

auri research brief

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A Study on the Regulatory Reform of Building Code

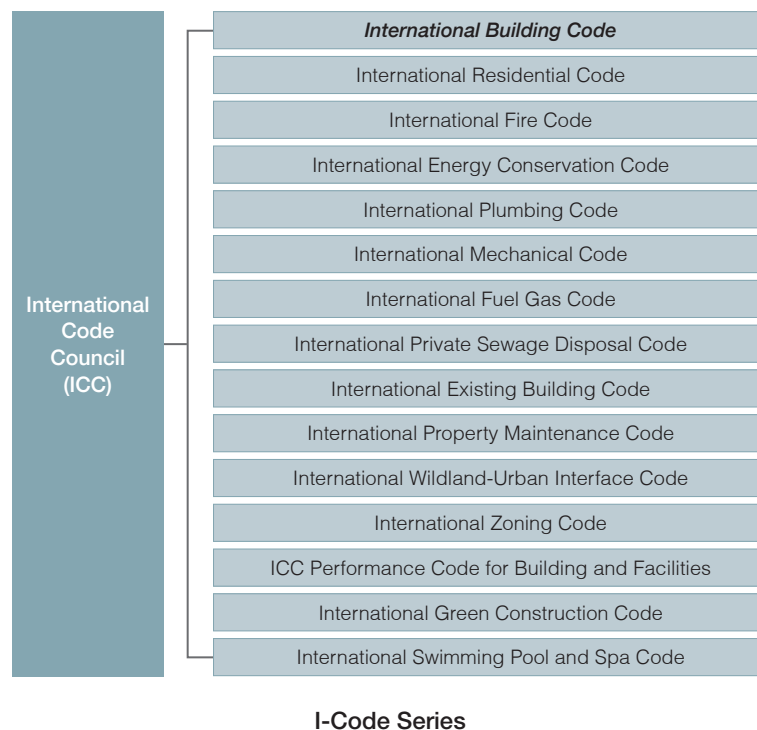
Buildings, which have different purposes depending on residential, business and commercial usage, act as a space for people's everyday lives. Therefore, the quality of buildings and spatial environments significantly affect everyone's well-being. Various standards of building performance and safety are considered as an institutional method to ensure the safety and happiness of people. In particular, building standards and building administration have become even more important due to a series of recent safety and fire accidents.

The Building Act as fundamental building legislation is deemed to be a case of out-dated law due to how it corresponds with other regulations associated with permission procedures, technical standards, management and maintenance. In particular, building standards defined by the Building Act have been a major target of civil complaints due to the chaos of legal hierarchy, challenges with interpretation, etc. Also, building standards applied in the construction process lack connectivity with relevant laws leading complexity, so that it has created unreasonable regulation. As a result of these problems, complaints and distrust with the administrative process have been generated, ultimately resulting in increased social costs.

Regulation Status and Problems with Building Standards in the Building Act	<ul style="list-style-type: none"> • Complexity of the building laws - Many exclusions and exceptions - Complexity in the delegation system - Undue violations of the principle of statutory reservation¹⁾
	<ul style="list-style-type: none"> • Excessive requirements for underlying statutes
Problems with Regulations of Building Standards between Codes	<ul style="list-style-type: none"> • Differences in standards between Codes
	<ul style="list-style-type: none"> • Differences in the organization system for classification of use
	<ul style="list-style-type: none"> • Difficulty in the management of enactments and revisions of Codes relating to building standards

Therefore, this research aims to propose the primary direction for systematic reform of laws related to building standards in the building construction process, and the organization of building standard regulations including permission procedures. As constant improvement of building standards is essential to reflect social conditions and paradigm shifts, operational direction of building standards is also suggested in order to manage such changes efficiently.

This study proposes the reform of building standards and management plans through analysis of the current situation and issues of the Building Act and relevant laws and United States International Building Code(IBC).



