

CCAC Review and Comment

Legislative and/or Code Information

Bill number(s) description (if applicable) – Attach Bill language

SF 2536/HF 2135 Adult-Size Changing Facilities

(n) Adult-size changing facilities. (1) The code must require the installation of adult-size changing facilities on each floor where there is a restroom accessible to the public. This requirement is met by providing adult-size changing facilities in either a unisex restroom or in both a men's restroom and a women's restroom. Adult-size changing facilities consist of:

(i) an adult-size changing table in a private location;

(ii) a supply of paper table liners and disinfectant wipes;

(iii) an appropriately sized waste container for used supplies;

(iv) nonslip flooring;

(v) wall-mounted hooks and a shelf for a user's personal supplies;

(vi) a chair for the user's attendant or caregiver; and

(vii) signage indicating the presence of the adult-size changing facilities.

(2) Adult-size changing tables must have a changing surface that:

(i) is a minimum of 24 inches wide and 71 inches long;

(ii) either sits at or is capable of being adjusted to a height of between 18 and 28 inches above the floor;

(iii) is weight-bearing to a minimum of 350 pounds; and

(iv) has both a safety rail and restraint straps available.

Subject/Building Code Section(s)

Minnesota Rules, chapter 1341, Minnesota Accessibility Code
Proposed Minnesota Statutes 326B.106 Subd. 4 (n)

Technical Advisory Group (TAG)

TAG Formed Yes No

Title of TAG: Building Code Series 1 TAG

TAG Members

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Affiliations/Representing

MN DLI/CCLD; Assistant Director
League of Minnesota Cities
Metro Cities
Housing First Minnesota
City of St. Louis Park; Association of MN Building Officials
Welker Custom Homes; Builders Association of MN
MN DLI/CCLD; Accessibility Specialist
Target Corporation; Building Owners
MSR Design; MN American Institute of Architects
Michaud Cooley Erickson; Building Systems Design and Engineering Practices
CBS Construction Services, Inc; Contractors

TAG Meeting Date(s)

11/9/2021; 11/23/2021; 12/7/2021; 12/21/21

TAG Comments/Recommendations – Attachment Yes No

1. TAG members support adoption of national model code requirements for adult changing tables through the rulemaking process that will adopt the 2024 “I” codes in lieu of the proposed statutory requirements.
2. Placing technical requirements in statute limits the ability of designers, builders and building officials from proposing and approving alternative designs.
3. The bill language conflicts with the intent of the State Building Code that buildings be designed to accommodate all persons with disabilities. The addition of a requirement for adult changing tables without any increase in the size of the restroom, will create barriers for other members of the disability community who use wheelchairs or other mobility devices.
4. Adopting the national model code language reduces costs by only requiring adult changing tables in key locations and using existing requirements for family- and assisted-use restrooms.
5. Accessibility advocates and subject-matter experts recommend regulating adult changing tables in the building code rather than through legislation to prevent inconsistency with the national standard. It is anticipated that the 2024 IBC will contain appropriate provisions for adult changing tables.
6. TAG members do not recommend these proposed legislative changes. However, if the proposed bills move forward, they should be modified to include an effective date that allows 18-months for implementation and a sunset date, so the statute expires when the new building code with criteria for adult changing stations becomes effective.

Criteria Addressed (check all that apply)

- Eliminating inconsistencies Promoting coordination & consistency Making rules easier to understand & apply
 Streamlining construction regulation & construction procedures Improving procedures within and among jurisdictions
 Other: cost of construction

CCAC Comments & Recommendations

Date of CCAC Meeting:

Prepared by/Name & Title

Date

DRAFT

CCAC Review and Comment

Legislative and/or Code Information

Bill number(s) description (if applicable) – Attach Bill language

SF 801/HF 1085; 2SS-CG001-3, Article 10 Municipalities basing of construction permit fees on a cost per square foot requirement

Subd. 1a. Building permit fees; municipalities. Beginning January 1, 2022, building permit fees for new one- and two-family dwellings and townhouses, including any inspection fees, 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.

