Minnesota Department of Labor and Industry

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing the Adoption of the International Existing Building Code, Minnesota Rules, Chapter 1311; Revisor's ID Number RD4145.

INTRODUCTION

Until May 16, 2005, the Minnesota State Building Code was adopted, administered, and amended by the Department of Administration pursuant to Minnesota Statutes, sections 16B.59 to 16B.76. By Executive Order (Department of Administration Reorganization Order No. 193), Governor Pawlenty transferred the responsibility for the Minnesota State Building Code to the Department of Labor and Industry ("Department" or "agency"), effective May 16, 2005.[1] The transfer of this responsibility to the Department was confirmed by statute in 2007. *See* Minnesota Statutes, section 326B.02, subdivision 1 (added by 2007 Minn. Laws chapter 140, art. 2, § 3). The Minnesota State Building Code is identified in Minnesota Rules, part 1300.0020.

On March 31, 2003, the Department of Administration adopted the 2000 Guidelines for the Rehabilitation of Existing Buildings ("GREB") with state amendments.[2] This document was published by the International Conference of Building Officials ("ICBO"). At that time, the Department of Administration utilized an advisory committee to review several draft code documents for existing buildings that were being reviewed by other states. The advisory committee chose the draft form of the 2000 Uniform Code for Existing Buildings and proposed numerous changes to the document. For the Department of Administration to incorporate a document by reference in Minnesota, the document must be a published document and available to the public.[3] At the time of review, this document was still in draft form. The ICBO then issued a copyrighted version of the document so that it could be incorporated by reference into rule and into the Minnesota State Building Code. The published document was re-titled "Guidelines for the Rehabilitation of Existing Buildings" and was available for purchase from the code publisher.

After the release of the GREB document, the ICBO merged with other code publishers around the United States and collectively became the International Code Council, Inc. ("ICC"), who publishes many of the model codes incorporated in the Minnesota State Building Code. The GREB code published by ICBO was one of the model documents for existing buildings that was utilized by the ICC as the basis for the development and publication of the 2001 final draft of the International Existing Building Code ("IEBC"). In 2003, the ICC issued the first edition of the IEBC, which was a comprehensive set of regulations for existing buildings consistent with and inclusive of the scope of the existing model codes. The 2012 edition of the IEBC presents the code as originally issued in 2003 with the changes reflected in the 2006 edition, the 2009 edition, and additional changes approved through the ICC code development process through 2010.

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[1] "Minnesota State Building Code" refers to the collection of chapters that make up the Minnesota State Building Code listed in Minn. R. 1300.0050. It is sometimes referred to as the "State Building Code." E.g., Minn. Stat. § 326B.101.

[2] There are no subsequent editions of the GREB.

[3] Minn. Stat. § 14.07, subd. 4.

The Department is updating the Minnesota Conservation Code for Existing Buildings ("Minnesota's Existing Building Code") and has chosen to incorporate by reference, with amendments, the 2012 edition of the IEBC. The GREB is outdated and generally replaced by the IEBC.

The Department formed the 1311 – Existing Building Code Committee to advise the Department on chapter 1311 rulemaking. The notes from each of the five meetings are available on the Department's web site located at http://www.dli.mn.gov/CCLD/rm/1311agendas.asp.[4] A list of the committee members is available at http://www.dli.mn.gov/CCLD/rm/1311members.asp and in Exhibit A of this document. Additionally, pursuant to Minn. Stat. § 326B.106, subdivision 1, the Department consulted with the Construction Codes Advisory Council ("CCAC") on June 21, 2012. The CCAC reviewed a draft of the proposed rules and received an update on 1311 and a brief history of the GREB from the Department.

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155, phone: 651-284-5867, and fax: 651-284-5749.

STATUTORY AUTHORITY

The Department's statutory authority to adopt the rules is stated in the following 2012 Minnesota Statutes:

> **326B.02, Subdivision 5. General rulemaking authority.** The commissioner may, under the rulemaking provisions of chapter 14 and as otherwise provided by this chapter, adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under this chapter, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems.

> **326B.101, Policy and purpose.** The State Building Code governs the construction, reconstruction, alteration, and repair of buildings and other structures to which the code is applicable. The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.

[4] The 1311 Committee met on December 16, 2011, January 5, 2012, February 17, 2012, March 2, 2012, and March 23, 2012.

326B.106, Subdivision 1. Adoption of code. Subject to sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

Under these statutes, the Department has the necessary statutory authority to adopt the proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

The classes of persons who probably will be affected by the proposed rules include building contractors, designers, certified building officials, materials manufacturers, historical officers and societies, building engineers, architects, building managers, building inspectors, building owners, and the general public.

The classes of persons who will probably bear the immediate costs of the proposed rules include building owners. The cost will vary based on the structural system and configuration of the building but will be small relative to cost of the construction or reconstruction.

For the remaining life of the building, costs will potentially be partially offset by the reduced cost of window washer contracts because the anchoring system proposed in these rules will make set-up easier for the window washers. The reduced potential for contractor injuries may also reduce the owner liability insurance costs.

The classes of persons who will likely benefit from the proposed rules include building contractors, designers, certified building officials, materials manufacturers, historical officers and societies, building owners, and the general public.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

The probable costs to the agency for the implementation and enforcement of the proposed rules include the costs to purchase updated code books for agency staff and any training expenses necessary to train staff on the rules.

The probable costs to any other agency for the implementation and enforcement of the proposed rules include costs for updated code books for building officials and any other entities involved with enforcement of these rules, and any necessary training expenses to train personnel on the proposed rules.

There is no anticipated effect on state revenues as a result of the implementation and enforcement of the proposed rules.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

There are no less-costly or less-intrusive methods for achieving the purpose of the proposed rules. The adoption of this code will provide uniform application and enforcement of construction standards. The uniform application and enforcement of this code will result in more predictable code application and enforcement, which will tend to lower costs by reducing the need for review of code applications by local and state review boards and other entities responsible for code interpretation and review. By adopting this code, construction costs will be reduced because this code permits less restrictive code requirements than the International Building Code ("IBC") to make building conservation and reuse of existing buildings more cost-effective.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

The 2012 IBC, Chapter 34, Existing Structures, was considered for adoption for existing structures. Even though Chapter 34 of the IBC is similar to the IEBC, the IEBC is a more comprehensive code.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

The proposed rules are required only insofar as a building owner chooses to renovate an existing building. The rules do not require an existing building to be renovated; rather, they are an option to reuse existing buildings as an alternative to demolition and new construction. Reusing an existing building typically costs less than demolition and new construction. Should a building

owner choose to renovate an existing building subject to these rules, the building owner would likely bear any costs to comply with the proposed rules. It is difficult to quantify actual costs for renovation of existing buildings because design, age and condition of the building, among other factors, have a significant impact on costs. Owners will incur additional costs in the reconstruction, alteration, or repair of these buildings to install anchoring systems. Any additional cost of implementing the proposed existing building rules, when compared to the cost of implementing the current existing building rules, is not anticipated to be significant.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"

The IEBC as adopted in chapter 1311 has specific rules and amendments that will consider certain existing construction to be compliant with essential minimum code requirements. The code sections, along with amendments, give the designer latitude where strict compliance with the IBC would be cost-prohibitive. Consequently, costs will be reduced for the owner of the building that is being rehabilitated.

