

CHAPTER 1301
DEPARTMENT OF ADMINISTRATION
BUILDING OFFICIAL CERTIFICATION

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BUILDING OFFICIAL CERTIFICATION

1301.0100 PURPOSE.

The purpose of parts 1301.0100 to 1301.0600 is to establish procedures for certification of building officials and prerequisites for persons applying to be certified.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1301.0200 FORMS OF CERTIFICATION.

Subpart 1. **Certified building official.** This classification is granted to a person who has met the "certified building official" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this certification may serve as the building official for any municipality.

Subp. 1a. [Repealed, 27 SR 1474]

Subp. 2. [Repealed, 19 SR 75]

Subp. 3. **Class I certification.** A Class I certification is identified as "Class I" on the certification card. This classification was granted to a person who met a prerequisite and passed a written examination. This classification restricts the holder to administering the code only for one- and two-family dwellings and their accessory structures. As of July 1, 1990, this class is no longer issued. Persons with this classification may continue to hold this classification by submitting evidence of fulfilling the appropriate continuing education program established by part 1301.0900, item A.

Subp. 4. [Repealed, 19 SR 75]

Subp. 5. **Certified building official-limited.** This certification is identified as "certified building official-limited" on the certification card. This classification is granted to a person who has met the "certified building official-limited" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification may perform code administration for one- and two-family dwellings, their accessory structures, and "exempt classes of buildings" as provided in part 1800.5000 of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture rules, as well as "facilities for the handicapped" provisions in chapter 1341 of the Minnesota State Building Code. Code administration for all other buildings must be performed by a certified building official as defined in subpart 1. However, the certified building official-limited may conduct inspections at the direction of a certified building official or the state building official.

Subp. 6. **Accessibility specialist.** This certification is identified as "accessibility specialist" on the certification card. This certification is granted to a person who has met the "accessibility specialist" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification is

limited to the administration of those provisions of the Minnesota State Building Code which provide access for persons with disabilities.

Use of this certification is restricted to municipalities that according to Minnesota Statutes, sections 16B.72 and 16B.73, do not administer the code. If a municipality adopts the Minnesota State Building Code, the responsibilities for code administration and enforcement are under the authority of the certified building official or the certified building official-limited.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 19 SR 75; 27 SR 1474*

1301.0300 CERTIFICATION PREREQUISITES.

Prior to making application for certification as a certified building official, a person shall accumulate a minimum of 100 points from the categories in items A to C.

Prior to making application for certification as a certified building official-limited, a person shall accumulate a minimum of 30 points from categories in items A to C. Prior to taking the examination for certification as a certified building official-limited, a person shall attend a course specified by the state building official.

Prior to taking the examination for certification as an accessibility specialist, a person shall attend a course specified by the state building official.

A. Education: BIT refers to building inspection technology programs offered in the community college system. Points must be awarded as follows for successful completion of the programs or courses listed:

- (1) BIT AAS degree, 100 points;
- (2) BIT certificate, 60 points;
- (3) BIT code-related courses:

(a) field inspection, nonstructural plan review, building department administration, and building codes and standards, 20 points total for all four courses; zero points if any of the courses in this unit have not been successfully completed;

(b) upon successful completion of the courses named in unit (a), additional BIT building code courses, four points each up to a maximum accumulation of 40 points;

(4) postsecondary courses in building construction, building construction-oriented architecture or engineering, or public administration, one point each up to a maximum accumulation of 30 points;

(5) an associate's degree in building construction, building construction-oriented architecture or engineering, or public administration, 30 points;

(6) a bachelor's degree in building construction-oriented architecture or engineering, 60 points. If points are claimed in this category, additional points may not be claimed in subitem (4) or (5).

B. Certifications: Points must be awarded for certifications obtained as follows:

- (1) Council of American Building Officials building officials examination:
 - (a) legal and management module, 50 points;
 - (b) technology module, 50 points;
- (2) International Conference of Building Officials examination:
 - (a) building inspector, 40 points;
 - (b) plans examiner, 60 points;
- (3) Minnesota Class I certification, 10 points;
- (4) Minnesota certified building official-limited certification, 20 points.

C. Experience: Points shall be awarded for experience obtained as follows:

(1) municipal building code inspection or plan review experience under the supervision of a currently certified building official. Twenty points must be awarded for each 12-month period of employment, with a maximum accumulation of 80 points;

(2) experience in the design of buildings or in the construction of buildings with specific skilled participation in the construction of foundations, super-structures, or installation of the building's mechanical, plumbing, electrical, or fire suppression systems. Ten points must be awarded for each 12-month period of employment, with a maximum accumulation of 30 points.

