

**UNIFORM BUILDING CODE COMMISSION
MEETING**

November 29, 2023 9:00 AM

SECOND REVISED AGENDA

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(US) +1 570-783-1187 PIN: 149 765 784#

Anchor Location

Room 475

Heber M Wells Building

160 E 300 S

1. Roll call
2. Approve minutes from the November 8, 2023
3. Review proposed amendments
 - 2021 IRC Chapter 11
 - 2021 IRC Section R105.2
 - 2021 IMC Section 505.4
4. Discussion item
 - Title 10-9a-538 Modular Homes

Next meeting date: December 13, 2023

Please call Sharon at 530-6163 if you do not plan on attending the meeting.



In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Carol Inglesby, ADA Coordinator, Division of Occupational and Professional Licensing, 160 East 300 South, Salt Lake City UT 84111, Phone 530-6626, at least three working days prior to the meeting.

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Room 475

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1. Roll call
2. Approve minutes from the November 8, 2023
3. Review proposed amendment for IRC Chapter 11

Next meeting date: December 13, 2023

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MINUTES

UTAH
UNIFORM BUILDING CODE COMMISSION

November 8, 2023

9:00

Convened: 9:03

Adjourned: 12:21

STAFF:

Stephen Duncombe, Bureau Manager
Sharon Smalley, Board Secretary
Nicole Herrera, Board Secretary

COMMISSIONERS:

Thomas Peterson
Josh Blazzard
Lorianne Bisping
Travis Dalley (absent)
Trent Hunt
Ken Adams
Gary Bullock

Chris Hendrickson
Art Anderson
Karl Mott (excused)
Joerg Ruegemer
Scott Carpenter
Steve Dailey

VISITORS:

Ross Ford, Utah HBA
Don Simons, Bountiful City
Bryce McConkie, Lindon City
Brock Dael
Lynn Nielsen
John Little
Robert Glass
Ryan Jackson, Electrical Advisory
Jim Hardy
Katherine Nelson, Herriman City

George Reid
Hans Hoffman, Architectural Advisory
Chris Weintz, Architectural Advisory
Leslie Garland
Rick Sturm, Unified Code Analysis
Ron McArthur, McArthur Homes
Jerry Thompson
Jennifer Youngfield
Cloe Nixon, Dorsey & Whitney
Jeremy Moser, Alpine Homes

ELECT A NEW CHAIRMAN
AND VICE CHAIRMAN

A motion was made by Lorianne Bisping to re-elect Tom Peterson as chairman. The motion was seconded by Joerg Ruegemer and passed unanimously. Ken Adams volunteered to be vice chairman and Josh Blazzard seconded. The commission voted unanimously to accept Ken Adams as vice chair.

MINUTES

A motion was made by Scott Carpenter to approve the minutes from the June 14, 2023, meet-

ing as written. The motion was seconded by Joerg Ruegemer and passed unanimously.

CORRECTIONS FOR TITLE 15A

Tom Peterson explained each of the corrections and additions that need to be made to Title 15A. Each item was reviewed and discussed individually by the Commission and those present. The following are the motions that were made for each proposal.

IBC SECTION 304.1

A motion was made by Josh Blazzard to approve this new proposal to this section. The motion was seconded by Scott Carpenter and passed unanimously.

IBC CHAPTER 35 UNDER ICC

A motion was made by Scott Carpenter to approve this new amendment as modified by adding the words "The 2017 ICC A117.1-17 can be used as an alternative." The motion was seconded by Steve Dailey and passed unanimously.

IRC SECTION R109.1.5 & R109.1.5.2

A motion was made by Josh Blazzard to approve the deletion of the current amendment and replacing it with the new proposal. The motion was seconded by Scott Carpenter and passed unanimously.

IRC SECTION R310.7 IRC SECTION R314.2.2 IRC SECTION 315.2.2

A motion was made by Josh Blazzard to approve all three of these corrections to the current amendments. The motion was seconded by Ken Adams and passed unanimously.

IRC TABLE N1102.1.2 (R402.1.2)

A motion was made by Ken Adams to approve this new proposal. The motion was seconded by Steve Dailey and passed with a vote of nine in favor and Ken Adams voting in opposition.

IRC SECTION N1102.2.13 (R402.2.13)

A motion was made by Scott Carpenter to approve this proposal. The motion was seconded by Steve Dailey and passed with a vote of nine in favor and Ken Adams voting in opposition.

IRC CONVERSION FACTORS USED FROM SEER 2

A motion was made by Scott Carpenter to approve the proposal for R1102.2.13 for the conversion chart. The motion was seconded by Trent Hunt and passed unanimously.

IRC SECTION P2902.1

A motion was made by Josh Blazzard to approve the corrections to the five section numbers. The motion was seconded by Lorianne Bisping and passed unanimously.

IRC SECTION E3601.7

A motion was made by Josh Blazzard to approve this new amendment. The motion was seconded by Trent Hunt and passed unanimously.

IRC SECTION E3902.15-.21

A motion was made by Trent Hunt to approve these corrections to Sections E3902.17, E3902.18 , and E3902.19 The motion was seconded by Art Anderson and passed unanimously.

A second motion was made by Ken Adams to approve the corrections for Sections E3902.20 through E3902.22. The motion was seconded by Steve Dailey and passed unanimously.

IMC SECTION 1101.2

A motion was made by Josh Blazzard to approve the deletion of the current amendment for this section. The motion was seconded by Scott Carpenter and passed unanimously.

NEC SECTION 230.71
NEC SECTION 230.72

A motion was made by Scott Carpenter to approve the proposal for Section 230.71 and deny the proposal for Section 230.72. The motion the motion was seconded by Art Anderson and passed unanimously.

IECC SECTION R406

A motion was by Scott Carpenter to approve the proposal for this section. The motion was seconded by Ken Adams and passed unanimously.

IEBC SECTION 305.4.2 #7
SECTION 705.1 AND
SECTION 1011.7.3

A motion was made by Josh Blazzard to approve deletion of two sections and renumbering the third section of the current amendments. The motion was seconded by Scott Carpenter and passed unanimously.

REVIEW NEW PROPOSED
AMENDMENTS
IBC SECTION 1010.2.4
IFC CHAPTER 10 SECTION
1010.2.3.1

This new proposal is being presented to help align the requirements of the Department of Health and Human Services with the building code. A motion was made by Josh Blazzard to

approve this new amendment. The motion was seconded by Scott Carpenter and passed unanimously.

A second motion was made by Scott Carpenter to approve amendment for the IFC. The motion was seconded by Lorianne Bisping and passed unanimously.

IRC SECTION R109.2

A motion was made by Josh Blazzard to deny this proposal. The motion was seconded by Lorianne Bisping and passed unanimously.

IRC SECTION R109.4

A motion was made by Josh Blazzard to deny this proposal. The motion was seconded by Lorianne Bisping and passed with a vote of eight in favor and Ken Adams and Steve Dailey voting in opposition.

IRC SECTION R311.3

A motion was made by Lorianne Bisping to deny this proposal. The motion was seconded by Art Anderson and passed with a vote of nine in favor and Ken Adams voting in opposition.

IRC SECTION E3401.2

Ryan Jackson asked the Commission to review the proposal for this section even though it is out of order of the agenda. During the discussion, it was recommended that the proposal be modified. A motion was made by Art Anderson to approve the proposal as modified by adding the words "Such as, but not limited to," before the list of items not covered. The motion was seconded by Trent Hunt and passed unanimously.