The current rules incorporate the GREB code. However, it is no longer in print and outdated. With the adoption of the proposed rules, the building owner will have a choice of complying with the IEBC in chapter 1311 instead of the IBC in chapter 1305. Chapter 1305 is both more restrictive and more costly to comply with in the case of an existing building than chapter 1311. The purpose of chapter 1311 is to support renovation (building conservation) while maintaining building safety. The standards in the IEBC support safe renovation of buildings more economically than the IBC. The Department anticipates that the probable costs of not adopting the proposed rules would include the cost differences between renovations meeting IBC standards versus renovations meeting IEBC standards. Because the IBC is more restrictive than the IEBC, it is anticipated IBC compliance would result in higher construction costs.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

There are no applicable federal regulations that address building conservation.

"(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule."

There is no cumulative effect related to the specific purpose of the rules. This purpose of these rules is to permit less restrictive code requirements than the IBC to make building conservation and reuse of existing buildings more cost-effective while maintaining building safety. Although there is no cumulative effect related to the specific purpose of the rules, it is one chapter of the approximately twenty-two chapters that make up the Minnesota State Building Code, which is a single set of coordinated building construction regulations that apply throughout the state of Minnesota. There are no other building codes that can be used or enforced in this state. These rules are coordinated as part of the Minnesota State Building Code and with other state agencies' non-building regulations, when applicable.

PERFORMANCE-BASED RULES

Minnesota Statutes, section 326B.106, subdivision 1, authorizes the Department to establish by rule a code of standards for construction. This statute requires the code to "conform insofar as practicable to model building codes generally accepted and in use throughout the United States." At the same time, this statute mandates that, "to the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials."

The 2012 IEBC establishes minimum regulations for building conservation using both prescriptive and performance-based provisions with emphasis on performance. This proposed rule, which incorporates by reference the 2012 IEBC with amendments, incorporates the concept required in Minnesota Statutes, section 326B.106, subdivision 1.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a February 27, 2014, letter by Administrative Law Judge James E. LaFave.

Our Notice Plan also includes giving notice required by statute. We will mail or email the Dual Notice, which will contain an easily readable and understandable description of the nature and effect of the proposed rule, to everyone who has registered to be on the Department's rulemaking mailing lists under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

The Department will mail the Dual Notice to the following interested parties:

1. All certified building officials involved in code administration. This list includes all municipal building officials responsible for administration of the state building code;
2. Builders Association of Minnesota;
3. Association of Builders and Contractors;
4. Builders Association of the Twin Cities;
5. Association of Minnesota Building Officials;
6. Fire Marshals Association of Minnesota;
7. League of Minnesota Cities;
8. American Institute of Architects Minnesota;
9. Association of Minnesota Counties; and
10. St. Paul/Minneapolis Building Owners and Managers Association

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

Our Notice Plan does not include notifying the Council on Affairs of Chicano/Latino People because the proposed rules do not have their primary effect on Chicano/Latino people; therefore, Minnesota Statutes, section 3.9223 does not apply.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department consulted with Minnesota Management and Budget (MMB). On January 24, 2014, the Department sent the Executive Budget Officer at MMB copies of the documents that we sent to the Governor's Office for review and approval. The Department did this before publishing the Notice of Intent to Adopt. The documents included: the Governor's Office Proposed Rule and proposed SONAR Form; a near-final copy the proposed rules; and a near-final draft of the SONAR. On February 13, 2014, the Department received from MMB a response stating, in part, the following:

"Based upon the information provided to me by the Department of Labor and Industry, there does not appear to be significant costs to local units of government that are not recoverable through local fees as a result of this proposed rule."

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. Pursuant to Minnesota Statutes, section 14.128, the Department has determined that a local government will not be required to adopt or amend an ordinance or other regulation to comply with these proposed rules. The Minnesota State Building Code is the standard that applies statewide. Minnesota Statutes, section 326B.121, subdivision 1, mandates compliance with the Minnesota State Building Code whether or not a local government adopts or amends an ordinance. As a result, an ordinance or other regulation is not required for compliance. If a city wants its ordinances to accurately reflect legal requirements in situations where the Code has superseded the ordinances, then the city may want to amend or update its ordinances.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed $25,000 for any small business or small city.[5] The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed $25,000 for any small business or small city because the proposed rules do not require building renovations to occur, much less within the first year after the rules take effect. Any small business or city contemplating renovations to an existing building that it owns will decide whether or not to undertake the renovation project and when that work will occur.

Any small business in the construction industry will not bear any additional costs as a result of the proposed rule; rather the costs would be borne by the building owner simply as the cost to perform the renovation. A small city may need to purchase new code books and send some employees to training to learn about new code changes but this cost would not exceed $25,000 for the small city.

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[5] A small business is "any one business that has less than 50 full-time employees." Minn. Stat. § 14.127. A small city is "any one statutory or home rule charter city that has less than ten full-time employees." Id.

The cost differential between renovations under the current rules compared to the same renovations under the proposed rules is anticipated to be minimal but would vary from project to project. Some changes in the proposed rules provide cost savings while some might result in higher costs as compared to the current rules. Therefore, it is unlikely the proposed rules will result in an increase in cost by more than $25,000 for any single renovation project.

Additionally, the applicability of Chapter 1311 is being changed in Minnesota Rules, Chapter 1300. Currently, Chapter 1311 is required to be used for renovation of existing buildings. As part of a different rulemaking proceeding, an amendment to Minnesota Rules, part 1300.0040, subpart 2, has been proposed that would make the use of Chapter 1311 permissive rather than mandatory.[6] Under that proposal, the building owner and designer would choose whether to comply with Chapter 1305 (the International Building Code) or with Chapter 1311 when renovating an existing building.

