

RESOLVE 46 BUILDING CODES IMPLEMENTATION PLAN
January 31, 2008

Technical Building Codes and Standards Board – Department of Public Safety

1) Authority and Duties

- a. Adoption and maintenance of the Maine Uniform Building and Energy Code (MUBEC)
 - i. The MUBEC shall be comprised of the *International Building Code* (IBC), *International Existing Building Code* (IEBC), *International Residential Code* (IRC), *International Energy Conservation Code* (IECC), the Maine Model Building Energy Code (Title 10 section 1415-C and section 1415-D and associated rules), and the Model Radon Standard for New Residential Construction (Title 25 section 2466 and associated rules).
 - ii. The MUBEC will be adopted, amended and maintained by the Technical Building Codes and Standards Board (Board) through minor technical rulemaking following the Maine Administrative Procedures Act.
 1. The Board will reference existing state codes and standards where applicable in Chapter One of the MUBEC.
 2. The Board will maintain an adoption cycle that is coordinated with the State Fire Marshal's adoption cycle and that does not drop more than one model code version cycle (every three years) to ensure that municipal insurance ratings are not adversely affected.
 3. For matters relating to mechanical, electrical, plumbing, elevators or any other aspect of building construction and rehabilitation that does not have a technical representative on the Board, the Board will consult with the appropriate state professional licensing board and/or professional organization.
 - iii. The MUBEC will be amended in response to consideration and approval of proposed amendments submitted to the Board.
 1. Amendment proposals may be submitted to the Board by municipalities, county, regional or state governmental units, professional trade organizations, and by Maine citizens, following procedures developed by the Board to ensure a consensus based amendment process.
 2. All proposed amendments that are more strict than the national minimum standard must include an economic impact statement pursuant to P.L. 2007 Chapter 181.
 3. Amendments may be submitted to the Board at any time and the Board will act on them within 90 days.
- b. Proactive resolution of conflicts between state adopted building related codes and standards in the adoption and maintenance of the MUBEC.

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- i. When a conflict between the MUBEC and other state adopted building related codes and standards has been identified by the Board, the authority having jurisdiction will be notified of the conflict and a proposed solution will be requested for submission to the Board.
 - ii. The Board will resolve conflicts by: 1) considering proposed solutions submitted by the authority(s) having jurisdiction; or 2) considering a proposed solution jointly submitted by the applicable authorities having jurisdiction.
 - iii. The Board may consider a new approach to resolving the conflict.
- c. Provide technical support and public outreach for code amendments and interpretations.
 - i. Establish and maintain a website to provide general technical assistance, publish code updates and interpretations, and post training course schedules.
 - ii. Interpretation of MUBEC for professionals and the general public will be provided by the Technical Code Coordinator.
- d. Ensure that training and certification to the MUBEC is readily available, affordable and accessible for municipal building inspectors.
 - i. The Board will establish a five member Training and Certification Committee to establish the training and certification requirements for building inspectors.
 - ii. The Training Coordinator will establish a program through cooperative agreements with national, regional and state organizations to provide the training required by the Board Training and Certification Committee.
 - iii. Building inspector certification testing for the MUBEC will be phased into the existing Building Standards certification program administered by the State Planning Office's CEO Training and Certification Program.
 - iv. If new training and certification requirements recommended by the Training Committee would require training beyond what can be accommodated in a revised curriculum for the existing Building Standards unit, this additional training would be phased-in based on consultation with the SPO CEO Training Program staff and the CEO professional organizations.

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- 2) Board Membership The Board consists of 11 voting members appointed by the Governor. Nominated members must have at least five years experience in the field they are nominated to represent and must be currently employed in that field.
- a. Board Chair: Commissioner of Public Safety or designee (non-voting);
 - b. State Fire Marshal or his designee;
 - c. Fire Chief nominated by the Maine Fire Chief's Association;
 - d. Municipal code enforcement officer from a non-service center town nominated by the Maine Municipal Association;
 - e. Municipal code enforcement officer from a service center community nominated by the Maine Service Centers Coalition;
 - f. Residential builder with ICC certification for the IRC nominated by the Home Builders and Remodeler's Association of Maine or the Mid-Coast Builders Alliance;
 - g. Commercial builder with ICC certification for the IBC and IEBC nominated by Associated General Contractors Maine or Associated Builders and Contractors of Maine;
 - h. A registered Maine architect nominated by AIA Maine or the Maine Chapter of the US Green Building Council;
 - i. A registered Maine structural engineer nominated by the Structural Engineers Association of Maine;
 - j. A registered architect, registered engineer or ICC certified builder with a certificate or degree in Historic Preservation, nominated by the Maine Historic Preservation Commission;
 - k. A registered architect, registered engineer or builder, with ICC certification for the IECC, nominated by the State Energy Director;
 - l. A professional building access specialist experienced with state and federal accessibility regulations nominated by the Maine Human Rights Commission.