IEBC SECTION 104.10

A motion was made by Josh Blazzard to deny the proposal. The motion was seconded by Scott Carpenter and passed unanimously.

IEBC SECTION 104.11.2

A motion was made by Josh Blazzard to deny the proposal. The motion was seconded by Lorianne Bisping and passed unanimously.

IEBC SECTION 109.3.8

A motion was made by Lorrienne Bisping to deny the proposal. The motion was seconded by Scott Carpenter and passed unanimously.

IEBC SECTION 109.3.9.1

A motion was made by Josh Blazzard to deny the proposal. The motion was seconded by Lo

IEBC SECTION 110.4

rienne Bisping and passed unanimously.

A motion was made by Lorianne Bisping to deny the proposal. The motion was seconded by Josh Blazzard and passed unanimously.

IEBC SECTION 115.1
IEBC SECTION 117

These two proposals were reviewed together. A motion was made by Josh Blazzard to deny both proposals. The motion was seconded by Scott Carpenter and passed unanimously.

IEBC SECTION 202
IEBC SECTION 302.3

These two proposals were reviewed together. A motion was made by Gary Bullock to approve both proposals as modified by adding the words, "or independent third-party licensed engineer or architect and submitted to the building official". The motion was seconded by Lorianne Bisping and passed unanimously.

N1102(R402)

A motion was made by Josh Blazzard to approve the proposal. The motion was seconded by Scott Carpenter and passed unanimously.

Chapter 11

The item was inadvertently not reviewed.

The meeting adjourned at 12:21.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

UTAH DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
160 East 300 South Salt Lake City UT 84111
PO Box 146741 Salt Lake City UT 84114-6741
E-mail: b8@utah.gov
Web: www.dopl.utah.gov

REQUEST FOR CODE AMENDMENT

| | |
|---|--------------------|
| Requesting Agency/Person: Home Builders Association of Utah | Date:11-1-2023 |
| Street Address:38 W13775 S Suite 120 | |
| City, State, Zip Draper Ut 84020 | |
| Contact Person: Ross Ford | Phone:801-325-8266 |
| Code to be Amended: 2021 IRC and corresponding sections of the 2021 IEEC (Include edition) | |
| Section: Chapter 11 and corresponding sections of the 2021 IEEC | |
| Section Title: Energy Efficiency | |

AMENDMENT:

Type proposed amendment in rule change form. (Using strikeout on portions being removed and underline on all new wording.)

1. Include the entire section you wish to amend.
2. Attach additional sheets if necessary.

This is a proposal to adopted chapter 11 of the 2021 IRC and the corresponding sections of the 2021IEEC with all the amendments included in the attached document. This proposal is not designed to debate and adopt each amendment separately.

| | |
|--|-------|
| Purpose of or Reason for the amendment: This proposal puts forward a cost-effective solution for Utah | |
| Cost or Savings Impact of Amendment: There is significant cost savings attached to this proposal. A detailed breakdown is in the process of being written up. It is the Home Builders belief that actual bids are more accurate than modling, however they take time to assemble. The full report will follow shortly. | |
| Compliance Costs for Affected Persons (APerson@ means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency.) (You must break out the impact cost to State Budget, Local Government and you must state aggregate cost to other persons {cost per person times number of persons affected}): For the most part this proposal will have no impact on government. It should not add any new inspections or additional requirements of building departments. | |
| Signature: | Date: |

For Division Use:

| | |
|---|--|
| Date Received: | |
| Committee Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled | UBC Commission Decision for Hearing: <input type="checkbox"/> Approved for hearing <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled |
| Date Filed: | Public Hearing Date: |
| UBC Commission Decision for Adoption: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled | Effective Date: |

Effective 7/1/2024

15A-3-203 Amendments to Chapters 11 of IRC.

- (1) In IRC , Sections N1101.4 (R102.1.1), a new section N1101.4.1 is added as follows:
N1101.4.1 National Green Building Standard. Buildings complying with ICC 700-2020 National Green Building Standard and achieving the Gold rating level for the energy efficiency category shall be deemed to exceed the energy efficiency required by this code. The building shall also meet the requirements identified in table N1105.2 and the building thermal envelope efficiency is greater than or equal to levels of efficiency and solar heat gain coefficients (SHGC) in Tables N1102.2.2 and N1102.1.3 of the 2009 IRC.
- (2) In IRC, Section N1101.5 (R103.2), all words after the words "herein governed." are deleted and replaced with the following: "Construction documents required for building permits shall include only those items specified in 10-5-132(8) of the state building code"
- (3) In IRC, Section N1101.10.3 (R303.1.3) the following changes are made:
 - (a) The following is added at the end of the first sentence "or EN 14351-1:2006 + A1:2010."
 - (b) The word "accredited" is replaced with "approved" in the third sentence
 - (c) The following sentence is added after the third sentence: "A conversion factor of 5.678 shall be used to convert from U values expressed in SI units: $(\)/5.678 = .$ "
 - (d) After "NFRC 200" the following words are added : "or EN 14351-1:2006 + A1:2010", and in the same sentence the word "accredited" is replaced with approved.
 - (e) The following new sentence shall be inserted immediately prior to the last sentence: "Total Energy Transmittance values may be substituted for SHGC, and Luminous Transmission values may be substituted for VT".
- (4) In IRC, Section N1101.12 (R303.3), all wording after the first sentence is deleted.
- (5) In IRC, section N1101.13 (R401.2) in the first sentence, the words "Section N1101.13.5 and" are deleted
- (6) In IRC, Section N1101.13.5 (R401.2.5) is deleted
- (7) In IRC, Section N1101.14 (R401.3) Number 7 the words "and the compliance path used" are deleted.
- (8) In IRC, Table N1102.1.2 (R402.1.2),
 - (a) in the column titled Fenestration U-Factor the following changes are made:
 - (i) In the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32
 - (ii) In the row titled "Climate Zone 5 and Marine 4" delete 0.30 and replace it with 0.32
 - (iii) In the row titled "Climate Zone 6" delete 0.30 and replace with 0.32
 - (b) in the column titled Glazed Fenestration SHGC the following changes are made:
 - (i) In the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35
 - (c) in the column titled Ceiling U-Factor the following changes are made:
 - (i) In the row titled "Climate Zone 3" delete 0.026 and replace it with 0.033
 - (ii) In the row titled "Climate Zone 5 and Marine 4" delete 0.024 and replace it with 0.030
 - (iii) In the row titled "Climate Zone 6" delete 0.024 and replace with 0.030
 - (d) in the column titled Wood Frame Wall U Factor the following changes are made:
 - (i) In the row titled "Climate Zone 3" delete 0.060 and replace it with 0.065
 - (ii) In the row titled "Climate Zone 5 and Marine 4" delete 0.045 and replace it with 0.065

- (iii) In the row titled "Climate Zone 6" delete 0.045 and replace with 0.065
- (e) In the column titled "Basement Wall U-Factor" the following changes are made:
- (i) In the row titled "Climate Zone 5 and Marine 4" delete 0.050 and replace it with 0.078
- (ii) In the row titled "Climate Zone 6" delete 0.050 and replace it with 0.065
- (f) In the column titled "Crawl Space Wall U-Factor" the following changes are made:
- (i) In the row titled "Climate Zone 5 and Marine 4" delete 0.055 and replace it with 0.078
- (ii) In the row titled "Climate Zone 6" delete 0.055 and replace it with 0.065

