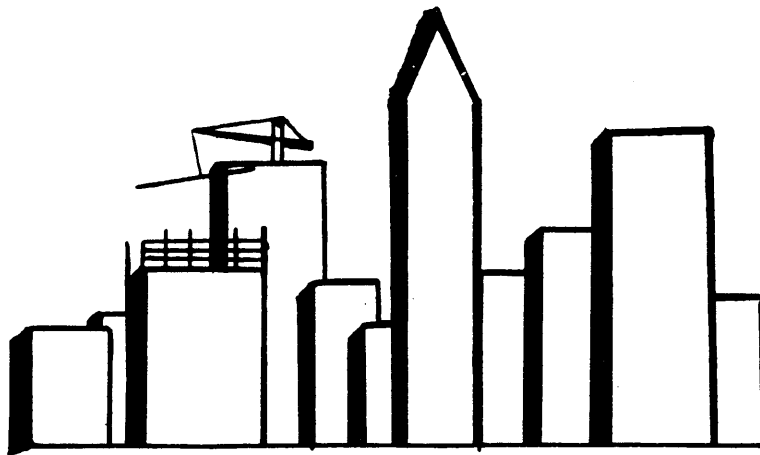
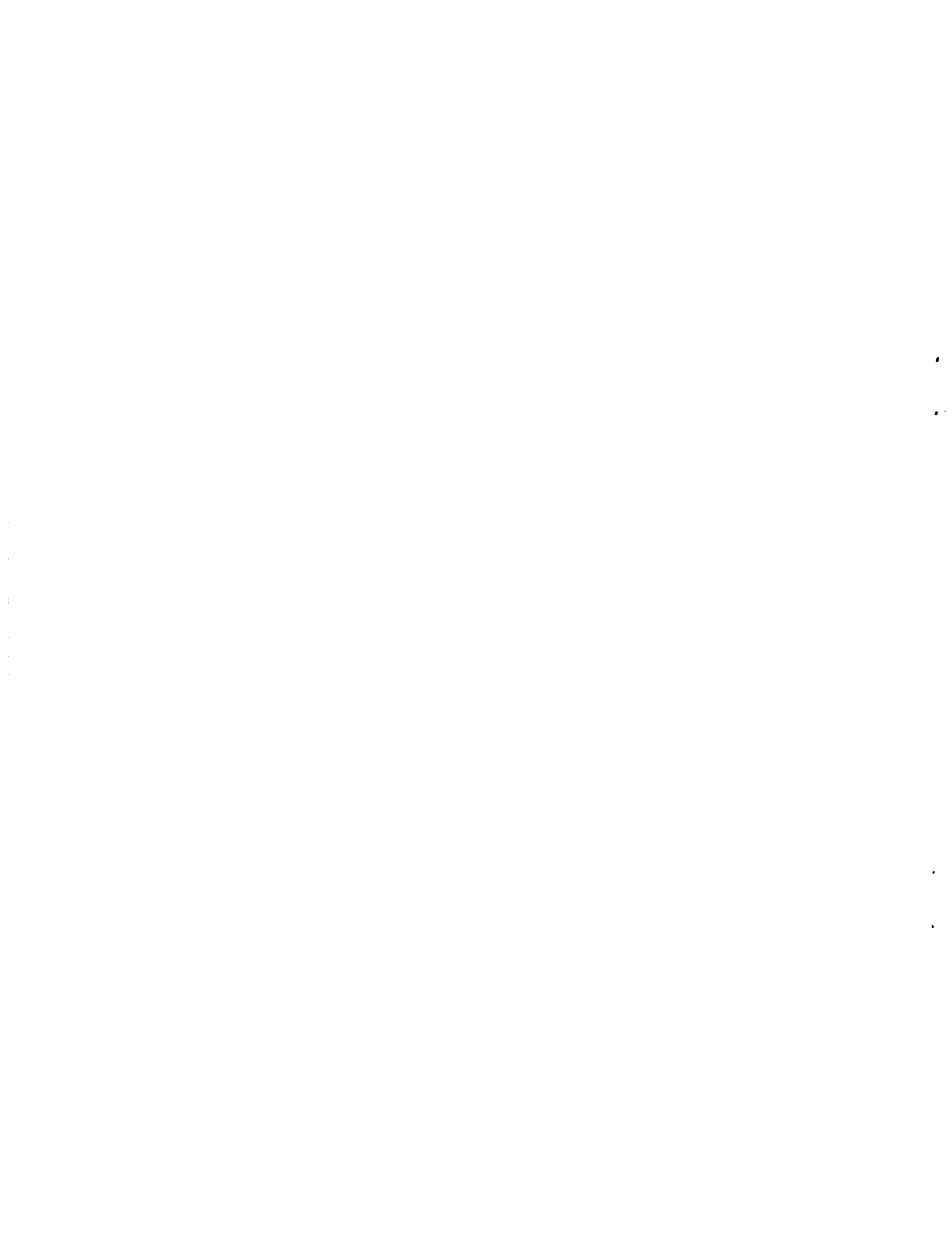


ESTABLISHMENT OF A  
BUILDING INSPECTORS' FOUNDATION PROGRAM  
FUND AND FEASIBILITY STUDY



RESEARCH MEMORANDUM NO. 434  
LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY



**ESTABLISHMENT OF A  
BUILDING INSPECTORS' FOUNDATION PROGRAM  
FUND AND FEASIBILITY STUDY**

Prepared by  
**Allan Alsip  
Mike Greenwell**

**RESEARCH MEMORANDUM NO. 434  
LEGISLATIVE RESEARCH COMMISSION  
FRANKFORT, KENTUCKY**





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### MEMORANDUM

**TO:** Vic Hellard, Jr., Director

**FROM:** Allan Alsip and Mike Greenwell

**DATE:** October 23, 1987

**SUBJECT:** Research Memorandum as Directed by HCR 46

Acting upon a request of the Code Administrators Association of Kentucky, the 1986 Session of the Kentucky General Assembly adopted House Concurrent Resolution #46. The Resolution directs the LRC staff to study the feasibility of establishing a foundation program fund for building inspectors, plans and specifications inspectors, and plumbing inspectors enrolled in the certification program required pursuant to KRS 198B.090. The Resolution further directs that the study include information on the number of participants, monthly and annual expenditures, and a funding mechanism for the creation of a foundation fund for certified building officials.

At the direction of the legislative sponsors of the Resolution, the officials of the Code Administration Association of Kentucky (CAAK) were requested to provide input into the development of a proposal. We acknowledge the diligent efforts of CAAK President, Robert Blanton, CAAK Legislative Committee Chairman, Richard Prater, the members of his committee and other Association members who have contributed time and effort to this proposal. We also acknowledge the cooperation of Commissioner Charles Cotton, Deputy Commissioner Carl Smoak, General Counsel, Judith Walden and Personnel Administrator, Deborah Uschan of the Department of Housing, Buildings and Construction.

A document entitled "Official Position of the Code Administrators Association of Kentucky" was prepared by the Association and is reproduced in its entirety as Appendix A of this Memorandum. We have drawn upon this document extensively in the formulation of a program to achieve the mandates of HCR 46 and further implement the provisions of KRS 198B.050 requiring uniform statewide enforcement of the building and life safety codes.