LIST OF WITNESSES

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Department's Construction Codes and Licensing Division Staff, if necessary
2. 1311 Advisory Committee members, if necessary

RULE-BY-RULE ANALYSIS

GENERAL.

The adoption of this code is based on Minnesota Statutes, section 326B.106, which requires the Department to adopt a code for "building conservation." The Department interprets this to mean that the reuse of existing buildings should be encouraged by adopting essential minimum code provisions to renovate an existing building that are less restrictive than Minnesota Rules, Chapter 1305, which adopts the IBC.

References to the "International Fire Code" ("IFC") are deleted. The IFC is adopted by reference into the Minnesota State Fire Code ("MSFC") in chapter 7511, with amendments, and applies retroactively to existing buildings statewide. Since the MSFC applies statewide and is applicable to existing buildings regulated by this chapter, the entire MSFC is not needed in this chapter.

However, several provisions of the MSFC are needed and repeated in this chapter to provide for uniform enforcement for building officials and fire officials. The provisions are as follows: part 1311.0402, section 402 Additions, IEBC section 402.5 Smoke alarms in existing portions of a building, part 1311.0403, section 403 Alterations, subpart 1, IEBC section 403.1 General, exceptions #1 and #2 for existing stairways, section 403.6 Smoke alarms, Minnesota Rules, part 1311.0405 Fire Escapes, IEBC section 405.4 Dimensions, and table 405.4 Dimensions for existing and replacement fire escape stairs. It is reasonable to include certain provisions from

[6] See http://www.dli.mn.gov/PDF/docket/1300rule.pdf

the MSFC in the IEBC to ensure that there are no conflicts between the MSFC and the IEBC for existing buildings.

1311.0010 ADOPTION BY REFERENCE OF THE INTERNATIONAL EXISTING BUILDING CODE.

Subpart 1. General. The current language is deleted because the Department is no longer incorporating by reference the GREB. Instead, the Department is adding new language to incorporate by reference a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the incorporation language pertaining to the GREB is no longer necessary or reasonable.

Subp. 2. Mandatory chapters. This subpart is necessary because it identifies those IEBC chapters that will be included in the Minnesota State Building Code. Chapter 1, "Scope and Administration," is not adopted because Minnesota Rules, Chapter 1300, "Administration of the State Building Code" provides the administrative and scoping provisions for all of the Minnesota State Building Code chapters.

Subp. 3. Replacement chapters and provisions. This subpart directs the code user to use certain Minnesota Rule chapters that pertain to the specific code provisions or code topics referenced throughout the IEBC instead of the chapters or sections referenced in the IEBC or other ICC documents. This amendment is necessary to ensure that Minnesota Rule chapters that have been adopted into the Minnesota State Building Code pertaining to specific code provisions referenced in the IEBC are followed and enforced instead of un-amended IEBC sections or other ICC documents that do not apply.

A. Accessibility for existing buildings. Minnesota Rules, Chapter 1341, contains the code provisions related to accessibility requirements for buildings and structures in the Minnesota State Building Code. As a result, all references in the IEBC to accessibility are deleted and Chapter 1341 will apply.

B. Administration. Minnesota Rules, Chapter 1300, contains all code provisions related to administration of the Minnesota State Building Code and will provide the administrative provisions in lieu of chapter one in the IEBC.

C. Elevators and platform lift provisions. Minnesota Rules, Chapter 1307, contains all code provisions related to elevators and related devices in the Minnesota State Building Code. As a result, all references in the IEBC to elevators or related devices are deleted and Chapter 1307 will apply.

D. Flood hazard or floodproofing provisions. Minnesota Rules, Chapter 1335, contains the code provisions related to floodproofing regulations. As a result, all references in the IEBC to flood hazard or floodproofing are deleted and Chapter 1335 will apply.

E. Construction Safeguards. IEBC Chapter 15, Construction safeguards, is deleted and replaced with 2012 IBC, Chapter 33, Safeguards During Construction, as adopted and amended in Chapter 1305. Chapter 15 of the IEBC and Chapter 33 of the IBC are similar but not identical. The IBC is more widely used by building officials, architects, engineers, and builders than the

IEBC so those professionals will be more familiar with the IBC. It is easier for all involved parties to become familiar with Chapter 33 of the IBC rather than both Chapter 15 of the IEBC and Chapter 33 of the IBC. It is reasonable to have only one chapter apply to safeguards during construction rather than two.

F. Seismic or earthquake provisions. Seismic or earthquake provisions are not adopted into this code because Minnesota does not experience seismic events. As a result, all references to seismic or earthquake provisions in the IEBC are deleted and do not apply.

1311.0020 REFERENCES TO OTHER INTERNATIONAL CODE COUNCIL CODES.

Subpart 1. General. This subpart provides a scope about the applicability of other ICC Codes referenced in the IEBC. This amendment is necessary to establish the application of the references to other International Code Council Codes that are referenced in the IEBC. This amendment is reasonable because it provides a mechanism to properly apply other provisions of the Minnesota State Building Code.

Subp. 2. Building code. This subpart provides the appropriate Minnesota Rule chapter that must be used to replace any reference to the International Building Code found in the IEBC. The International Building Code is adopted by reference in Minnesota Rules, Chapter 1305, Adoption of the International Building Code, with amendments. This amendment is reasonable and necessary to direct the user to the proper Minnesota Rule chapter when applying those references found in the IEBC.

Subp. 3. Fire code. The IEBC contains references to the "International Fire Code," ("IFC") which are deleted in part 1311.0020, subpart 3. The Minnesota State Fire Code ("MSFC") applies retroactively to existing buildings statewide. Therefore, IEBC references to the IFC do not apply and are deleted.

Subp. 4. Property maintenance code. This subpart deletes the references to the International Property Maintenance Code from the IEBC. The State of Minnesota does not adopt the International Property Maintenance Code or any other property maintenance code.

Subp. 5. Fuel Gas Code. This subpart provides the appropriate Minnesota Rule chapter that must be used to replace any reference to the International Fuel Gas Code found in the IEBC. The International Fuel Gas Code is adopted by reference in Minnesota Rules, Chapter 1346, Adoption of the International Mechanical and Fuel Gas Codes, with amendments. This amendment is reasonable and necessary to direct the user to the proper Minnesota Rule chapter when applying those references found in the IEBC.

Subp. 6. Mechanical code. This subpart provides the appropriate Minnesota Rule chapter that must be used to replace any reference to the International Mechanical Code found in the IEBC. The International Mechanical Code is adopted by reference in Minnesota Rules, Chapter 1346, Adoption of the International Mechanical and Fuel Gas Codes, with amendments. This amendment is reasonable and necessary to direct the user to the proper Minnesota Rule chapter when applying those references found in the IEBC.

