



To: Kootenai County Board of Commissioners  
451 Government Way  
Coeur d'Alene, ID 83814  
208.446.1600

January 16, 2018

RE: The Residential Building Code Compliance debate

Dear Sirs,

Please, in your final discussions as to whether you pass the idea of abandoning the permit process for residential construction and move to a system of choosing between applying for a "Basic Building Permit" or an "Upgrades Building Permit" as mentioned in the Coeur d'Alene Press's Article titled "*Rare Decision to Not Adopt New Building Codes Causes Stir*" (Dec.05, 2017), for the benefit of our community in Kootenai County, I ask that you consider a few issues outlined below:

1. Residential permitting processes help protect property owners because they provide a system of checks and balances. When submitting for permit, multiple disciplines tend to get involved (city, and county planning/building departments, fire departments, Panhandle Health District, civil engineers, etc.) This layering of involvement, helps to prompt the homeowner to contact other experts that they may not have otherwise known to do. The permitting system can often expose legitimate concerns that a landowner should be aware of, and wasn't. Is it responsible to simply hope, based on kind and good intentions, that a property owner has a basic understanding of all the various concerns necessary to build a safe, cost effective and time enduring home? Will all homeowners inherently know, for example, about various soils conditions and how structures should be placed on site, or designed, accordingly? Will they know the importance of properly mitigating water infiltration so that not only is structure safe from damage, but also the hidden life-threatening dangers of mold? How are we serving our community by suggesting we are better off not enforcing residential codes, therefore minimizing these types of concerns? Is ability to build, however you want, a good and responsible kind of freedom to have? While some projects might be built just fine this way, it is a tremendous assumption that the integrity of **most** future home structures and outbuildings won't decline, in safety or value, more than normal.
2. We all want to be able to govern our own pieces of land without interference and I sympathize with this ideology to a degree. But wisdom, and millions of real life examples throughout history, have proven that residential building codes **help**. They don't hinder. When does anyone complain that their house withstood an earthquake, flooding, fire or a record snowfall? Codes are intended to protect the health, safety and welfare of occupants, future occupants, personal property and surrounding properties, in a very minimal way. They are continuously discussed, vetted, eliminated, modified, with the goal of being as easily implemented as possible. To say or imply that residential codes, and their enforcement, are malicious and devised solely for political or financial gain, is short sighted and truly uncaring.



3. The waters have been muddied by claiming that the permit process, and the enforcement of home building codes, are a “racket” because the process isn’t always quick, easy, or affordable. The validity of implementing residential building codes should not be blurred with easeability of processes, costs and/or timeline debates. Poor examples of permit submissions can readily be found, as well as poor follow through of acceptable permit submissions. As happens in life, on **both** sides of this process, there are situational difficulties, bad decisions, difficult people, new employees, first time home builders, bad contractors, mistakes made, and perhaps abuses of power. But this is a people issue, a process issue, a staffing issue, an education issue on both sides - not a code enforcement and permitting issue. Idealistically, if there were a 24-hour turnaround for every permit, and it was nearly free, would this topic still be debated? Or do most people genuinely want the “freedom” to build/purchase sub-standard homes, additions, or shops, with hidden leaks, sagging roofs, and various mysteries that lurk between the walls? These types of illustrations will run amuck in the absence of code enforcement and compliance. Perhaps political efforts should be focused on improving processes, understanding costs, and increasing public awareness of these issues?
4. Comments like, “a building department’s inspections are supposed to keep shoddy construction from happening and they don’t, therefore the process is useless” are said by frustrated folks who don’t perhaps understand where responsibility of construction begins and ends. That comment alone assumes a basic admittance that people don’t want to be taken advantage of, or pay for poor construction. But it has never been the building inspector’s role to be entirely responsible for the successes and failures of how a builder builds a house. We know that there are many types of builders building locally; the very well intentioned and yet inexperienced builder; the ill-intentioned *and* inexperienced builder; the ideal, well intentioned and experienced builder, the ill-intentioned and experienced builder. Currently, all these builders build in Kootenai County. Only one is desirable, and is the one that you would attempt to choose for your own project. The others are potentially huge liabilities. But unless a property owner is educated in the construction industry, and can oversee the building process daily, with your proposal to allow the elimination of the permitting process, homeowners will be left only to trust a builder’s reputation and those who gave it. Sadly, bad design and construction happens, even with a permit. But please understand, without the permit system, and the added layers of checks and balances, we greatly reduce the odds even more for the average homeowner.
5. Lastly, it is unfortunate, that we are not able to create some kind of niche in the residential code that allows for new technologies in residential design (i.e. Josh Drewien’s point in encouraging alternative and sustainable innovation in the Coeur d’Alene Press’s Article titled “*County Got it Right on the Building Code*” (Dec.15, 2017). There are very legitimate alternative building solutions that can easily exceed the intent of the current residential building codes. But it is important to point out that the International Residential Code (IRC) is a *minimally prescribed* set of standards to begin with. The intention of this is so that the codes implemented are as reasonable and affordable as can be to the construction industry. To say you build “according to code” means you build at the **minimum** required building standard allowed in your jurisdiction. By eliminating the permit process, you may overtly allow alternative methods and solutions in house design, but now have covertly given sub-standard (below minimum) construction an occasion to thrive. A case in point: code tells you that your exterior walls need to be insulated to meet a



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minimum rating for your geographical area. But say you live on the lake, or at a higher elevation, and face North. Good practice would have you increasing your insulation, thereby exceeding code standards, in turn easing the loads on your HVAC system (saving money on mechanical equipment), saving future daily operation costs (less heating and cooling required) and helping to reduce your carbon footprint (reduced emissions). Isn't that solution better stewardship?

Conclusively, in a perfect world, a knowledgeable homeowner, builder, architect etc., understands code minimums and aims to exceed these standards where applicable, and according to specific project needs. But, again, what about protecting the unknowledgeable homeowner/home-builder, or protections from the not-so-trustworthy builder? What about caring for future buyers where no standards were followed during construction? The freedom to build what you want on your property is great in theory - until it is your kids or grandkids buying their first home, and the structure is full of dangerous faulty wiring and mold that cannot be seen. Why not desire something bigger and seek to enforce the good of others, and not just self, during design and construction? What if the well-intended "freedom" from permitting that you propose practically works itself out to create decades of poorly built, unsafe, unhealthy homes that prove difficult to sell and are harmful to neighboring properties? Does our community really believe that is a risk worth taking?

Thank you for your time and consideration in this matter.

Respectfully,

Shelli R. Mittmann

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cc: David Callahan, John Mills