## RECOMMENDATIONS

1. A supplemental incentive pay program for local building officials should be established to assure the implementation of KRS 198B, which requires uniform statewide enforcement of building and life safety codes by both state and local code officials.
2. The Legislative Research Commission should consider directing the Program Review and Investigations Committee to evaluate the impact of the many proposals to utilize the assets of the Kentucky Law Enforcement Foundation Fund, the Volunteer Fire Department Aid Fund and the Kentucky Professional Fire Fighters Foundation Program.
3. The Department of Housing, Buildings and Construction should establish an absolute deadline for all building inspectors to become certified.
4. The Department of Housing, Buildings and Construction should implement a frequent pre-test and in-service educational program to keep inspectors abreast of the building code and its current revisions. The department should charge a fee to offset its administrative cost, as provided for in KRS 198B,090(10).
5. If the General Assembly establishes a Building Officials' Foundation Fund, the legislation should explicitly define the eligibility for participation in the program, to prevent someone from receiving supplemental pay from two different funds for the same job.

## Evolution of Kentucky's Building Inspection Program

The State Fire Marshal's Office was established by the Legislature in 1906. For 14 years its duties were to investigate fires. In 1920, the office was expanded to include fire prevention and inspection.

In 1954, another major expansion of State Fire Marshal duties occurred. The Legislature revised Chapter 227 of the Kentucky Revised Statutes to broaden the powers of the office relating to fire prevention of all property in Kentucky. Its broadened duties included: arson investigation, subpoena power, authority to promulgate a state-wide building and fire safety code (Kentucky Standards of Safety) and authority to enforce the code as a statewide minimum.

A further revision in 1959 of KRS Chapter 227 expanded building inspection efforts and the enforcement of building construction or safety codes in Kentucky. Local units of government developed building or fire safety inspection departments to complement the action of the State Fire Marshal's office.

The State Fire Marshal's Office, while maintaining supervision over the entire state, did pass authority on to the cities of Louisville and Lexington, which had developed departments capable of assuming inspection responsibilities for most building occupancies. The provisions of KRS Chapter 227 allowed a city or county government to adopt more stringent provisions of building or life safety codes so long as they did not lessen the integrity of the state's minimum standards of safety.

By 1954, Congress had passed the *1954 Housing Act*. According to that Act, no federal loans or grants could be given to a city unless it first had adopted and presented to the Housing and Home Finance Administration (HHFA), [now Federal Department of Housing and Urban Development (HUD)] an acceptable **Workable Program**. The cities' program was required to be certified each year by HUD. Of the seven elements that constituted the Workable Program, the first was the adoption of "adequate codes and ordinances for building construction and minimum housing standards, effectively enforced."<sup>1</sup>

As a general rule, the cities must have adopted building and fire codes, of their choice, before the Federal agency would certify their Workable Program. This choice allowed for considerable deviation among local units of government-chosen-codes and their enforcement procedures.

By the mid 1970's, five Kentucky cities had adopted the (BOCA) Basic Building Code, seventeen had adopted the Southern Standard Building Code. The remaining cities, choosing to adopt local codes, adopted the National Building Code, which was the State's minimum code, enforced by the State Fire Marshal's Office.

Building code enforcement in Kentucky varied greatly between different localities and the state office. Local code enforcement was subject to, and superseded by, the State

Fire Marshal's authority over all property in the state. Although state inspectors usually coordinated their field inspections with local fire inspectors, they did not usually coordinate inspections with city or county building department inspectors.

According to a survey of Builders and Contractors in an LRC Study by Don Stosberg, dated 1977, most builders preferred a statewide uniform code and a centralized state building enforcement agency. The study made several recommendations, including:

1. Elevate the State Fire Marshal's Office to Department status and transfer all building code inspection functions to a new department.
2. Require a statewide uniform code and create a standards committee to interpret and modify the state code, and,
3. Delegate, where possible, inspection and enforcement responsibilities to local building inspection departments.<sup>2</sup>

It is important to note that after this report was completed, but before it was published in November 1977, the tragic Beverly Hills Supper Club fire in Northern Kentucky occurred, killing at least 165 persons and injuring many more. The impact of that disaster, coupled with a push in Kentucky for a uniform building code, resulted in major legislative reform in building industry regulation and inspection.

### **Creation of the Department of Housing, Buildings and Construction**

KRS 198B.030, enacted by the 1978 Kentucky General Assembly, created the Department of Housing, Buildings and Construction. The Department was charged with statewide authority over all facets of the building industry. New construction or renovations were under the new Construction Division, while the occupancy and maintenance of existing facilities were under the authority of the State Fire Marshal's Office.

A uniform building code, BOCA, also was mandated by KRS 198B.050. The statute required uniform statewide enforcement of building and life safety codes by both state and local code officials. Construction and renovation inspections continue to be done by state and local inspectors, while existing building safety inspections are usually handled by the state and local fire safety inspectors.

### **Training Program**

To insure that all inspectors in Kentucky were qualified and trained to enforce the state codes uniformly, the 1978 Kentucky General Assembly also authorized department sponsored Pre-Entry and In-service Training.



The Stosburg study mentioned above indicated a need for state-sponsored programs to train local building inspectors. It was indicated that the Department of Local Government was exploring development of building inspection training programs, but the programs were never developed.

According to representatives of the Department of Housing, the department has not directly held pre-entry, in-service training, or certification test preparatory training, as provided for in KRS 198B.090(3) and (4). The department has worked cooperatively with the CAAK Association in sponsoring a two-day educational program in conjunction with the Association's annual conference. Registration fees from the conference are retained by the Association. According to the department, some remuneration is provided by the department on occasion to help CAAK cover the cost of speakers. There are no formal educational degree training programs within the University system specifically for building inspectors, although representatives of the Council on Higher Education expressed interest in an Associate Degree program, if sufficient participation could be expected. Some states, including New Jersey and California, have such programs in place.<sup>3</sup>

The Department of Housing has indicated interest in sponsoring a continuing education program, but presently has no funding to cover the cost. KRS 198B.090(10) directs the Board of Housing, Building and Construction to establish a schedule of fees to be paid by applicants for education, testing and certification programs.

### **Certification Program**

The 1982 Kentucky General Assembly, by passage of HB 311, Amended Chapter KRS 198B, authorizing the department to create and administer a certification program with sufficient testing procedures to certify the professions of: (a) Building Inspectors; (b) Plans and Specification Inspectors and (c) Plumbing Inspectors. The Department implemented the certification program after the 1982 Session and has maintained the program to the present.

According to the Department, there were 223 applicants to the certification program, with 77 passing the test and becoming certified in 1983-84. By 1987, the number of participants in the certification program had increased to 291, with 175 having passed the test and become certified.

There are five different tests denoting levels of certification, such as building inspector and plans and specification inspector. The testing instrument and the test program have been administered by the Educational Testing Service, Princeton, New Jersey, through the Department of Housing. Tests have been given once or twice a year as determined by the department. Applicants pay a \$20.00 registration fee plus \$25.00 per test taken. All the proceeds go to the Educational Testing Service.

Application for the certification program cost participants \$25.00 annually, but does not mandate that those participants ever pass the test for their specific field. The legislature may wish to amend KRS 198B.090(9) to place a deadline on becoming certified, particularly if participants are to also receive benefit from a foundation fund as specified in the next section.

The department has provided a breakdown of fees received and program costs expended since the creation of the certification program. See Table I.

Appendix B gives a breakdown of test participants and their pass/fail results since the beginning of this program in 1983-84. The failure rate for several of these tests is considerably high (as much as 54% in 1985), which would seem to attest to the comprehensiveness of the test instruments as provided by the BOCA Building Code Association and the testing services in Princeton, New Jersey. As late as April 1987, 46% of those inspectors enrolled in the certification program had not passed the test to become certified building inspectors.