Subp. 7. Plumbing code. This subpart provides the appropriate Minnesota Rule chapter that must be used to replace any reference to the International Plumbing Code found in the IEBC. The International Plumbing Code is not adopted in Minnesota Rule. Minnesota instead has its own plumbing code located in Minnesota Rules, Chapter 4715, which must be used in place of any reference to the International Plumbing Code. This amendment is reasonable and necessary to direct the user to the proper Minnesota Rule chapter for plumbing when applying references to the International Plumbing Code found in the IEBC.

Subp. 8. Energy conservation code. This subpart provides the appropriate Minnesota Rule chapters that must be used to replace any reference to International Residential Energy Conservation Code or International Commercial Energy Conservation Code found in the IEBC. The International Residential Energy Conservation Code and the International Commercial Energy Conservation Code are adopted by reference in Minnesota Rules, Chapters 1322 and 1323, with amendments. This amendment is reasonable and necessary to direct the user to the proper Minnesota Rule chapters for energy conservation when applying references to the International Energy Conservation Codes found in the IEBC.

Subp. 9. Residential code. Chapter 1311 does not apply to any construction regulated by the International Residential Code as amended in Minnesota Rules, Chapter 1309. Therefore, any reference to the International Residential Code is deleted.

Subp. 10. Private sewage disposal code. This subpart provides the appropriate Minnesota Rule chapter that must be used to replace any reference to the International Private Sewage Disposal Code found in the IEBC. The International Private Sewage Disposal Code is not adopted in Minnesota Rule. Instead, Minnesota Rules, Chapter 7080, is the Minnesota Pollution Control Agency's minimum standards and criteria for individual sewage treatment systems. This amendment is reasonable and necessary to direct the user to the proper Minnesota Rule chapter for private sewage disposal when applying references to the International Private Sewage Disposal Code found in the IEBC.

Subp. 11. Electrical code. This subpart provides the appropriate Minnesota Rule chapter that must be used to replace any reference to the National Electrical Code found in the IEBC. The National Electrical Code is incorporated by reference in Minnesota Rules, Chapter 1315. This amendment is reasonable and necessary to direct the user to the proper Minnesota Rule chapter for electrical when applying references to the National Electrical Code found in the IEBC.

1311.0103 SECTION 103, SCOPE; 1311.0109 SECTION 109, MODIFICATIONS; 1311.0110 SECTION 110, TESTS; 1311.0201 SECTION 201, ADMINISTRATION.

These parts are repealed. The scope of these sections is covered in Minnesota Rules, Chapter 1300, and the other parts modify GREB sections. The Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, these parts are no longer necessary.

1311.0202 SECTION 202, GENERAL DEFINITIONS.

The current language in part 1311.0202, Permits required, is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing

Building Code and the current language modifies GREB section 202. As a result, the language in the current rule is no longer appropriate or necessary. Section 202 in the IEBC provides general definitions. Some of the definitions in the IEBC section require amendments to coordinate with the Minnesota State Building Code. The title for the IEBC section 202 is General Definitions. Some definitions are modified and some are added in the proposed rule and the rationale is provided below.

Subpart 1. Section 202, General definitions; added. These are definitions added to the IEBC section.

Approved. This definition is added to this proposed rule and to other chapters in the Minnesota State Building code, including Chapter 1300, to give the building official discretion to approve new materials or technology while maintaining quality and the purpose of the rules.

Code. The word "code" is added and defined to mean the IEBC and the amendments in this proposed rule. Together, they comprise the code for existing buildings in Minnesota. Any reference to "the code" or "this code" shall mean the combination of the IEBC and its amendments. It is reasonable and necessary to define this term to differentiate this meaning from that of the Minnesota State Building Code.

Subpart 2. Section 202, General definitions; amended. These are definitions that are in the IEBC but amended in part 1311.0202.

Existing building. The phrase "date of adoption of the appropriate code" is deleted from the IEBC definition and replaced with "effective date of this code." The language "date of adoption of the appropriate code" is not clear as to when the code is applicable. The language "effective date of this code" provides a definitive date for the user to determine whether or not the building in question qualifies as an existing building.

Historic building. The phrase "or survey" was deleted after the phrase "or state designation law" from the IEBC definition. The fact that a building is included in a historic survey does not automatically confer historic building status. An historic building is determined to be historic by the State Historic Preservation Officer, or the Keeper of the National Register. Surveys can become outdated, may be incomplete or inaccurate, or may be prepared by unqualified persons so they are not a reliable source to determine a historic building's status. It is reasonable to delete surveys because they are not a reliable means to determine the historic status of a building.

Technically Infeasible, Accessibility. The term associated with this definition is changed to add the word "Accessibility" to it in order to distinguish this definition from the definition of "Technically Infeasible, Stair Construction." The term "technically infeasible" is used in two contexts for which different definitions are necessary. The context in which this definition is used is clear because it includes the word "accessibility." The definition for this term is from the IEBC.

Technically Infeasible, Stair Construction. The term associated with this definition is changed to add the word "Stair Construction" in order to distinguish this definition from the definition of "Technically Infeasible, Accessibility." The term "technically infeasible" is used in two contexts for which different definitions are necessary. The context in which this definition is

used is clear because it includes the word "stairs." This definition is added to address situations in building renovation where structural or other physical constraints in existing buildings prevent complete compliance with a prescriptive provision of the code for renovations to existing stairway construction.

1311.0203 SECTION 203, INSPECTION OF WORK; 1311.0205 SECTION 205, LIABILITY; 1311.0206 SECTION 206, UNSAFE BUILDINGS OR STRUCTURES.

These parts are repealed because they modify GREB sections. The Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, these rule parts are no longer appropriate or necessary.

1311.0301 SECTION 301, COMPLIANCE METHODS.

The title "definitions" is deleted because it reflects the GREB section 301 title. The Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the GREB title is replaced with the IEBC section 301 title, "compliance methods."

Subpart 1. Section 301.1.1, Prescriptive compliance methods. The modification to this section deletes references to the International Fire Code. The MSFC, Minnesota Rules, Chapter 7511, applies statewide and is retro-active to existing buildings within the scope of Chapter 1311. It is reasonable to delete references to the Fire Code in this chapter because the MSFC covers this area of regulation as provided by Minnesota Statutes, section 299F.011; therefore, IFC references are not needed in these rules.

Subp. 2. IEBC Section 301.2, Additional codes. This section is amended by deleting GREB code amendments that no longer apply in this subpart; subsections on window cleaning anchors and replacement windows are added.

