Reforms to construction standards and building codes

Overview

Local construction standards and building codes provide important safeguards that ensure buildings are safe for habitation. At the same time, excessive or obsolete standards and codes can add unnecessarily to the cost of new development, which can depress new construction activity.

To support a healthy supply of housing, cities, towns, and counties should examine whether there are ways to eliminate requirements in construction standards and building codes that raise costs but do little to enhance safety. For example, local jurisdictions can ensure their codes align with those adopted by neighboring jurisdictions, or reconcile inconsistent or conflicting requirements. Communities can also ensure their codes are up to date and loosen restrictions on the types of materials that may be used – for example, authorizing the use of newer, less expensive materials that allow developers to realize cost savings in the building process without compromising safety.
Approach

A variety of codes help to promote safety in residential and non-residential structures. These include building codes, which address structural features and materials, as well as plumbing, mechanical, electrical, and energy codes. There are also specialized codes to promote specific purposes, such as accessibility for people with disabilities. Rather than designing their own set of codes, most jurisdictions adopt model codes developed by a national or international standards organization, such as the International Code Council and American Society of Heating, Refrigerating and Air-Conditioning Engineers. Some states adopt model codes, with or without additional amendments, and require administration and enforcement of those codes through plan review and inspections at the local level. Other states allow local jurisdictions to adopt their own codes or to amend state codes to suit local conditions. The State of California, for example, adopts a code that may then be amended by localities based on local conditions, but only to be more stringent than the state code.

To ensure their building codes do not create unreasonable barriers to new construction while still preserving safety, states and local jurisdictions may first wish to review their codes to identify unnecessary restrictions on cost-saving materials and technologies. For example, some communities do not permit the use of pre-fabricated building elements that shorten construction time and therefore lower cost. Some local jurisdictions also require the use of high-cost building products—such as particular types of flooring or roofing—that do little to enhance home safety and habitability. Compliance with these requirements increases housing costs and makes it difficult to create homes affordable to low-and moderate-income households.

Where codes are adopted at the state level, community stakeholders can bring suggestions for reform to the appropriate state department. In states where localities are authorized to make code amendments, regular review by cities, towns, and counties can help to ensure that regulations that increase the cost and extend the timeline of new development are justified. See related brief, Balancing trade-offs between the quantity, quality, and location of affordable housing.

Local jurisdictions can also consider adopting a model code (if they haven’t already). Building codes address a complicated set of issues, and the organizations dedicated solely to creating and promulgating model codes have the capacity to account for these complexities. National and international code organizations also follow a lengthy code development process that includes extensive consultation and input from
industry experts. Because they are so widely used, the adoption of model codes also helps to promote consistency across state and local jurisdictions which can make development more efficient. Cities, towns, and counties can then determine if specific amendments are needed to the model code to address local concerns.

Once a code has been adopted, states and localities will need to decide how frequently to update it. Model codes are updated every 3 to 5 years, and the process of adapting to the new standards can be costly and time-consuming for builders and developers. At the same time, updated codes reflect new research and technology that can simplify and/or save costs during the building process, so updating codes regularly can be a way of reducing development costs and thus promoting a healthy housing supply. Some communities continue to use previous versions of the model code through several rounds of updates; others require updates on a regular basis or as new versions of the code become available. States and local jurisdictions will need to determine which approach works best given local capacity and circumstances. In particular, states and localities that are vulnerable to natural disasters such as earthquakes and hurricanes may wish to consider requiring more regular code updates.

Local jurisdictions that are open to amending the model codes or adopting their own codes may wish to review them with the goal of identifying and remedying inconsistencies across neighboring municipalities. Even smaller builders and developers often work in different communities throughout a region, and this work is complicated when codes differ from city to city – requiring familiarity and compliance with multiple sets of standards and requirements rather than a single universal code. Local building department staff may wish to consult with builders associations and other construction professionals, as well as their counterparts in other cities, towns, or counties, to help identify opportunities for improvements and alignment.

Example

- In Maricopa County, AZ, the Maricopa Association of Governments (MAG) serves as a regional planning agency and promotes cooperation among local jurisdictions. The MAG convenes a number of technical committees, including the Building Codes Committee, which makes recommendations on how building codes are developed, interpreted, and enforced in the region. The Committee is composed of voting members—building officials from local governments—and non-voting members, including representatives from the local home builders association. Members are encouraged to adopt the most current version of the standard national building code, but the Committee also regularly publishes a Building Code Amendments and Standards Manual with proposed amendments that address regional issues. See here for more details.
Related resources

**General**

- **Building codes**, ConstructConnect – This searchable database provides details on the model code versions currently used by states and localities (where available).
- **Code Adoption Map**, International Code Council (2017) – This clickable map provides quick access to codes adopted at the state level as well as key contacts at state code adoption agencies.
- **How are Building Codes Adopted?**, Department of Energy (September 2016) – This brief provides a high-level overview of how codes are adopted at the state and local levels. While focused on building energy codes, the process described is broadly applicable to all model codes.

**Local example**

- **Minnesota State Building Code: Code Adoption Guide**, Minnesota Department of Labor and Industry, Construction Codes and Licensing Division (January 2016) – This guidebook is intended for leaders in local jurisdictions in Minnesota, and describes direct and indirect benefits of adopting the state’s building code. The guidebook also details enforcement responsibilities associated with local adoption of the code and common questions and answers associated with code adoption, and includes sample code adoption ordinances.

**See also:**

- Housing rehabilitation codes
- Streamlined environmental review processes
- Changes to increase the predictability of the regulatory process