



Commonwealth of Kentucky
Public Protection Cabinet
Department of Housing, Buildings and Construction
Division of Building Code Enforcement
101 Sea Hero Road, Suite 100
Frankfort, Kentucky 40601-5405

UNIFORM CRITERIA FOR EXPANDED LOCAL JURISDICTION

Any local government may petition the Commissioner of the Department of Housing, Buildings and Construction requesting that additional plan review and building inspection functions be allocated to that local government. The petition shall include evidence of the local government's capability to perform additional plan review and inspection functions. The commissioner, after review of the petition and supporting evidence, may grant or deny to the local government any part of a request for additional responsibility. If the commissioner denies any part of a petition, he shall explain his reasons for denial in writing, and provide a copy to the board and the local government. A local government may appeal the denial directly to the board, in accordance with the procedures found in subsections (8) to (10) of KRS 198B.070. If the local government is granted additional responsibility by the commissioner or board, the Department of HBC shall hold concurrent jurisdiction over the additional responsibility, but the local government shall collect any fees for functions it performs pursuant to the additional responsibility. The Department of HBC will monitor the program of local governments that have been granted additional responsibility. The agreement shall be subject to renewal every three (3) years. The Department of HBC will report the re-evaluation findings directly to the Board of Housing.

UNIFORM CRITERIA: The local government requesting expanded jurisdiction shall review the following sections 1 through 4 and submit the documentation or evidence along with the application or petition for the expanded jurisdiction.

1. **Certified inspector:** The local government shall employ or otherwise contract with a person, firm, or company to perform the plan review and building inspection functions granted to the local government. The local government shall also employ, contract with or designate a certified electrical inspector to perform the electrical inspections within the jurisdiction and other code enforcement personnel and support staff necessary to enforce the Kentucky Building Code (KBC) within the expanded jurisdiction. The person performing the plans review and the building inspections shall be certified by the Department of HBC as having successfully completed the test requirements provided by KRS 198B.090 to practice as a Certified Building Inspector, Level III. The designated Certified Building Inspector, Level III shall have been certified and employed in that capacity for a minimum of three- (3) years. The local government shall also submit the following evidence for consideration.
 - 1.1. **Personnel:** A complete list of the code enforcement personnel, including the designated Certified Building Inspector, Level III and certified electrical inspector, that will be employed or contracted with to enforce the code within the expanded jurisdiction. The list of personnel should include the name, job title and certification status of each individual.
 - 1.2. **Construction activity:** Documentation of the permits issued and the total fees collected for the previous calendar year, if any, and an estimation of the anticipated increase in activity with the expanded jurisdiction.
 - 1.3. **Other contracts:** Where a person, firm, or company has been contracted to provide the plans and specifications inspection function and the person, firm, or company also provides inspection services for other local governments, then the documentation of permit activity and the total fees collected as required in Section 1.2. (above) shall also be provided for each of the other local governments.
 - 1.4. **Official contact:** The local government shall notify the Department of HBC of the name of the chief building code official; the name of the department; the official mailing address; the phone number; the fax number and e-mail address if applicable.

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UNIFORM CRITERIA FOR EXPANDED LOCAL JURISDICTION – continued

- 1.5. **Inclusions:** A local government’s petition for expanded jurisdiction shall include a complete list of each building occupancy and building size for which expanded jurisdiction is requested. The minimum responsibilities as indicated in Section 104.15 of the KBC shall be the minimum basis for the expanded jurisdiction.
- 1.6. **Exclusions:** A local government’s petition for expanded jurisdiction shall include a complete list of each building occupancy and building size for which jurisdiction will not be requested. The typical state jurisdiction as indicated in Section 104.16 does not need to be listed.
- 1.7. **State jurisdiction:** The Department of HBC shall retain plan review, inspection and enforcement responsibility under the Kentucky Building Code for all buildings which are:
 1. Institutional buildings, educational buildings that are licensed by the Cabinet for Health and Family Services (CHFS) or other facilities **required** to be licensed by the Cabinet for Health and Family Services. Note: CHFS has contracted with the Department of HBC for plan review and inspection services e.g., day care centers, hospitals, nursing homes or other similar facilities licensed by the state. Note: Local governments may request jurisdiction over educational buildings that are not licensed by the Cabinet for Health and Family Services.
 2. State owned buildings or state leased facilities.
 3. High hazard occupancies. Note: High hazard occupancies may be included upon special request and documentation of qualifications.
 4. Industrialized building systems, except for site placement and installation of one- and two-family dwellings may be permitted locally upon notification from the Department of HBC for each instance.
2. **Local appeals board:** The mayor or county judge/executive of a local government which is enforcing the Kentucky Building Code under the minimum or expanded jurisdiction may establish a local appeals board in accordance with KRS 198B.070. The mayor or county judge/executive may, upon approval of the local legislative body, appoint an appeals board, consisting of five- (5) technically qualified persons with professional experience related to the building industry, to hear appeals from the decisions of the local building official. The local government’s petition for expanded jurisdiction shall indicate the local government’s intention to have or not to have a local appeals board. Where no local appeals board exists, the Board of Housing shall serve to hear appeals directly from any party aggrieved by a decision by the local building code official. Where a local appeals board does exist, the Department of HBC shall be notified of the names of each member and the contact information for the current local appeals board. Note: The cost of any appeal forwarded to the Department of Housing, Buildings and Construction because there is no local appeals board shall be borne by the local government.
3. **One- and two-family dwelling:** The local building inspection program shall include the plan review and inspection of all one- and two-family dwellings that are not HUD manufactured homes, modular homes or farm dwellings. The local building department may issue permits for the foundation system and other on-site construction related to modular home installations upon notification from the Department of HBC for each instance.
4. **Schedule of fees:** Each local government may establish a schedule of fees for the plan review and inspection functions performed under the provisions of KRS 198B.060. The fees shall be designed to fully cover the cost of the service performed but shall not exceed the cost of the service performed. The building permit fees established for construction projects under the jurisdiction of the Department of Housing, Buildings and Construction shall be adjusted to reflect that no plan review or inspection functions will be provided by the local government. Each local government’s petition for expanded jurisdiction shall include a copy of the schedule of fees as adopted by the local legislative body.

