DEPARTMENT OF LABOR AND INDUSTRY

Construction Codes and Licensing – Building Plan Review

PLAN REVIEW POLICY

PR-02 Downgrading Existing Buildings, December 2023

2020 Minnesota State Building Code

Background

Prior to the adoption of the International Building Code (IBC) in 2003, the Minnesota State Building Code (MSBC) was based on the Uniform Building Code (UBC). The UBC relied extensively on fire protective elements such as fire-resistance rated corridor walls and occupancy/area separation walls to compartmentalize buildings and provide protected means of egress. These fire-resistance rated walls required opening protection, such as fire rated doors, fire dampers, firestopping, etc.

The current MSBC adopts the 2018 IBC with state amendments, which in fully sprinklered buildings, does not require the same type of fire protection. In such situations, design professionals sometimes propose to downgrade, disable, or remove features once required by the UBC if the regulated component now complies with the current MSBC. This can provide several benefits: (1) saves time and money in maintenance of fire protection features, (2) saves remodeling costs, and (3) improves conveniences, such as allowing removal of door closers.

The Minnesota Conservation Code for Existing Buildings (MCCEB), Minnesota Rules Chapter 1311, is based on the premise that the existing building or portion thereof shall not be altered such that the building becomes less safe than its existing condition unless such alteration is in compliance with the current MSBC. PR-02 provides a process and framework for requests and evaluations for downgrading existing buildings.

Policy

The following will serve as plan review policy when evaluating requests to eliminate existing features required under a previous code that would no longer be required under the current MSBC.

Request by design professional:

1. The design professional must submit the request in writing to the Building Plan Review Unit.
    a. The request must be specific, containing exactly what features are being requested to be removed, disconnected, or otherwise taken out of service.
    b. It must include the code and edition the building was designed under.
    c. It must describe other relevant safety features that exist and will remain.
    d. The request must include a code analysis demonstrating that the existing building will be no less compliant with the code under which the building was constructed or the current MSBC if the element or feature is eliminated or disabled.

e. Alternately, the design professional may submit an evaluation of the entire building demonstrating that it complies fully with the current MSBC.
f. Once compliance is verified/inspected, a new certificate of occupancy would be issued.

Review by CCLD Building Plan Review:

1. Plan reviewers will evaluate the request and follow up with comments or requests for additional information.
    a. Plan reviewers will determine whether any components or features approved for disconnection are required to be completely removed, or whether a permanent label is required to be affixed to each device stating that it has been approved for disconnection and is not in working order.
    b. Because of the complexity of this subject, the uniqueness of each building, and various applicable code provisions, CCLD evaluation will be subjectively based on the criteria of this policy and the MCCEB.
    c. CCLD may require comment and concurrence with State Fire Marshal's office team.
    d. The State- and Local- Fire Marshals will be copied with correspondence, including an updated code record, approving such a downgrade.

Note: To be used in accordance with "Plan Review Policy General Use, Document"