(REVISED SEP 2023)
TABLE R1102.1.2 (R402.1.2)
MAXIMUM ASSEMBLY U-FACTORS AND FENESTRATION REQUIREMENTS

| CLIMATE ZONE | FENESTRATION U-FACTOR ^c | SKYLIGHT U-FACTOR | GLAZED FENESTRATION SHGC ^{d,e} | CEILING U-FACTOR | WOOD FRAME WALL U-FACTOR | MASS WALL U-FACTOR | FLOOR U-FACTOR | BASEMENT WALL U-FACTOR | CRAWL SPACE WALL U-FACTOR |
|----------------|------------------------------------|-------------------|---|------------------|--------------------------|--------------------|----------------|------------------------|---------------------------|
| 3 | 0.32 | 0.55 | 0.35 | 0.033 | 0.065 | 0.098 | 0.047 | 0.091 ^e | 0.136 |
| 5 and Marine 4 | 0.32 | 0.55 | NR | 0.030 | 0.065 | 0.082 | 0.033 | 0.078 | 0.078 |
| 6 | 0.32 | 0.55 | NR | 0.030 | 0.065 | 0.060 | 0.033 | 0.065 | 0.065 |

- (9) In IRC, Table N1102.1.3 (R402.1.3) the following changes are made:
- (a) In the column titled Fenestration U-Factor the following changes are made:
- (i) In the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32.
- (ii) In the row titled "Climate Zone 5 & Marine 4" delete 0.30 and replace it with 0.32
- (iii) In the row titled "Climate Zone 6" delete 0.30 and replace it with 0.32
- (b) In the column titled Glazed Fenestration SHGC the following changes are made:
- (i) In the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35.
- (c) In the column titled Ceiling R-Value the following changes are made:
- (i) In the row titled "Climate Zone 3" delete 49 and replace it with 32.
- (ii) In the row titled "Climate Zone 5 & Marine 4" delete 60 and replace it with 38
- (iii) In the row titled "Climate Zone 6" delete 60 and replace it with 38
- (d) In the column titled Wood Frame Wall R-Value the following changes are made:
- (i) In the row titled "Climate Zone 3" delete all values and replace with $19 + 0c_i$ or $11 + 5c_i$ or $0 + 15c_i$.
- (ii) In the row titled "Climate Zone 5 & Marine 4" delete all values and replace with $19 + 0c_i$ or $13 + 5c_i$ or $0 + 15c_i$
- (iii) In the row titled "Climate Zone 6" delete all values and replace with $19 + 0c_i$ or $13 + 5c_i$ or $0 + 15c_i$
- (e) In the column titled Basement Wall R-Value the following changes are made:
- (i) In the row titled "Climate Zone 5 & Marine 4" delete all values and replace with $15 + 0c_i$ or $0 + 11c_i$ or $11 + 5c_i$
- (ii) In the row titled "Climate Zone 6" delete all values and replace with $19 + 0c_i$ or $0 + 13c_i$ or $11 + 5c_i$
- (f) In the column titled Slab R-Value and Depth the following changes are made:
- (i) In the row titled "Climate Zone 3" delete "10ci, 2ft" and replace it with NR..
- (ii) In the row titled "Climate Zone 5 & Marine 4" delete "4ft" and replace it with "2 ft".
- (g) In the column titled Crawl Space Wall R-Value the following changes are made:
- (i) In the row titled "Climate Zone 5 & Marine 4" delete all values and replace with $15 + 0c_i$ or $0 + 11c_i$ or $11 + 5c_i$
- (ii) In the row titled "Climate Zone 6" delete all values and replace with $19 + 0c_i$ or $0 +$

13ci or 11 + 5ci

(REVISED SEP 2023)
TABLE N1102.1.3 (R402.1.3)

INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT *

| CLIMATE ZONE | FENESTRATION U-FACTOR ^{b,1} | SKYLIGHT ^b U-FACTOR | GLAZED FENESTRATION SHGC ^{b,2} | CEILING R-VALUE | WOOD FRAME WALL R-VALUE ^g | MASS WALL R-VALUE ^h | FLOOR R-VALUE | BASEMENT ^{c,9} WALL R-VALUE | SLAB ⁸ R-VALUE & DEPTH | CRAWL SPACE ^{c,9} WALL R-VALUE |
|--------------|--------------------------------------|--------------------------------|---|-----------------|--------------------------------------|--------------------------------|---------------|--------------------------------------|-----------------------------------|---|
| 3 | 0.32 | 0.55 | 0.35 | 32 | 19 + 0ci or 11 + 5ci or 0 + 15ci | 8/13 | 19 | 5 ci or 13 ^f | NR | 5 ci or 13 ^f |
| 5 & Marine 4 | 0.32 ¹ | 0.55 | 0.40 | 38 | 19 + 0ci or 13 + 5ci or 0 + 15ci | 13/17 | 30 | 15 + 0ci or 0 + 11ci or 11 + 5ci | 10ci, 2 ft | 15 + 0ci or 0 + 11ci or 11 + 5ci |
| 6 | 0.32 ¹ | 0.55 | NR | 38 | 19 + 0ci or 13 + 5ci or 0 + 15ci | 15/20 | 30 | 19 + 0ci or 0 + 13ci or 11 + 5ci | 10ci, 4 ft | 19 + 0ci or 0 + 13ci or 11 + 5ci |

(10) In IRC, Table N1102.1.3 add footnote: "j. Log walls complying with ICC400 and with a minimum average wall thickness of 5 inches or greater shall be permitted in Zones 5 through 8 when overall window glazing has 0.30 U-factor or lower, minimum heating equipment efficiency is for gas 95 AFUE, or, for oil, 84 AFUE, and all other component requirements are met."

(11) In IRC, a new subsection N1102.1.5.1 (R402.1.5.1) is added as follows:

1102.1.5.1 (R402.1.5.1) RESCheck 2012 Utah Energy Conservation Code. Compliance with section N1102.1.5 (R402.1.5) may be satisfied using the software RESCheck 2012 Utah Energy Conservation Code, which shall satisfy the R-value and U-factor requirements of N1102.1, N1102.2, and N1102.3, provided the following conditions are met:

- In Climate Zone 5 and 6 the software result shall show "5% better than code", and
- In Climate Zone 3, the software result shall show "5% better than code" when software inputs for window U-factor = 0.65 and window SHGC = 0.40, notwithstanding actual windows installed shall conform to requirements of Tables N1102.1.2 (R402.1.2) and N1102.1.3 (R402.1.3).