**TABLE 1**  
**BUILDING INSPECTOR CERTIFICATION PROGRAM\***

RECEIPTS

Fiscal Year	Fees Collected	Applicants		Total
		Initial	Renewals	
1983-84	\$5,125.00	185	20	205
1984-85	4,275.00	45	126	171
1985-86	5,400.00	47	169	216
1986-87	6,175.00	74	173	247

EXPENDITURES

	1983-84	1984-85	1985-86	1986-87
Postage	\$1,000	\$1,200	\$1,400	\$1,400
Printing	1,000	1,100	800	800
Envelopes	40	50	50	50
File Cabinet	132	0	0	0
Office Supplies	150	100	100	100
Telephone	300	200	250	270
Travel	200	400	500	600
Salary	3,027	4,174	4,273	5,294
<b>TOTAL</b>	<b>\$5,849</b>	<b>\$7,224</b>	<b>\$7,373</b>	<b>\$8,519</b>

\*This data was provided by the Department of Housing, Buildings and Construction.

Charts I and II are maps of the state, clearly indicating cities and counties with participants in the certification program.

Chart I indicates the counties which have at least one person who has satisfied the requirements for and is a certified building inspector and/or plans specifications inspector. The darkened counties which have stars are those which have a certified city inspector who may or may not also cover the rest of the county.

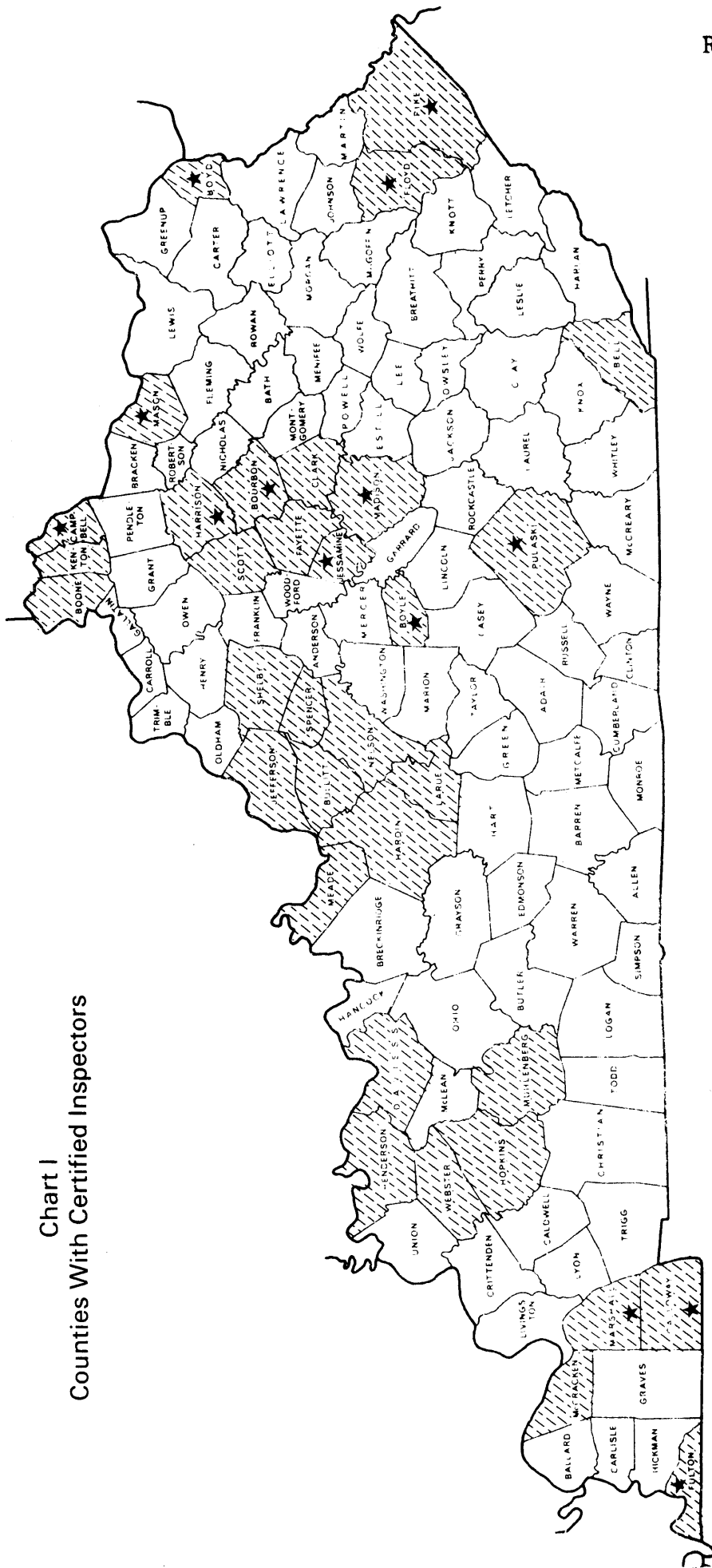
It should be noted that of the 120 counties in the state, only 30 have certified inspectors, according to the July report of the Department of Housing, Buildings and Construction.



Chart II indicates those 75 counties which have building inspectors who are either certified or are enrolled in the certification program and theoretically pursuing final certification. It is important to note that to be registered in the certification program, the only requirement is paying an annual registration fee of \$25.

According to the Department's April 1987 Report, 291 persons were enrolled in the program; 175 (60%) were certified. Of the 116 remaining members enrolled, at least 11 had not participated in either the testing or training components of the program.

Even though the program is 4 years old, many of the participants who are enrolled in the certification program have not taken tests for certification. If Kentucky is to enforce the state code uniformly, and counties are to be covered by qualified inspectors, then efforts should be made to expand the certification and education program for building inspectors to the unrepresented counties.

