

Adoptions . . . Statewide . . . Home Rule . . . What Does it Mean?

State code adoption is not simply a “home rule” versus statewide adoption issue. In many states, the adoption of codes is a complex operation involving multiple agencies with authority over various occupancy classifications. This introduction will clarify some of those processes.

What is home rule?

- Home rule is the adoption of codes by exercise of the independent authority of elected local governments. However, no local government is completely independent of its state.
- The United States Constitution does not mention local governments. Therefore, each state decides for itself what kinds of local governments to allow and what powers they may exercise. Some states include the definition of home rule in their constitutions and define the forms it may take in legislation. Home rule in other states is defined simply by statute.
- States reserve certain powers for themselves, especially those that regulate things they think should be uniform statewide.

Some examples of code adoption processes are listed below. For more detailed information, please see the individual state plans.

- NY is considered to be a home rule state, yet the codes are adopted at the state level and enforcement is mandated across the state at the local level.
- SC is another example of a home rule state where the code is adopted at the state level and enforcement is mandated at the local level. SC also has multiple agencies involved in code adoption.
- GA is a home rule state where the code is adopted at the state level, but local governments decide whether or not they will have a code enforcement program.
- AL is a home rule state where the State adopts codes for state owned buildings, educational buildings, and buildings with specific assembly occupancies. Local governments decide whether or not to adopt a code and provide an enforcement program.

Therefore the term “home rule” can be deceiving when describing state code adoptions. Consequently, it is critical to know whether a state board or commission adopts the minimum code for the state (thus a “statewide” adoption) or whether each jurisdiction must pass a local law to adopt building codes.