(12) In IRC, Section N1102.2.1 (R402.2.1), a new Section N1102.2.1.1 (R402.2.1) is added as follows: "**N1102.2.1.1. Unvented attic and unvented enclosed rafter assemblies.** Unvented attic and unvented enclosed rafter assemblies conforming to Section R806.5 provided with an R-value of R-22 (maximum U-Factor of 0.045) in Climate Zone 3-B or an R-value of R-26 (maximum U-factor of 0.038) in Climate Zones 5-B and 6-B shall be permitted provided all the following conditions are met:

- The unvented attic assembly complies with the requirements of the International Residential Code, R806.5.
- The house shall attain a blower door test result < 2.5ACH 50.
- The house shall require a whole house mechanical ventilation system that does not rely solely on a negative pressure strategy (must be positive, balanced or hybrid).
- Where insulation is installed below the roof deck and the exposed portion of roof rafters are not already covered by the R-20 depth of the air-impermeable insulation, the exposed portion of the roof rafters shall be wrapped (covered) by minimum R-3 unless directly

covered by drywall/finished ceiling. Roof rafters are not required to be covered by minimum R-3 if a continuous insulation is installed above the roof deck.

5. Indoor heating, cooling and ventilation equipment (including ductwork) shall be inside the building thermal envelope."

(13) In IRC, section N1102.2.9.1 (R402.2.9.1) the numeral (i) is added before the words "cut at a 45-degree" and the following is added after the words "exterior wall": ", or (ii) lowered from top of slab 4" when a 4" thermal break material such as, but not limited to, felt or asphalt impregnated fiber board, with a minimum thickness of 1/4" is installed at the upper 4" of slab."

(14) In IRC, Section N1102.4.1 (R402.4.1), in the first sentence, the word "and" is deleted and replaced with the word "or".

(15) In IRC, Section N1102.4.1.1 (R402.4.1.1), the second and last sentences are deleted and replaced with the following: "Where required by the code official, the builder shall certify compliance with criteria indicated in Table 1102.4.1 for items which are not readily visible during regularly scheduled inspections."

(16) In IRC, Table N1102.4.1.1 (R402.4.1.1) in the column titled COMPONENT, the following changes are made:

(a) In the row "Rim Joists" the word "exterior" in the first sentence is deleted, and the second sentence is deleted.

(b) In the row "Electrical/phone box on the exterior walls" the last sentence is deleted and replaced with: "Alternatively, close cell foam, caulking or gaskets may be used, or air-sealed boxes may be installed."

(17) In IRC, section N1102.4.1.2 (R402.4.1.2) the following changes are made:

(a) In the fourth sentence, the word "third" is deleted;

(b) The following sentence is added after the fourth sentence: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Blower Door Test equipment manufacturers or other comparable training."

(c) In the first Exception the second sentence is deleted.

(18) In IRC, Section N1102.4.1.3 (R402.4.1.3) the following changes are made:

(a) In the first sentence, the words "5.0 air changes per hour in Climate Zones 0, 1 and 2, and 3.0" are deleted and replaced with "4.0.", and the words "in Climate Zone 3 through 8" are deleted.

(b) In the first sentence of the Exception, "0.28" is replaced with "5.0 air changes per hour or 0.30"

(c) In Number 2 the words "of conditioned floor area" are inserted before the words "or smaller".

(19) In IRC, Section N1102.4.6 (R402.6) is deleted.

(20) In IRC, Section N1103.3.1 (R403.3.1) is deleted and replaced with the following: "**Ducts located outside conditioned space.** Supply and return ducts in attics shall be insulated to a minimum of R-8 where 3 inches (76.2 mm) in diameter and greater and R-6 where less

than 3 inches (76.2 mm) in diameter. Supply and return ducts in other portions of the building shall be insulated to a minimum of R-6 where 3 inches (76.2 mm) in diameter or greater and R-4.2 where less than 3 inches (76.2 mm) in diameter.

Exception: Ducts or portions thereof located completely inside the *building thermal envelope*."

(21) In IRC, Section N1103.3.3 (R403.3.3) is deleted.

(22) In IRC, Section N1103.3.3.1 (R403.3.3.1) is deleted.

(23)

(24) In IRC, Section N1103.3.5 (R403.3.5) the following changes are made:

(a) In the first sentence of the second Exception, the words following "required" are replaced with "for any system designed such that no air handlers or ducts are located within unconditioned attics".

(b) And the following is added at the end of the Section:

"The following parties shall be approved to conduct testing:

1. Parties certified by BPI or RESNET.

2. Licensed contractors who have completed training provided by Duct Test equipment manufacturers or other comparable training."

(25) In IRC, Section N1103.3.6 (R403.3.6):

(a) in Subsection 1, the number 4.0 is changed to 6.0, the number 113.3 is changed to 170, the number 3.0 is changed to 5.0, the number 85 is changed to 141; and

(b) in Subsection 2: the number 4.0 is changed to 5.0 and the number 113.3 is changed to 141,

(c) Subsection 3 is deleted.

(26) In IRC, section N1103.3.7 (R403.3.7) the words "or plenums" are deleted.

(27) In IRC, section N1103.5.1.1 (R403.5.1.1) the words "Where installed," are added at the beginning of the first sentence.

(28) In IRC, section N1103.5.2 (R403.5.2)

(a) Subsections 5 and 6 are deleted.

(b) Subsection number 7 is renumbered to 5.

(29) IRC, Section N1103.6.2 (R403.6.2), is deleted and replaced with the following: "N1103.6.2

(R403.6.2) Whole-house mechanical ventilation system fan efficacy. Fans used to provide whole-house mechanical ventilation shall meet the efficacy requirements of Table

N1103.6.2 (R403.6.2).

Exception: Where an air handler that is integral to tested and listed HVAC equipment is used to provide whole-house mechanical ventilation, the air handler shall be powered by an electronically commutated motor."

(30) In IRC, Section N1103.6.2 (R403.6.2), TABLE N1103.6.2 (R403.6.2) is deleted and replaced with the following:

"TABLE N1103.6.2 (R403.6.2)

WHOLE DWELLING MECHANICAL VENTILATION SYSTEM FAN EFFICACY

| FAN LOCATION | AIR FLOW RATE MINIMUM (CFM) | MINIMUM EFFICACY (CFM/WATT) | AIR FLOW RATE MAXIMUM (CFM) |
|------------------------|--------------------------------|-----------------------------------|--------------------------------|
| HRV or ERV | Any | 1.2 cfm/watt | Any |
| Range hoods | Any | 2.8 cfm/watt | Any |
| In-line fan | Any | 2.8 cfm/watt | Any |
| Bathroom, utility room | 10 | 1.4 cfm/watt | <90 |
| Bathroom, utility room | 90 | 2.8 cfm/watt | Any" |

(31) In IRC, Section N1103.6.3 (R403.6.3) is deleted:

(32) In IRC, Section N1103.7 the word "approved" is deleted in the first sentence and the following is added after the word methodologies ", complying with N1103.7.1 (R403.7.1)".

(33) In IRC, a new Section N1103.7.1 (R403.7.1) is added as follows:

"N1103.7.1(R403.7.1) Qualifications. An individual performing load calculations shall be qualified by completing HVAC training from one of the following:

1. HVAC load calculation education from ACCA;
2. A recognized educational institution;
3. HVAC equipment manufacturer's training; or
4. Other recognized industry certification."

(34) In IRC, Section N1104.1 (R404.1), The word "All" is replaced with "Not less than 90 percent of the lamps in".

(35) In IRC, Section N1104.1.1 (R404.1.1) is deleted.

(36) In IRC, section N1104.2 (R404.2) is deleted:

(37) In IRC, Section N1104.3 (R404.3) is deleted:

(38) In IRC, section N1105.2 (R405.2) the following changes are made:

(a) In Subsection 3 the words "approved by the code official" are deleted, and

(b) In Subsection 3 the following words are added at the end of the sentence: "when applicable and readily available".

