

Author/requestor: Gregory Metz

CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Date: 5/17/2024

Email address: Greg.Metz@State.MN.US		Model Code: N/A						
various subpa		Code or Rule Section various subparts Topic of proposal: F						
Code	Code or rule section to be changed: 1300.0160 Fees							
Intended for Technical Advisory Group ("TAG"):								
Gener	al Information		<u>Yes</u>	<u>No</u>				
B. C. D. E.	Is the proposed change unique to the State of Minnesota? Is the proposed change required due to climatic conditions of Will the proposed change encourage more uniform enforcer Will the proposed change remedy a problem? Does the proposal delete a current Minnesota Rule, chapter Would this proposed change be appropriate through the ICC development process?	ment? r amendment?						
Proposed Language 1. The proposed code change is meant to: Change language contained the model code book? If so, list section(s).								
	 ☑ change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s). ☑ MR 1300.0160 Fees ☑ delete language contained in the model code book? If so, list section(s). 							
☐ delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).☐ add new language that is not found in the model code book or in Minnesota Rule.								
					2. Is t	2. Is this proposed code change required by Minnesota Statute? If so, please provide the citation. No		

3. Provide *specific* language you would like to see changed. Indicate proposed new words with <u>underlining</u> and <u>strikethrough</u> words proposed for deletion. Include the entire code (sub) section or rule subpart that contains your proposed changes.

1300.0160 FEES

Subpart 1. Schedule of permit fees. The applicant for a permit for a building; structure; or electrical, gas, mechanical, or plumbing system or alterations requiring a permit shall pay the fee set forth by a fee schedule adopted by the municipality.

When submittal documents are required to be submitted by this chapter, a plan review fee shall be required. The plan review fee shall be established by the fee schedule adopted by the municipality.

Exception: The fee schedule adopted by the municipality may exempt minor work from plan review fees.

- **Subp. 2. Fees commensurate with service.** Fees established by the municipality must be by legal means and must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.
 - A. Building permit and plan review fees shall only include valuation for work regulated by the Minnesota State Building Code as identified in Minnesota Rules Chapter 1300.0050. Fees other than construction plan review or construction permit fees directly associated with the Minnesota State Building Code shall be identified separately to the applicant.
 - **B.** Municipalities shall establish an hourly rate for plan review and inspections services that may be necessary above and beyond the parameters of the permit fee due to extenuating circumstances. Fees shall be based solely on costs associated with administering the Minnesota State Building Code as identified in Minnesota Rules Chapter 1300.0050.
- **Subp. 3. Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application.

<u>A.</u> Permit valuations shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Building permit valuation shall be set by the building official. Building permit valuation shall not include the value of the lot or land.

Exceptions: Building permit valuations for the following structures shall be based on the valuation of on-site work only:

- **A.** manufactured homes containing a Housing and Urban Development (HUD) certification label;
- **B.** prefabricated buildings with a Department of Labor and Industry prefabrication label; and
- **C.** industrialized/modular buildings with an Interstate Industrialized Buildings Commission (IIBC) label.

Subp. 4.Building permit fees. Building permit fees shall be based on valuation.

Exceptions:

A. one- and two-family dwelling maintenance permits for roofing, siding, windows, doors, or other minor projects may be charged a fixed fee; and

B. permits for plumbing, mechanical, electrical, or other building service equipment systems may be based on valuation or charged a fixed fee.

Subp. 5. Plan review fees for similar plans.

When submittal documents for similar plans are approved under subpart 6, plan review fees shall not exceed 25 percent of the normal building permit fee established and charged by the jurisdiction for the same structure. A plan review fee shall not be charged for a master plan under Subp. 6.

Subp. 5a. Master Plan.

A master plan shall be submitted to include all variations associated with similar plans. Valuation of the master plan for plan review fee purposes shall include the unchanging base condition plus the cost of each variation itemized separately from the base condition which does not change. Variations shall be clearly identified and included in the construction documents in such a way as to be clearly referenced for future inclusion or exclusion in the future review of similar plans.

Subp. 6. Plan review of similar plans.

- A. Any number of similar buildings may be built from a master plan if:
 - (1) plan review fees have been paid for the master plan;
 - (2) a code change has not occurred that impacts the design of a master plan;
 - (3) the similar building has the same physical dimensions and structural design as the master plan;

Exception: The following modifications to the master plan are not considered to be significant modifications, according to Minnesota Statutes, section 326B.106, subdivision 1, and are permitted for dwelling units and their accessory structures built to the International Residential Code, and residential occupancies built to the International Building Code that are three stories or less in height and their accessory structures:

- (a) foundation configurations of walkout, lookout, and full basements when approved;
- (b) alternate foundation materials approved by the building official;
- (c) roof design changed by a revised truss plan approved by the building official; and
- (d) other modifications approved by the building official;
- (4) occupancy groups other than those identified in the exceptions listed in part 1300.0160, subpart 6, item A, subitem (3), must be the same type of construction and occupancy classification and must have the same exit system;

Exception: Minor changes to the exit access; and

- (5) the similar plan is based on a master plan for which the municipality has issued a permit within the last 12 months.
- B. Plan review fees for similar building plans must be based on the costs commensurate with the direct and indirect cost of the service but must not exceed 25 percent of the normal building permit fee established and charged by the municipality for the base building and the identified variations.

