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# Introduction

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Since the 1970s, the state building and fire codes have regulated certain aspects of building construction and remodeling in Minnesota. The Department of Administration has overall responsibility for the state building code, which is mandatory for new building construction and remodeling in the seven-county metropolitan area and in those municipalities that have adopted the code. The Department of Public Safety has overall responsibility for the state fire code, which is mandatory for all existing buildings throughout Minnesota.

Because both codes contain fire safety provisions, some policy makers have expressed concern that the departments of Administration and Public Safety may develop, apply, or interpret specific building and fire code provisions differently. With the backing of the Minnesota State Fire Chiefs' Association, legislation was introduced during the 1997 session that would have transferred building code responsibilities from the Department of Administration to the Department of Public Safety, where proponents thought that conflicts among codes and officials could be resolved more cooperatively.<sup>1</sup> Other policy makers have questioned how well the building code is administered on a state level. Still others have pointed to a possible conflict of interest in having the Department of Administration responsible for both enforcing building code requirements and managing state building construction.

In April 1998, the Legislative Audit Commission directed us to examine how the building code is administered on a state level and how it relates to the state fire code. Our study focused on the following major research questions:

- **To what extent have cities and counties adopted the state building code?**
- **Is the process for developing and adopting the state building code reasonable, consistent, and timely?**
- **What does the Department of Administration do to help ensure that the state building code is being enforced consistently?**

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<sup>1</sup> *Minn. House* (1997), H.F. no. 336, and *Minn. Senate* (1997), S.F. no. 304.

- **How do other states adopt, organize, and administer their codes? Should building and fire code administration in Minnesota be reorganized?**

To answer these questions, we collected data on the operations, policies, and procedures of the various state agencies that are involved in administering the building and fire codes. We interviewed officials in other states to learn how they organize code responsibilities. We also contacted various interest groups to help identify problems related to state-local relationships and recommendations for change. We reviewed the literature on model codes and practices, as well as Minnesota statutes, rules, and the building and fire codes themselves. Finally, we attended meetings of various advisory groups that are involved in developing or examining the state building code.

Because much of code enforcement is decentralized in Minnesota, our evaluation did not examine how well state and local governments have enforced the building code. Likewise, we did not research problems that have occurred at the local level as a result of conflicts between building and fire officials. In addition, we did not examine the merits of specific code provisions such as automatic sprinkling systems and fire-resistant walls, although there is disagreement between building and fire officials as to the merits of some code requirements. We think that decisions about specific code requirements are best left to experts in the construction, fire, and insurance industries. Finally, although there has been some discussion between building and fire officials about the merits of a mandatory rather than voluntary building code statewide, we did not address this issue.

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enforcement.**

This report has three chapters. Chapter 1 provides background information on the state building code, its relationship to other state codes, and the extent to which the building code has been adopted throughout the state. Chapter 2 examines how the building code is administered on the state level. Chapter 3 discusses how other states administer their building and fire codes and presents a variety of options for restructuring code administration in Minnesota.