(39) In IRC, Section N1106.3 (R406.3) Building thermal envelope is deleted, and replaced with "Building thermal envelope and on-site renewables. The proposed total building thermal envelope UA, which is the sum of U-factor times assembly area, shall be less than or equal to the building thermal envelope UA using the prescriptive U-factors from Table N1102.1.2 multiplied by 1.15 in accordance with Equation 11-4. The area-weighted maximum fenestration SHGC permitted in Climate Zones 0 through 3 shall be 0.30.

$$UA_{\text{Proposed design}} = 1.15 \times UA_{\text{Prescriptive reference design}}$$

(Equation 11-4)

- (40) In IRC, Section N1106.3.1 (R406.3.1) is deleted:
- (41) In IRC, section N1106.3.2 (R403.3.2) is deleted:

- (42) In IRC, Section N1106.4 (R406.4) the following changes are made:
 - (a) In the first sentence, the words "in accordance with Equation 11-5" are deleted and replaced with: "permitted to be calculated using the minimum total air exchange rate for the rated home (Qtot) and for the index adjustment factor in accordance with Equation 11.5.",
 - (b) In equation 11-5, the words "Ventilation rate, CFM" are deleted and replaced with: "Qtot", and
 - (c) In the last sentence the number "5" is deleted and replaced with "15".

- (43) In IRC N1106.5, in the column titled "ENERGY RATING INDEX" of Table R406.5, the following changes are made:
 - (a) In the row for Climate Zone 3, "51" is deleted and replaced with 65
 - (b) In the row for Climate Zone 5, "55" is deleted and replaced with 69
 - (c) In the row for Climate Zone 6 "54" is deleted and replaced with 68

- (44) In IRC, Section N1108 (R408) is deleted

- (45) In IRC, Section M1307.2, the words "In Seismic Design Categories D0, D1, and D2, and in townhouses in Seismic Design Category C", are deleted, and in Subparagraph 1, the last sentence is deleted.

- (46) In IRC, Section M1401.3 the word "approved" is deleted in the first sentence and the following is added after the word methodologies ", complying with M1401.3.1".

- (47) A new IRC, Section M1401.3.1, is added as follows: "M1401.3.1 Qualifications. An individual performing load calculations shall be qualified by completing HVAC training from one of the following:
 - 1. HVAC load calculation education from ACCA;
 - 2. A recognized educational institution;
 - 3. HVAC equipment manufacturer's training; or
 - 4. Other recognized industry certification."

- (48) In IRC, Section M1402.1, the following is added at the end of the second sentence: "or UL/ CSA 60335-2-40."

- (49) In IRC, Section M1403.1, the characters "/ANCE" are deleted.
- (50) In IRC, Section M1411.9, is deleted.
- (51) In IRC, Section M1412.1, the characters "/ANCE" are deleted.
- (52) In IRC, Section M1413.1, the characters "/ANCE" are deleted.

Amended by Chapter 209, 2023 General Session

UTAH DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
160 East 300 South Salt Lake City UT 84111
PO Box 146741 Salt Lake City UT 84114-6741
E-mail: b8@utah.gov
Web: www.dopl.utah.gov

REQUEST FOR CODE AMENDMENT

| | |
|---|---------------------|
| Requesting Agency/Person: Utah Home Builders | Date: 11-20-23 |
| Street Address: 38W 13775 S suite 120 | |
| City, State, Zip: Draper, Utah, 84020 | |
| Contact Person: Ross Ford | Phone: 801-352-8266 |
| Code to be Amended: 2021 IRC (Include edition) | |
| Section: R105.2 | |
| Section Title: Work exempt from permit | |

| |
|---|
| AMENDMENT: |
| Type proposed amendment in rule change form. (Using strikeout on portions being removed and underline on all new wording) |
| R 105.2 In the list under the title "building:" delete number 3 and replace with <u>Retaining walls supporting less than 4 feet (1219mm) of unbalanced full, unless supporting a surcharge</u> |

| | |
|--|--------------|
| <p>Purpose of or Reason for the amendment:</p> <p>There is confusion between inspectors and builders as to when a permit is required. This amendment helps clarify that a wall with balanced fill does not constitute a retaining wall requiring a permit.</p> | |
| <p>Cost or Savings Impact of Amendment:</p> <p>This will save the cost of a permit and the cost associated with preparing an application and waiting for its approval.</p> | |
| <p>Compliance Costs for Affected Persons (A Person@ means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency.) (You must break out the impact cost to State Budget, Local Government and you must state aggregate cost to other persons {cost per person times number of persons affected}):</p> <p>This amendment will save the government money. Currently there is confusion as to when a permit is required, as a result many projects are permitted that shouldn't be. This amendment saves money by removing the requirements for plan check and inspections on retaining walls that do not need a permit.</p> | |
| <p>Signature:</p> | <p>Date:</p> |

For Division Use:

| | |
|---|--|
| <p>Date Received:</p> | |
| <p>Committee Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled</p> | <p>UBC Commission Decision for Hearing: <input type="checkbox"/> Approved for hearing <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled</p> |
| <p>Date Filed:</p> | <p>Public Hearing Date:</p> |
| <p>UBC Commission Decision for Adoption: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled</p> | <p>Effective Date:</p> |

UTAH UNIFORM BUILDING STANDARDS
Form and Procedures for Code Amendments

- (1) All requests for amendments:
 - (a) shall be submitted to the Division on the attached form and
 - (b) shall be submitted in correct code editing format and shall contain a cost impact analysis. (Editing format should include ~~strikeout~~ for deletion and underline for additions.)

- (2) The Division will review the proposed amendments for proper form and cost analysis and return them to the proponent if incorrect or incomplete.

- (3) The Division will forward the proposed amendments to the appropriate building codes advisory committee(s) based on the particular code(s) affected.

- (4) The assigned advisory committee(s) will review the proposed change and may meet with the proponent of each amendment. After its review, the committee will make a recommendation to the Uniform Building Code Commission.

- (5) The Uniform Building Code Commission will consider the proposed amendment and may take any of the following actions:
 - (a) deny the proposed amendment;
 - (b) return the proposed amendment to the proponent with recommendations for specific changes;
 - (c) return the proposed amendment to the assigned advisory committee(s) with recommendations for specific changes;
 - (d) forward the proposed amendment to interested persons and associations for comments or review;
 - (e) publish the proposed amendment for public comment and hearing. A public hearing will be held for all proposed amendments before they are recommended to the Legislature's Business and Labor Interim Committee.
 - (f) recommend the proposed amendment for legislative action to the Legislature's Business and Labor Interim Committee.

