
Building Code Administration Needs Improvement

SUMMARY

Poor coordination among state agencies has made it difficult to develop, adopt, and enforce the state building code, according to a report issued by the Legislative Auditor's Office.

The building code is complex and overlaps with other significant codes, such as the state fire code, and agencies must coordinate their work carefully to avoid building construction delays and added expenses.

Although Minnesota statutes give the Department of Administration overall administrative responsibility for the building code, statutory responsibility for promulgating various parts of the code is divided among four state agencies—the departments of Administration, Health, and Public Service and the State Board of Electricity. In addition, the Department of Public Safety is responsible for promulgating the state fire code. The study found that poor coordination between the Department of

Administration on the one hand and the departments of Public Service and Public Safety on the other has resulted in unnecessary delays

and conflicts in developing and adopting the building code.

Responsibility for enforcing the building code is

also divided among several state agencies as well as local jurisdictions, depending on the type of building, its geographic location, and the specific code provision. Again, the study found that poor coordination between the departments of Administration and Public Safety has resulted in enforcement problems. The study notes that this may be especially onerous to builders and designers because a building must comply with the building code to receive its certificate of occupancy, but must also comply with the fire code to keep it.

After reviewing how other states adopt and enforce their building code, the report notes that there is no single "right" way for Minnesota to administer its building code. However, the study presents five alternatives—both procedural and structural—for the

Legislature to consider that might help resolve problems with the administration of the building code and its relationship to the fire code.

Program Evaluation Report
State Building Code

January 7, 1999

Key Findings

- Poor coordination among agencies has resulted in unnecessary delays, inconsistencies, and conflicts in promulgating and enforcing the building code.
- Building and fire officials are responsible for a building at different points in time and they may disagree over proposals to deviate from code provisions, resulting in confusion and construction delays.

Recommendations

- Building and fire officials should jointly approve both building permits and proposed code deviations regarding the overlapping portions of their codes, and jointly approve all certificates of occupancy.
- The departments of Administration and Public Safety should jointly approve the overlapping provisions of each other's codes.
- The Department of Administration should be responsible for adopting the building code's energy provisions.

*The report is available at our web site:
<http://www.auditor.leg.state.mn.us/pe9901.htm>
Copies of the full report or summary are also available by
calling 651/296-4708.*

Possible alternatives range from making no changes and maintaining the status quo to completely centralizing all building and fire code activities within one state agency.

The report concludes that major structural changes are not needed at this time. Instead, it recommends three procedural changes. First, both building and fire officials should jointly approve proposed “equivalencies” (modifications to code requirements) and building permits regarding the overlapping portions of the building and fire codes early in the construction process, as well as all certificates of occupancy. Second, the departments of Administration and Public Safety should jointly approve the overlapping portions of each other’s codes before they take effect. Third, to simplify the promulgation process, the Department of Administration rather than the Department of Public Service should adopt the energy provisions of the building code, with the Department of Public Service retaining development authority.

Minnesota’s building code is mandatory for all nonagricultural buildings throughout the seven-county metropolitan area, and for all buildings paid for by the state, all public school building projects that cost \$100,000 or more, and certain state-licensed facilities, regardless of location. Municipalities outside the seven-county area must adopt the state’s building code if they want to have a local building code. At the same time, certain building code provisions—including those related to accessibility, electricity, elevators, and plumbing—are mandatory statewide, regardless of whether a municipality has adopted the building code. In addition, there are other mandatory statewide codes—such as the state fire code—that cover some of the same subjects and have similar requirements, but are not part of the state building code.

Copies of the report, entitled *State Building Code*, may be obtained from the Office of the Legislative Auditor at 651/296-4708 or at <http://www.auditor.leg.state.mn.us/pe9901.htm>. For further information, contact Jo Vos or Roger Brooks at 651/296-4708.