

## Chris Roust

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**To:** Senator\_Ralph\_Seekins@legis.state.ak.us; Representative\_Nancy\_Dahlstrom@legis.state.ak.us

**Subject:** Safety Code Task Force

Representative Dahlstrom and Senator Seekins:

In response to the Safety Code Task Force, Final Report to the Alaska Legislature, which I asked to have sent to me today, I would like to offer the following questions/comments which may help clarify the Task Force intent in their recommendations:

1. What role will the Building and Safety Code Commission have in the local appeals process of the deferred municipalities? Currently, those appeals are challenged to the city council, assembly or court system, depending on the municipality. Will they now be heard by the BSCC? The chart indicates that they will but it may mean they will be very busy handling these municipal appeals.
2. Currently, the Department of Public Safety is the only agency giving deferrals and those deferrals are for the mechanical, building and fire codes. Will all codes now be eligible for deferrals including those enforced by the Department of Labor? Deferrals are not specifically shown on the chart.
3. Will the BSCC be reviewing and approving the municipal deferrals or will this be left with the department(s)? If it is left with the departments, which department will defer the mechanical code? And if given to the BSCC, how will they determine that the conditions of the deferral are being met? (Currently, we welcome the State Fire Marshal's periodic audits of the Juneau Building Division files to determine that we are meeting those conditions.)
4. One of the key processes used by municipal building officials is the Code Modification process. In that process, building officials are given the ability and responsibility to accept proposals of alternate ways of meeting the intent of the safety codes in ways that are not specifically allowed by the published codes. This allows the building official to be reasonable and not have to follow the exact code wording in situations where there is no hazard or the hazard is equally dealt with by the alternate material or method of construction. Currently, neither the State Fire Marshal or the administrative heads in the Department of Labor are given that ability. Could the Task Force consider recommending that the state officials be given that ability in their recommendations to the Legislature? It would not, in my opinion, be prudent to give that ability to the BSCC due to time delays in getting answers to developers.
5. The chart shows lines from both the Departments and the BSCC to the Municipal Building Departments. It is not clear to me what those relationships are. It may be that there are separate duties of the Departments and BSCC that apply to the Municipalities but they should be stated, in my opinion.
6. There is a line from the Municipal Building Departments to the box at the bottom of the chart which I understood applies to state agencies which were encouraged to create a one-stop permitting center, not a joint center with municipal agencies.
7. The box entitled Municipal Building Departments might be more appropriately entitled Municipal Building and Fire Departments as the State Fire Marshal defers fire code enforcement to the fire departments, not the building departments.

Thanks for listening,

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