

I am sorry this has taken so long to respond to this ordinance, but I have been very busy with running the Department and completing the budget etc... The following is my best effort to clarify the changes being made and any decisions made regarding them over the past month:

Sections 1, 2, 11, 13, 15: Deletion of contractor and trades people licensing.

- Status: Tabled for further discussion.
- Action items: Board requests more information on the proposed change such as who requested the change, why and what is the objective.
- Bob input: Bob was remote and had trouble being heard. We need to clarify that the intent is to still enforce state licensing requirements by department staff, just not require a separate MOA license on top of the state one.
- Staff input: The purpose of (or reasons for) municipal contractor and trades people licensing has been lost over time; however it appears the reason the MOA issues licenses is so the MOA can enforce licensing. The state does not have sufficient staff to enforce licensing. In the last five years, MOA Building Safety Staff has cited 235 instances of contractors doing work without the appropriate license: 155 (No of MOA license), 80 (No MOA or SOA licenses).

RESPONSE: For many years many contractors have voiced their objection to the MOA charging licensing fees. They knew that the MOA just verified their State of Alaska License and issued them an MOA license if their State License was valid. The Building Official has put this language forward because he also believes eliminating the need for an MOA license does not eliminate licensed contractors within the MOA. It merely means we will continue to verify that every permit issued is issued only to licensed contractors or owners (as allowed by state law) just as we have done since Anchorage Building Safety Service Area was established. We are simply getting rid of the MOA (second) license and still relying on the State of Alaska License. We know the Contractors we issue permits to must have a valid Contractors License and we can prove that through the State of Alaska Licensing website immediately now, so we do not need the additional MOA license anymore. It is now very easy to verify this when only a few years ago it was not readily available. The MOA license has become unnecessary based upon the digital age. We will continue, as we always have, to confirm a contractor is licensed through the State of Alaska before issuing a permit. Eliminating the need to have the additional MOA license does not limit safety or integrity of the entire permitting process in anyway. Most journeyman trades are also unlicensed in the MOA, but a few have been. We do not feel that subjecting some disciplines to apprentice and journeyman special tests is the correct way to enhance their training programs and develop them. We know that the trades have great training apprenticeship programs, and the MOA Inspectors do a great job of ensuring they perform their work according to code just like the other disciplines. Therefore, we no longer believe we need to provide a testing service and license service to tradesman as well.

To cover the reduction of revenue expected by this change is up to the Department Director and Office of Management and Budget. We are working with them to ensure we have the reduction covered in our plan moving forward. Development Services increased fees as of January 2020. Those fees were subject to a 25% covid discount (Assembly Ordinance) almost immediately upon passage and they have been refunding these over discounts over the past two years which has limited our ability to show that the increased fees from 2020 will cover this revenue reduction. It is our belief that the reduction in revenue that will be realized with this elimination of licensing fees will more than be covered by the fee increases implemented in Jan 2020 and finally realized in 2022. This also means licensed Contractors will not be subject to double licensing fees which they have been protesting for decades as well as the apprentice and journeyman fees.

Section 3: Increase the monetary threshold for when permits are required for specific work.

- Status: The board proposes to revise the amendment as follows:

U. Repair or replacement of exterior wall and roof coverings where the total cost of repair or replacement using fair market value of materials and labor does not exceed \$5,000. Work that does not require a permit such as painting need not be included in the total cost.

We believe this should stay at \$10,000 up from \$5000, there is no reason to restate this last sentence because it is already exempted by item H. as follows:

H. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
This section U applies to actual materials used not painting.

V. Repair or replacement of gypsum wall board wall and ceiling finish material where the total cost of repair or replacement using fair market value of materials and labor does not exceed \$10,000 [\$5,000]. Work that does not require a permit such as painting need not be included in the total cost. This exception does not apply to code required fire resistive construction.

There is no reason to restate this sentence because it is already exempted by all other items in this section, and this obviously only applies to “Repair or replacement of gypsum wall board wall and ceiling finish material”.

Section 4: Replacement of light fixture with LED fixture.

- Status: Board lacks sufficient information to support the proposed change.
- Action items: Board requests reasoning/objective for the proposed change.

