

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(Amendment)

815 KAR 20:050. Installation permits.

RELATES TO: KRS 318.030, 318.134, 318.160

STATUTORY AUTHORITY: KRS 198B.040(10), 318.130, 318.134(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto. This administrative regulation establishes the requirements, fees, and charges for plumbing installation permits and inspections in Kentucky.

Section 1. Permit Required. (1) A plumbing permit shall be required for:

- (a) A new plumbing installation;
 - (b) An existing plumbing installation if a fixture, soil, or waste opening or conductor is to be moved or relocated;
 - (c) A new house sewer or a house sewer that is to be replaced;
 - (d) A new water service or [a] water service that is to be replaced;
 - (e) The addition of a backflow prevention device to an existing water service; or
 - (f) A new water heater installation or a water heater that is to be replaced.
- (2) A new plumbing permit shall be required when a master plumber:
- (a) Takes over a plumbing installation originally permitted to another master plumber or homeowner; or
 - (b) ~~Assumed~~[Assumes] responsibility to correct and test an installation made by someone else.
- (3) A permit shall not be required for:
- (a) The repair of:
 - 1. Leaks;
 - 2. Cocks; [ø]
 - 3. Valves; or
 - (b) Cleaning out waste or sewer pipes.

Section 2. Issuance of Plumbing Permits. (1) A permit to construct, install, or alter plumbing, sewerage, or drainage shall be issued only to:

- (a) A licensed master plumber; or
- (b) A homeowner who wishes to construct, install, or alter plumbing, sewerage, or drainage in a home occupied by the homeowner or constructed by the homeowner for the homeowner's own personal residential use, if:
 - 1. Application is made for the permit prior to the beginning of the work;
 - 2. The homeowner files with the application an affidavit stating that the homeowner shall abide by the terms of this section;
 - 3. All work shall be performed in compliance with 815 KAR Chapter 20;
 - 4. All [the] work shall be personally performed by the homeowner; and

5. The homeowner shall not have obtained another homeowner permit for construction of a new home issued within the last five (5) years.

(2) A journeyman plumber shall not construct, install, or alter plumbing, sewerage, or drainage unless the work is performed under the supervision of a licensed master plumber with a valid permit.

Section 3. Plumbing Plan Submission. (1) Procedure. Except as provided in subsection (2) of this section, plumbing plans shall be submitted to the department for review and approval prior to the issuance of a plumbing permit. A plumbing plan submission shall consist of:

- (a) A complete Plan Application form; and
- (b) Three (3) sets of identical plans that include:
 - 1. A complete floor plan;
 - 2. An isometric plumbing diagram of the drain, waste, and vent system; and
 - 3. A site utility plan.

(2) Field inspections. A plumbing inspector may inspect the plumbing in the following without an initial submission of plumbing plans:

(a) An existing building if:

- 1. There are no more than ten (10) openings for plumbing fixtures or appliances, present and future;
- 2. There is no change of use in the occupancy;
- 3. There is no increase in the occupant load;
- 4. Approval by the Department of Health is not required; and
- 5. Plans or documents of the installation are submitted to the department after installation;

or

(b) A multi-family dwelling if:

- 1. The building consists of twelve (12) units or less;
- 2. The water and sewer connections have been approved by the Division of Water in accordance with 401 KAR Chapter 5;
- 3. Proof of a building permit from the authority having jurisdiction has been submitted to the department; and
- 4. Plumbing plans are made available to the plumbing inspector for review and approval prior to construction.

(c) A plumbing inspector shall not review and approve plans for the following:

- 1. A tenant space that has not been occupied;
- 2. A day care facility that is not currently licensed;
- 3. A project on a private water system without approval from the Division of Water in accordance with 401 KAR Chapter 5; or
- 4. A project with a sewer main extension or a sewage treatment plant without approval from the Division of Water in accordance with 401 KAR Chapter 5.

Section 4. Plumbing Permit Fees. (1) The base fee for each plumbing permit for residential one (1) and two (2) family units shall be fifty (50)~~forty-five (45)]~~ dollars plus fourteen (14)~~seven (7)]~~ dollars for each:

(a) Plumbing fixture, appliance, or opening left for a plumbing fixture or appliance in the soil or waste pipe system;

(b) Domestic water heater; and

(c) Separately metered water and sewer service if more than one (1) water or sewer service is to be installed.

(2) The base fee for each plumbing permit for buildings other than residential one (1) and

two (2) family units shall be fifty (50)~~[forty-five (45)]~~ dollars plus twenty (20)~~[fifteen (15)]~~ dollars for each:

(a) Plumbing fixture, appliance, or opening left for a plumbing fixture or appliance in the soil or waste pipe system;

(b) Domestic water heater;

(c) Conductor opening; and

(d) Separately metered water and sewer service if more than one (1) water or sewer service is to be installed.

(3)(a) If only one (1) new domestic water heater is installed or replaced within a single building, the only fee for the plumbing permit shall be fifty (50)~~[forty-five (45)]~~ dollars.

(b) If more than one (1) water heater is replaced within a building, a permit fee shall be calculated pursuant to subsections (1) or (2) of this section.

