



Delegations TAG Stakeholder Comments for Consideration

Thanks to those submitting proposals | Response comments by DLI Staff

Submitted Proposal is based in part on:

- I. A concern for the welfare of the State of Minnesota's administration of the MN Building Code relative to state-licensed facilities and public buildings; the professional credibility of MN certified building officials; and municipalities and projects affected by delegation agreements
- II. A chronological review of the MN Statutes developing and modifying the MN Building Code which don't overtly state or indirectly infer that delegation agreements for state-licensed facilities and public buildings are related to or based upon complexity of such buildings nor any inherent vulnerability of such buildings' occupants. Rather, this review appears to indicate clearly that, after 2 very significant legislative referenda allowing broad repeals of the statewide building code in 1) non-metropolitan counties and 2) cities with populations less than 2,500, the State desired to ensure that at least State-owned facilities throughout the State of MN would still be assured of compliance with the MN State Building Code. (MS 16B.72, 16B.73, etc.).

Minnesota Statute 326B.107

- Subd. 2. **Municipal agreement for all building projects.**
- (a) The commissioner shall enter into an agreement with a municipality other than the state for plan review, inspection, code administration, and code enforcement on public buildings and state-licensed facilities in the jurisdiction **if the municipality requests** to provide those services **and the commissioner determines that the municipality has enough adequately trained and qualified inspectors** to provide those services. In determining whether a municipality has enough adequately trained and qualified inspectors to provide the service, the commissioner must consider all inspectors who are employed by the municipality, are under contract with the municipality to provide inspection services or are obligated to provide inspection services to the municipality under any other lawful agreement.
- (b) The criteria used to make this determination shall be provided in writing to the municipality requesting an agreement.
- (c) If the commissioner determines that the municipality lacks enough adequately trained and qualified inspectors to provide the required services, a written explanation of the deficiencies shall be provided to the municipality.

DLI Response, a brief history of the delegations program:

MS 326B.107, subpart 2 includes language requiring the commissioner to determine if the municipality had enough adequately trained and qualified inspectors, and list criteria for evaluation.

- 1978 – 1993: State reviewed plans on all public buildings and state licensed facilities.
- 1993 – 2003: Class 1 cities (Minneapolis, St. Paul, Duluth, Rochester) were invited to consider accepting delegation for inspections or plan review and inspections. Projects in non-class 1 cities were reviewed and inspected by the state. Projects were delegated to Class 1 cities for inspections or plan review and inspections on a project by project basis after state preliminary review.

DLI Response, a brief history of the delegations program:

- 2003 – 2019: Blanket delegations were opened up for other municipalities with qualified inspectors. This was the first time that projects were not delegated on a project by project basis. Projects were still required to be submitted to the state for an Initial Application for Plan Review to track state projects and to ensure that the local municipality had qualified staff to perform the delegated work. Highly complex projects where the experience of the municipal staff was not to the task were retained by the state.
- 2019 – Present: Initial Applications were dropped in 2019 and delegated work was automatically assigned to delegates. State relied completely on the blanket delegation designation to assign work. Data on state projects was lost. Initial control over delegated work was set aside. Concurrently, the experience base in the statewide inspections workforce has declined significantly. There has been a 19% decline in the number of delegations since 2020.

Where are we at today:

2026- : DLI working with stakeholders to develop a reasonable delegations program.

Goals:

- Delegate more projects to municipalities by making it easier to qualify for projects.
- Provide more mentoring and support to local building officials and inspectors.
- Increase on-site auditing of delegated state project work.
- Track data and code knowledge about all state projects.
- Require continuing education for qualified persons to foster consistency in code compliance practices across delegates. DLI to provide the continuing education for delegation qualified persons and others interested.
- Set term limits for municipal delegations so that the contracts are up to date and qualified persons listed are current.

Submitted Proposal is based in part on:

- III. Concerningly unfavorable perceptions and feedback provided by outstate building official groups, as relayed at the TAG's 12/4/2025 meeting, as an apparent indication of less broad support for the currently proposed tiered proposal than may have been previously perceived given its reported development in large part through a state-level building officials group whose stated secondary motive of elevating the profession of code administration isn't a function of municipal delegation agreements

DLI Response:

- DLI doesn't have a new delegations program yet. In the past, DLI simply made policy changes regarding delegations without consulting stakeholders. DLI current leadership believes that including stakeholder input will result in a better policy and potentially rule. This TAG is an effort to do better by involving our stakeholders. The proposed tiered system is ONE option. No others have been proposed.
- Input from professional organizations and stakeholder groups has informed initial discussions of the TAG, presumably bringing forward positive ideas for change, but these are discussion items and decisions have not yet been made. Keeping the dialog open.

