



Building Codes and Standards Unit - Plan Review Section

PLAN REVIEW POLICY

PR-02

Downgrading Existing Buildings

9/2015

Based on the 2015 Minnesota State Building Code

Background:

Since the International Building Code (IBC) is less restrictive in many respects than the Uniform Building Code (UBC), design professionals are asking if they may downgrade, disable, or remove features once required by the UBC as long as the regulated component now complies with the current code, the IBC. They are requesting this for several reasons: (1) To save time and money in having to maintain active fire protection features; (2) To save remodeling costs; and (3) For convenience, such as in having the ability in some cases to remove door closers.

Under the Uniform Building Code the traditional emphasis was on how much of an existing building must comply with the (more restrictive) provisions of the new code when it undergoes alterations or additions. This is because new editions of the building code usually contained more restrictive provisions than the previous. Note this excerpt from the 1997 edition of the UBC: *"Buildings and structures to which additions, alterations or repairs are made shall comply with all the requirements of this code for new facilities except as specifically provided in this section."* However, with the state's adoption of the IBC, many of its provisions are less restrictive than those of previous editions of the UBC. Therefore, the question now asked is not, "How much of the existing building must be brought up to new code?" but instead, "Can some of what was required in the past, now be eliminated?"

It must be noted here that the document regulating existing buildings is the *Minnesota Conservation code for Existing Buildings*, known as Chapter 1311. Under all three permitted methods of compliance: Prescriptive section 403.1, Classification of Work sections 701.2, 801.2, & 901.2, and Performance section 1401.1, emphasis is placed on 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 International Building Code. This provision supports the basis of the following policy that existing life-safety features can be reduced below that of the original code:

Policy:

After discussions among plan review staff and with the State Fire Marshal's office, it is apparent there are a wide variety of opinions on how to address this in actual practice. The following will serve as Plan Review Section policy when evaluating requests to eliminate existing features required under a previous code that would no longer be required under the current state building code:

- A written request must be sent to the plan review section for evaluation. The request must be specific and contain exactly what features are being requested to be removed, disconnected, or otherwise taken out of service. It should also include the code edition the building was designed under and what other relevant safety features exist and will remain.
- Although the request may be to eliminate only a specific component in the building, plan review staff may conclude that it would be necessary to evaluate all similar or related components for compliance with the current code. In some cases even bigger picture items may need to be addressed such as allowable area, number of stories, and type of construction.
- Another option may be to reevaluate the entire building for compliance with all of the life-safety provisions of the current edition of the State Building Code. Once compliance is verified, a new certificate of occupancy would be issued accordingly.
- Any components or features approved for disconnection may be required to be completely removed. In other cases, a permanent label may be required to be affixed to each device stating that it has been approved for disconnection and is not in working order.
- Because of the complexity of this subject, the uniqueness of each building, and various applicable code provisions, our evaluation will be subjectively based on the criteria of this policy and the *Minnesota Conservation Code for Existing Buildings*.
- If approved, a new or updated Code Record must be completed on the entire building that describes how it will comply with the current state building code.
- In some instances this office may require comment and concurrence with the staff of the State Fire Marshal's office.
- The State- and any local fire marshal will be copied with correspondence, including an updated Code Record, approving such a downgrade.

Note: To be used in accordance with the attached, "Plan Review Policies"