


Draft State Legislation: "Cycle-Based Adoption of the International Code Council's Model Building and Energy Conservation Codes"

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A BILL to amend Kentucky Revised Statute, titled Uniform State Building Code, and design standards to: require the Department of Housing, Building, and Construction to adopt every other latest edition of the IBC, IRC, IEBC, and IECC within six years of the official publication date of the code or standard, starting with the adoption of the 2021 edition by December 31st, 2027.

Be it enacted by the General Assembly of the Commonwealth of Kentucky

(1) The department shall adopt and promulgate a mandatory Uniform State Building Code that establishes standards for the construction of all buildings, as defined in KRS 198B.010, in the state. The code shall provide that the review and approval, as necessary, of building plans for conformance with the Uniform State Building Code prior to construction approval shall be conducted only by the department or a local government or governments delegated such responsibilities by this chapter, and any exceptions to this policy shall be explicitly stated in the code.

(2) The code shall be comprehensive and shall include but not be limited to provisions for general construction; structural quality; mechanical systems to include heating, cooling, and ventilation; electrical systems; and life safety from hazards of fire, explosion, and other disasters, whether caused by acts of nature or man. The code shall encompass the Kentucky State Plumbing Code promulgated pursuant to KRS 318.130, boiler rules and regulations issued pursuant to KRS 236.030, and the national electrical code.

(3) This code shall be designed after and may be selected from the models offered by such model code agencies as the International Code Council, Inc. (ICC), the National Fire Protection Association, and other nationally recognized organizations which may include governmental agencies. The code shall:

- (a) Provide uniform standards and requirements for construction and construction materials;
- (b) To the extent practicable, set forth standards, specifications, and requirements in terms of performance objectives, so as to facilitate the use of new technologies, techniques, and materials. The code shall not discriminate in favor of particular suppliers' materials, techniques, or technologies; and
- (c) Protect the public health, safety, and welfare within the state.

(4) The code shall include provisions for the continuing review and possible adoption of new materials, technologies, and techniques in the building industry when deemed justified by the department to fulfill the purposes of this chapter. The department may adopt a model code promulgated by a model code agency only if that agency provides a method for democratic participation by the department and any local governments which may enforce the code, in a continuing review and possible adoption of new materials, technologies, and techniques in the building industry.

(5) Subject to the procedures set forth in KRS Chapter 198B.080, the department may amend the Uniform State Building Code at any time, but only after notice in accordance with KRS Chapter 13A. In addition to the periodic revisions or amendments, the department shall facilitate the adoption of every other ICC model building code, residential code, existing building code, and energy conservation code every six-years following the publication year of these new editions and these revisions must become effective on January 1st of the given year. If the Council fails to approve the revisions to the Uniform Building and Residential Code, the model codes without amendments, will be adopted and effective on January 1st of the effective year as determined by this subsection. The first six-year revision under this subsection shall

require the adoption of a Uniform State Building and Residential code modeled after the ICC's 2021 model codes outlined in this subsection and shall become effective by January 1st, 2027. In adopting any amendment, the Department shall comply with the same procedural requirements and the same standards set forth in KRS 198B.080. The Code shall only be amended be it deemed necessary by the council and any amendment to these model codes shall not degrade their integrity.

(6) The department shall promulgate administrative regulations, after notice in accordance with KRS Chapter 13A, which are necessary to implement the Uniform State Building Code or to carry out any other responsibility assigned to the department by this chapter.

(7) The department shall monitor the effectiveness of agencies designated by local governments to enforce the provisions of the Uniform State Building Code.

(8) If the department determines that an agency is not enforcing the provisions of the Uniform State Building Code, it shall determine where deficiencies exist. The department shall require the local government to correct the deficiencies within sixty (60) days and report to the department its method of correcting the deficiencies.

(9) If the local government fails to correct the deficiencies, the department may preempt the local program as provided for in KRS 198B.060(4).

(10) The department shall provide for the supply, including amendments and revisions thereto, of sufficient copies of the Uniform State Building Code for all interested parties