2SS-CG001-3, Article 10 Building Permit Fees

Subd. 1b. Building permit fees; municipalities. Beginning January 1, 2022, fees for building permits, including any inspection fees, 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.

Subject/Building Code Section(s)

Building Code Administration
 Proposed Minnesota Statute 326B.153 Subd. 1a and 1b

Technical Advisory Group (TAG)

TAG Formed Yes No

Title of TAG: Building Code Series 1 TAG

TAG Members

Scott McKown
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Affiliations/Representing

MN DLI/CCLD; Assistant Director
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 Target Corporation; Building Owners
 MSR Design; MN American Institute of Architects
 Michaud Cooley Erickson; Building Systems Design and Engineering Practices
 CBS Construction Services, Inc; Contractors

TAG Meeting Date(s)

11/9/2021; 11/23/2021; 12/7/2021; 12/21/21

TAG Comments/Recommendations – Attachment Yes No

1. The TAG consensus is that any changes to the permit fee structure be limited to new one- and two-family dwellings and townhouses. Permit fees for commercial construction and residential remodels should continue to be assessed based on valuation because the variations in project complexity are more closely tied to valuation and generally reflect the complexity of services provided.
2. TAG members representing municipalities and building officials expressed concerns about assessing permit fees based on square footage because new residential construction has varying degrees of complexity. A more complex

project of the same square footage may require additional inspection services. Municipalities will have to update their permit calculation systems for two different methods of assessing permit fees.

3. TAG members expressed concerns on how the state surcharge is to be calculated on permits that are not based on valuation.
4. TAG members expressed concerns about current inconsistent valuation assessments for new home construction between and within municipalities.
5. A viewpoint expressed was that homeowners are being overcharged for permit fees for new construction resulting in municipalities generating permit revenue that exceeds the cost of the service provided. However, because municipalities are not required to report permit fees collected specifically for new one- and two-family dwellings and townhouses, it is unclear if residential construction alone is generating excessive permit revenue.
6. Other TAG members described how permit fee revenue fluctuates depending on annual building permit volume. Excess revenue collected one year may offset department expenses in leaner years.
7. Some TAG members agreed that valuating construction on an established uniform cost-per-square-foot basis for new one- and two- family dwellings and townhouses provides municipalities with a simplified method of determining the valuation of residential buildings that does not rely on the permit applicant or code official to determine.
8. TAG members discussed the potential of establishing a statewide fee schedule for consistency. However, because construction costs, labor and municipal program costs vary throughout the state, a single uniform fee schedule would not be practical.
9. The TAG consensus is that because municipalities currently make their fee schedules publicly available, the proposed posting requirements are unnecessary.
10. There was no TAG consensus on either of the legislative proposals.
11. There was general support for a legislative approach that would require DLI to establish a statewide standard valuation on a cost-per-square-foot basis. There are several benefits of this approach: (a) the valuation factor would be uniform statewide, thus eliminating the subjective valuation process; (b) the municipality retains control over the actual fee schedule and cost of permits; (c) transparency is increased as the only variables are the size of the building and the municipality's fee schedule; (d) there would be no conflict with calculating the state surcharge based upon valuation as required.

Potential language could be similar to the following:

326B.153 Subd. 1a

The commissioner of labor and industry shall adopt rules to establish a uniform statewide valuation based on a square foot construction cost for new one- and two- family dwellings and townhouses. The commissioner may use the expedited rulemaking procedures under Minnesota Statutes, section 14.389.

