

Building Code Series 1 TAG

Meeting Notes

Date: Tuesday, November 23, 2021

Meeting Location: WebEx Event

Call to order:

Scott McKown called the meeting to order at 1:07 PM

Attendance:

TAG Members present: Scott McKown (DLI), Karen Gridley (DLI), Irene Kao (League of Minnesota Cities), Charlie Vander Aarde (Metro Cities), Nick Erickson (Housing First Minnesota), Brian Hoffman (City of St. Louis Park), Kurt Welker (Welker Custom Homes), Barry Greive (Target Corporation), John Smith (Michaud Cooley Erickson), and Simone Fischer (MSR Design)

TAG members absent: Ken Hines (CBS Construction Services, Inc)

Guests attending: Amanda Spuckler (DLI), Steve Shold (DLI), Brittany Wysokinski (DLI), Jeff Lebowski (DLI) Don Sivigny (DLI), Kate Perushek (DLI), Gary Thaden, Kyle Dimler, Mark Brunner, Eric Lacey, Zack Cairns, Chris Weaver, Lisa Frenette, Alyssa Swanson, Nicole Westfall, Scott Anderson, Bryan Ahee, Paul Eger, Sheri Hansen, Angie Wiese, Daniel Lightfoot, Tom Tschida, Eric Fowler, Mustafa Igdeioglu, Nick McNelly, Collin Brecher, Rebecca Olson, David Fenley, Lisa Sova, Craig Johnson, and Representative Steve Elkins

1. Call to order

- WebEx instructions/procedures

2. Reviewed proposed bill language for energy code return on investment ([SF 910](#) and [2SS-CG001-3](#), Article 11).

- Proposed language addresses all residential construction, including remodeling, and is not limited to one- and two-family dwellings and townhouses.
- The return on investment for a remodel is difficult to calculate.

3. Don Sivigny provided an overview of the Minnesota Residential Energy Code and the DOE code review process.

- The Minnesota Residential Energy Code applies to one- and two-family dwellings, townhouses, and residential occupancies that are built in accordance with the International Building Code and are three stories or less in height.
- The United States Department of Energy is required by federal law to determine if the latest edition of ASHRAE 90.1 (commercial) and IECC (residential) will improve energy efficiency when compared to the previous edition of the standard or code. The DOE provides a detailed review that examines ASHRAE 90.1 and the IECC's impact on different building types and consider different energy courses. The DOE performs four types of analysis on energy savings.
- Minnesota is required to review the DOE findings. If Minnesota does to adopt a new residential energy code, then a study must be performed that addresses air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability in one- and two-family dwellings.
- Items such as vapor barriers and waterproofing are not required by the energy code but by other chapters of the Minnesota State Building Code.

4. Reviewed suggested revisions to [2SS-CG001-3](#), Article 11 and [SF 910](#) addressing the energy code:

- The commissioner may not adopt a new residential energy code or amendments to the residential energy code, as amended for use in Minnesota, unless the commissioner has determined that any increased cost to new one- and two-family dwellings and townhouses due to implementation of the proposed changes will be offset within five years by savings resulting from the change.

The TAG consensus is that the language should be scoped to new one- and two-family dwellings and townhouses.

5. Discussion of energy code return on investment.

- A TAG member suggested that if an energy code is adopted every three years instead of six years then then the payback should be quicker and closer to five years. A longer payback period is more reasonable on the six-year cycle.
- Amenities and requirements in other codes add to the cost of construction. The energy code is not solely to blame for the increase in costs.
- Skipping energy code adoptions may result in increased costs that make it more difficult to obtain payback within 5 years. A longer payback period may be more appropriate.

6. Discussion of [2SS-CG001-3](#), Article 12, Annual Report.

- The TAG members did not object to raising the reporting fee threshold to \$7,000.
- Outreach efforts by DLI and the League of Minnesota Cities have improved compliance with annual reporting requirements.
- Many of the report requirements in article 12 are currently included on the [annual report form](#).
- A TAG member suggested that the current form does not provide sufficient breakdown of park dedication and infrastructure. Additional detail is needed as to the fees used specifically for trail dedication and streets, sewers, etc.