D. Other education, certifications, and experience relating to the field of the construction industry that is not enumerated in items A to C must be given credit as determined by the state building official based on comparison with the prerequisites in items A to C.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 19 SR 75; 27 SR 1474*

1301.0400 APPLICATION FOR CERTIFICATION.

A person seeking certification shall submit a completed application to the state building official on an application form provided by the commissioner, along with a nonrefundable \$70 fee payable to the commissioner of finance. The state building official shall review applications for compliance with prerequisites in part 1301.0300. If the prerequisites are satisfied, the state building official shall schedule the applicant to take the applicable examination.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 19 SR 75; 27 SR 1474; L 2003 c 112 art 2 s 50*

1301.0500 EXAMINATION.

A. The commissioner shall prepare and administer examinations, consistent with Minnesota Statutes, section 16B.65, subdivision 3.

B. The applicant may schedule to take the examination two times for each application submitted. If the applicant fails the initial examination or fails to appear for the initial examination, the applicant shall wait a minimum of 30 calendar days after the mailing date of either the notification of the test results or the failure to appear before scheduling a second exam. If the applicant fails the examination a second time or fails to appear for a second scheduled examination, the applicant shall wait six months from the mailing date of the notification of the test results or the failure to appear. After six months, the applicant may submit a new application in accordance with part 1301.0400.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 27 SR 1474*

1301.0600 EDUCATION AND TRAINING.

The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities, according to Minnesota Statutes, section 16B.65, subdivision 3. Within limitations of personnel and funds, the state building official may provide training programs for legislative bodies, administrative staff persons, design professionals, the construction industry, and the general public.

Information concerning available training programs may be obtained from the state building official by written, electronic mail, or telephone inquiry. Training program information is also available on the department's Web site.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 27 SR 1474*

CONTINUING EDUCATION AND RECERTIFICATION

1301.0700 AUTHORITY AND PURPOSE.

Parts 1301.0700 to 1301.1200 establish the guidelines for building official certification maintenance under Minnesota Statutes, section 16B.65, subdivision 7.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 19 SR 75; 27 SR 1474*

1301.0800 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1301.0700 to 1301.1200.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 3. [Repealed, 27 SR 1474]

Subp. 4. **State building official.** "State building official" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. [Repealed, 27 SR 1474]

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 27 SR 1474*

1301.0900 CONTINUING EDUCATION UNITS REQUIRED.

This part establishes the number of continuing education units required within a three-year period to maintain certification.

A. A Class I certified building official must accumulate 18 continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2.

B. A certified building official must accumulate 24 continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2.

C. A certified building official-limited must, in each year for the first three-year certification period in which the certification is obtained, accumulate eight continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2. Continuing education credit must be reported yearly for the first three-year certification period by the method described in part 1301.1100. A certified building official-limited must accumulate 24 continuing education units for every three-year period thereafter in any of the programs described in part 1301.1100, subpart 1 or 2.

D. An accessibility specialist must accumulate four continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2. The four units must be for courses relating to building accessibility, plan review, field inspection, or building code administration.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 19 SR 75; 27 SR 1474*

1301.1000 CONTINUING EDUCATION CREDIT.

Subpart 1. **Approved education programs.** The following programs are approved for the number of continuing education units indicated:

A. Annual Building Official Institute of Minnesota, 2.5 units for each full day of attendance;

B. Minnesota State Building Codes and Standards Division seminars, 2.5 units for each full day of attendance;

C. International Conference of Building Officials seminars, 2.5 units for each full day of attendance;

D. International Conference of Building Officials annual education and code development conference, 2.5 units for each full day of attendance;

E. State Building Code development committee meetings, 0.42 unit for each hour of attendance;

F. State International Conference of Building Officials chapter meetings, one unit for each meeting with a minimum three-hour educational program;

G. regional building official meetings, one unit for each meeting with a minimum three-hour educational program;

H. area building official luncheon meetings, 0.25 unit for each meeting;

I. college building inspection technology and other related college courses, four units for each credit earned;

J. postsecondary training courses in construction, management, or supervision, one unit for every three hours of instruction received or related shop work completed;

K. certification in an International Conference of Building Officials certification program received after January 1, 1985, four units for each certificate;

L. certification as a certified building official by the Council of American Building Officials after January 1, 1985, six units;

M. teaching a course at the community college level in the building inspection technology program or teaching a course at a technical college, one unit for every four hours of instruction provided during a three-year reporting period; and

N. maintenance of an International Conference of Building Officials certification, one unit.

Subp. 1a. **Credit for repeated continuing education.** Credit must be awarded only once for each course taught or education program attended during a three-year cycle, despite the number of times the same course is taught or the same education program is attended.