Section 301.2.1, Window cleaning anchors. This section is added to IEBC section 301. The Minnesota Legislature determined that the building code must include anchoring provisions for window cleaning safety. Minnesota Statutes, section 326B.106, subdivision 4(n), Special Requirements, is a new section which states:

> *The code must require the installation of dedicated anchorages for the purpose of suspended window cleaning on (1) new buildings four stories or greater and (2) buildings four stories or greater, only on those areas undergoing reconstruction alteration, or repair that includes the exposure of primary structural components of the roof.*
>
> *The commissioner may waive all or a portion of the requirements of this paragraph related to reconstruction, alteration, or repair, if the installation of dedicated anchorages would not result in significant safety improvements due to limits on the size of the project, or other factors as determined by the commissioner.*

This requirement is a response to that legislation. The window cleaning anchors section of Minnesota Rules, part 1305.3112, is referenced so that the IEBC coordinates with Chapter 1305, the Minnesota Building Code, for window cleaning anchors.[7]

Section 301.3, Replacement windows. This section is added to IEBC section 301. The replacement window section of Minnesota Rules, part 1305.1029, subpart 3, is referenced so that the IEBC coordinates with Chapter 1305, amendments to the IBC, for replacement of existing windows.

1311.0401 SECTION 401, GENERAL.

Section 401.2.7. The current section amends GREB section 401.2.7 and is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the current section pertaining to the GREB is no longer necessary or reasonable.

IEBC Section 401.1, Scope. The section is grammatically modified in this proposed rule for clarity. The reference to the ICC 300 in the exception is modified to reference Minnesota Statutes, section 326B.112. This modification is needed to clarify that Minnesota Statutes, section 326B.112 regulates these items.

1311.0402 SECTION 402, ADDITIONS.

IEBC Section 402.3, Existing structural elements carrying gravity load. This proposed change will establish that an evaluation by a design professional will be the basis for determining if strengthening or enhancement of the structural element is needed if the increased load on a structural element exceeds 5 percent. The current code language is interpreted to mean that any increased load will require an engineering analysis and replacement or reinforcement of a structural element. The proposed language is needed to permit an increase in gravity loads up to 5 percent before it will require strengthening, supplementing, or replacement of the structural element. The structural committee determined that it is reasonable to permit a 5 percent increase in gravity loads before engineering analysis is necessary.

IEBC Section 402.5, Smoke alarms in existing portions of a building. This section is amended to provide coordination between Chapters 1311 and Chapter 7511, the MSFC. The relevant portion of the MSFC is replicated here to maintain consistency between the chapters for designers, building officials, and fire marshals when addressing smoke alarms in existing buildings.

1311.0403 SECTION 403, ALTERATIONS.

Subpart 1. IEBC section 403.1 General. The current rule language amends the GREB and is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the current amendment pertaining to the GREB is no longer appropriate or necessary.

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[7] The Minnesota Building Code refers to only chapter 1305, which adopts the International Building Code.

IEBC 403.1, General. The IEBC exceptions are amended here. Proposed exception #1 is repeated from the MSFC. It is reasonable because consistency between the MSFC and this code is necessary for enforcement. Modifications to the first exception are in response to the concern expressed to the committee that existing stair renovations are required to comply with Chapter 1305, the IBC, which are overly restrictive for some existing buildings. The consensus was to incorporate the requirements for existing buildings in the MSFC so that the language will match requirements that already affect existing buildings. These changes are reasonable because it maintains consistency between the MSFC and the IEBC so that designers, building officials, and fire marshals have the same requirements for existing stair construction. Proposed exception #2 is needed for existing buildings where it would be technically infeasible to meet exception #1. Lastly, proposed exception #3 is added. It is needed to accommodate stair designs that cannot meet the handrail extension requirements without hindering required means of egress.

Subp. 2. IEBC Section 403.3. The current language amends the GREB and is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the current language pertaining to the GREB is no longer appropriate or necessary. Subpart 2 is retitled "Section 403.3 Existing structural elements carrying gravity load" to be consistent with the IEBC section titles.

Section 403.3, Existing structural elements carrying gravity load. This proposed new language will clarify that an evaluation by a design professional will be the basis for determining if strengthening or enhancement of the structural element is needed if the increased load on a structural element exceeds 5 percent. The current code language is interpreted to mean that any increased load will require an engineering analysis and replacement or reinforcement of a structural element. The proposed language is needed to permit an increase in gravity loads up to 5 percent before it will require strengthening, supplementing, or replacement of the element. The Structural Advisory Committee determined that it is reasonable to permit a 5 percent increase in gravity loads before engineering analysis is necessary.

Subps. 3-7. The language in these subparts is repealed because it amends the GREB; the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the GREB amendment language is no longer appropriate or necessary.

Subp. 8. IEBC section 403.6, Smoke alarms. This proposed subpart is repeated from the MSFC for consistent requirements and enforcement for building and fire officials.

1311.0404 SECTION 404, REPAIRS.

The current rule language amends the GREB and is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the GREB amendment is no longer appropriate or necessary.

IEBC Section 404.3, Substantial structural damage to gravity load-carrying components. This proposed amendment deletes the phrase "dead and live loads" from the IEBC section and replaces it with the phrase "all gravity loads." Dead loads are loads that are relatively constant over time, including the structure itself.[8] Live loads are temporary, of short duration, or

[8] The IBC defines "dead load" as, "The weight of materials of construction incorporated into the building, including

moving.[9] "All gravity loads" includes snow loads as well as dead and live loads. This proposed change will clarify language that may lead to confusion for the building designer. The IEBC language distinguishes snow loads from dead and live loads and treats snow loads as a special case. In Minnesota, snow loading is the critical load condition on roofs and must always be considered; the proposed changes include snow loads in regard to structural repairs and evaluations.

1311.0405 SECTION 405, FIRE ESCAPES.

The current rule language amends the GREB and is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the GREB amendment is no longer appropriate or necessary. A new part 1311.0405 is introduced here; it amends IEBC section 405.

IEBC Section 405.4, Dimensions. The proposed rule language coordinates dimensions for existing and replacement fire escape stairs with the MSFC. MSFC table 1027.16, is replicated here, and titled "Table 405.4 Dimensions for Existing and Replacement Fire Escape Stairs." The MSFC is currently being updated. The proposed MSFC includes Chapter 11, Construction Requirements for Existing Buildings. The proposed change here is consistent with the proposed Chapter 11 and will maintain consistency for designers, building officials, and fire marshals when addressing existing exterior fire escapes.