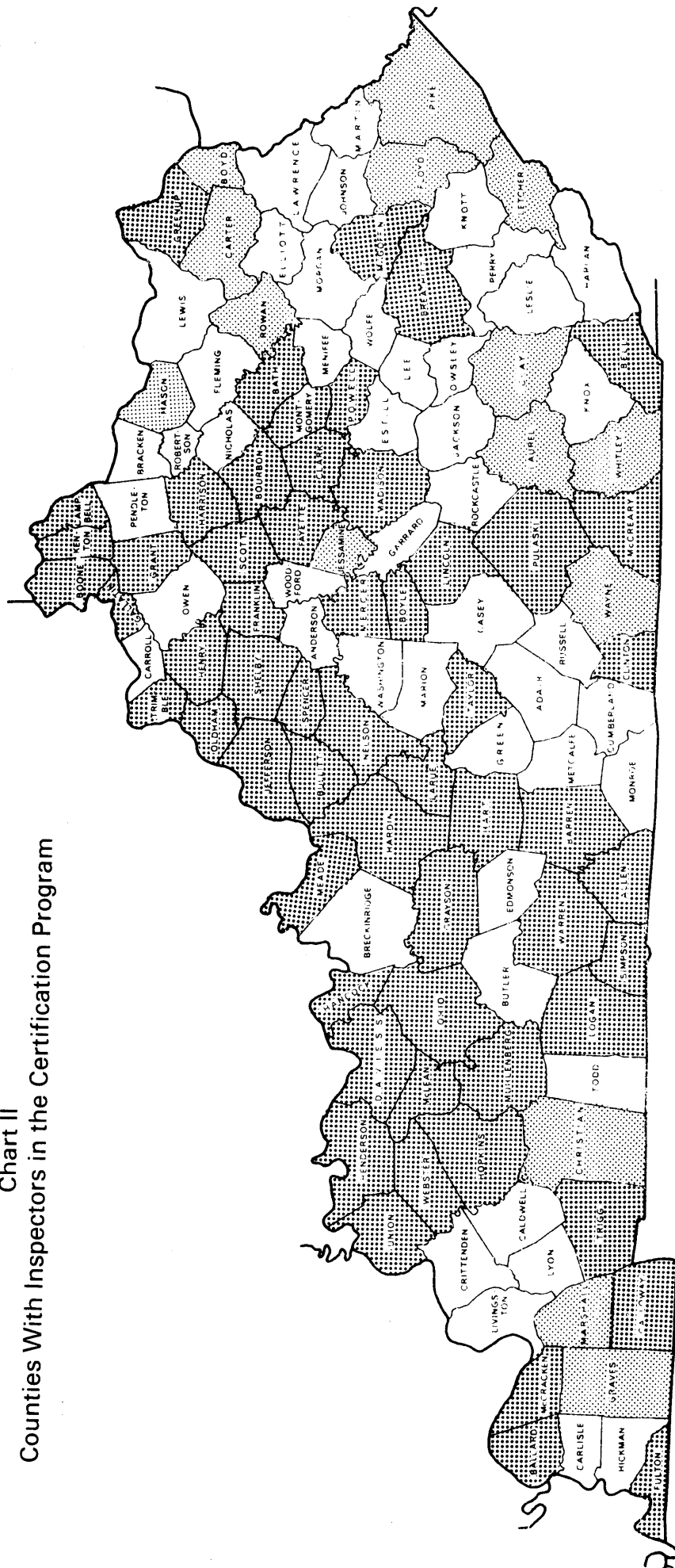
Chart I  
Counties With Certified Inspectors





-  Counties having a certified building inspector
-  Only city having a certified building inspector

Information provided by the Department of Housing Building and Construction

Chart II  
Counties With Inspectors in the Certification Program



 Only city building inspection programs, with an inspector in the certification program

 County wide inspection program, with an inspector in the certification program

### A Code Official Foundation Fund

KRS 136.392 imposed a surcharge of \$1.50 per \$100 of premiums collected for property and casualty insurance written in Kentucky. The purposes set forth in the KRS for the distribution of the revenue surcharge are:

To stabilize funding of the Kentucky Law Enforcement Foundation Program Fund, created by the Kentucky General Assembly in 1972.

To stabilize funding of the Volunteer Fire Department Aid Fund, created by the Kentucky General Assembly in 1958.

To fund fire fighter training centers at various locations throughout the state, which were created by the Kentucky General Assembly in 1982.

To fund for the first time, the state's salary supplement program for paid professional fire fighters (Kentucky Professional Fire Fighters Foundation Program), which was created by the Kentucky General Assembly in 1980.

Surcharge monies collected from policy holders of all insurance companies (excluding life and health), except domestic mutual companies and cooperatives or assessment fire insurance companies, are earmarked solely for the paid professional fulltime fire fighters' and local law enforcement officers' salary supplement programs. Each program provides a \$2,500 annual wage supplement to every qualified local police officer and professional fire fighter, as an incentive for them to continue to participate in state-mandated training programs. This fund presently has a balance in excess of \$8,000,000. The addition of 160 certified building officials as participants in the fund would increase the annual expenditure by 2.9%, or \$409,000.

An alternate method of funding a supplemental incentive pay program for certified building officials would be the establishment of a trust fund. This could be accomplished by a one-time separation of approximately \$8.5 million from the existing foundation program. By investing that amount, a minimum yield of 4.9% would produce \$417,000 of investment income, which would cover the projected fund participant draw down. The fund should be able to invest the \$8.5 million at current rates closer to 6.5%. At 7.5%, annual investment income would reach \$640,000, allowing for a conservative fund build-up to offset potential future increases in fund participants.

Footnotes

1. *Principles and Practices of Urban Planning*, Jerome L. Koufman, Chapter 17 "Urban Renewal," p. 509.
2. *Regulation of the Building Industry in Kentucky*, Don Stosburg, LRC Report 147 (Nov. 1977), pp. 31-32.
3. *Training Code Administration, A Critical Issue for the Future*, William G. Hartz, Bureau of Construction Code Enforcement (New Jersey, 1986), p. 17





APPENDIX A

OFFICIAL POSITION OF C.A.A.K.  
ON H.C.R. 46  
FEASIBILITY OF A BUILDING INSPECTORS  
FOUNDATION FUND

INFORMATION SUBMITTED BY:

CODE ADMINISTRATORS ASSOCIATION OF KENTUCKY - ROBERT  
BLANTON, PRESIDENT



RECEIVED LRC

MAY 1 1987

CAPT. CONST  
OVERSIGHT COMM.



CODE  
ADMINISTRATORS  
ASSOCIATION of  
KENTUCKY

April 29, 1987

Mike Greenwell  
Legislative Research Commission  
Capital Construction Committee  
Room 101A  
Capital Annex  
Frankfort, Kentucky  
40601

Re: HCR #46

Dear Mr. Greenwell:

As per your request the Code Administrators Association of Kentucky has conducted a review of House Concurrent Resolution #46 and has analyzed the possible alternatives. The attached document outlines what we feel is an appropriate and proper action to insure enforcement of the Kentucky Building Code as it was intended by the 1978 Kentucky General Assembly.

We feel as though we have stated the facts accurately, outlined the problem areas and most importantly offered a possible solution.

I hope this is beneficial to you as you finalize your study. If you need any additional documentation, assistance or testimony please feel free to contact me.

Sincerely,

Robert G. Blanton  
President

RGB/ab  
attachments

OFFICIAL POSITION OF THE CODE  
ADMINISTRATORS ASSOCIATION OF KENTUCKY

CHRONICLE:

The first legislative session following the Beverly Hills incident in the Spring of 1977, initiated major and far reaching reforms in the State's building regulatory system. Following is an enumeration of key components initiated in the aforementioned and/or subsequent legislative sessions:

- 1) A Department of Housing, Buildings and Construction was created and provisions were made for the appointment of a Commissioner. And, the creation of a Board for said Department.
- 2) All facets of building construction, building occupancy and maintenance were placed in the Department and under the Commissioner.
- 3) The establishment of a uniform building code was mandated and is presently operative within the State.
- 4) The referenced statute mandated that localities adopt the propagated code. And, enforce said code up to and including a certain threshold limit as described by Section 2 of KRS 198B.060. Said threshold limit involving the physical configuration of a structure and its occupancy type. Section 5 of this same statute allows the Commissioner and a locality to enter into an agreement so that a locality could assume greater plan review and inspections responsibilities.
- 5) KRS 198B.090 mandated the certification of personnel involved in building inspection and plan review. This program is presently operative. The program is supported by all the Model Codes and is being administered by Educational Testing Service of Princeton, New Jersey.

As noted above many positive accomplishments have been achieved in the goal of establishing an effective, state-wide code delivery system. However, at this point in time, the attainment of the goal is not certain. And, the possibility of failure is real. There are a number of reasons for this:

- 1) Memories fade. While the civil litigation involving Beverly Hills continue and the incident will forever be etched in the minds of code enforcement personnel, this is not the case with the general public or their elected officials.