DLI Response:

DLI is hosting this TAG to gain insights into local implementation of the DLI delegations program to see how we might do better. DLI is legislatively responsible for ensuring code compliance for public buildings and state licensed facilities, and secondly with delegating this work under MS 326B.107, Subd. 2 with the following conditions:

- 1) The municipality asks for the delegation,
- 2) DLI finds that the municipality has enough staff to do their own work and the capacity to take on more work through state projects.
- 3) DLI finds that the municipality has qualified and trained staff to do this work.

Submitted Proposal is based in part on:

- IV. DLI's admission that it isn't known if current delegated code administration has objectively and definitively created a problem or negative outcome because, in large part, the biggest problem is a lack of data due to an approximately 7-year lag in collecting comprehensive delegated project data, leaving a number of the stated concerns with the delegation agreement process supported only anecdotally rather than substantively.

DLI Response:

The current delegation policies ARE resulting in increased problems.

- Applicants for qualified persons status are frustrated that they can't qualify under the strict requirements to be qualified to inspect or review state projects. They are complaining through official channels which creates more work for the Code Services Unit also charged with compliant follow up investigation and response. DLI can't ignore complaints. DLI is tasked with determining if persons are qualified and trained to administer the code in projects like prisons or hospitals
- There is an ever-increasing experience drain in the profession. We have lost 19% of delegations since 2020. That means more work for DLI staff, much more windshield time for field staff, and less efficiency.

DLI Response:

The current delegations protocols ARE resulting in increased problems.

- DLI staff used to provide informal mentoring between inspections and also provided opportunities for “ride alongs” for local BO’s wanting to gain experience. With DLI’s current workload, we can’t do that, increasing the problem.
- DLI believes that many municipal building officials and inspectors are well qualified to do some of the state projects work, but not all of it. So, we are looking at ways to qualify many for some of the work.
- Yes, there is a lack of data on state projects that DLI would like to gather.



Stakeholder Proposal for Discussion

Firstname Lastname | Job Title

Proposal

1. DLI reinstate the process of requiring initial submittal for all delegated projects to be submitted to DLI for record keeping and future potential reviews of delegated municipal departments of building safety.

DLI Agrees and supports this

Proposal

2. DLI consider implementation of a 1-year moratorium on new municipal delegation agreements, allowing time to:
 - a. Develop objective, prescriptive, and documented delegated municipal building safety department review procedures.
 - b. Develop objective, prescriptive, and documented delegated municipal building safety department performance criteria; and
 - c. Develop continuing education programming sufficient to provide a minimum of 6 continuing education units specifically related to plan review, inspection, code administration, and code enforcement for MN state-licensed facilities and public buildings. DLI to develop such educational programming regardless of potential moratorium. (Also addressed in Item 4.)

DLI/CCLD Response

CCLD has approached the commissioner requesting a moratorium on municipal delegation agreements and the **moratorium was denied**. Statute requires that we provide this program.

CCLD Agrees that we need to codify our **building safety department review procedures** so that municipalities are clear on CCLD expectations.

- Plan Review: How many do we look at, and what kinds of projects?
- Field Inspections: How many do we look at, and what kinds of projects?
- Records keeping and data retention

CCLD Agrees that we need to codify our **building safety department performance criteria** so that municipalities are clear on CCLD expectations. The municipality must demonstrate:

- Adequate staff to take on additional work, work is timely. What's adequate/ reasonable?
- That they are currently administering the code correctly including plan review, field inspections frequency and efficacy, filing, and data retention. What is a reasonable sample to ensure plan reviews are sufficient and field inspections are timely and adequate?
- Qualified Persons qualify as individuals for specific work to which they can be assigned.

DLI/CCLD Response

Evaluation of qualified persons must be objective and prescriptive.

DLI proposing to shift from interviews to objective exams.

- Clear and objective prerequisites to apply for the exams
- Separate exams for plan review, inspections
- Separate exams for specialties like structural, mechanical, etc.
- Exams will contain provisions for applicable administration
- Exams will have multiple choice, fill in the blank, written, practical, and oral components based upon the type of qualifying expertise
- Practical and oral components will be scored with objective scoring anchors.

DLI/CCLD Response

This is all great, but if we still haven't addressed:

- What it really means to be adequately staffed
- The all-or nothing blanket delegations program
- The loss of qualified persons with the qualifications and training to administer the code for complex projects.

Then we haven't solved the problem.

The Workforce Challenge

- 40% of BOs have < 5 yrs exp.
- 59% of BOs have < 10 yrs exp.
- 30% of BOs will be retirement age in 10 yrs
- 19% of delegations returned to DLI since 2001

Goals:

- DLI would like to delegate more so that we can mentor and monitor more.
- DLI needs to ensure that our delegates have the capacity to add state work to their workload.
- DLI needs confidence in our delegates because ultimately, we are still responsible for their work
- DLI wants a fair and impartial process for qualifying persons capable of delegated work
- DLI wants to move into the quality control space to ensure work is being done correctly and mentor where needed.