Division of Building Codes and Standards – Department of Public Safety, Fire Marshal Office (FMO)

- 1) Building Codes and Standards Staff
- a. Technical Code Coordinator (grade 28 architect)
 - i. Duties to include aiding technical board with adoption, maintenance and amendment of MUBEC, interpretation and technical assistance for the MUBEC code, drafting code interpretation statements for publication.
 - b. Training Coordinator (grade 22 planner 2)
 - i. Duties to include establishing and administering a building inspector training program utilizing trainers and courses through cooperative agreements with national, regional and state organizations, and providing technical assistance regarding administration of the MUBEC to the public and the Board.

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- c. Office Specialist 1 (grade 18 minimum)
 - i. Duties to include administrative support for Board, management of legal notices, generation of briefing documents, assisting Technical Code Coordinator with rulemaking and adoption process, assisting with maintenance and updates to building codes website.

Maine Uniform Building and Energy Code Adoption and Implementation Schedule

April 2008: Maine Uniform Building and Energy Code Act signed into law.

Fall 2008: Technical Building Codes and Standards Board appointed by the Governor and Building Codes and Standards Staff hired by Dept. of Public Safety.

February 2009: ICC releases draft 2009 versions of IBC etc. for review and comment by the public. Board begins review, amendment and adoption process.

June 2009: Maine Uniform Building and Energy Code 2009 version adopted with six month grace period for continued use of existing municipal and state agency adopted building codes.

January 1, 2010: Maine Uniform Building and Energy Code goes into effect statewide, replacing all state and locally adopted versions of building codes.

Enforcement of Maine Uniform Building and Energy Code

Option A: Code enforcement required in towns with over 2000 in population

- 1) Enforcement in municipalities, pursuant to Title 25 §2351, that have a building inspector.
 - a. Revise Title 25 §2351 to reference training and certification requirements to building standards pursuant to Title 30-A §4451.
 - b. Revise Title 25 §2353 and §2354 to add the Maine Uniform Building and Energy Code for inspection of buildings under construction and being repaired.
- 2) Building Inspectors designated by ordinance or law with responsibility to enforce the Maine Uniform Building and Energy Code will do so pursuant to Title 30-A §4452. Enforcement of land use laws and ordinances (as amended).

Option B: MUBEC applies statewide, local enforcement optional

Towns choose whether to enforce building and energy codes. Some consumer protection is offered by the fact that codes apply statewide, even if not enforced. About seventy towns in Maine have code enforcement programs, under our current optional enforcement policy.

Funding: Estimated Annual Cost to Administer MUBEC = \$275,000

Option A: Combined REGGI and FMO plan review fee surcharge

- 1) Allocate approximately \$150,000 from REGGI funds (P.L. 2007 Chapter 317) to support adoption, training and technical assistance for the Maine Energy Code.
- 2) Increase State Fire Marshal plan review fees by \$.02 per square foot to raise approximately \$125,000.

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Option B: Add a State Surcharge to Local Building Permit Fees

State surcharge on building permits based on cost of construction to fund MUBEC adoption, maintenance, technical assistance, and training.

- 1) IBC, IEBC, IECC (Commercial / Public)
 - a. \$10 for permits up to \$50,000
 - b. \$20 for permits up to \$200,000
 - c. \$50 for permits up to \$1,000,000
 - d. \$100 for permits over \$1,000,000

- 2) IRC, IEBC, IECC (Residential)
 - a. \$5 for permits up to \$10,000
 - b. \$10 for permits up to \$100,000
 - c. \$20 for permits up to \$500,000
 - d. \$50 for permits over \$500,000

Option C: Contractor Licensing Fees