- 2) The fiscal problems of communities are severe. While the Federal support of communities continue to decline, localities are hard-put to pick up the slack and to simultaneously maintain other basic services. The competition for new and/or expanded programs is brutal. Support of code enforcement programs tends to be marginal in the best of times. Given today's fiscal conditions, the possibility of developing effective local code delivery systems is chancy at best. Judicious enforcement of the statute in some regions of the state is indicative of soft support. If this perception is correct, then a vigorous enforcement posture at this time would probably be counter productive.
  
- 3) In this state, as across the Country, the weak link in the building regulatory system has been field implementation. Adequate building regulations have been available and applicable since the early part of this Century. And while the enforcement of some standards in some areas has been good, the enforcement of many standards in many areas has been poor to non-existent. Prior to the last ETS testing date 260 individuals were enrolled in the State's mandatory certification program. Of this number, 160 were suitably certified to do the job that they were performing. While progress has been made, when you consider it has been 10 years since the Beverly Hills incident, progress has not been swift and there is considerable room for improvement.

If there is to be a successful method of providing a state-wide quality building code delivery system, one needs to be cognizant of a number of factors:

- 1) The program can fail and it is in it's most critical stage. The adoption and promulgation of regulations is one thing; having them supported and enforced in a reasoned, cost effective manner is another.
  
- 2) The provision of inspections service is a governmental basic service. Failure to adequately provide said service invariably adversely impacts on tax revenue, fire and police cost, health and other social type services.
  
- 3) While the State's interest is by in large directed toward the enforcement of building standards, many communities feel the condition of their housing inventory is a more pressing need. And, scarce resources should be directed to this need. This is particularly true in older urban areas having thousands of sub-standard units.

- 4) Given the existing fiscal conditions, it is probably unrealistic to expect communities to vigorously support the program either in part or in whole. The adoption of codes involves little expense, their enforcement is costly.

To develop a state-wide array of qualified inspectors, there is a need to actively support and encourage their professional growth and development. To-date support of this kind has been put forth to the individual and to the community that employs the inspector by the Code Administrators Association of Kentucky.

In conjunction with this, there is a need to broaden interest and support to communities in their housing inspection program. This interest and support is particularly necessary in the cities' efforts to develop one/two family combination inspectors. Multi-certification of inspectors, either for building or housing, is a required prerequisite for a cost effective, practical inspection program. To-date the focus of interest in the CAAK's on-going training efforts has been in the area of its statutory responsibility. No interest has been extended to exceed the statutory responsibility of the communities or their needs.

If the program is to have a reasonable chance to succeed, there is a need to initiate a supplemental pay schedule for inspectors. Said schedule being designed to encourage individuals to become multi-certified. The rationale for encouraging professional growth and development in this fashion is well established in the State. Both police and fire personnel receive supplemental pay for advanced education and training.

The cost of this proposal would be minuscule in comparison with the police and fire programs. The number of inspection personnel is so much smaller. And, with the successful implementation of a multi-certification program, it is not inconceivable that over a period of years, money could be saved. By attracting, training and retaining quality personnel, both the employee's and the community's interest may be better served; thru proper recognition of the following;

JUSTIFICATION:

WHEREAS, the Code Administration of Kentucky is a professional organization dedicated to serving all Code Officials since 1972 throughout the Commonwealth, and

WHEREAS, beginning in 1980 the Kentucky Building Code became mandatory according to city classification as a result of the 1978 Legislature in response to the tragic fire at the Beverly Hills Supper Club in northern Kentucky, and

WHEREAS, the Code Administrators Association of Kentucky was instrumental in promoting a state uniform building code, and

WHEREAS, the Code Administrators Association of Kentucky has co-sponsored with the Department of Housing, Building and Construction state mandatory training conferences over the past seven years, and

WHEREAS, the Code Administrators Association of Kentucky assisted with the regulation for certification of Building Officials throughout the Commonwealth, and

WHEREAS, HCR#46 passed by the Legislature in 1986 could have a substantial impact on the field of Code Administration, and

WHEREAS, a Legislative Committee is established by the Code Administrators Association of Kentucky Bylaws and that committee has conducted a study making the following findings of fact:

Enforcement of the Kentucky Building Code is in fact enforcement of a regulation with primary consideration given to fire and life safety.

KRS 198.B and 815 KAR 7:010 requires enforcement of the Kentucky Building Code by local governments with duties performed by a certified professional inspector.

Inspectors are required by law to be trained as inspectors, certified by the Commonwealth.

The Department has an operative certification program for building inspection and plan review that is supported by all of the model codes and that is administered by Education Testing Service of Princeton, New Jersey.

The Department of Housing, Buildings and Construction keeps a file on all those enrolled in and their status in the Building Inspectors Certification Program.

There are statutory requirements for state certification training of participants in the existing foundation program fund.

Building Code Training is identified as a necessary part of fire training and is currently being used as required fire training for the participants in the existing foundation program.

It was the intention of the General Assembly thru KRS 95A to assure, strengthen and upgrade fire protection in Kentucky.

It was the intent of the General Assembly thru KRS 198B to assure safe and proper construction of buildings throughout Kentucky by requiring a uniform building code to protect the lives of citizens of the commonwealth.

Kentucky has on the average reported more than 6,000 fires, 100 deaths and \$125 million in property losses over the past three years. Estimated Tax base losses since Beverly Hills exceeds \$1 billion dollars. (fire loss report-appendix A)

Enforcement of the Kentucky Building Code which is comprised of many fire safety regulations and is actually enforcement of the fire safety regulations that were in part covered by KRS 95A.

There is an established foundation program fund with a balance in excess of eight million dollars for firefighters and police officers of municipal governments.

On the average there are 2,291 fire officials and 3,300 police officers that participate in the foundation program fund with an average monthly expenditure of \$1,121,432 or 13.5 million dollars annually.

An additional 160 certified participants in the fund would increase the annual expenditure by 2.9% or \$409,000 annually.

\$8.5 million invested at 4.7% would result in proceeds equal to the amount of fund increase by the addition of 160 certified participants.

The general fund of the Commonwealth is very limited on any funds that could be made available to fund a similar program and any surcharge or tax increase for funding would be unpopular as well as unlikely to be approved.



The additional costs incurred by extending the program to Building Officials would not result in any increase to the existing fund source the insurance surcharge.

The Department of Housing, Buildings and Construction is the administrative body for State Fire Protection and Building Code Enforcement.

Failure to adequately provide code enforcement adversely impacts tax revenue, health services and fire and police costs.

The 1987 Wage & Salary survey published by the Kentucky Municipal League indicates salaries of fire officials and building officials.

Due to the low salary building officials who attain the required training move to other areas.

Many smaller communities in the Commonwealth do not have the funds or personnel to adequately enforce the Building Code.

#### CONCLUSIONS:

Building Code Enforcement & Fire Protection are one in the same, inseparable and administered by code officials.

The General Assembly wants to protect the people, economic security and public welfare of the people of the Commonwealth by insuring proper construction of buildings thru training and certification of building officials.

The General Assembly wants to protect the people of the Commonwealth by having properly trained Fire Officials and Building Officials.

In the State's building regulatory system the Building Official initially insures a building is properly constructed with the proper fire/life safety features, and the Fire Official insures maintenance. It is less likely that the structure will be involved in a situation hazardous to life and property, if the life safety requirements are checked by competent personell.

The fact and figures on fire losses indicate that there is a need to lessen this impact on the community, as fire losses have a direct relationship to economic loss.

The number of reported fire losses indicates that there is a need for improvement in the area of fire loss prevention.