1) 'Statutory reservation' is a principle setting forth that there must be legal basis in the exercise of the administrative power. The Constitution sets forth Article 37 Clause 2 as the general statutory reservation provision regarding restriction of fundamental rights. This provision limits the objective of the restriction of fundamental rights to national security assurance, maintenance of order, and public welfare, and even when restricting fundamental rights for such objective, such restriction is limited to the minimum requirement and disallows the infringement of the essence of freedom and rights, thus, establishes the limits of the legislation restricting fundamental rights. - Britannica Encyclopedia (<http://100.daum.net/encyclopedia/view/b09b1509a>)

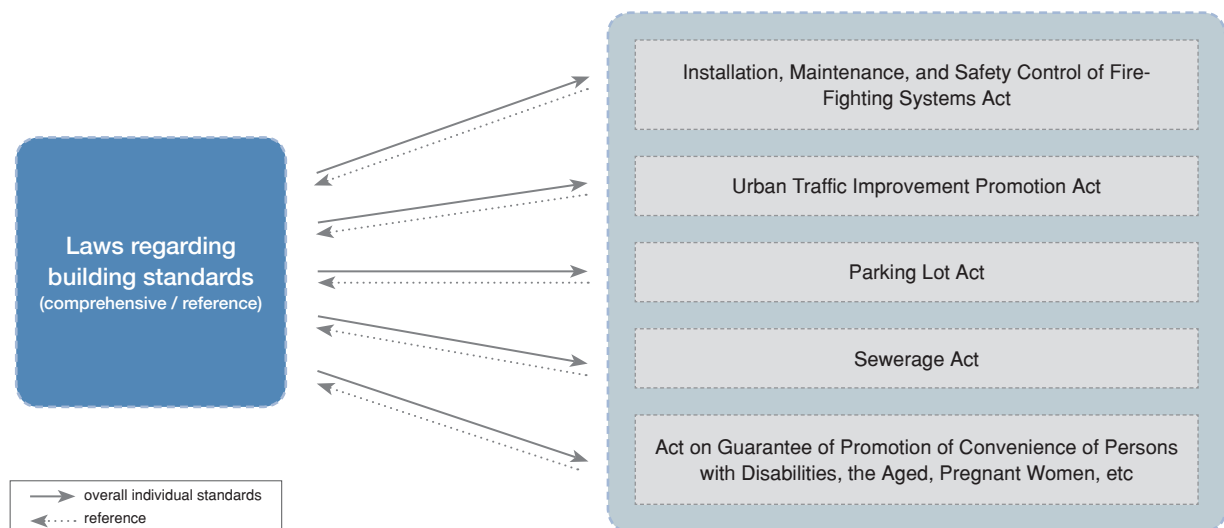
	Urban planning	Individual construction	Public contract	Architect
	Rational utilization of land	Building safety	Construction service order an contract	Architectural licensing and operation of architectural firms, etc.
Federal government		(IBC)	• Brook Act	
State government	• Enabling Act • Residential planning related laws • Redevelopment related laws	• Building code	• Contract law of state governments	• Architectural license law • Laws related to operation of architectural operations, etc
Local government	• Zoning • Subdivision control • Landmark Law	• Building code	• Contract law of municipal governments	• Laws related to architectural licensing

Types and composition of legislation relating to architecture in the United States

*Source: Yu, Kwang Heum, Jin, Hyun Young (2010), A Fundamental Study for the Amendment of Architecture Law
Architecture & Urban Research Institute, p. 77

In order to reform building standards, establishment of a unified system for building standards such as the IBC, which a governing standard, is necessary. To institutionalize the unified system, there are two possible suggestions: enactment of the Building Standard Act and Building Administrative Act as separate legislation and enhancement of the building standard portion in the Building Act.

For integrated management of building standards, it should have unity of the classification system in building use and be integrated with related other laws in advance.



Relationship between laws on the standard of buildings and individual laws

In addition, it is necessary to consider standardizing and updating procedures of building standards, reflecting a wide range of opinions in the procedures as in the case of ICC in the United States. Finally, institutions and organizations which possess expertise should be established for systematic reform of relevant laws and enactment and revision of building standards.

In conclusion, this research proposes a plan for the revision of building standards based on the analysis of problems in the operating procedures of building standards as defined by the Building Act. According to analysis of the problem, there are several main issues that are present, such as inconsistent building standards between the Building Act and relevant laws, different classification systems in building use and confusion caused by frequent revisions. However, the analysis, deduced through the analysis of the legal system and content, reveals limitations in that it does not widely reflect opinions from actual demanders. Thus, formation of social consensus from the demanders about the need for radical reform of building legislation and standards is required, and subsequent research should be intensified by developing empirical analysis of practical challenges in building process and proper reform of building legislation and standards.

Key words : Building standards, Building regulations, Building act, International Building Code