Minnesota Statute 326B.107, Subd. 2

Commissioner determines that
there are **enough staff**

DLI currently reviews qualified persons and if there are qualified persons to cover all aspects of the delegation it is extended.

DLI does not currently evaluate if there are enough qualified persons to complete the work effectively.

Discuss what are reasonable parameters on how much work an:

- inspector can handle
- plan reviewer can handle
- one-person office can handle doing everything

Delegations Work: Today

Prisons- Levels 1 through 4
County Jails
Hospitals
Psychiatric Hospitals
Nursing Homes
Dementia Care
Public Schools
Colleges & Universities
Outpatient Surgical Centers
Assisted Living
Boarding Care
Hospice
Supervised Living Facilities
Commercial Garages (repairs)
Public Offices
Utility/ Storage Buildings

All-or-Nothing

If not qualified for All, then can't qualify for any

- Inspections
- Plan Review & Inspections
- No continuing education requirements
- No delegation specific training or mentoring
- No periodic review of delegations
- Review of qualifications seems somewhat subjective

Minnesota Statute 326B.107, Subd. 2

Commissioner determines that there are **adequately qualified** staff.

In at least 5 of the 6 component categories, check each of the building elements that you plan – reviewed or inspected for the building project listed above.

Component Categories

1. Structural:

- Structural steel and connections
- Structural masonry
- Pilings

Structural cast-in-place concrete:

- Composite floors
- Walls
- Other structural members

Pre-cast structural concrete and connections:

- Walls
- Floors/Roofs
- Columns and Beams

2. Fire Resistance:

- Walls and Floors
- Structural members
- Penetrations and firestopping systems
- Spray-applied fire proofing
- Shafts
- Smoke barriers
- Smoke compartments
- Control areas
- Smoke and fire dampers

3. Egress:

- Exit enclosures
- Horizontal exits
- Exit passageways
- Areas of refuge
- Elevator lobbies
- Alternate locking devices

4. Mechanical:

- Type 1 hoods
- Process piping
- Make-up air systems
- Hazardous Exhaust systems
- Medium and high pressure gas piping systems

5. Fire Protection:

- Alarm systems
- Alternate fire-protection system designs
- Standpipes
- Fire pumps
- Smoke control systems

6. Miscellaneous:

- Hazardous materials storage or control rooms
- Atriums
- Auditoriums
- Stages
- Grandstand-type bleacher seating structures
- Pedestrian walkways
- Emergency power systems

Delegations Work: Under Discussion

- Inspections
- Plan Review & Inspections

Prisons- Levels 1 through 4
County Jails
Hospitals
Psychiatric Hospitals
Nursing Homes
Dementia Care
Public Schools
Colleges & Universities
Outpatient Surgical Centers
Assisted Living
Boarding Care
Hospice
Supervised Living Facilities
Commercial Garages (repairs)
Public Offices
Utility/ Storage Buildings

Discussed a Tiered System

Developing levels of qualified persons and corresponding delegations:

- More people can qualify as inspectors and/or plan reviewers
- More municipalities can qualify for delegation agreements.
- Adding CE requirements for QPs
- Adding QP status to BO credential
- Adding DLI Training programs
- Periodic review of delegations

Delegations Work: Under Discussion

- Inspections
- Plan Review & Inspections

Prisons- Levels 1 through 4
County Jails
Hospitals
Psychiatric Hospitals
Nursing Homes
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Other Ideas to expand delegations while ensuring:

- Adequate staffing?
- Adequate training?
- Adequate qualifications/ experience?

Can't assume that DLI can add staff.

Minnesota Statute 326B.107, Subd. 2

Commissioner determines that there are **adequately trained** staff

DLI currently reviews qualified persons in terms of work experience, specifically number of years, and various types of complex projects

DLI does not currently evaluate or consider training.

Discuss what training should be required if any:

- For a field inspector
- For a plan reviewer
- one-person office can handle doing everything

Minnesota Statute 326B.107, Subd. 2

Commissioner determines that there are **adequately qualified** staff.

DLI currently reviews qualified persons in terms of work experience, specifically number of years, and various types of complex projects

Minimum 5-years, 5 projects highlighting experience in structural, fire resistance, egress, mechanical systems, fire protection, and miscellaneous

https://www.dli.mn.gov/sites/default/files/pdf/dele_app_both.pdf

If we have already discussed training,

Discuss what experience should be required:

- For a field inspector
- For a plan reviewer
- For a one-person office

Proposal

3. DLI require that, for all delegated projects not determined to be Reserved Projects per MN 326B.107, Subd. 3, all individuals performing plan review, inspection, code administration, and code enforcement under a delegation agreement, per MN 326B.107, Subd. 2:
 - Hold an active MN Certified Building Official certification per MN Statute 326B.133, Subd. 3a (b);
 - Not be subject to any professional investigation or enforcement action currently or within the three years prior to application for a delegation agreement; and
 - Have a minimum of 3 years of experience in plan review, inspection, code administration, and code enforcement of the MN State Building Code.

