building Code Board, through the negotiated rule making process, adopted the 2012 Edition of the International Building Code with 2 amendments; additional amendments to the 2009 International Residential Code; and the 2012 edition of the International Existing Building Code. Administrative rules adopted by the Board are not in effective until they have been approved by the Idaho legislature. That didn't occur until April 4, 2013 when the legislature adjourned. When the prior 2009 codes were adopted by the Idaho Building Code Board, the IDAPA rules provided for an effective date of January 1, 2011. Idaho Code 39-4116 was amended in 2002 to provide that local jurisdictions must adopt the same edition of those codes as the state, and amended again in 2004 to make it clear what editions of those codes the local jurisdictions must adopt. The deadline in the 2004 legislation for adopting those codes was January 1, 2005. The January 1 date was selected to take into consideration that local jurisdictions had a different fiscal year than the state. It allowed local jurisdictions sufficient time to include in the next fiscal year budget the costs of the new codes and training. The January 1, 2011 effective date for adoption of the 2009 codes in the state rules was included in order for the effective date for the state to coincide with that of the local jurisdictions.

When the 2013 IDAPA rules were passed that adopted the 2012 IBC, the additional amendments to the 2009 IRC and the 2012 Existing Building Code, the January 1, 2011 effective date was not amended. I contacted Patrick Grace, Deputy Attorney General, to seek his opinion as to when those new rules were effective for the state since it couldn't be January 1, 2011. In keeping with the prior history of effective dates, he opined that the new rules were not effective until January 1, 2014 to be consistent with prior effective dates and the purpose for selecting January 1.

Based on my discussion with Patrick Grace, it is my opinion that a local jurisdiction may pass an ordinance at any time to adopt the 2012 IBC, the additional amendments to the 2009 IRC and the 2012 Existing Building Code local jurisdictions, but that the effective date of the ordinance will need to be January 1, 2014 to comply with the intent of I.C. 39-4116 to have consistency among the jurisdictions.