- The form could be revised to include the additional detail without any changes to statutory language.
- DLI and the League of Minnesota Cities will continue to work with stakeholders to capture the necessary information on the report.

7. Discussion of [HF 2135/SF 2536](#) Adult Changing Stations.

- New language for adult changing stations has been developed for the national model code. The TAG consensus is to implement those requirements during the next code cycle rather than including requirements for adult changing tables in statute.
 - Putting requirements in statute limits the ability to respond to evolving and improved design solutions and eliminates alternate methods and modifications.
- Eighteen states had similar proposals, and only two were adopted. While there is nationwide interest in providing these facilities, investigations by a national model code work group of subject matter experts and stakeholders found inconsistent requirements across the individual state proposed bills, which would result in an inconsistent experience for end users of adult changing spaces.
- Putting technical requirements in statute is not desirable as we have experienced with window cleaning anchor requirements.
- Nationally recognized advocates and accessibility subject matter experts recommend that “the building code is a far more appropriate vehicle for solving what amounts to a problem with the built environment” rather than legislation where it creates a nationwide patchwork of inefficient and unnecessary compliance challenges.
- Most of the requirements in HF 2135/SF 2536 will be included in the new code language except for the requirements that a chair and paper liners be provided because those items would be difficult to enforce and not within scope of the Minnesota State Building Code.

8. [Overview of permit valuation in Minnesota.](#)

- The 1927 Uniform Building Code (UBC) based permit fees on valuation.
- The 1967 UBC states that the determination of value or valuation shall be made by the building official.
- The UBC included fee schedules in each edition until the last edition which was published in 1997.
- [Minnesota Rules, part 1300.0160](#), states that the fee schedule is adopted by the municipality, the applicant will provide an estimated permit value, and the building permit valuation will be set by the building official. One- and two-family dwelling maintenance permits may be charged a fixed fee and permits for plumbing, mechanical, electrical, or other building service equipment may be based valuation or charged a fixed fee.
- [Minnesota Rules, part 1300.0120, subdivision 4](#), exempts painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work from permit requirements. These items should not be included in permit valuation.
- Many municipalities adopt ICC valuation tables that are updated twice a year. The ICC table currently states that \$138.58 is the square foot construction costs for single family dwelling.
- Fee schedules capture administration costs upfront so as the value of the project increases then the additional fee required per \$1000 valuation decreases.

- Reviewed [2SS-CG001-3](#), Article 10 and [HF 1085](#) language.

9. Discussed permit valuation.

- Suggested revised language: Subd. 1a. Building permit fees; municipalities. Beginning January 1, 2022, building permit fees for new one- and two-family dwellings and townhouses, adopted by a municipality must be based on a cost per square foot. All permit and inspection fees must be made available publicly through one or more of the following:
 - (1) posting on the website of the municipality;
 - (2) providing a copy by mail, if requested; or
 - (3) keeping a copy for review at the city hall building of a municipality.
- Municipalities already post their fees.
- Valuation can be inconsistent so cost per square foot may promote consistency.
 - Square footage may be more straightforward but may not always accurately capture the inspection time necessary for larger houses with more complex features.
- Most municipalities use the ICC tables; however, there is some variation because some municipalities update their fee schedule with each updated table and others use tables that are several years old.
 - The municipality must annually adopt a fee schedule by ordinance.
 - The year that the permit fee is collected is not necessarily the year that the inspections are performed.
 - Valuation is used across building types (residential and commercial) and for both new construction and remodels. A change to permit fees based on square footage may create difficulties for municipalities.
- Discussed adopting a consistent rate or fee schedule statewide with an adjustment factor for certain regions.
 - The cost of labor is different in Greater Minnesota, so it is difficult to set uniform fees.
- Discussed basing fees on number of inspection trips.
 - Could create additional administrative fees to track the trips and length of trips.
 - Difficult to implement because it may incentivize additional inspections.

Next Meeting:

Date: December 7, 2021

Time: 1:00 PM

Location: WebEx Event

Meeting Adjourned: 2:30 PM

Prepared by: Scott McKown