MN HOUSE RESEARCH

State Building Code

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The State Building Code is a collection of state laws and rules that apply a uniform set of standards to the construction and modification of buildings in order to enhance safety, energy efficiency, and accessibility.

What is the State Building Code?

Under Minnesota Statutes, section 326B.121, the State Building Code, or the code, is the "standard that applies statewide for the construction, reconstruction, alteration, repair, and use of buildings and other structures." It is the same throughout Minnesota and supersedes any county or municipal rules.

While there is a single State Building Code, it is composed of many smaller codes, each focused on a particular technical area or type of structure, such as plumbing, electrical, elevators, accessibility, energy, or residences. A list of all of these codes is available on the Department of Labor and Industry website, https://www.dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes.

Most of the language of the code comes directly from national standards, such as the International Building Code, that are incorporated in whole or in part into the State Building Code via rulemaking.

Who administers and enforces the building code?

The code is administered by the state Department of Labor and Industry's (DLI) Construction Codes and Licensing Division (CCLD) in conjunction with cities, townships, and counties throughout the state, as well as the state Board of Electricity, the Board of High-Pressure Piping Systems, the Plumbing Board, and the State Fire Marshal.

For public buildings, state-licensed facilities, and places of public accommodation, state officials at DLI enforce the code or delegate enforcement to local building officials. These types of buildings are defined in Minnesota Statutes, sections 326B.103, subdivisions 11 and 13, and 326B.108.

For all other types of buildings, enforcement depends on whether a particular county or municipality has formally accepted enforcement responsibility for the code. In areas that have, code enforcement is done by local building officials. Details on code enforcement in a specific area can be found in DLI's code enforcement database, secure.doli.state.mn.us/jurisdiction/.

In jurisdictions that have not formally adopted local enforcement of the code, there may be no government entity actively monitoring code enforcement. Nevertheless, the code still applies to buildings in these areas. Further, compliance may be required by contracts with lending institutions or insurance providers, and the Department of Public Safety can investigate complaints about violations that threaten life-safety.

How is the code changed?

National standards for each area of the building code are updated semi-annually and commonly address new building technologies, processes, and materials. These model codes are written by technical experts on the basis of scientific studies that consider cost, safety, and feasibility. When new model codes are issued, DLI studies them, using its own committees of experts on how codes work locally. DLI then adopts the new model codes, with Minnesota-specific amendments, through formal rulemaking on a

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schedule set in statute. This is a multi-year public process during which anyone can submit suggestions for improvement to the code. Because of the code's complexity and importance to both commerce and public safety, codes are generally changed gradually and only after considerable study and consultation with all stakeholders.

How can the legislature affect the code?

The legislature can write laws that alter the code, either by adding new requirements or by changing how the existing codes will apply within Minnesota. Legislative action can potentially make bigger or faster changes to the code than the regular rulemaking process, often by directing DLI to achieve a particular code-related outcome by doing a special round of rulemaking. In either case, DLI may be able to provide expertise on technically complex aspects of the code.

Examples of recent legislative changes to the code include laws related to fire sprinklers, window cleaning safety, adult-sized changing facilities, and charging infrastructure for electric vehicles.

Does the code apply to agricultural buildings?

Agricultural buildings generally are not covered by the code. Agricultural buildings are those used only for agricultural purposes and situated on agricultural land. For more detailed information on exempt agricultural buildings, see Minnesota Statutes, sections 326B.103, subdivision 3, and 273.13, subdivision 23.

Does the State Building Code include the State Fire Code?

The State Fire Code is a separate set of standards. The Minnesota Department of Public Safety (DPS) and the State Fire Marshal administer the State Fire Code. For additional information about the State Fire Code see the DPS website, dps.mn.gov/divisions/sfm/fire-code.

Where can people find a copy of the building code?

The DLI website provides free digital copies of all parts of the State Building Code, as well as links for purchasing code books and for access to helpful fact sheets, dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes.

Who can answer code questions?

For questions about how the code might apply to a specific situation, contact local building officials or the CCLD.

Contact information for local officials can be found in the DLI database, secure.doli.state.mn.us/jurisdiction/.

The CCLD's list of contact numbers by topic of question may be found on the DLI website, dli.mn.gov/about-department/our-areas-service/phone-and-email-directory.