Code
Advocacy

Building Codes in the United States

Building code development in the United States involves both regulatory and legislative processes. Unlike most countries, the United States does not have a national building code. The authority for code development, administration, and enforcement lies within the authority having jurisdiction—state, county, or municipality.

Under the 10th Amendment of the U.S. Constitution, states are provided the right to "police." This police power allows state legislatures to enact and enforce building codes. The state in turn may delegate all or a portion of this power to local governments. Thus, in the United States, the protection of public health, safety, and welfare is addressed at state and local levels.

While each state may have some unique variations and conditions included in their respective legislation, building codes can be placed in six categories:

- Statewide codes that can be amended by local jurisdictions without state approval;
- Statewide codes that can be amended by local jurisdictions only with state approval;
- Statewide codes that cannot be amended by local jurisdictions;
- Statewide codes that are applicable only to state-owned buildings and select occupancies such as places of assembly;
- State codes that are applicable only where adopted by local jurisdictions; and
- No statewide code exists, but local jurisdictions may adopt codes.

Table 1 provides types and building code implementation used by the states.

Building Code Development

Building code development also varies from state to state and municipality to municipality. The roles of state legislature, designated building code council, and building code department administrators varies greatly. Typically, a state's relevant legislation is limited to the formation and procedures of building code councils and establishing the basis of the building code. Where formed, building code councils tend to invite proposals, propose provisions, and conduct hearings.

The role of the code administrating body may be advisory to legislators or council members, or it may be directly involved in the development of code provisions.

In lieu of starting from scratch and developing and maintaining entire sets of code provisions, most authorities having jurisdiction base their codes on model codes. There are three model code developers: International Code Council (ICC), National Fire Protection Association (NFPA), and International Association of Plumbing and Mechanical Officials (IAPMO). The various codes developed by these organizations are listed in Table 2.

For provisions addressing the design and construction of concrete, most jurisdictions adopt requirements based on the ICC model codes. In the ICC process, eligible government officials vote to approve or disapprove code change proposals. Thus, in the United States, code development relies on decisions made by individuals serving in their respective capacities at the state and local levels.

Influencing Building Codes

To be effective, efforts to influence the provisions of building codes require active engagement at all levels—working with officials that affect national model codes, state legislatures, municipal councils, state and local building code councils, and state and local building officials. For ACI to best accomplish its mission, there should be advocacy and outreach occurring at all levels. Clearly, a few individuals operating out of ACI headquarters cannot become effectively engaged with all officials, particularly those within the state and local jurisdictions. Effective engagement results from grassroots activities that identify ACI and its mission, establish ACI as a resource, and recommend code change provisions and code adoptions consistent with or referencing the work of ACI committees.

Code Advocacy Forums

To provide the resources to influence code development, track relevant activities, and effectively engage volunteers, ACI has launched the code advocacy forums. The forums are free connection groups for individuals interested in the advancement and adoption of ACI codes and standards into model, state, local, and national (outside the United States) codes.

Members of the network serve as the conduit between ACI and code development and adoption organizations. Members receive notifications of code development priorities, share activities related to adoption of current editions of codes and standards, and are provided with assistance from ACI staff to support their initiatives. With many ACI members serving on committees in organizations outside of ACI, there are

opportunities to foster support and collaboration on key issues. The objective of the ACI code advocacy forums is to establish and maintain a grassroots membership-driven approach necessary to help satisfy the mission of ACI regarding acceptance and adoption of ACI codes and standards. The ACI member forums, ACI Model Code Development Group, ACI State and Local Code Adoption Group, and ACI International Code Adoption Group are accessible at **www.concrete.org/publications/standards/standardsadoption.aspx**.

Key Messages

ACI has key messages to be delivered to state and local code officials through the ACI code development and adoption groups:

- Communicate that ACI is a technical professional society developing minimum requirements for concrete to assure a reasonable level of life safety, property protection, and health and welfare of the general public;
- Communicate that ACI is an American National Standards Institute accredited standards development organization;

- Establish ACI as a resource for the development of code requirements related to concrete;
- Explore opportunities for educational programs, possibly through International Code Council chapters;
- Encourage adoption by reference of ACI codes and standards with no or minimal modifications so as to avoid confusion, unintended discrepancies, and the potential for design and construction errors;
- Encourage the adoption and use of current editions of ACI referenced codes and standards;
- Encourage requirements for qualified concrete technicians and inspectors by requiring ACI certifications or equivalents;
- Inform officials that ACI guides and reports are not intended to be referenced in building codes;
- Communicate to ACI where officials identify a need for additional requirements related to concrete that should be codified; and
- Foster support from other individuals and organizations regarding ACI code changes proposed to model, state, and local building codes.

Table 1:
Building code implementation in the United States

Building code implementation	List of states
States allowing local amendments	AK, AR, CA, FL, HI, LA, MD, NH, NM, NV, OH, TN, WA, WI, WY
States allowing approved amendments	GA, IN, MA, NC, NY, OR, SC, UT
States with no local amendments	CT, KY, NJ, PA, RI, VA
Mandatory if adopted	CO, ID, MI, MN, MT, ND, WV
Government buildings and select occupancies	AL, IA, KS, MO, MS, NE, OK, SD, VT
No statewide code	AZ, DE, IL, ME, TH

Based on data available from www.iccsafe.org

Table 2:
Model code developers in the United States and their codes

ICC	NFPA	IAPMO
International Building Code International Energy Conservation Code International Existing Building Code International Fire Code International Fuel Gas Code International Green Construction Code International Mechanical Code International Plumbing Code International Private Sewage Disposal Code International Property Maintenance Code International Residential Code International Swimming Pool and Spa Code International Wildland Urban Interface Code International Zoning code ICC Performance code	National Electrical Code Fire Code Life Safety Code Building Construction and Safety Code	Uniform Plumbing Code Uniform Mechanical Code Uniform Swimming Pool, Spa & Hot Tub Code Uniform Solar, Hydronics & Geothermal Code National Standard Plumbing Code