UTAH DEPARTMENT OF COMMERCE
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Web: www.dopl.utah.gov

REQUEST FOR CODE AMENDMENT

| | |
|---|--------------------|
| Requesting Agency/Person: Utah Home Builders | Date:10-12-23 |
| Street Address:38W 13775 S suite 120 | |
| City, State, Zip: Draper, Utah, 84020 | |
| Contact Person: Ross Ford | Phone:801-352-8266 |
| Code to be Amended: 2021 IMC (Include edition) | |
| Section: 505.4 | |
| Section Title: Make up air required | |

AMENDMENT:

Type proposed amendment in rule change form. (Using strikeout on portions being removed and underline on all new wording)

~~505.4 is deleted and replaced with. Where one or more gas, liquid or solid fuel-burning appliance that is neither direct-vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust system capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be mechanically or passively provided with makeup air at a rate approximately equal to the exhaust air rate. Such makeup air systems shall be equipped with not fewer than one damper complying with Section M1503.6.2.~~

| | |
|---|--------------|
| Purpose of or Reason for the amendment: This amendment will bring the residential portion of the IMC in line with the mechanical section of the IRC. There is no reason to provide make air unless there is a solid fuel burning appliance. | |
| Cost or Savings Impact of Amendment: This amendment will save thousands per unit, when it applies. This option can only be used with specific appliances. | |
| Compliance Costs for Affected Persons (A Person ^o means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency.) (You must break out the impact cost to State Budget, Local Government and you must state aggregate cost to other persons {cost per person times number of persons affected}): This amendment will have cost impact for government. | |
| Signature: | Date: |

For Division Use:

| | |
|---|--|
| Date Received: | |
| Committee Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled | UBC Commission Decision for Hearing: <input type="checkbox"/> Approved for hearing <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled |
| Date Filed: | Public Hearing Date: |
| UBC Commission Decision for Adoption: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with revisions <input type="checkbox"/> Referred to: <input type="checkbox"/> Tabled | Effective Date: |

1 Section **10-9a-538** is enacted to read:

2 **10-9a-538. Modular Homes**

3 (1) The regulations related to the construction, transportation, installation,
4 inspections, fees, enforcement, and all other regulations related to modular housing shall be
5 regulated by Utah Code Annotated Title 15A.

6 Section **15A-1-202** is amended to read:

7 **15A-1-202. Definitions.**

8 As used in this chapter:

9 (1) “Agricultural use” means a use that relates to the tilling of soil and raising of
10 crops, or keeping or raising domestic animals.

11 (2)

12 (a) “Approved code” means a code, including the standards and
13 specifications contained in the code, approved by the division under *Section 15A-1-204* for
14 use by a compliance agency.

15 (b) “Approved code” does not include the State Construction Code.

16 (3) “Building” means a structure used or intended for supporting or sheltering
17 any use or occupancy and any improvements attached to it.

18 (4) “Code” means:

19 (a) the State Construction Code; or

20 (b) an approved code.

21 (5) “Commission” means the Uniform Building Code Commission created in

22 *Section 15A-1-203.*

23 (6) "Compliance agency" means:

24 (a) an agency of the state or any of its political subdivisions which issues
25 permits for construction regulated under the codes;

26 (b) any other agency of the state or its political subdivisions specifically
27 empowered to enforce compliance with the codes; or

28 (c) any other state agency which chooses to enforce codes adopted under this
29 chapter by authority given the agency under a title other than this part and Part 3, Factory
30 Built Housing and Modular Units Administration Act.

31 (7) "Construction code" means standards and specifications published by a
32 nationally recognized code authority for use in circumstances described in *Subsection 15A-1-*
33 *204(1)*, including:

34 (a) a building code;

35 (b) an electrical code;

36 (c) a residential one and two family dwelling code;

37 (d) a plumbing code;

38 (e) a mechanical code;

39 (f) a fuel gas code;

40 (g) an energy conservation code;

41 (h) a swimming pool and spa code;

42 (i) a manufactured housing installation standard code; and

43 (j) ICC/Model Building Institute Standards 1200 and 1205, except as
44 modified by this Title 15A.

45 (8)“Construction project” means the same as that term is defined in *Section 38-1a-*
46 *102.*

47 (9)“Executive director” means the executive director of the Department of
48 Commerce.

49 (10) “Legislative action” includes legislation that:

50 (a) adopts a new State Construction Code;

51 (b) amends the State Construction Code; or

52 (c) repeals one or more provisions of the State Construction Code.

53 (11)“Local regulator” means a political subdivision of the state or its designee
54 that is empowered to engage in the regulation of construction, installation, inspection,
55 alteration, remodeling, building, repair, and other activities subject to the codes.

56 (12)“Membrane-covered frame structure” means a nonpressurized building with a
57 structure composed of a rigid framework to support a tensioned membrane that provides a
58 weather barrier.

59 (13)“Not for human occupancy” means use of a structure for purposes other than
60 protection or comfort of human beings, but allows people to enter the structure for:

61 (a) maintenance and repair; and

62 (b) the care of livestock, crops, or equipment intended for agricultural use
63 which are kept there.

64 (14)“Opinion” means a written, nonbinding, and advisory statement issued by the
65 commission concerning an interpretation of the meaning of the codes or the application of
66 the codes in a specific circumstance issued in response to a specific request by a party to the
67 issue.

68 (15) “Remote yurt” means a membrane-covered frame structure that:

69 (a) is no larger than 710 square feet;

70 (b) is not used as a permanent residence;

71 (c) is located in an unincorporated county area that is not zoned for residential,
72 commercial, industrial, or agricultural use;

73 (d) does not have plumbing or electricity;

74 (e) is set back at least 300 feet from any river, stream, lake, or other body of
75 water; and

76 (f) is registered with the local health department.

77 (16) “State regulator” means an agency of the state which is empowered to engage in
78 the regulation of construction, alteration, remodeling, building, repair, and other activities subject
79 to the codes adopted pursuant to this chapter.

80 Section 15A-1-205 is amended to read:

81 15A-1-205. Division of Professional Licensing duties.

82 (1)

83 (a) The [d] Division of Professional Licensing shall, except as specifically set
84 forth otherwise, administer the codes adopted or approved under *Section*
85 *15A-1-204* pursuant to this chapter.

86 (b) Notwithstanding [~~Subsection (1)(a),~~] any provision in Utah Code Annotated,
87 State Construction Code, or other applicable codes, the division, state
88 regulator, and any third party agencies and inspectors shall not have the
89 responsibility or authority, unless specifically granted by a local regulator per
90 Utah Code 15A-1-304, to [∴

91 ~~(i) conduct inspections to determine compliance with the codes;~~

92 ~~(ii) issue permits; or~~

93 ~~(iii) assess building permit fees.]~~ perform those duties reserved only to the local
94 regulator set forth in Utah Code 15A-1-304.

95 (2) As part of the administration of the codes, the [d] Division of Professional Licensing
96 or state regulator shall:

97 (a) comply with *Section 15A-1-206*;

98 (b) schedule appropriate hearings;

99 (c) maintain and publish for reference:

100 (i) the current State Construction Code; and

101 (ii) any approved code; [~~and~~]

102 (d) publish the opinions of the commission with respect to interpretation and
103 application of the codes; and

104 (e) license all inspectors, including third-party inspectors, and manufacturers of
105 modular units.

106 Section 15A-1-302 is amended to read:

107 **15A-1-302. Definitions.**

108 As used in this part:

109 (1) “Compliance agency” is as defined in *Section 15A-1-202*.

110 (2) “Decal” or “Insignia” means the approved form of certification issued by the
111 State, to be permanently attached to the modular building, including each panelized system,
112 certifying that it has been constructed to meet or exceed the applicable building code requirements.

113 (3) “Division” shall mean the Utah Division of Facilities Construction and
114 Management of the Utah Department of Government Operations.