DLI/CCLD Response

- In addition to Certified Building Officials, Engineers and Architects may also qualify for delegated work. Highly skilled tradespersons and inspectors with deep experience may qualify as QP's. What's reasonable?
- Should being the subject of an investigation disqualify someone from receiving a qualification? Or, should we only disqualify those who have had an administrative action taken against them? If so, for how long? Repeat offenders? Progressive disqualifications?
- Should we ignore an investigation? What about extending a new MDA? What about continuing an existing MDA?
- 10,000 hours (5 years) of experience for mastery qualification as an average for deliberate practice in an area. (Malcom Gladwell Study)*

*(study was for 10,000 hours of deliberate practice and was found to be an average for exceptional people. Requiring 10,000 hours for average people not exercising deliberate practice in delegation related work is very reasonable.)

Proposal

4. DLI require individuals performing delegated plan review, inspection, code administration, and code enforcement obtain a **minimum of 6 continuing education units** specifically related to plan review, inspection, code administration, and code enforcement for MN public buildings and state-licensed facilities in each profession certification renewal period. **DLI to provide at least 6 examples of acceptable course topics.**

DLI/CCLD Response

DLI agrees with a requirement for 6 hours of CE each 2 years to maintain qualified persons credentialing

DLI will provide continuing education programming specific to delegations and in the number of hours required to maintain credentialing (We will teach you what we want you to know)

- Education will be provided in hybrid format
- Education will be offered multiple times per year
- Credit toward delegation compliance will require passing exams associated with the continuing education provided
- General credit for the education will be provided for those not taking or those not passing the associated exams.

Proposal

- V. DLI provide reviews of delegated municipal building safety departments after each 6-year period of a municipality's delegation agreement to verify maintenance of required records and professional certifications, in accordance with procedures developed in Item 2 above. (6 years is the current legislatively established building code adoption cycle and is equivalent to 3 Certified Building Official certification renewal periods.)

DLI/CCLD Response

DLI agrees that prioritizing actual local performance may be more effective than concentrating efforts primarily on qualifying individuals.

Building safety department reviews can include:

- Review of record keeping and data retention practices
- Assessment of plan review effectiveness
- Assessment of field inspections reports including types of inspections, frequency to the job site, level of detail in notes, and typical violations cited.
- Audit of financial records to ensure that funds collected by the building safety department are only used for the building safety department or work directly related.

Proposal

- VI. DLI engage a professional, relevantly experienced independent third party to perform analysis of DLI's accrued delegated project data, compiled after an initial either 2- or 4-year period following implementation of this process to objectively ascertain if significant state-wide deficiencies exist in the delegation process and/or municipal performance of plan review , inspection, code administration, and code enforcement on MN state-licensed facilities and public buildings. If such significant deficiencies are verified to exist, the independent third party is to develop objective proposals to effectively mitigate any discovered significant deficiencies or negative impacts.

DLI/CCLD Response

- DLI will not spend funds to contract with a third party for accountability. DLI may include a MN Internal Controls audit performed by DLI's Research and Data Analytics Division. RDAD works independently of CCLD.
- DLI/CCLD is open to other internal controls to monitor the efficiency and effectiveness of our systems as well as offer suggestions for improvement.

Strategies for Increasing Delegations

- Tiered system by complexity/vulnerability of people served
- Tiered system by non-structural modifications with no change in occupancy (remodeling only) and structural modifications and/or changes in occupancy (all projects including additions and new construction.)
- Other?

Keep:

- Inspections
- Plan Review and Inspections

Qualifying People

Prequalification's for various roles?

How do we qualify inspectors?

- Building Inspector (should this include mechanical or be separate?)
- Mechanical Inspector
- Fire Protections Inspector

Plan Reviewer Qualifications

- Building Plan Reviewer
- Structural Reviewer
- Mechanical Reviewer
- Fire Protections Reviewer
- Energy Conservation (?)

Qualifying Municipalities

How do we qualify Municipalities?

- Appropriate staffing/ workload?
- Adequate resources
- Permitting
- Files retention schedules
- Municipal Report
- State Surcharge

Future Discussions:

How do we transition existing qualified persons in an equitable way?

How do we transition existing municipal delegation agreements?

What is the roll-out period?

Feedback

Final Comments or Thoughts for the Day?