1311.0407 SECTION 407, CHANGE OF OCCUPANCY.

The current language amends the GREB and is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the current GREB amendment is no longer appropriate or necessary.

Subpart 1. IEBC Section 407.1, Conformance. The phrase "No change shall be made in the" is deleted from the IEBC section and replaced with the phrase "Changes in the...shall be permitted if..." For clarity, the first sentence of this paragraph was revised to use positive statements rather than negative statements about changing the use of a building.

In the last sentence of the paragraph, the phrase "equally or" was added prior to the phrase "less hazardous." The intent of this change is to provide the building official with direction when the proposed use is equal in hazard to the existing use. This language is similar to the current provision in Minnesota's Existing Building Code. It is reasonable to permit less restrictive requirements when the new use of the building is equal in hazard as the existing use.

Subp. 2. Table 407.1, Life safety and fire risk. This table is added to section 407.1. The intent of the table is to clarify how hazardous the various occupancies are in relation to one another. When a designer presents a change of occupancy, the table provides classification and

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but not limited to walls, floors, roofs, ceilings, stairways, built-in partitions, finishes, cladding and other similarly incorporated architectural and structural items, and the weight of fixed service equipment, such as cranes, plumbing stacks and risers, electrical feeders, heating, ventilating and air-conditioning systems and automatic sprinkler systems.

[9] The IBC defines "live load" as, "A load produced by the use and occupancy of the building or other structure that does not include construction or environmental loads such as wind load, snow load, rain load, earthquake load, flood load or dead load."

hazard ratings for the building official when the design is of an equal or lesser hazard to the existing occupancy of the building. It is reasonable to clarify when hazards in a building are equal or less hazardous than are currently present in a building.

Subp. 3. Section 407.1.1 Small assembly spaces. This is a new subsection added to IEBC section 407.1. This new provision reflects similar language found in IBC section 303.1.2. Adding this provision for existing buildings helps coordinate this requirement with a similar provision found in the IBC for new buildings. Adding this language is reasonable to prevent a circumstance where requirements for existing buildings would be more restrictive than those for new buildings.

1311.0408 SECTION 408, FIRE ALARMS; 1311.0409 SECTION 409, HIGH RISE BUILDINGS; 1311.0410 SECTION 410, BOILTER/FURNACE EQUIPMENT ROOMS; 1311.0411 SECTION 411, STRUCTURAL REQUIREMENTS; 1311.0413 SECTION 413, OTHER SAFETY FEATURES; 1311.0501 GENERAL.

These rule parts are repealed because they amend GREB sections; the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the GREB amendments are no longer appropriate or necessary.

1311.0502 SECTION 502, REPAIRS.

The current language amends the GREB and is deleted because the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the current GREB amendment is no longer appropriate or necessary. The language is replaced with an amendment to IEBC section 502.

IEBC Section 502.1, Scope. This section is amended by adding the phrase "worn or" before the phrase "damaged materials..." in the IEBC section. In this provision, the meaning of "damaged" is vague. Adding the phrase "worn or" helps clarify that damage could also include the need to replace or repair a component because it is simply worn out from use or exposure to weather.

1311.0503 SECTION 503, ENCLOSURE OF VERTICAL SHAFTS; 1311.0505 SECTION 505, STRUCTURAL SAFETY; 1311.0601 SECTION 601, CERTIFIED HISTORIC STRUCTURES; 1311.0603 SECTIONI 603, FIRE SAFETY; 1311.0604 SECTION 604, CHANGE OF OCCUPANCY.

These rule parts are repealed because they amend GREB sections; the Department is incorporating a new model document, the IEBC, into Minnesota's Existing Building Code. As a result, the GREB amendments are no longer appropriate or necessary.

1311.0606 SECTION 606, STRUCTURAL.

IEBC Section 606.2.3, Substantial structural damage to gravity load-carrying components. The phrase "dead and live loads" is replaced with "all gravity loads." The second sentence of the IEBC section that reads, "Snow loads shall be considered if the substantial

structural damage was caused by or related to snow load effects" is deleted. The third sentence is amended by deleting the phrase "dead, live or snow" and replaced with the word "gravity."

These proposed code changes clarify language that leads to confusion for building designers. The IEBC language differentiates between dead and live loads and treats snow loads as a special case. In Minnesota, snow loading is the critical load condition on roofs and must always be considered; the proposed changes include snow loads in regard to structural repairs and evaluations.

1311.0704 SECTION 704, MEANS OF EGRESS.

IEBC Section 704.1, General. The word "fire" was added in front of "protection" because "fire protection" more accurately describes the purpose of egress systems and the phrase is common industry terminology.

1311.0706 SECTION 706, STRUCTURAL.

IEBC Section 706.2, Addition or replacement of roofing or replacement of equipment. Exception #1 was modified by replacing the phrase "the force in the element by more than 5 percent" with the following: "the demand-capacity ratio for the element by more than 5 percent. Additional loads due to snow retention as a result of a change in roof insulation shall be included in the evaluation." The proposed new language references an increase in demand-capacity ratio instead of "the force in the element..." This new language conforms to the industry standard for the practice of structural engineering in which calculations are prepared using reliability-based design methods and recognizes that a 5 percent increase in the stress may not be acceptable if the structural element demand-capacity ratio is already considerably above 1.00.

Exception #2 removes the reference to the International Residential Code ("IRC") because this rule does not apply to buildings regulated by the IRC.

Exception #3 is the same as IEBC exception #3; it is replicated in the rule to clarify that it is a preserved part of the code.

1311.0707 SECTION 707, ENERGY CONSERVATION.

This IEBC section is amended to reference the Minnesota Energy Code rule Chapters 1322 and 1323, as applicable. Chapters 1322 and 1323 contain provisions for alterations to existing buildings. This modification is needed to prevent conflicts between Chapter 1311 and Chapters 1322 and 1323.

1311.0801 SECTION 801, GENERAL.

IEBC section 801.1, Scope. This amendment deletes the reference to section 404 from the IEBC section and replaces it with a reference to section 504. This change was made to correct an error made by the code book publisher.

1311.0802 SECTION 802, SPECIAL USE AND OCCUPANCY.

IEBC Section 802.1, General. This amendment adds the phrase "chapter 4 of" before the phrase "the International Building Code" and deletes the last phrase "and the scoping provisions of chapter 1 where applicable." This additional language clarifies that provisions for special use and occupancy are found in IBC Chapter 4 "Special Detailed Requirements Based on Use and Occupancy." The language regarding chapter 1 is deleted because chapter 1 is not adopted into this rule, and does not apply.