Proper building construction is a method of fire prevention in the truest sense.

The Building Official is the first line of offense in preventing a hazardous fire situation from getting worse.

Due to low salary, the highly qualified individuals are not attracted to the position of Building Code Official and this requires more training for those responsible to enforce the code.

The Kentucky Municipal League salary survey indicates that building officials with considerable responsibility are not at the monetary level as are other city officials with similar responsibility.

Building Officials are an important part of the fire protection system.

The effectiveness of KRS 198 B is only as good as the individual performing the plan review and inspections for the local government.

There is a definite need for a equitable program for local governments to encourage professional development and retention of the Building Official.

Inclusion of Building Officials in the existing program could be done with no increase in the insurance surcharge and only administrative increases within the Kentucky Department of Housing, Buildings and Construction.

There is a need to offer municipalities some type incentive to enforce the codes as required by KRS 198 B to insure proper fire & life safety.

Due to the lack of funding sources many small communities are in violation of KRS 198B and by providing some monetary incentive the small community may be in the position to come into compliance by adding staff to be trained in code enforcement.

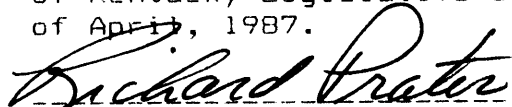
ORDERS:

It is in order that the building code official of a local municipal government who is certified by the Commonwealth and who has responsibility for the Kentucky Building Code should receive funding in the amount equal to that received by qualified fire officials from the foundation program fund; Due to the facts as stated above,

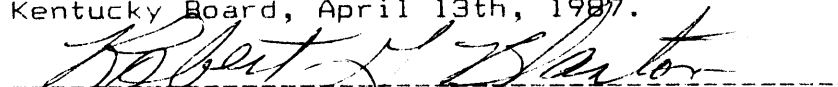
It is in order for the Department of Housing, Buildings & Construction to be involved in the administration of the incentive funding to Building Officials, thru verification of employment, certification of required training and mandating of a specific amount of training, because the department is the umbrella of the Commonwealth that governs the fire and life safety requirements for the Commonwealth, and additional administrative costs would be minimal.

It is necessary and proper that KRS 95A be amended to include the above to insure that the intent of KRS 198B and 815 KAR 7:010 be fully met.

Prepared by the Code Administrators Association  
of Kentucky Legislative Committee this 2nd day  
of April, 1987.

  
-----  
Richard Prater, Chairman  
Legislative Committee

Adopted by the Code Administrators Association of  
Kentucky Board, April 13th, 1987.

  
-----  
Robert G. Blanton, President  
Code Administrators Association of Kentucky

CLASS	JANUARY - DECEMBER											TOTALS
	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	
01 Gov. Buildings	5	5	8	4	9	6	5	6	3	3	3	51
02 Hospitals	3	3	13	11	8	6	5	3	5	3	5	57
03 Schools	13	29	18	26	16	10	15	18	13	13	13	158
04 Churches	24	35	24	16	18	18	23	22	17	22	17	197
05 Theatres	0	2	1	0	2	1	0	0	0	0	0	6
06 Amusements	16	27	19	12	19	17	15	12	21	12	21	158
07 Hotels	19	30	17	8	11	8	9	16	7	16	7	125
08 Apartments	106	134	201	172	264	263	227	242	219	219	7	1,828
09 Dwellings	3464	3702	3554	3689	4097	4149	4242	4025	3917	3917	7	34,839
10 Offices	22	52	26	17	23	26	21	17	17	17	7	211
11 Restaurants	50	44	35	28	32	25	31	46	33	33	4	324
12 Grocery Stores	74	123	221	247	274	103	29	26	26	26	4	1,123
13 Warehouses	12	18	9	10	9	10	7	15	4	4	2	94
14 Funeral Homes	1	2	3	2	1	2	4	0	2	0	2	17
15 Hay, Grain	12	13	14	9	15	7	17	8	3	3	3	98
16 Flour Mills	4	4	0	1	0	0	0	0	0	0	0	9
17 Packing Plants	0	0	0	0	1	2	0	0	0	0	0	3
18 Bakeries	2	0	3	2	1	0	0	0	1	0	1	9
19 Cleaners	10	6	4	4	5	6	2	1	2	1	2	40
20 Barns	201	204	201	215	209	194	226	165	189	165	189	1,804
21 Outbuildings	57	53	42	55	66	57	82	50	50	50	50	512
22 Lumber & Coal	10	15	9	7	6	10	4	6	15	6	15	82
23 Railroad Prop.	0	0	0	0	1	0	0	0	0	0	0	1
24 Bulk-Oil Storg.	2	5	3	1	2	1	1	4	1	1	1	20
25 Garages	31	36	13	15	17	16	17	24	19	24	19	188
26 Power Plants	5	3	2	5	0	4	1	3	4	3	4	27
27 Creameries	3	2	2	3	1	3	1	2	1	2	1	18
28 Hangars	0	0	0	0	0	0	0	0	0	0	0	0
29 Aircraft	0	0	0	0	0	0	0	0	0	0	0	0
30 Motor Vehicles	242	426	355	300	317	325	298	253	240	253	240	2,756
31 Forest Fires	0	0	0	0	1	0	0	0	1	0	1	2
32 Distilleries	3	0	0	1	0	0	0	0	0	0	0	4
33 Tobacco	2	5	2	0	2	2	5	4	4	4	4	26
34 Livestock	3	2	3	4	1	4	1	0	3	0	3	21
35 Boats & Docks	15	13	9	10	10	11	19	11	15	11	15	113
36 Miscellaneous	164	112	19	26	17	11	10	11	13	11	13	383
37 Manuf. Co.	26	29	18	22	31	25	25	29	12	29	12	217
38 Mobile Homes	158	222	188	222	244	319	294	255	183	255	183	2,085
39 Rec. Vehicles	3	3	7	6	5	12	9	6	9	6	9	60
40 Dept. Stores	-	-	-	-	-	4	8	5	6	5	6	23
41 Commercial	-	-	-	-	-	128	288	279	247	279	247	942
Grand Total	4,782	5,389	5,043	5,180	5,736	5,788	5,941	5,864	5,282	5,864	5,282	48,631

COMMONWEALTH OF KENTUCKY  
FIRE LOSS BY CAUSE

CAUSE	1977* FIRES	1978 FIRES	1979 FIRES	1980 FIRES	1981 FIRES	1982 FIRES	1983 FIRES	1984 FIRES	1985 FIRES	TOTAL
01 Chimneys	121	97	149	254	248	231	278	241	245	1,864
02 Conflagration	3	1	3	2	3	1	4	1	2	20
03 Electricity	365	406	447	468	515	554	642	656	665	4,718
04 Explosives	38	51	51	29	41	37	40	35	19	341
05 Exposure	99	114	121	105	148	101	112	106	119	1,025
06 Fireworks	2	2	4	8	6	4	3	3	2	34
07 Friction	9	4	4	3	2	6	7	3	3	41
08 Gas	28	23	28	26	27	28	32	25	26	243
09 Hot Ashes	83	70	106	90	102	67	110	84	105	817
10 Hot Grease	518	550	507	503	586	615	603	646	589	5,117
11 Hot Irons	184	161	185	192	216	223	217	213	231	1,822
12 Incendiarism	109	146	138	260	246	263	264	94	50	1,570
13 Lightning	298	754	278	275	358	486	369	212	139	3,169
14 Open Lights	64	41	48	44	60	69	65	89	92	572
15 Matches	128	127	125	151	170	208	172	150	127	1,358
16 Sparks	4	2	1	0	0	0	0	3	0	10
17 Steam	4	1	1	0	0	0	0	2	0	8
18 Spon. Comb.	14	10	10	16	13	14	9	8	14	108
19 Petroleum	37	58	56	61	66	65	84	97	121	645
20 Rubbish	41	33	35	55	46	49	49	42	35	385
21 Stoves	214	210	247	237	247	243	308	294	257	2,257
22 Unknown	2,367	2,479	2,474	2,353	2,584	2,486	2,549	2,540	2,432	22,264
23 Grass Fire	24	7	15	12	44	21	15	9	7	154
24 Xmas Tree Dec.	3	6	5	3	5	8	5	5	7	47
25 L.P. Gas	2	2	0	0	1	0	1	1	2	9
26 Rail	0	0	0	0	0	0	0	0	0	0
27 Highway	0	0	0	0	0	0	0	0	0	0
28 Water	3	4	5	2	2	6	3	5	3	33
29 Pipeline	0	0	0	1	0	0	0	0	0	1
Grand Total	4,762	5,359	5,043	5,150	5,735	5,785	5,941	5,564	5,292	48,631