Criteria Addressed (check all that apply)

- Eliminating inconsistencies Promoting coordination & consistency Making rules easier to understand & apply
- Streamlining construction regulation & construction procedures Improving procedures within and among jurisdictions
- Other: cost of construction

CCAC Comments & Recommendations

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Date of CCAC Meeting:	
Prepared by/Name & Title	Date

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CCAC Review and Comment

Legislative and/or Code Information

Bill number(s) description (if applicable) – Attach Bill language

SF 910; 2SS-CG001-3, Codes must be adopted by law if prior to 2026; ROI period on Residential Energy Code Adoption (2 SS-CG001-3 changes that are different from SF 910 are in parentheses).

c) Beginning ~~with the 2018 edition of the model building codes and~~ in 2026 and every six years thereafter, the commissioner shall review the new model building codes and adopt the model codes as amended for use in Minnesota, within two years of the published edition date. The commissioner may not adopt new model building codes or amendments to the building codes prior to ~~the adoption of the new building codes to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or the use of a building~~ 2026, unless approved by law.

(d) Notwithstanding paragraph (c), the commissioner shall act on each new model residential energy code and the new model commercial energy code in accordance with federal law for which the United States Department of Energy has issued an affirmative determination in compliance with United States Code, title 42, section 6833. The commissioner may not adopt new energy codes or amendments ~~prior to adoption of~~ to the new energy codes, as amended for use in Minnesota, ~~to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or use of a building~~ unless the commissioner has determined that any cost to residential construction or remodeling per unit due to implementation of the proposed changes to the energy codes will be offset within five years by savings resulting from the change (no more than the net present value of the projected energy savings over thirty years due to the proposed changes).

(e) The limitations on adoption of new or amended codes under paragraphs (c) and (d) do not apply to new or amended code changes necessary to protect the immediate health, safety, and welfare of the public.

Subject/Building Code Section(s)

Minnesota Statute 326B.106 Subd. 1
 Minnesota Residential Energy Code; code adoption

Technical Advisory Group (TAG)

TAG Formed Yes No

Title of TAG: Building Code Series 1 TAG

TAG Members

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TAG Meeting Date(s)

11/9/2021; 11/23/2021; 12/7/2021; 12/21/21

TAG Comments/Recommendations – Attachment Yes No

1. The TAG consensus is that the review and adoption of model codes should continue to be on a six-year cycle with the next adoption referencing the 2024 editions. The adoption of I-codes on a six-year cycle gives the construction industry the opportunity to take advantage of new methods, materials, and technologies that can reduce the cost of construction. TAG members recommend that DLI maintain the six-year code adoption cycle under current law.
2. Some TAG members thought changes to the statutory language are necessary to ensure the residential energy code is the adopted on the same six-year cycle as the other I-codes. However, under current law, the commissioner is required to *adopt* new model commercial energy codes and *evaluate* new residential energy codes if they are shown by the US DOE to produce energy savings over previous editions. This process is established for all states by federal law as currently referenced in subpart (d). As model energy codes are revised and updated every three years, it is necessary that our statute not conflict. However, Minnesota has not adopted a model residential code since the 2012 edition of the model code. The model code review process in Minnesota is robust and a consideration of costs is mandated by statute and the rulemaking process. Prior to the adoption of a model residential energy code, the Department must perform a study, that in part addresses costs, in cooperation with practitioners in residential construction and building science.
3. TAG members were unable to find consensus regarding return on investment and its calculation. Multiple factors and various viewpoints were discussed including whether the payback period should be dependent upon the length of time between energy code adoptions. Others thought a longer period was more appropriate to reflect the average period of a mortgage or expected building life cycle. Another reflected the complexity of return-on-investment calculations and the difficulty quantifying some benefits of the energy code such as improved human comfort. Others thought a return-on-investment period is not needed given current multiple statutory requirements to consider cost benefit. There was general agreement that return on investment is difficult to calculate because it varies based on the methodology used, energy type and costs, building type, and geographic region. There were also concerns about differences in cost calculations between builders and energy conservation advocates.