The reason for this section is to match similar language in the plumbing code and clarify when a permit is actually needed. We have received numerous requests by Electrical Contractors and homeowners to allow for LED light replacements (Single or Multiple) when there is absolutely no wiring revisions necessary. Single replacements have been considered maintenance by staff not requiring a permit but when multiple are done at the same time it has been required to obtain a permit. We believe that similar to many products in the Plumbing industry a direct replacement without any piping or wiring changes necessary should be allowed to change out the fixtures without a safety problem. The following is the similar language in the Plumbing Discipline:

- C. The replacement of a hose bibb, drinking fountain, wash fountain, sink or lavatory, including the faucet, provided such replacement does not involve or require the replacement or rearrangement of piping other than a trap or trap arm.
- D. The replacement of a water closet, bidet or urinal, including the flushometer valve, provided such replacement does not involve or require the replacement or rearrangement of piping.
- E. The replacement of an electric water heater in a single-family or duplex dwelling unit, provided such replacement does not involve or require the replacement or rearrangement of piping.

Section 5: Temporary structures.

- Status: Board lacks sufficient information to support the proposed change.
- Action items: Board requests reasoning/objective for the proposed change.

The reason for this revision is to allow Temporary structures for occupancies other than A(Assembly), B(Business/office), M (Retail) and U (Private Garage) occupancies. This allows more flexibility to all occupancies for a short-term temporary occupancy. There are requests for storage buildings etc... and this minor change will allow for that to be allowed without a special exemption.

Sections 6, 10, 12: Residential permit fee revision for projects valued at \$40,000 and less.

- Status: Board is concerned about the loss of revenue for a department supported by revenue. Board lacks sufficient information to support the proposed change.
- Action items: Board requests reasoning/objective for the proposed change.

The reason for this section is to match permitting fees methodology for all residential Structures less than \$40,000 to be in line with all other permitting fees that were revised for the January 2020 fee revision. \$40,000 or less valued permits are being charged based upon the old permit fee structure based upon a per inspection fee. We would like to revise that to be like all the other fees that are based upon valuation to be consistent. We set a minimum fee for those up to \$40,000 so that it is the same as if the permit valuation is \$40,001. The minimum fee is based upon the normal calculation method provided for all other residential construction which is $0.009 * \text{valuation}$. Which shows that $\$40,000 * 0.009$ is \$360. There needed to be a minimum fee as smaller projects can cause increased work, but the current fees charged for Projects under \$40,000 is much higher than a project say at

\$45,000. This needed to be corrected. This was a correction needed based upon the unintended consequences of the original code revision for fees.

Section 7: Provision to audit residential projects that have not undergone municipal plan review.

- Status: Board does not support the proposed change.

The reason for this section is that we believe limiting the amount of oversight could lead to a future problem. We do support audits and therefore, we just think limiting those to 8% is not needed because it limits our ability to make sure all permitting is safe. We should not have too but if somehow the Department hit the 8% cap, then we would be unable to perform any additional audits therefore limiting our ability to ensure safe construction.

Section 8: Expiration of plan review.

- Status: Board supports the proposed change.

Section 9: Expiration of permit.

- Status: Board supports the proposed change.

Section 14: Onsite fees.

- Status: Board supports the proposed change.

Section 16: Modifications to ASCE 7 correction.

- Status: Board supports the proposed change.

Section 17: Special inspection pre-approval program correction.

- Status: Board supports the proposed change.

Section 18: Seismic design categories D through F correction.

- Status: Board supports the proposed change.

Section 19: Allow air admittance valves.

- Status: To be discussed at the next meeting. Potentially send back to UPC committee for input.
- The State of Alaska has sent a letter to the Building Official objecting to this provision as exceeding the delegation of authority to the MOA as less restrictive than the State adoption of the UPC.
- To the intent of this provision is to apply it to structures built pursuant to the IRC for single family and duplex homes and the state does not adopt the IRC, the State's objection that the MOA exceeded its delegated authority does not appear applicable.

The Plumbing Code Amendment Committee is looking into this, and we have provided reasoning and options for them to consider. We will provide the outcome once completed. It seems that there is support for including them since there is nothing within the cold climate that should prevent it based upon the language being proposed. We feel that there are places that it is a very reasonable solution and in those cases the language needs to be in code.

Section 20: Garage door opener GFCI receptacle requirement.