\*BASE YEAR DENOTES BEVERLY HILLS SUPPER CLUB TRAGEDY

FIRE LOSS - INSURANCE REPORTS  
JANUARY-DECEMBER  
By Class

CLASS	1977	1978	1979	1980	1981	1982	1983	1984	1985	TOTAL
	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$	AMT. LOSS \$
01 GOV. BLDGS.	183055	22447	144684	683359	195977	9096	82496	89113	293711	1703938
02 HOSPITALS	943046	10026	298902	113517	29857	24983	22140	42000	71753	1556224
03 SCHOOLS	484746	474285	103621	3849987	2460370	346347	623167	1022243	1571416	10936182
04 CHURCHES	216496	449333	518278	318674	476180	2443773	875766	1512868	388641	7200009
05 THEATRES	0	83300	2863	0	13600	800	0	0	0	100563
06 AMUSEMENTS	2813575	2101346	428184	463929	742229	318823	567425	260768	679468	8375747
07 HOTELS	386225	351760	327918	477694	408967	120500	110738	1631071	140250	3955123
08 APARTMENTS	1077680	1404056	2957644	2814914	3568896	5556626	3947189	9557006	3660592	34542603
09 DWELLINGS	24153005	29402190	37985704	50631520	60897870	69389121	77238973	79657964	84477327	513833674
10 OFFICES	320459	972389	566664	120637	963646	470722	628311	668975	162133	4873936
11 RESTAURANTS	529963	600172	1685743	795667	1328838	433853	420923	2608631	1571208	9974998
12 GROCERY STRS.	2317440	2892978	6115638	8497898	10028179	3998369	2715249	1265661	2087786	39919198
13 WAREHOUSES	66380	2577190	100931	230078	1440808	2539267	1698911	4816420	68019	13538044
14 FUNERAL HOMES	314	18671	44473	20497	20000	38500	540388	0	32400	715243
15 HAY GRAIN	144154	118376	51222	36491	41497	61971	61721	24333	13945	553710
16 FLOUR MILLS	23324	28301	0	18388	0	0	0	0	0	70013
17 PACKING PLTS.	0	0	0	0	2000	521402	0	0	0	523402
18 BAKERIES	1052	0	87864	84000	40000	0	0	0	1000	213916
19 CLEANERS	52776	43150	61041	366511	50461	173308	86000	103000	12500	948747
20 BARN	1696381	159070	1775648	2029642	2485077	2010131	3003388	1999130	2209520	18747987
21 OUTBUILDINGS	150634	150390	110700	200354	222753	206082	501143	164793	268333	1975182
22 LUMBER & COAL	425290	356452	586604	519867	198979	175559	293280	2141070	1099750	5778851
23 RAILROAD PROP.	0	0	0	0	1650	750	0	0	0	1650
24 BULK-OIL STORG.	310960	32431	29005	27800	71271	750	20000	168305	764	661286
25 GARAGES	379576	794325	489209	569465	1612750	763539	349054	1493512	784578	7236008
26 POWER PLANTS	4595	2254	1425	1354317	0	19549	400000	2427	157903	1942470
27 CREAMERIES	2768	49033	18812	117343	4000	40765	492	101491	30000	364704
28 HANGARS	0	0	0	0	0	0	0	0	0	0
29 AIRCRAFT	895781	1779881	1581724	1742965	2048511	1918172	2100493	1798222	1988019	15853768
30 MOTOR VEHICLE	0	0	0	0	0	0	0	0	0	0
31 FOREST FIRES	0	0	0	0	82394	0	0	0	2500	84894
32 DISTILLERIES	139948	2597	49369	30000	14800	9000	41723	64615	30775	169948
33 TOBACCO	2597	147549	9505	3853	600	384175	2200	64615	130782	360428
34 LIVESTOCK	5058	725	9505	3853	600	384175	2200	64615	130782	360428
35 BOATS & DOCKS	122810	30793	19865	56335	28433	62953	344783	57467	110143	833582
36 MISCELLANEOUS	2890212	1331505	314588	425849	149095	104361	78542	153161	157767	5605080
37 MANUF. CO.	572895	1697350	1000535	1243052	1027741	3293240	2000888	1582526	1571028	13989255
38 MOBILE HOMES	968432	1421300	1392037	1655162	2330934	3371841	3698543	2902492	3561352	21302093
39 REC. VEHICLES	4571	6441	75713	38352	10550	39527	72146	51741	95785	394826
40 DEPT. STORES	0	0	0	0	0	36089	1648930	657000	372989	2715008
41 COMMERCIAL	0	0	0	0	0	8629976	9838996	10741288	14642971	43853231
GRAND TOTAL	\$42286198	\$50929469	\$58878113	\$79538117	\$92996913	\$107513170	\$114013998	\$127333293	\$122447108	\$759942379

APPENDIX B

BREAKDOWN OF PARTICIPANTS  
IN THE DEPARTMENT  
OF HOUSING'S INSPECTOR  
CERTIFICATION PROGRAM

INFORMATION SUBMITTED BY:

DEPARTMENT OF HOUSING, BUILDING AND CONSTRUCTION





TOTAL ENROLLMENT IN CERTIFICATION PROGRAM

223

	<u>Total Applicants</u>	<u>Number Certified</u>	<u>Remaining</u>
Building Inspectors	139	46	93
Plans & Specifications Inspectors	55	17	38
Limited	29	14	15
TOTAL	<u>223</u>	<u>77</u>	<u>146</u>

Uncertified applicants needing to pass 1B -- 80  
 Uncertified applicants needing to pass 3B - 120  
 (Some applicants may need to pass both tests)

*ADMINISTRATION - 47*  
*ACCESSIBILITY - 50*

ANALYSIS OF TEST RESULTS - OCTOBER, 1984

Total registered to take tests from Kentucky

126

Certification Program applicants  
 Need to verify  
 Absentees  
 Other tests

104

3

6

3

92

Verified Scores

<u>TEST</u>	<u>NUMBER TESTED</u>	<u>NUMBER PASS</u>	<u>NUMBER FAIL</u>	<u>PERCENTAGE PASS</u>
1A	20	8	12	40%
1B	41	27	14	66%
3B	34	14	20	41%
1C	12	9	3	75%
3C	15	11	4	73%

(Some applicants took more than 1 test)