115 (4) “Factory built housing” means a manufactured home or mobile home.

116 (5) “Factory built housing set-up contractor” means an individual licensed by the
117 division to set up or install factory built housing on a temporary or permanent basis.

118 (6) “HUD Code” means the National Manufactured Housing Construction and
119 Safety Standards Act, *42 U.S.C. Sec. 5401 et seq.*

120 (7) “Local regulator” is as defined in *Section 15A-1-202*.

121 (8) “Manufactured home” means a transportable factory built housing unit
122 constructed on or after June 15, 1976, according to the HUD Code, in one or more sections,
123 that:

124 (a) in the traveling mode, is eight body feet or more in width or 40 body feet

125 or more in length, or when erected on site, is 400 or more square feet; and
126 (b) is built on a permanent chassis and designed to be used as a dwelling with
127 or without a permanent foundation when connected to the required utilities, and
128 includes the plumbing, heating, air-conditioning, and electrical systems.

129 (9) "Mobile home" means a transportable factory built housing unit built
130 before June 15, 1976, in accordance with a state mobile home code which existed prior to
131 the HUD Code.

132 (10) "Manufacturing Plant" means the location other than the building site at
133 which modular buildings, modules, and panelized systems are assembled or
134 manufactured prior to transport to the final construction site and have been approved and
135 listed by the Division as a location owned and operated by an approved licensed Modular
136 Manufacturer. Manufacturing Plant shall not include facilities used to manufacture or
137 construct modules or panelized system if they are located directly on the work site where
138 the proposed modules, panelized systems or modular components are to be installed.

139 (11) "Modular Manufacturer" means the entity responsible for the
140 manufacturing of assemblies, panelized systems, modular buildings or modular
141 components.

142 (12) "Modular unit" means a structure:

143 (a) constructed from one or more modules, or constructed using one or more
144 closed modular components or closed panels, manufactured at a location other than the
145 permanent building site, [built from sections that are manufactured] in accordance with the
146 State Construction Code and transported to a building site;

147 (b) the purpose of which is for human habitation, occupancy, or use; and

148 (c) is not a factory-built house, manufactured home, or mobile home.

149 (13) Module means:

150 (a) a three-dimensional, volumetric section of a modular building designed and
151 approved to be transported as a single section, independent of other sections, to a site for on-site
152 construction; or

153 (b) a panelized system.

154 (14) “Offsite Construction” means a modular building, modular component or
155 panelized system that is designed and constructed in compliance with this standard and is wholly
156 or in substantial part fabricated or assembled in manufacturing plants for installation—or
157 assembly and installation—or on a separate building site and has been manufactured in such a
158 manner that all parts or processes cannot be inspected at the installation site without disassembly,
159 damage to or destruction thereof.

160 (15) “Onsite Construction” means the preparation of the site, foundation
161 construction, construction of the supporting structure, assembly, connection of off-site or open
162 construction and completion of site related construction in accordance with the construction
163 documents and details.

164 (16) “Panelized System” means a closed wall, roof, or floor components that are
165 constructed at a location other than the building site in a manner that prevents the construction
166 from being inspected at the building site without disassembly, damage, or destruction thereof.

167 (17) “State regulator” is as defined in *Section 15A-1-202*.

168 (18) Third-Party Inspection Agency is a person or entity licensed by the Utah Division
169 of Professional Licensing and approved by the Division of Facilities Construction and Management
170 to be qualified by reason of facilities, personnel, experience, demonstrated reliability and
171 independence of judgment to inspect modules for compliance with the construction documents,
172 compliance control program and applicable codes.

173 (19) “Third-Party Inspector” is a person who:

174 (a) is qualified by reason of experience, demonstrated reliability and
175 independence of judgment to inspect modular buildings, and portions thereof, for compliance with
176 the construction documents, compliance control program, and applicable building code;

177 (b) works under the direction of a third-party inspection agency; and

178 (c) has been licensed by the Division of Professional Licensing pursuant to 15A-
179 1-307; and

180 (d) approved by the Division of Facilities Construction and Management.

181 Section 15A-1-304 is amended to read:

182 **Section 15A-1-304. Modular units.**

183 Modular unit construction, [setup] installation, issuance of permits for construction or
184 [setup] installation, and setup shall be in accordance with the following:

185 (1) Construction, installation, and setup of [a] modular units and panelized systems
186 shall be in accordance with the State Construction Code.

187 (2) Notwithstanding any provision in Utah Code, State Construction Code, or other
188 applicable codes, rules, and regulations, [A] a local regulator or its qualified

189 designee has the responsibility for and exclusive authority [~~for plan review and~~
190 ~~issuance of permits for construction, modification, or setup for the political~~
191 ~~subdivision in which the modular unit is to be setup;~~] to:

192 (a) Review and approve plans, but only to the extent that such plans relate to
193 elements of onsite construction, as defined in ICC/MBI Standard 1205.

194 (b) Issue permits for construction of the building and any building site
195 modification;

196 (c) Perform onsite inspections;

197 (d) Verify by inspection that all off-site components are installed onsite in
198 accordance with the approved plans, modular manufacturer's instructions, the State
199 Construction Code, and applicable codes;

200 (e) Verify that all manufacturing decals have been permanently affixed to
201 each component of the modular unit, module, and panelized system;

202 (f) Establish and assess fees, including building permit fees, inspection fees,
203 administrative fees, impact fees, and other fees related to the construction and installation of
204 modular units;

205 (g) Require a closed modular unit to be opened for further inspection upon
206 discovery of visible damage to the modular unit or, based on a non-destructive visual inspection,
207 identification of a modular unit not in compliance with the State Construction Code, applicable
208 codes, or approved plans;

209 (h) Notwithstanding any other provision in Utah Code, Construction Code,

210 standards, rules, and regulations, prevent the use or occupancy of a modular unit that, in the
211 opinion of the building official, contains a serious defect or imminent safety hazard, and notify the
212 action taken by the building official to the Division and Division of Professional Licensing;

213 (i) Subject to this Part 304(7), perform all other duties and responsibilities
214 set forth in the ICC/MBI Standards 1200 and 1205 and not otherwise listed herein.

215 (3) Plan review and offsite and onsite [An] inspections of the construction,
216 modification of, or [setup] installation of a modular unit shall conform with [this chapter.] the
217 State Construction Code and applicable codes, including site specific municipal codes.

218 (4) Subject to this Part 304(1)(h), (5), (6), and (7), [A] a local regulator shall [has
219 the responsibility to] issue [an approval for the political subdivision in which a modular unit is
220 to be setup or is setup.] a certificate of occupancy for a modular unit if the modular unit has all
221 required decals, has been installed and inspected onsite according to plans, and meets the
222 State Construction Code, the ICC/MBI Standards 1200 and 1205, and applicable municipal
223 codes.

224 (5) ~~[Nothing in this section precludes:~~

225 (a) ~~— a local regulator from contracting with a qualified third party for the~~
226 ~~inspection or plan review provided in this section; or~~

227 (b) ~~the state from entering into an interstate compact for third party~~
228 ~~inspection of the construction of a modular unit.]~~

229 In addition to any immunity and protections set forth in the Utah
230 Governmental Immunity Act, municipalities shall not be liable for claims solely arising from
231 construction and manufacturing of offsite construction elements.

