

**COMMONWEALTH OF KENTUCKY
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
500 MERO STREET, 1ST FLOOR
FRANKFORT, KENTUCKY 40601
TELEPHONE: 502-573-0365
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**AGREEMENT WITH LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
GRANTING ADDITIONAL RESPONSIBILITY PURSUANT TO KRS 198B.060(5)**

WHEREAS, Chapter 198B of the Kentucky Revised Statutes (“KRS”) requires the creation of a uniform state building code within the boundaries of the Commonwealth and assigns specific enforcement responsibilities to both the Department of Housing, Buildings and Construction (“Department”) and to local governments; and

WHEREAS, the Kentucky Building Code is adopted by administrative regulation, 815 KAR 7:120, and the Kentucky Residential Code is adopted by administrative regulation, 815 KAR 7:125; and

WHEREAS, KRS Chapter 198B also provides that local governments may undertake additional plan review responsibility and inspection responsibility upon the approval of the Commissioner of the Department; and

WHEREAS, the Lexington-Fayette Urban County Government (“LFUCG”) has adopted, by ordinance, the Kentucky Building Code 815 KAR 7:120, and the Kentucky Residential Code, 815 KAR 7:125 and required, by ordinance, inspection of all one and two family dwellings in accordance with the Kentucky Residential Code; and

WHEREAS, the Department has previously granted LFUCG additional responsibility pursuant to KRS 198B.060(5); and

WHEREAS, LFUCG has submitted an application to renew its Expanded Jurisdiction program; and

WHEREAS, LFUCG has met all criteria required for renewal of its Expanded Jurisdiction program pursuant to KRS Chapter 198B and 815 KAR 7:110 Section 4.

Section I: Jurisdiction Granted to Local Program

LFUCG shall assume primary plan review, inspection, and enforcement responsibility under the Kentucky Building Code, 815 KAR 7:120; the International Building Code and Kentucky Amendments as adopted by reference therein; the Kentucky Residential Code, 815 KAR 7:125; the International Residential Code and Kentucky Amendments as adopted by reference therein; and all other applicable laws and regulations for the construction and alteration of all buildings within its jurisdictional limits with the exception of those found in Section II of this agreement.

Section II: Jurisdiction Retained by Department

The Department shall retain plan review, inspection, and enforcement responsibility within the jurisdictional limits of LFUCG for all of the following buildings:

1. Institutional buildings;
2. Facilities required to be licensed by the Cabinet for Health and Family Services; including, for example, day care centers, hospitals, nursing homes, and other similar facilities;
3. State owned buildings or state leased facilities;
4. High hazard occupancies; and
5. Industrialized building systems, including modular homes, except for on-site placement and assembly of modular homes.

Section III: Plumbing

Permitting, plan review, inspection, and enforcement related to all plumbing systems within the jurisdictional limits of LFUCG shall be conducted by the Department of Housing, Buildings and Construction, Division of Plumbing.

Section IV: HVAC

Permitting, inspection, and enforcement related to all heating, ventilation, and air conditioning systems within the jurisdictional limits of LFUCG shall be as set forth in the agreement entered into October ____, 2023, between the Department of Housing, Buildings and Construction and LFUCG.

Section V: Electrical

LFUCG shall be responsible for the permitting, plan review, inspection, and enforcement related to electrical systems in all buildings within its jurisdictional limits with the exception of State-owned property. All electrical inspections and plan review shall be conducted by a certified electrical inspector employed by LFUCG or contracted to work for LFUCG.

Section VI: Local Jails

Local jails are subject to regulation by the Department of Corrections. Plan review, inspection, and enforcement responsibility of local jails shall not be subject to this agreement.

Section VII: Inspectors and Plan Reviewers

It is further understood and agreed that continuation of this increased responsibility for LFUCG shall be contingent upon continued employment or contracting of a certified building inspector, level III, and a certified electrical inspector. All inspectors shall maintain their certification in good standing. LFUCG shall immediately notify the Department of any changes to any inspectors employed or under contract.

Section VIII: Record Retention

Pursuant to 815 KAR 7:110 Section 2(2), LFUCG shall maintain all records in compliance with the Department's record retention schedule as established by the Kentucky Department of Libraries and Archives, 725 KAR 1:061.

Section IX: Complaints

LFUCG shall address all complaints related to projects within its jurisdiction, and document all findings and resolutions reached, if any.

Section X: Continuing Education

The Department shall provide continuing education seminars for local building officials, plan reviewers, and inspectors, and shall assist the local building program on a consulting basis by providing code interpretation services, enforcement assistance services, and administrative review services.

Section XI: Deficiencies

Any deficiencies identified in LFUCG's expanded jurisdiction program shall be addressed pursuant to 815 KAR 7:110 Section 4(3).

Section XII: Term

The jurisdiction granted by agreement to LFUCG shall be in force and effect for a maximum of three (3) years upon execution of this agreement so long as the program remains compliant and in good standing. This agreement shall be effective through October __, 2026. However, it may be canceled pursuant to 815 KAR 7:110 Section 3(2)(b).

ENTERED this __ day of October, 2023.


HAVE SEEN AND AGREED:

Linda Gorton, Mayor
Lexington-Fayette Urban County Government



Rick Rand, Commissioner
Department of Housing,
Buildings and Construction

Approved as to Form and Legality:



Molly B. Cassidy, General Counsel
Department of Housing, Buildings and
Construction