1311.0803 SECTION 803, BUILDING ELEMENTS AND MATERIALS.

IEBC Section 803.3.2, Fire-resistance rating. This amendment is necessary because it is consistent with the language in NFPA 101 for a one-hour rating and the 2012 edition of the IBC, section 709.3 that also requires a one-hour rating. Smoke barriers are typically required in health care facilities where occupants depend on the barrier to protect them while a fire incident is addressed by the "defend in place" firefighting method. This particular barrier needs a fire rating of one hour to ensure its viability in a fire. NFPA standards and the IBC, including section 709.3, are used or adopted in other parts of the Minnesota State Building Code. Setting a standard consistent with those two standards facilitates consistency throughout the Minnesota State Building Code.

1311.0805 SECTION 805, MEANS OF EGRESS.

Subpart 1. IEBC Section 805.2, General. IEBC section 805.2 is amended by deleting exception #1 that states "where the work area and the means of egress serving it comply with NFPA 101." The proposed amendment preserves the IEBC exception #2 as the only exception to this section; it addresses the means of egress conforming to the requirements of the building code under which the building was constructed. The reference to NFPA 101 in exception #1 of the IEBC is not needed because it is redundant with the egress standards in the Minnesota State Building Code. The proposed exception gives the building official the parameters to accept existing means of egress components and is consistent with other chapters of the IEBC.

Subpart 2. Section 805.3.1.1, Single-exit buildings. IEBC subsection 805.3.1.1, single-exit buildings, subitem 4, states: "4. In community residences for the developmentally disabled, the maximum occupant load excluding staff is 12." This subitem is deleted because in Minnesota, these residences are regulated by the Minnesota Department of Health or the Minnesota Department of Human Services.

1311.0807 SECTION 807, STRUCTURAL.

IEBC Section 807.4, Existing structural elements carrying gravity loads. This section is amended by deleting the language in exception #1 that states: "Structural elements whose stress is not increased by more than 5 percent" and replacing it with "Structural elements whose demand-capacity ratio is not increased by more than 5 percent. Additional loads due to snow retention as a result of a change in roof insulation shall be included in the evaluation." The proposed amendment refers to an increase in the demand-capacity ratio instead of the stress in the element. This language conforms to the industry standard for the practice of structural engineering

in which calculations are prepared using reliability based design methods. The change will also recognize that a 5 percent increase in the stress may not be acceptable if the structural element demand capacity ratio is already considerably above 1.00. Re-roofing that involves new roof insulation with a higher R-value will increase snow retention and cause additional loading because the snow will no longer melt at the same rate; this additional loading needs to be included in the structural evaluation.

1311.0808 SECTION 808, ELECTRICAL.

Subpart 1. IEBC Section 808.1, New installations and Subp. 2. IEBC Section 808.2, Existing installations. Both subparts 1 and 2 reflect the following amendments to the IEBC: The reference to "Chapter 7" is replaced with "NFPA 70." Chapter 7 does not reference the NFPA 70 document for electrical requirements, which is the adopted model code in Minnesota's Electrical Code, Minnesota Rules, Chapter 1315. This amendment is necessary to appropriately reference to NFPA 70 for new electrical installations. The IEBC exception to 808.1 is deleted because the rule now references the same standard that is listed in the exception; the exception would be redundant.

1311.0810 SECTION 810, PLUMBING.

IEBC Section 810.1, Minimum fixtures. The IEBC code section is amended by deleting the reference to the "the International Plumbing Code" and replacing it with "Minnesota Rules, Chapter 1305." This amendment is necessary because the number of plumbing fixtures is determined by using Chapter 29 of the IBC. The IBC is adopted by reference, with amendments, in Minnesota Rules, Chapter 1305.

1311.0811 SECTION 811, ENERGY CONSERVATION.

The section is amended to reference the Minnesota Energy Code rules in Chapters 1322 and 1323, as applicable. This is needed to prevent conflicts between the IEBC and Chapters 1322 and 1323.

1311.0903 SECTION 903, BUILDING ELEMENTS AND MATERIALS.

IEBC Section 903.2.1, Separation required. This section is amended by deleting the phrase "or any multiple single-family dwelling (townhouse)." This amendment is necessary because dwelling units meeting the definition of "Townhome" are regulated by the IRC and not by the IEBC.

1311.0908 SECTION 908, ENERGY CONSERVATION.

IEBC Section 908, Energy conservation. The section is amended to reference the Minnesota Energy Code rules in Chapters 1322 and 1323, as applicable. This is needed to prevent conflicts between the IEBC and Chapters 1322 and 1323.

1311.1007 SECTION 1007, STRUCTURAL.

IEBC Section 1007.1, Gravity loads. The exception was amended by deleting "Structural elements whose stress is not increased by more than 5 percent" and replacing it with "Structural elements whose demand-capacity ratio is not increased by more than 5 percent. Additional loads due to snow retention as a result of a change in roof insulation shall be included in the evaluation." The proposed code change refers to an increase in demand-capacity ratio instead of the stress in the structural element. This amendment is necessary because the new language conforms to the industry standard for the practice of structural engineering in which calculations are prepared using reliability based design methods. Re-roofing that involves new roof insulation with a higher R-value will increase snow retention and cause additional loading because the snow will melt at a slower rate; this additional loading needs to be included in the structural evaluation.

1311.1010 SECTION 1010, PLUMBING.

IEBC Section 1010.1, Increased demand. This section was amended by adding the phrase "in accordance with Minnesota Rules, Chapter 1305" after the phrase "different plumbing fixture requirements." This amendment is necessary because plumbing fixtures must be determined by using Chapter 29 of the IBC, which is adopted by reference, with amendments, in Minnesota Rules, Chapter 1305. This amendment is also modified by changing the references to the "International Plumbing Code" to read "Minnesota Rules, Chapter 4715." This change is necessary because Minnesota does not adopt the International Plumbing Code. Minnesota's plumbing code is located in Minnesota Rules, Chapter 4715. This will provide an accurate reference to the plumbing code.

1311.1012 SECTION 1012, CHANGE OF OCCUPANCY CLASSIFICATION.

IEBC Section 1012.2.1, Fire sprinkler system. This section is amended by deleting "Chapter 9 of the International Building Code" and replacing it with "Minnesota Rules, Chapters 1305." This amendment is necessary because this section provides requirements for a change of occupancy, and specifically addresses fire sprinkler systems. However, the IBC with amendments, which are incorporated in Minnesota Rules, Chapter 1305, also contains sprinkler provisions. Fire sprinkler systems in Minnesota must comply with Chapter 1305.

