

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

815 KAR 7:070

Contact Person: Jonathon M. Fuller

Phone: (502) 782-0617

Email: max.fuller@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the testing, training, continuing education, and enforcement responsibilities for qualifying persons to become inspectors for the enforcement of the Kentucky Building Code and the Kentucky Residential Code.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for an individual to become a certified building inspector in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements for an individual to become certified building inspector in Kentucky. KRS 198B.090(1) requires the department to create and administer a building inspector certification program and a plans and specifications inspector's certification program with sufficient testing procedures.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment makes grammatical and technical edits and creates a pathway for individuals to obtain on-the-job training to count towards the experience necessary to become a certified building inspector. This amendment updates forms and creates a new renewal form and eliminates an extra fee for an inactive inspector to bring their certification status to active.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary help create career pathways for those interested in building inspection, remove barriers for entry and allow on-the-job training for trainee building inspectors. This amendment is also necessary to remove a fee and amend an existing form, and create a new renewal form.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training

program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in removing barriers to entry to the building inspection profession while still requiring sufficient experience to ensure only qualified individuals are able to become certified building inspectors.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local building inspection programs, the Department of Housing, Buildings and Construction, individuals seeking building inspector certification.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: State and local governments will have larger candidate pools for building inspector vacancies, individuals interested in the building inspector profession will be able to utilize on-the-job training towards meeting their experience requirements.

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: State and local governments will be able to hire trainee inspectors and allow their on-the-job training to count towards the experience required for certification. Current trainees and certified inspectors will have to complete new forms. Inactive inspectors will have to pay a lower fee to make their certification active.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no anticipated additional cost associated with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): State and local governments will have larger candidate pools for building inspector vacancies, individuals interested in the building inspector profession will be able to utilize on-the-job training towards meeting their experience requirements. Inactive inspectors will have to pay a lower fee to make their certification active.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no anticipated additional cost associated with this administrative regulation.

(b) On a continuing basis: There is no anticipated additional cost associated with this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no anticipated additional cost associated with this administrative regulation. Any costs resulting from the amendments will be met with existing agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to im-

plement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not require an increase in fees or funding for implementation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment reduces the reactivation fee.

(10) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation applies equally to all certificate holders, state, and local governments.

FISCAL IMPACT STATEMENT

815 KAR 7:070

Contact Person: Jonathon M. Fuller

Phone: (502) 782-0617

Email: max.fuller@ky.gov

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required by KRS 198B.050(5), 198B.090(1)(a), (b), and authorized by 198B.095(1).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Housing, Buildings and Construction, Division of Building Code Enforcement

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

- 1. Expenditures:
 - For the first year: None.
 - For subsequent years: None.
- 2. Revenues:
 - For the first year: Potential decrease due to elimination of part of a reactivation fee, but this will be a nominal reduction that will fluctuate fiscal year to fiscal year.
 - For subsequent years: Potential decrease due to elimination of part of a reactivation fee, but this will be a nominal reduction that will fluctuate fiscal year to fiscal year.

- 3. Cost Savings:
 - For the first year: None.
 - For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): County/City building inspection programs.

(b) Estimate the following for each affected local entity identified in (4)(a):

- 1. Expenditures:
 - For the first year: None.
 - For subsequent years: None.

2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

(5)(a) Identify additional regulated entities not listed in questions (2) or (3): Individuals seeking building inspector certification and certified building inspectors

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
For the first year: Renewal or application fees (\$50), no change.
For subsequent years: Remain the same.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: \$25 if going from inactive to active.
For subsequent years: Remain the same.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The only fee amended by this amendment is the reactivation fee, which has been reduced from \$75 to \$50.

(b) Methodology and resources used to reach this conclusion: Please see the response to (5)(a).

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(14): This regulation will not have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The only fee amended is a \$25 reduction.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

815 KAR 7:070

The “Initial Application Form”, DHBC-BC/CP-1, is the 2-page form utilized by applicants to become certified building inspectors.

The “Renewal Form”, DHBC-BC/CP-2 is a one page form utilized by trainees and certified building inspectors to renew, reactivate, or reinstate their certification.

The “Trainee Enrollment Form”, DHBC-BC/CP-3 is a one page form utilized by applicants to enroll as trainees.

SUMMARY OF CHANGES TO MATERIALS INCORPORATED BY REFERENCE

815 KAR 7:070

The “Initial Application Form”, DHBC-BC/CP-1 has been amended to require birthdate instead of birth month, require email addresses, clarify the requirement for submittal of examination results, and sufficiently capture information necessary to become a certified building inspector or trainee.