232 (6) Any purchaser, future resident, and homebuyer of a modular unit shall be
233 considered to be in privity of contract with the manufacturer and third party inspection agency
234 for the purposes of recovering damages for manufacturing and design defects and inspection
235 agency and inspectors' errors and omissions.

236 (7) A local regulator may provide written notice within the certificate of
237 occupancy that explain or list the municipality's limitations of liability pursuant to this Title
238 and the Utah Governmental Immunity Act.

239 (8) A local regulator may, in its sole discretion, contract with a qualified and licensed
240 third party agency or inspector that has been approved by the Division or another municipality to
241 perform the onsite inspection or plan review provided in this section.

242 Section **15A-1-306** is amended to read:

243 **Section 15A-1-306. Factory built housing and modular units – Division**
244 **responsibility – Unlawful conduct.**

245 1) The division or state regulator:

246 a) shall maintain current information on the HUD Code and the portions of
247 the State Construction Code relevant to manufactured housing and modular installation and will
248 provide at reasonable cost the information to compliance agencies, local regulators, or state
249 regulators requesting such information;

250 b) shall provide qualified personnel to advise compliance agencies, local
251 regulators, and state regulators regarding the standards for construction and setup, construction
252 and setup inspection, and additions or modifications to factory built housing and modular units;

253 c) is designated as the state administrative agency for purposes of the HUD

254 Code;

255 d) may inspect factory built housing units and modular units in or out of the
256 state during the ~~[construction]~~ manufacturing process to determine compliance of the
257 manufacturer with this ~~[chapter]~~ title for those units to be installed within the state, and upon a
258 finding of substantive deficiency through such inspections or based on reports from approved
259 third-party inspection agencies:

260 i) suspend or stop the manufacturer's construction of modular units
261 to be sold or installed in the state of Utah;

262 ii) issue a corrective order to the manufacturer ~~[and provide a copy of~~
263 ~~the order to the local regulator in the state's political subdivision where the unit is to be~~
264 ~~installed]; or~~

265 iii) require an increase in third-party factory inspections until such
266 time that the Division and the third-party inspection agency is satisfied that the deficiency is
267 resolved.

268 e) shall, if an action is taken pursuant to (1)(d)(i), (ii), or (iii), provide notice
269 of its action or a copy of the corrective order to the local regulator in the state's political
270 subdivision where the unit is to be installed; and

271 f) shall have rights of entry and inspection as specified under the HUD Code
272 and ICC/MBI Standard 1200 and Standard 1205, as applicable;

273 g) shall implement by rule a continuing education requirement for
274 manufactured housing and modular construction and installation contractors; and

275 h) shall have the authority to set and collect fees associated with the

276 provision of decals or insignia to support the administration of the modular program.

277 2) The division may assess civil penalties payable to the state for violation of the
278 HUD Code in an amount identical to those set forth in Section 611 of the National Manufactured
279 Housing Construction and Safety Standards Act of 1974, *42 U.S.C. Sec. 5410*.

280 3) The state may impose criminal sanctions for violations of the HUD Code
281 identical to those set forth in Section 611 of the National Manufactured Housing Construction
282 and Safety Standards Act of 1974, *42 U.S.C. Sec. 5410*, provided that if the criminal sanction is a
283 fine, the fine shall be payable to the state.

284 Section **15A-1-307** shall be enacted to read:

285 **15A-1-307. Third party plan review – Inspection agencies**

286 1) The Division shall maintain a list of approved third-party plan review and
287 inspection agencies that have been licensed by the Division of Professional Licensing.

288 2) Modular manufacturers shall contract with one or more third party agencies listed
289 by the Division to perform offsite plan review and inspection.

290 3) Approved third-party agencies shall:

291 a) Demonstrate knowledge of applicable sections of the Utah Code and State
292 Construction Code and other applicable laws, rules, and regulations;

293 b) Be independent in judgment and not have any actual or potential conflict
294 of interest, is not affiliated with or influenced or controlled by any producer, supplier, vendor,
295 developer, builder, or related fields applicable to the construction of modular units in any manner
296 which might affect its capacity to render its conclusions and inspections without bias;

297 c) Carry insurance in the amount set by the Division to cover liabilities and
298 losses arising or relating to possible errors and omissions from its operations, reviews, and
299 inspections; and

300 d) Perform all duties set forth in the ICC/MBI 1205, Chapter 4, as amended.

301 4) Third-party plan review examiners shall:

302 a) Be licensed and certified as a plans examiner under the International Code
303 Council;

304 b) Possess the qualifications required by a third party plan review agency
305 under the ICC/MBI Standard 1205, Chapter 4;

306 c) Be knowledgeable regarding the construction, installation, and setup of
307 modular units;

308 5) Third party inspectors shall:

309 a) Be licensed and certified as:

310 i) A combination inspector in the state of Utah; and

311 ii) A third party inspector under the ICC/MBI Standard 1205, Chapter 4

312 Section **15A-1-308** shall be enacted to read:

313 **Section 15A-1-308. Manufacturing Plants and Quality Assurance Inspections.**

314 **(1) The Division shall approve all modular manufacturers before modular units may**
315 **be used within the State.**

316 **(2) Subject to the changes set forth in this part, manufacturers and quality assurance and**
317 **control entities and employees must meet all of the requirements set forth in ICC/MBI 1200**

318 Standard, Chapter 5 and 1205 Standard, Chapters 4 and 5.

319 (3) The Quality Assurance and Control Plan, as required in ICC/MBI 1200 Standard,
320 Chapter 5 and further defined per ICC/MBI 1205 Standard, Chapter 5, shall:

321 (a) Require inspections of each modular unit, including each module and panelized
322 system, at each station and phase of the manufacturing process; and

323 (b) Include all conflict of interest forms of quality assurance personnel and regularly
324 submit conflict of interest forms for any new employees performing quality assurance duties.

325 (4) Quality assurance personnel shall:

326 (a) Demonstrate to the Division and third party inspection agency that they have
327 adequate knowledge of the product, factory operations, and the codes and standards to which the
328 product is being manufactured and shall also demonstrate the ability to perform their required
329 duties;

330 (b) Be a licensed combination inspector in the state of Utah;

331 (c) Individually inspect each modular unit and panelized system at each stage of the
332 manufacturing process and before being closed for inspection to ensure that the construction
333 conforms to the approved plans.

334 (d) Submit to the manufacturer, to be included in the Quality Assurance and Control
335 Plan or amended thereto, a form provided by the Division that lists all conflicts of interest.

336 (5) Manufacturers, quality assurance personnel, and third-party agencies and inspectors
337 may not amend the plans without approval from the local regulator if such amendments violate
338 specific provisions or affect the safety or habitability of the modular unit.

339 (6) The Division shall, upon request by a local regulator, provide all filed conflict of
340 interest forms signed by quality assurance personnel and that have been submitted by the
341 manufacturer as part of its quality assurance and control plan.

342 (7) Any decal or insignia for a modular unit, module, and panelized system issued and
343 affixed by the third party inspection agency in compliance with this Part and Standard 1205,
344 Chapter 7 shall warrant that such modular unit, module, and panelized system has been inspected
345 in accordance with this Part 308(3) and is:

346 (a) Fit for human occupancy and may be safely used as intended;

347 (b) Manufactured in accordance with the State Construction Code, applicable state
348 and local codes, and modular plans and specifications.