(4) The plumbing permit fee shall be limited to the base fee if:

(a) The work to be performed does not include new installation;

(b) The work to be performed is to make corrections ~~[tø]~~ or two provide testing for an installation made by someone else; or

(c) A master plumber takes over a plumbing permit pursuant to Section 1(2) of this administrative regulation.

Section 5. (1) A person with a plumbing permit shall be entitled to five (5) plumbing inspections at no additional cost.

(2)(a) The fee for an additional inspection shall be fifty (50) dollars.

(b) All additional inspection fees shall be paid prior to the final inspection.

(3) Additional inspection fees shall not apply if the cost of the plumbing permit exceeds \$250~~[\$200]~~.

Section 6. Expiration of permits. (1) Plumbing permits issued pursuant to this administrative regulation shall expire one (1) year after the date of issuance unless construction is ongoing, in which case the permit shall remain effective until the completion of the planned plumbing inspection.

(2) The permit shall expire and become void of~~[if]~~ the plumbing work ceases on the project for a period exceeding twelve (12) months.

Section 7. Incorporation by Reference. (1) "Plan Application Form", 2/2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Plumbing, 500 Mero Street, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>.

KERRY B. HARVEY, Secretary

RICK W. RAND, Commissioner

APPROVED BY AGENCY: July 6, 2021

FILED WITH LRC: July 6, 2021 at 12:27 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 27, 2021 at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to at-

tend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021 at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

Contact Person: Benjamin Siegel, General Counsel, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, Phone (502) 573-0365, Fax (502) 573-1057, Email benjamin.siegel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Benjamin Siegel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements, fees, and charges for plumbing installation permits and inspections in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements, fees, and charges for plumbing installation permits and inspections in Kentucky, pursuant to KRS 318.130 and KRS 318.134(3).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto.

(d) How this administrative regulation current assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements, fees, and charges for plumbing installations and inspections in Kentucky.

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

(a) How the amendment will change the existing administrative regulation: This amendment will increase the fees for plumbing permits and inspections.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure continued service to the public and fulfillment of KRS Chapter 318's statutory duties to conduct plumbing plan review, inspection, and enforcement of the Kentucky State Plumbing Code. Beginning in FY 2019, the Division of Plumbing's expenditures exceed their revenues. In FY 2020, the division's expenditures exceeded revenues by \$604,592.68, despite the division making no intra-agency or cabinet support transfers. This is primarily due to increased personnel costs, which make up 88% of the division's expenditures. In order to offer the same level of service and safety to the plumbing industry and the Commonwealth as a whole, fees must be increased.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires

the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto.

(d) How the amendment will assist in the effective administration of the statutes: The revenues generated by this amendment will continue to allow the Division of Plumbing to operate safely and effectively in carrying out its plan review, inspection, and enforcement duties.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Department of Housing, Buildings and Construction, homeowners doing plumbing work that requires a permit, and members of the plumbing industry.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: This amendment will not impose any additional requirements on any of the regulated entities identified in question (3).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will increase the base fee for residential and commercial plumbing permits from \$45 to \$50 and water heater-only permits from \$45 to \$50. It will increase the per opening fee for residential plumbing permits from \$7 to \$14, the per opening fee for commercial plumbing permits from \$15 to \$20, and the additional inspection fee threshold from \$200 to \$250.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The revenues generated by this amendment will continue to allow the Division of Plumbing to operate safely and effectively in carrying out its plan review, inspection, and enforcement duties. It will allow the division to continue to offer excellent customer service to the plumbing industry, including, for example, same day inspections.

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

(a) Initially: There are no anticipated additional costs to administer these regulatory amendments initially.

(b) On a continuing basis: There are no anticipated additional costs on a continuing basis to administer these regulatory amendments on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of these amendments is anticipated to result in no additional costs to the department. Any costs resulting from these amendments will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will increase the base fee for residential and commercial plumbing permits from \$45 to \$50 and water heater-only permits from \$45 to \$50. It will increase the per opening fee for residential plumbing permits from \$7 to \$14, the per opening fee for commercial plumbing permits from \$15 to \$20, and the additional inspection fee threshold from \$200 to \$250.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment will increase the base fee for residential and commercial plumbing permits from \$45 to \$50 and water heater-only permits from \$45 to \$50. It will increase the per opening fee for residential plumbing permits from \$7 to \$14, the per opening fee for commercial plumbing permits from \$15 to \$20, and the additional inspection fee threshold from \$200 to \$250.

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation applies equally to all plumbers and homeowners doing plumbing work that requires a permit.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, Division of Plumbing will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorized the action taken by the administrative regulation. KRS 318.130 requires the department to promulgate administrative regulations establishing the Kentucky State Plumbing Code to regulate plumbing. KRS 318.134(1) requires all persons, firms, or corporations to procure a plumbing installation permit from the department to construct, install, or alter, or cause to be constructed, installed, or altered any plumbing. KRS 318.134(3) requires the department to establish a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is anticipated to generate approximately \$2,014,853 for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is anticipated to generate approximately \$2,014,853 each subsequent year, assuming similar construction activity to FY 19 and FY 20.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$2,014,853

Expenditures (+/-): Neutral

Other Explanation: Revenues generated will be utilized to offset the current gap between revenues and expenditures for the Division of Plumbing, making more equitable intra-agency and cabinet support transfers, making more equitable contribution to shared DHBC operational costs, and division operating costs.