

LEGISLATURE

Are you in or are you out?

» Statewide building code welcomed, but some jurisdictions may opt out

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The Mississippi Legislature's enactment of a statewide building code received a lot of support from the insurance industry, as well as the construction community in the state. But the legislation includes an opt-out clause allowing counties and cities to decline to participate, and that is a possibility for rural areas of the state that have traditionally opposed building codes.

After the building code legislation goes into effect Aug. 1, counties or cities have 120 days to adopt a resolution to choose not to be subject to the code requirements. "I don't know how many will opt out," said Derrick Surrette, executive director, Mississippi Association of Supervisors. "Through the legislative session, we wanted to make sure there was some discretion in there for counties. We like local



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authority. We think the board of supervisors know their people and taxpayers the best, and we would like for them to make that decision."

Buddy Edens, president and CEO, Mississippi Association of Builders & Contractors, said it would be a big benefit to have the same building codes across the state.

"We have tried for a long time to get a building code that is uniform across the

state so our contractors, when they go from one part of state to another, are dealing with the same building code and understand exactly what the rules are," Edens said.

"Some of the more rural counties are resistant, and we understand that. But we think it is very important we are all on the same standard. It is a win-win for the state and a win-win for the people across the state because it would bring about stronger

and more disaster resistant housing both on the commercial and residential side. It will improve the quality of construction across the board."

Marty Milstead, executive vice president, Home Builders Association of Mississippi, said building codes are good for the state. "Every person deserves to have a home built to a building code standard regardless of where they are in Mississippi," Milstead said.

Milstead isn't overly concerned that rural cities and counties may opt out. He said there is not a lot of building going on in the rural areas to start with; most of the construction is in more populated areas.

He also thinks that probably most homes being constructed in rural areas are being

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built with up-to-date construction techniques and technologies.

Enforcement is an important issue. The codes may have little value if there isn't an effective inspection and enforcement program. Milstead said for areas with a small population, it won't make sense to hire a full-time building inspector because there isn't enough building going on.

State Insurance Commissioner Mike Chaney was the major force behind lobbying the legislature to adopt statewide building codes.

Chaney said many cities and most counties in Mississippi have little or no building code requirements in place, and this contributes to higher death and injury rates in natural disasters, and higher economic losses, as well.

"Studies show that properly enforced building codes saves lives and property," Chaney said.

"Studies by Louisiana State University have also shown that if effective building codes had been in place prior to Hurricane Katrina, the economic loss in Mississippi would have been reduced by \$3.1 billion and almost 40,000 buildings would have been spared major wind damage.

"It is also noted that, according to the International Code Council, every dollar

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Mike Chaney

State Insurance Commissioner

spent building to code reduces losses from wind, flood, earthquake and other disasters by \$4. Also, strong codes can reduce losses from fire and other natural disasters, saving lives in the process and making economic recovery from disasters easier and quicker."

Chaney said statewide building codes were strongly supported by many groups and organizations including the construction industry. Supporters included the HBAM, the Mississippi Building Codes Council, the Fire Chief's Association, the State Fire Marshal's Office and the insurance industry. Support also came from many realtor organizations, mortgage lenders, architects and city and county code officials, emergency planners and economic developers.

Chaney said it is not much of an additional expense to build to code in new construction. And it is estimated that counties with mandatory building codes may see more than a 10 percent drop in homeowner insurance rates.

Depending on the number of buildings being constructed in an area, the governing authority can contract with an independent, third-party inspector to do the required inspections.

"That cost can be recouped through the building permit process as an additional fee for issuing a building permit," Chaney said.

"Counties can utilize the county fire coordinators for enforcement of the codes in the counties. This makes the county cost of code enforcement almost cost neutral. The

governing authorities may also assign an existing member of their staff to carry out the duties of code enforcement and the State of Mississippi will provide free training for the code officials. So there will be little cost to the governing bodies for training or continuing education."

If there are not a sufficient number of buildings being built in an area to justify a full-time code official, various governing authorities can join together, most likely through a memorandum of understanding, to share the costs associated with code enforcement in that area.

"For example, neighboring counties or communities could all join together to hire and provide pay and benefits to a code official for all those governing bodies, thus keeping the cost for any one entity to a minimum," Chaney said. "Several counties could likewise join together to operate a code enforcement office."

The codes apply only to residential and commercial structures. Building codes will not affect landowners wanting to build a barn or a chicken house.

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