Subp. 2. **Other continuing education.** Continuing education offered by other states, correspondence schools, universities, or other institutes of learning that offer building code administration and enforcement-related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building official to receive credit. Units must be approved on the basis of comparison with the items in subpart 1. The state building official shall award 0.42 continuing education units for each hour of continuing education rounded to the nearest full or half unit.

Subp. 3. **Mandatory continuing education.** The state building official shall require that specific courses be taken, if necessary, to insure continuing education in relevant code application, administration, or enforcement practices. The requirements may include training courses when new codes or legislative mandates are adopted.

Subp. 4. [Repealed, 27 SR 1474]

Subp. 5. **Review of continuing education.** All continuing education is subject to periodic review and evaluation by the commissioner or the commissioner's agent.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; L 1989 c 246 s 2; 19 SR 75; 27 SR 1474*

1301.1100 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each person certified under this chapter must provide evidence to the state building official on forms provided by the state building official of attendance or participation in an approved continuing education program and units earned.

The information must be submitted to the state building official before the last day of the third calendar year following the date of the last certification issued.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, valid for three years, to each applicant who has provided evidence of required continuing education earned within the time indicated in subpart 1 and has submitted the \$20 renewal fee.

Subp. 3. **Extension of time for compliance.** The state building official may grant an extension of time to comply with parts 1301.0700 to 1301.1200 if the person requesting the extension of time shows cause for the extension. The request for the extension must be in writing. For purposes of this subpart, the building official's current certification effective dates shall remain the same. The extension does not relieve the building official from complying with the continuing education requirements for the next three-year period.

Subp. 4. **Reinstatement of certificate.** A building official whose certification has lapsed must be reinstated if:

- A. the official provides proof of required continuing education units earned;
- B. not more than three years have passed since the certification lapsed or since the official successfully took the test for certification as a building official; and
- C. the appropriate fee is submitted with the application.

For purposes of this subpart, the building official's certification effective date shall change to the date when the reinstatement certificate is issued.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 16B.65*

History: *15 SR 74; 19 SR 75; 27 SR 1474*

1301.1200 [Repealed, 27 SR 1474; 27 SR 1791]

1301.1201 CODE ADMINISTRATION OVERSIGHT COMMITTEE; GRADUATED SCHEDULE OF ADMINISTRATIVE ACTIONS AND PENALTIES.

Subpart 1. **Definitions.** The definitions in this subpart apply to this part.

A. "Certified building official" means a person classified as a certified building official in part 1301.0200.

B. "Level" means a set of actions, as established in the graduated schedule in subpart 5, that are grouped together in a graduated manner to reflect the culpability, frequency, and severity of the violator's actions. A first-level action is considered least severe whereas a third-level action is most severe in nature.

C. "Oversight committee" means the committee established under Minnesota Statutes, section 16B.65, subdivision 5.

Subp. 2. **Scope.** Minnesota Statutes, section 16B.65, subdivision 5, provides for the creation and membership of a code administration oversight committee. In accordance with Minnesota Statutes, section 16B.65, subdivision 5a, this part establishes a graduated schedule of administrative actions against certified building officials for violations of Minnesota Statutes, sections 16B.59 to 16B.75, and rules adopted under those sections.

Subp. 3. **Certified building official duties and responsibilities.** The duties and responsibilities of a certified building official for code administration are established in chapter 1300, and Minnesota Statutes, sections 16B.59 to 16B.75.

Subp. 4. **Oversight committee; purpose and duties.** In accordance with Minnesota Statutes, section 16B.65, subdivision 5, and for purposes of this part, the code administration oversight committee shall evaluate, mediate, and recommend to the commissioner any administrative action, penalty, suspension, or revocation with respect to complaints filed with or information received by the commissioner alleging or indicating the unauthorized performance of official duties or unauthorized use of the title certified building official, or a violation of statute, rule, or order that the commissioner has issued or is empowered to enforce.

A. The oversight committee shall evaluate written complaints or information received by the commissioner regarding a certified building official by:

- (1) obtaining evidence related to the allegations;
- (2) examining the relevant and jurisdictional evidence; and
- (3) determining if that evidence substantiates the allegations.

B. If the committee determines that the evidence does not substantiate the allegations, the committee shall recommend to the commissioner that the complaint be dismissed.

