

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner, with the approval of the Building Code Advisory Council, hereby amends Chapter 300, “State Building Code—Administration,” and Chapter 303, “State Building Code—Requirements for Energy Conservation in Construction,” Iowa Administrative Code.

The Building Code Commissioner is charged by Iowa Code sections 103A.8 and 103A.8A and Iowa Code Supplement section 103A.10 with adopting requirements for energy conservation in construction. Several significant changes in applicability of these requirements were enacted this year by the Iowa General Assembly in 2008 Iowa Acts, Senate File 517. Previously, energy conservation requirements applied only to new construction. Now, these requirements will apply to all construction projects except for renovation or remodeling of one and two dwelling unit residential buildings. Changes to implement this revision are included in the amendments adopted herein. Additionally, several clarifying editorial changes are incorporated.

Pursuant to Iowa Code section 17A.4(2), the Commissioner finds that notice and public participation prior to the adoption of these amendments are impracticable, as it is desirable that the amendments become effective as soon as practical because the statutory provisions implemented by 2008 Iowa Acts, Senate File 517, are already in effect.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments be made effective on June 15, 2008, after filing with the Administrative Rules Coordinator. These amendments confer a benefit upon the public by making the rules consistent with statutory changes adopted in 2008 Iowa Acts, Senate File 517, which became effective on April 29, 2008.

A Notice of Intended Action, which proposes amendments identical to those adopted in this filing, is published herein as **ARC 6883B**. The Notice of Intended Action will provide for a period of public comment and participation, including a public hearing. This process will culminate in these amendments being adopted through the normal rule-making process, with any public input received during the comment period having been taken into account.

These amendments are intended to implement Iowa Code sections 103A.8 and 103A.8A and Iowa Code Supplement section 103A.10 as amended by 2008 Iowa Acts, Senate File 517.

These amendments became effective on June 15, 2008.

The following amendments are adopted.

ITEM 1. Adopt the following new paragraph **300.4(1)“n”**:

n. Any submission to the commissioner of architectural technical submissions, engineering documents, or plans and specifications for construction, except for plans to renovate or remodel residential buildings of one or two units, shall include a statement that the construction will comply with all applicable energy conservation requirements.

ITEM 2. Adopt the following new subrule 300.6(4):

300.6(4) *Statement of compliance with energy conservation requirements.* Any application for a building permit, except for applications to renovate or remodel residential buildings of one or two units, shall include a statement that the construction will comply with all applicable energy conservation requirements.

ITEM 3. Amend rule 661—303.1(103A) as follows:

661—303.1(103A) Scope and applicability of energy conservation requirements.

303.1(1) *Scope.* Rules 661—303.1(103A) through 303.3(103A) establish thermal ~~and lighting~~ energy efficiency standards for the design of new buildings and structures or portions thereof, ~~and~~ additions to existing buildings, and renovation and remodeling of existing buildings, except for

residential buildings of one or two dwelling units, which provide facilities or shelter are intended primarily for human occupancy or use and which are heated or cooled by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating, electrical distribution and illuminating systems and equipment for the efficient use of energy, and lighting efficiency standards for buildings intended for human occupancy which are lighted.

303.1(2) *Applicability.* Rules 661—303.1(103A) through 661—303.3(103A) apply to design and construction of buildings which ~~provide facilities or shelter~~ are intended primarily for human occupancy or use throughout the state of Iowa. Any ~~new construction of public buildings; of any building within a jurisdiction which has adopted the state building code, a local building code, or a compilation of requirements for building construction; or any new construction of a building or facility with more than 100,000 cubic feet of enclosed space which is heated or cooled~~ buildings or facilities which are intended for human occupancy and which are heated or cooled is covered, with the exception of renovation and remodeling of residential buildings of one or two dwelling units, which are not covered. Rule 661—303.2(103A) establishes standards for design and construction of ~~low-rise~~ residential buildings of three or fewer stories. Rule 661—303.3(103A) establishes standards for ~~nonresidential design and construction of commercial buildings and high-rise residential design and construction~~ buildings of four or more stories. The occupancy of any building covered by this chapter shall be determined based upon the occupancy definitions in chapter 3 of the International Building Code, 2006 edition.