Criteria Addressed (check all that apply)

- Eliminating inconsistencies
 Promoting coordination & consistency
 Making rules easier to understand & apply
 Streamlining construction regulation & construction procedures
 Improving procedures within and among jurisdictions
 Other: cost of construction

CCAC Comments & Recommendations**Date of CCAC Meeting:****Prepared by/Name & Title****Date**

CCAC Review and Comment

Legislative and/or Code Information

Bill number(s) description (if applicable) – Attach Bill language

2SS-CG001-3, Article 12 Annual Report

326B.145 ANNUAL REPORT

(a) Each municipality shall annually report by June 30 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors if the cumulative fees collected exceeded ~~\$5,000~~ \$7,000 in the reporting year, ~~except that, for reports due June 30, 2009, to June 30, 2013, the reporting threshold is \$10,000.~~

(b) The report must include:

(1) the number and valuation of units for which fees were paid;

(2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and

(3) the expenses associated with the municipal activities for which fees were collected, ~~including a separate listing of costs associated with conducting inspections for each of the following categories:~~

(i) labor;

(ii) transportation;

(iv) any other expenses incurred by the municipality as a result of conducting inspections.

(c) A municipality that collects \$7,000 or less in a reporting year from all construction and development-related fees shall report that the municipality collected \$7,000 or less in the reporting year by indicating as such on a form provided by the department.

(d) In developing the form for reporting, the department must include a list of common definitions for all categories of construction and development-related fees collected by municipalities. A municipality that collects a fee not included in the common list of definitions must report the fee as "other" and provide an explanation of the fee.

(e) A municipality that fails to report to the department in accordance with this section is subject to the remedies provided by section 326B.082.

Subject/Building Code Section(s)

Building Code Administration
 Minnesota Statute 326B.145

Technical Advisory Group (TAG)

TAG Formed Yes No

Title of TAG: Building Code Series 1 TAG

TAG Members Scott McKown Irene Kao Charlie Vander Aarde Nick Erickson Brian Hoffman Kurt Welker Karen Gridley Barry Greive Simona Fischer John Smith Ken Hinz	Affiliations/Representing MN DLI/CCLD; Assistant Director League of Minnesota Cities Metro Cities Housing First Minnesota City of St. Louis Park; Association of MN Building Officials Welker Custom Homes; Builders Association of MN MN DLI/CCLD; Accessibility Specialist Target Corporation; Building Owners MSR Design; MN American Institute of Architects Michaud Cooley Erickson; Building Systems Design and Engineering Practices CBS Construction Services, Inc; Contractors
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TAG Meeting Date(s)
 11/9/2021; 11/23/2021; 12/7/2021; 12/21/21

TAG Comments/Recommendations – Attachment Yes No

1. The TAG members support raising the reporting fee threshold to \$7,000.
2. The proposed reporting requirements are similar to those in the current [annual report form](#) which requires municipalities to report expenses for employee salaries and benefits, transportation, office space, supplies and equipment, and administrative overhead associated with building code enforcement. TAG consensus is that the proposed language will result in municipalities reporting the same information as they do currently and as such, is not needed.
3. Some TAG members and legislators had concerns that the current annual report form does not provide for sufficient breakdown of fees and expenditures for infrastructure and park dedication. Additional detail is needed related to amounts collected and expended on trail dedication, streets, and sewers. The form can be revised administratively to include additional detail without any changes to statutory language. DLI and the League of Minnesota Cities will continue to work with stakeholders to capture this additional information.

Recommended language as follows:

326B.145 ANNUAL REPORT.

Each municipality shall annually report by June 30 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors if the cumulative fees collected exceeded ~~\$5,000~~ \$7,000 in the reporting year, ~~except that, for reports due June 30, 2009, to June 30, 2013, the reporting threshold is \$10,000.~~ The report must include:

- (1) the number and valuation of units for which fees were paid;
- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
- (3) the expenses associated with the municipal activities for which fees were collected.

A municipality that fails to report to the department in accordance with this section is subject to the remedies provided by section [326B.082](#).

Criteria Addressed (check all that apply)

- Eliminating inconsistencies
 Promoting coordination & consistency
 Making rules easier to understand & apply
 Streamlining construction regulation & construction procedures
 Improving procedures within and among jurisdictions
 Other: cost of construction

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Date of CCAC Meeting:	
Prepared by/Name & Title	Date

DRAFT