1311.1103 SECTION 1103, STRUCTURAL.

Subpart 1. IEBC Section 1103.2, Additional gravity loads. This section is amended by modifying exception 1. Exception #1 is amended by deleting "Structural elements whose stress is not increased by 5 percent" and replacing it with "Structural elements whose demand-capacity ratio is not increased by more than 5 percent. Additional loads due to snow retention as a result of a change in roof insulation shall be included in the evaluation." The proposed change refers to an increase in demand-capacity ratio instead of the stress in the element. This modification is necessary because the new language conforms to the industry standard for the practice of structural engineering in which calculations are prepared using reliability-based design methods. Re-roofing that involves new roof insulation with a higher R-value will increase snow retention and cause additional loading because the snow will melt at a slower rate; this additional loading needs to be

included in the structural evaluation.

Exception #2 is modified by deleting a reference to provisions of the IRC. It is needed and reasonable to delete this reference because the IEBC does not apply to buildings regulated by the IRC.

Subp. 2. IEBC Section 1103.3, Lateral force-resisting system. This section is modified by removing the reference to the IRC because this rule does not apply to buildings regulated by the IRC.

Subp. 3. IEBC Section 1103.4, Snow drift loads. This section is amended by modifying exception #1 by deleting "Structural elements whose stress is not increased by more than 5 percent" and replacing it with "Structural elements whose demand-capacity ratio is not increased by more than 5 percent. Additional loads due to snow retention as a result of a change in roof insulation shall be included in the evaluation." The proposed change refers to an increase in demand-capacity ratio instead of the stress in the element. This amendment is necessary because this new language conforms to the industry standard for the practice of structural engineering in which calculations are prepared using reliability-based design methods. Re-roofing that involves new roof insulation with a higher R-value will increase snow retention and cause additional loading because the snow will melt at a slower rate; this additional loading needs to be included in the structural evaluation.

Exception #2 is modified by deleting a reference to provisions of the IRC. It is needed and reasonable to delete this reference because the IEBC does not apply to buildings regulated by the IRC.

1311.1201 SECTION 1201, GENERAL.

IEBC Section 1201.2, Report. This section is amended by deleting "shall be in accordance with Chapter 1 and..." because chapter 1 of the IEBC is deleted. This section is also amended by deleting language about Seismic Design Categories. Seismic sections of the IEBC are not adopted because Minnesota does not experience seismic events. This section, as amended, provides sufficient requirements for a report prepared by a registered design professional that will identify required safety features and where compliance with the IEBC provisions would damage historic features. It is reasonable for the report to the building official to be used to identify compliant features and IEBC provisions that, if applied, would be damaging to the historic features.

1311.1203 SECTION 1203, FIRE SAFETY.

IEBC Section 1203.10.1, Height. This section is amended by replacing "Section 605" with "Section 805." This amendment is necessary because errata from the code publisher correct the code reference.

1311.1301 SECTION 1301, GENERAL.

IEBC Section 1301.2, Conformance. This section is amended by deleting "The building shall be safe for human occupancy as determined by the International Fire Code and the

International Property Maintenance Code" and replacing it with "Buildings that are unsafe as provided in part 1300.0180, shall not be moved." This amendment is necessary because the International Fire Code and the International Property Maintenance Code are not part of the Minnesota State Building Code. Additionally, Minnesota Rules, part 1300.0180, currently provides criteria to determine if a building is considered unsafe. This section is further amended by deleting "or the International Residential Code as applicable" because this rule does not apply to buildings regulated by the IRC. It is reasonable to delete references to codes that do not apply and are deleted in 1311.0020, subparts 3 and 4, respectively.

1311.1302 SECTION 1302, REQUIREMENTS.

IEBC Section 1302.3, Wind loads. In this IEBC section, the phrase, "or International Residential Code" is deleted because this rule does not apply to buildings regulated by the IRC. Additionally, exception #2 is amended by replacing the word "stress" with "demand-capacity ratio." This amendment is necessary because the new language conforms to the industry standard for the practice of structural engineering in which calculations are prepared using reliability-based design methods.

1311.1401 SECTION 1401, GENERAL.

Subpart 1. IEBC Section 1401.2, Applicability. This IEBC section is amended by adding the language "the effective date of this code" within the brackets provided by the code publisher. The publisher provided the brackets with instruction for the jurisdiction to insert a date that coincides with the effective date of the building codes of the jurisdiction. In order to ensure coordinated dates, it is reasonable to include the language "the effective date of this code" rather than a specific date. This amendment is necessary to clarify that any building constructed prior to the effective date of the current code would be considered an existing building.

Subp. 2. IEBC Section 1401.3.1, Hazards. This IEBC section is amended by replacing the first reference to "Section 115" with "Minnesota Rules, part 1300.0180." This amendment is necessary because provisions in the Minnesota State Building Code for unsafe buildings or structures are found in the administrative provisions of Minnesota Rules, part 1300.0180.

This IEBC section is also amended by replacing the second reference to "Section 115" with "Minnesota Statutes, sections 463.15 to 463.26." This amendment is necessary because the requirements for abating unsafe buildings or hazardous conditions in buildings in Minnesota are in the referenced statutes.

Subp. 3. IBEC Section 1401.3.2, Compliance with other codes. This IEBC section is deleted in its entirety to prevent conflicts with other Minnesota State Building Code rule chapters.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

3-7-14

Date

Ken B. Peterson, Commissioner
Department of Labor and Industry

EXHIBIT A

List of 1311 Existing Building Code Committee Members

Name	Association
Leanna Shaff	Fire Marshal Association of Minnesota
Paul Nahurski	Project Manager, Greater Minneapolis Building Owners and Managers Association (BOMA)
Tate Halvorson	Greater Minneapolis Building Owners and Managers Association (BOMA) (alternate)
Kevin McGinty	Deputy State Fire Marshal, State Fire Marshal Division
Jon Nisja	Fire Safety Supervisor, State Fire Marshal Division (alternate)
John Kerwin	Developer
Tim Manz	Association of Minnesota Building Officials (AMBO)
Greg Karow	Association of Minnesota Building Officials (AMBO)
Richard Regnier	Association of Minnesota Building Officials (AMBO) (alternate)
Gene Abbott	Association of Minnesota Building Officials (AMBO) (alternate)
Todd Liljenquist	Minnesota Housing Association
Mary Ann Heidemann	Minnesota Historical Society
Natascha Wiener	Minnesota Historical Society (alternate)
Dave Macdonald	Minnesota Structural Engineers Association
Dave Leighly	Architect
Dave Phillips	AIA (American Institute of Architects) Minnesota