303.1(3) *Review by architect or engineer.*

a. Review required. The plans and specifications for all buildings to be constructed ~~after January 1, 1978, and~~ which exceed a total volume of 100,000 cubic feet of enclosed space that is heated or cooled shall be reviewed by a registered architect or licensed professional engineer for compliance with applicable energy efficiency standards.

b. Statement of review. A statement that a review has been accomplished and that the design is in compliance with the energy efficiency standards shall be signed and sealed by the responsible registered architect or licensed professional engineer. This statement shall be filed with the commissioner or a local building official on the a form furnished approved by the commissioner; prior to construction ~~or the before obtaining of~~ any local permits. The statement shall be filed with the commissioner for any project which is subject to plan review by the building code bureau.

~~*e. Submission fee.* Rescinded IAB 11/21/07, effective 1/1/08.~~

~~*c. Additional buildings.*~~ If the plans and specifications relating to energy efficiency for a specific structure have been approved, additional buildings may be constructed from those same plans and specifications without need of further approval if construction begins within five years of the date of approval. Alterations of a structure which has been previously approved shall not require a review because of these changes, provided the basic structure remains unchanged and no additional energy is required for heating, cooling or lighting.

~~*d. Changes to approved plans.*~~ No Prior to the completion of construction, no changes shall be made to any approved plan or specifications which either decrease or increase the amount of energy used for heating, cooling, or lighting, unless the changes are approved by the responsible registered architect or licensed professional engineer in writing and notice has been filed with the commissioner or a local building official. The commissioner or a local building official shall be notified of any change which is anticipated to decrease the amount of energy used. Notification pursuant to this paragraph shall be to the commissioner for any project which is subject to plan review by the building code bureau.

~~*f. Local plan review.*~~ The review of plans and specifications for buildings constructed with a volume of less than 100,000 cubic feet of enclosed space which is heated or cooled shall be in accordance with local or other building code requirements pertaining to plan review, as required by Iowa Code section 403A.19.

ITEM 4. Rescind rule 661—303.2(103A) and adopt the following **new** rule in lieu thereof:

661—303.2(103A) Residential energy code. The International Energy Conservation Code, 2006 edition, is adopted by reference as the residential energy code of the state of Iowa building code,

applicable to residential construction limited to three or fewer stories throughout the state of Iowa, with the following amendments:

1. Delete sections 101, 103, 104, 105, and 106, and all sections contained within each of these.
2. Strike section 403.2.2 and adopt the following new section 403.2.2 in lieu thereof:

403.2.2 Sealing. All ducts, air handlers, filter boxes, and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.3.1 of the International Residential Code. Air handlers with a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested at an air pressure of 1-inch water gauge when all air inlets, air outlets, and condensate drain port(s) are sealed shall be deemed sealed. Air handlers with filter boxes shall be tested with the filter box in place.

3. Delete chapter 5.

ITEM 5. Amend rule 661—303.3(103A) as follows:

661—303.3(103A) Adoption of nonresidential energy code. The International Energy Conservation Code, 2006 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, is hereby adopted by reference as the nonresidential energy code of the state building code, applicable to ~~nonresidential commercial construction or high-rise~~ residential construction of four or more stories within the state of Iowa ~~on or after January 1, 2007~~, with the following amendments:

1. Delete sections 101, 103, 104, 105, and 106, and all sections contained within each of these.
2. Delete chapter 4.

~~EXCEPTION: Nonresidential construction which begins prior to April 1, 2007, may comply with rule 661—303.3(103A) as it read prior to January 1, 2007.~~

[Filed Emergency 6/11/08, effective 6/15/08]

[Published 7/2/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/2/08.