C. If the committee determines that the evidence substantiates the allegations, the committee shall mediate a resolution. In doing so, the committee shall consider the degree of responsibility, and the frequency and severity of the violator's actions.

D. The oversight committee shall recommend in writing to the commissioner a resolution based on the graduated schedule in subpart 5.

Subp. 5. Graduated schedule. Notwithstanding Minnesota Statutes, section 16B.65, subdivision 5b, one or more of the actions from one or more levels in this subpart may be imposed upon a certified building official for a failure to fulfill the duties and responsibilities of a certified building official.

A. First level: The commissioner may issue a letter to the certified building official outlining substantiated unacceptable actions and the corrective action that is expected of that building official in the future.

B. Second level:

(1) The commissioner may require the certified building official to attend and successfully complete one or more appropriate training courses or programs designed to address any substantiated unacceptable actions by the building official.

(2) The commissioner may limit the scope of work that can be performed by the certified building official for a prescribed period of time as determined by the committee. The limitations may include performing plan review or field inspection services only, performing residential or nonresidential duties only, or performing duties that include only specific inspections or specific components of plan review.

(3) The commissioner may impose conditions on the certified building official for a prescribed period of time as determined by the committee. The conditions may include mandatory supervision, monitoring, reporting, or minimizing or controlling public contact.

C. Third level:

(1) The commissioner may impose a prescribed term of probation on the certified building official as determined by the committee. The probationary period must include monitoring by a person approved in advance by the committee and may include remedial training and regular follow-up meetings. The monitor shall provide progress reports to the committee on a schedule set by the committee. Upon completion of the probationary period, the monitor shall provide the committee with a final recommendation regarding the building official's fitness to perform duties in an unrestricted capacity or whether further action from the schedule is necessary.

(2) The commissioner may impose upon a certified building official's certification a permanent condition or limitation as established in subitems (2) and (3) of the second level in the graduated schedule.

(3) The commissioner may deny the certification or recertification of an applicant.

(4) The commissioner may suspend the certification of a certified building official for a prescribed period of time as determined by the committee.

(5) The commissioner may revoke the certification of a certified building official.

(6) The commissioner may impose an administrative penalty not exceeding \$700 for each separate violation upon the certified building official. The amount of the penalty imposed upon the building official may be fixed for each separate violation to match any economic advantage gained as a result of the official's actions.

Subp. 6. Notification of investigation. During the course of any investigation into complaints filed with or information received about a certified building official or an applicant as set forth in Minnesota Statutes, section 16B.65, subdivision 5, the person named in the complaint must be notified in writing of information received and that an

investigation is being conducted into the matter. As part of the investigation, the committee shall provide the named person an opportunity to meet with the committee and respond to the allegations.

Subp. 7. Providing false or incorrect information. If a certified building official provides false or incorrect information to the committee or the committee's designees, the committee shall recommend additional actions to the commissioner from the schedule in subpart 5.

Subp. 8. Municipal notification. If the building official is designated in a municipality by its appointing authority, the commissioner shall notify the appointing authority of actions imposed upon the building official. Pursuant to Minnesota Statutes, section 13.41, subdivision 6, the commissioner must notify the appointing authority prior to final disciplinary action being imposed if the allegations constitute a clear and present danger under the statute.

Subp. 9. Additional penalties. In accordance with Minnesota Statutes, section 16B.65, these penalties may be in addition to any criminal or civil penalties imposed for the same violation.

Subp. 10. Satisfaction of an action. Upon completion by a certified building official of subpart 5, item B, subitem (1), (2), or (3); or item C, subitem (1) or (4), in the graduated schedule that have been imposed by the commissioner, the commissioner shall review the documentation evidencing the completion and if it is acceptable to the commissioner, issue a letter of satisfaction of the actions to the certified building official.

Subp. 11. Appeal of commissioner's decision. Any person who is aggrieved by a final decision of the commissioner is entitled to a review of that decision through a contested case proceeding under Minnesota Statutes, chapter 14. Pursuant to Minnesota Statutes, section 14.57, paragraph (a), the commissioner will issue an order making the report of the administrative law judge the final decision in the matter.

Subp. 12. Appeal of contested case decision. In accordance with Minnesota Statutes, section 14.63, any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under Minnesota Statutes, chapter 14.

Subp. 13. Support to oversight committee. The Department of Administration's Building Codes and Standards Division shall provide staff and administrative support to the committee.

Statutory Authority: 16B.59; 16B.61; 16B.64; 16B.65

History: 27 SR 1791