- Status: To be discussed at the next meeting.
- The State of Alaska has sent a letter to the Building Official objecting to this provision as exceeding the delegation of authority to the MOA as less restrictive than the State adoption of the UPC.
- Where the intent of this provision is to apply it to structures built pursuant to the IRC for single family and duplex homes and the state does not adopt the IRC, the State's objection that the MOA exceeded its delegated authority does not appear applicable.

Although, we do agree with the board that the State does not have authority for single-family home construction as stated in the BB response, we have met with staff and discussed this revision and have agreed that this code revision should not go forward. We are going to support its removal as unwarranted and could be potentially unsafe. We will present any amendments needed to remove it from the Assembly Ordinance.

Sections 21, 22, 23: IFC driveway changes.

- Status: To be discussed at the next meeting.
- Action items: Staff has forwarded the request for input/explanation to the fire marshal.

The Fire Chief, Fire Marshall, Municipal Engineer, as well as the Traffic Engineer provided input and have helped develop this revision in the Design Criteria Manual (DCM) and the MOA driveway standards. This is the Title 23 code revision necessary to complete that full approval to make all codes consistent.

Sections 24: IRC change to delete the requirement for a 1-hour ADU separation.

- Status: To be discussed at the next meeting.

This requirement was added into the IRC Amendments last year based upon the fact that Title 21(Zoning Code) had language requiring an Accessory Dwelling Unit to be built as a Two-family dwelling. It has been pointed out to the Planning Director that Title 21 should not be the code dictating how the building code should address construction. Therefore, current revisions are being presented for Title 23 as well as Title 21, both removing the language requiring a Single-Family home with an ADU to be built as a Two-family dwelling. Therefore, returning to what the actual national building codes require. This revision will allow the original IRC language in Title 23 to prevail and not have Title 21 dictate this. A single-family home with an ADU is allowed by code to meet the single-family home requirements. This code revision makes that happen. This code revision just takes that extra language out of both Title 21 and 23 and allows construction to return to what the original building codes state, as it should be.

Sections 25: Allow unventilated hot roof construction for buildings regulated by the IRC.

- Status: To be discussed at the next meeting.

This revision is being added to allow for under certain specific requirements that have been developed nationally to allow a hot roof in cold climates such as ours. There have been many years of testing and new installation methods that if installed under those specific constraints allow for a safe and dependable roof structure in cold Climate zones 7 and 8. Has the MOA experienced some past failures of hot roofs, yes, as every jurisdiction has. The MOA has also had many successful installations of hot roofs based upon certain installation methods. The IRC has over the years developed code language that now makes it successful in colder climates such as ours and in the latest version of the codes the language is now being accepted throughout the country. I believe IRC has now caught up and specifically calls out when and how a hot roof can be installed in our climate zone. I believe the following language in code applies for this case. The Building Official feels he needs language in the code to allow these when the specific conditions warrant that are in the IRC code. This amendment removes that prohibition.

The code is not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any alternative has been approved. An alternative material, design, or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability, and safety. The details of any action granting approval of an alternate shall be recorded and entered in the files of the Department of Building Safety.

The Building Official mentioned that since the current amendment has taken out the specific language allowing these in our cold climates that he does not have the right to approve these. We believe that if constructed as per the new language in the code the method does not pose a long-term problem with the viability of the roof or structure. Therefore, we are suggesting removing the current amendment prohibiting the use under the nationally approved installation requirements that exist in the 2018 IRC.

Section 26: Delete the requirement for sound attenuation for accessory dwelling units and the conversion of a single family to a duplex.

- Status: To be discussed at the next meeting.

Since this code requirement adopted in Anchorage is actually in the appendix it is not always approved universally across the country. The reason for suggesting the removal of the strict requirement of these sound attenuation levels is that they cannot be achieved unless demo of the wall or ceiling takes place because meeting the STC rating of 45 is unable to be made without the installation of proprietary sound attenuation resilient channel, sound boards or some other proprietary materials. The MOA is looking for ways to add affordable housing, increasing the number of dwelling units and we believe we can achieve a typical rating that has been allowed for years between 35-40 STC in the existing walls and ceiling and for those places where the walls and ceilings currently exist. There are methods to blow-in insulation without removing the finishes that has been being utilized in the field before the 2018 IRC adoption of this appendix. We believe this is a viable option to allow slightly less STC rating in existing walls and ceilings but still require it in new construction. We feel that this is an adequate code recommendation to limit sound but not drive-up costs beyond the point that construction is feasible.