ANALYSIS OF TEST RESULTS - APRIL 1985

Total registered to take test from Kentucky	134
Certification Program applicants	109
Absentees	9
Other Tests	7
Applicants with Verified Scores	<u>93</u>

<u>TEST</u>	<u>NUMBER TESTED</u>	<u>NUMBER PASSED</u>	<u>NUMBER FAILED</u>	<u>PERCENTAGE PASSED</u>
1A	20	14	6	70%
1B	34	22	12	65%
3B	40	23	17	58%
1C	14	13	1	93%
3C	18	13	5	72%

(Some applicants took more than 1 test)

TOTAL ENROLLMENT IN CERTIFICATION PROGRAM 216

	<u>TOTAL APPLICANTS</u>	<u>NUMBER CERTIFIED</u>	<u>REMAINING</u>
Building Inspector	129	56	73
Plans & Specifications Inspector	59	20	39
Limited	29	15	14
TOTAL	<u>216</u>	<u>91</u>	<u>126</u>

Uncertified Applicants needing to pass 1B - 65

Uncertified Applicants needing to pass 3B - 100

(Some applicants may need to pass both tests)

Applicants needing administration training - 43

Applicants needing accessibility training - 44

ANALYSIS OF TEST RESULTS - OCTOBER 1985

Total registered to take test from Kentucky	129
Certification Program applicants	84
Absentees	6
Other Tests	2
Applicants with Verified Scores	<u>76</u>

<u>TEST</u>	<u>NUMBER TESTED</u>	<u>NUMBER PASSED</u>	<u>NUMBER FAILED</u>	<u>PERCENTAGE PASSED</u>
1A	20	13	7	65%
1B	22	11	11	50%
3B	26	12	14	46%
1C	12	9	3	75%
3C	8	4	4	50%

(Some applicants took more than 1 test)

TOTAL ENROLLMENT IN CERTIFICATION PROGRAM AS OF JANUARY 3, 1986                      229

	<u>TOTAL APPLICANTS</u>	<u>NUMBER CERTIFIED</u>	<u>REMAINING</u>
Building Inspector	137	65	72
Plans & Specifications Inspector	63	23	40
Limited	<u>29</u>	<u>21</u>	<u>8</u>
TOTAL	229	109	120

Uncertified Applicants needing to pass 1B - 71

Uncertified Applicants needing to pass 3B - 100

(Some applicants may need to pass both tests)

Applicants needing administration training - 40

Applicants needing accessibility training - 39



ANALYSIS OF TEST RESULTS - OCTOBER 1986

Total registered to take test from Kentucky	168
Certification Program applicants	121
Absentees	7
Other Tests	12
Applicants with Verified Scores	<u>102</u>

<u>TEST</u>	<u>NUMBER TESTED</u>	<u>NUMBER PASSED</u>	<u>NUMBER FAILED</u>	<u>PERCENTAGE PASSED</u>
1A	27	15	12	55%
1B	36	11	25	31%
3B	38	9	29	24%
1C	17	11	6	65%
3C	21	7	14	33%

(Some applicants took more than 1 test)

TOTAL ENROLLMENT IN CERTIFICATION PROGRAM AS OF JANUARY 6, 1987 267

	<u>TOTAL APPLICANTS</u>	<u>NUMBER CERTIFIED</u>	<u>REMAINING</u>
Building Inspector	171	89	82
Plans & Specifications Inspector	57	28	29
Limited	39	35	4
TOTAL	<u>267</u>	<u>152</u>	115

Uncertified Applicants needing to pass 1B - 71

Uncertified Applicants needing to pass 3B - 79

(Some applicants may need to pass both tests)

Applicants needing administration training - 47

Applicants needing accessibility training - 52

ANALYSIS OF TEST RESULTS - APRIL 1987

Total registered to take test from Kentucky	240
Certification Program applicants	102
Absentees	11
Other Tests	18
Applicants with Verified Scores	<u>73</u>

<u>TEST</u>	<u>NUMBER TESTED</u>	<u>NUMBER PASSED</u>	<u>NUMBER FAILED</u>	<u>PERCENTAGE PASSED</u>
1A	17	7	10	41%
1B	28	16	12	57%
3B	31	16	15	52%
1C	11	8	3	73%
3C	12	11	1	92%

(Some applicants took more than 1 test)

TOTAL ENROLLMENT IN CERTIFICATION PROGRAM AS OF JUNE 11, 1987      291

	<u>TOTAL APPLICANTS</u>	<u>NUMBER CERTIFIED</u>	<u>REMAINING</u>
Building Inspector	193	104	89
Plans & Specifications Inspector	55	30	25
Limited	43	41	2
TOTAL	<u>291</u>	<u>175</u>	<u>116</u>

Uncertified applicants needing to pass 1B - 65

Uncertified applicants needing to pass 3B - 83

(Some applicants may need to pass both tests)

Applicants needing administration training - 41

Applicants needing accessibility training - 44

APPENDIX C

HOUSE CONCURRENT RESOLUTION

NO. 46

1986 KENTUCKY GENERAL ASSEMBLY







**GENERAL ASSEMBLY**  
**COMMONWEALTH OF KENTUCKY**  
**REGULAR SESSION 1986**

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HOUSE CONCURRENT RESOLUTION NO. 46

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WEDNESDAY, FEBRUARY 19, 1986

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The following concurrent resolution was reported to the Senate from the House and ordered to be printed.

A CONCURRENT RESOLUTION directing a study of the feasibility of establishing a foundation program fund for building inspectors, plans and specifications inspectors and plumbing inspectors.

WHEREAS, it has been eight years since a fire destroyed the Beverly Hills Supper Club in Northern Kentucky, claiming hundreds of lives; and

WHEREAS, the horror of the Beverly Hills catastrophe will forever haunt its victims and remain etched in the consciousness of the citizens of the Commonwealth; and

WHEREAS, as a direct result of the Beverly Hills fire, the General Assembly created a Department of Housing, Buildings and Construction to coordinate all facets of building construction and building occupancy; and

WHEREAS, a state uniform building code is required to be adopted by every locality throughout the Commonwealth; and

WHEREAS, the state has mandated a certification program for all building inspectors, plans and specifications inspectors and plumbing inspectors; and

WHEREAS, there are currently 220 individuals enrolled in the state's mandatory certification program; and

WHEREAS, the General Assembly established a precedent by creating the Law Enforcement Foundation Program Fund in 1972 and the Professional Fire Fighters Foundation Program Fund in 1980 as supplemental pay programs for state

mandated educational and training programs; and

WHEREAS, certification and continuing education for building and plan review officials is as important to the protection and safety of the citizens of the Commonwealth as police and fire protection;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

1           Section 1. That the Legislative Research Commission  
2 is directed to conduct a study of the feasibility of  
3 establishing a foundation program fund for building  
4 inspectors, plans and specifications inspectors and  
5 plumbing inspectors enrolled in the certification program  
6 required pursuant to KRS 198B.090. The study shall include  
7 information on the number of participants, monthly and  
8 yearly expenditures, and a funding mechanism involved with  
9 the creation of a foundation fund for certified building  
10 officials.

11           Section 2. A report and recommendations shall be  
12 presented to the Legislative Research Commission no later  
13 than September 1, 1987.

14           Section 3. Staff services to be used in completing  
15 this study are estimated to cost \$10,000. These staff

1 services shall be provided from the regular Legislative  
2 Research Commission budget and are subject to the  
3 limitations and other research responsibilities of the  
4 Legislative Research Commission.