- C. The plan review fee charged for similar building plans applies to all buildings regulated by the code regardless of occupancy classification including industrialized/modular buildings constructed under a program specified in Minnesota Statutes, section 326B.194.
- D. The applicant must submit a new plan set and other information as required by the building official for each building reviewed as a similar building. The submittal documents shall clearly identify the variations included and excluded, if any, from the proposed construction.
- **Subp. 7. Payment of fees.** A permit shall not be issued until the fees prescribed by the municipality have been paid.
- **Subp. 8. Work commencing before permit issuance.** If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee established by the municipality shall be collected whether or not a permit is issued and is in addition to the required permit fees, but it may not exceed the permit fee. The investigation fee must comply with requirements for fees in subpart 2.
- **Subp. 9. Fee refunds.** The municipality shall establish a permit and plan review fee refund policy.
- **Subp. 10. State surcharge fees.** All municipal permits issued for work under the code are subject to a surcharge fee. The fees are established by Minnesota Statutes, section <u>326B.148</u>. Reports and remittances by municipalities must be filed with the commissioner.

Surcharge fees imposed by the state are in addition to municipal permit fees. Surcharge report forms and information may be obtained by writing the commissioner.

- Subp. 11. Allowed uses. Plan review and permit fees attributable to administration of the Minnesota State Building Code shall be expended for plan review, inspection, administration, continuing education, equipment, software and overhead directly associated with administering the Minnesota State Building Code.
- 4. Will this proposed code change impact other sections of a model code book or an amendment in Minnesota Rule? If so, please list the affected sections or rule parts. N/A

Need and Reason

1. Why is the proposed code change needed? Please provide a general explanation as well as a specific explanation for any changes to numerical values (heights, area, etc.)

Clarification is necessary in what is needed to be included in master plans for the discounted review of similar plans. Clarification is necessary for the collection and application of plan review and permit fees associated with administration of the Minnesota State Building Code.

2. Why is the proposed code change a reasonable solution?

The added language clarifies what needs to be included in a master plan submittal in order for similar plans to qualify as similar and receive the plan review discount.

Clarification of the purpose and application of fees collected for administration of the Minnesota State Building Code is necessary because some municipalities appear to be unclear regarding the current "fee for service" language.

3. What other factors should the TAG consider?

None.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain and provide estimates if possible.

No cost change. The changes are clarifications.

2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain. If the benefit is quantifiable (for example energy savings), provide an estimate if possible.

N/A

3. If there is a cost increase, who will bear the costs? This can include government units, businesses, and individuals.

N/A.

4. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.

No.

5. Will the cost of complying with the proposed code change in the first year after the rule takes effect exceed \$25,000 for any one small business or small city (Minn. Stat. § 14.127)? A small business is any business that has less than 50 full-time employees. A small city is any statutory or home rule charter city that has less than ten full-time employees. Please explain.

No.

Regulatory Analysis

- What parties or segments of industry are affected by this proposed code change?
 Architects, engineers, developers, home designers, builders, residential contractors, fire code officials.
- 2. Can you think of other means or methods to achieve the purpose of the proposed code change? What might someone opposed to this code change suggest instead? Please explain what the alternatives are and why your proposed change is the preferred method or means to achieve the desired result.

No.

3. What are the probable costs or consequences of not adopting the code change, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?

Continued confusion over how close a plan needs to be to a master plan in order to be considered "similar."

Continued confusion on the part of applicants as to which portion of the fees are directly attributable to plan review and construction permits as opposed to planning and zoning fees related fees.

Continued confusion on the part of municipalities as to how the fees for construction plan review and permitting can be utilized.

4.	Are you aware of any federal or state regulation or requirement related to this proposed code
	change? If so, please list the federal or state regulation or requirement and your assessment of any
	differences between the proposed code change and the federal regulation or requirement.

No

^{***}Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Autho	r/requestor: C. Scott Anderson	Date: 5/21/24			
Email address: c.scott.anderson@minneapolismn.gov		Model Code: 2024 IBC			
Telephone number: 612-246-7303		Code or Rule Section: 1300.0160 Subp 3			
Firm/Association affiliation, if any: City of Minneapolis To		Topic of proposal:	Topic of proposal: 1300.0160 Subp 3		
Code	or rule section to be changed: 1300.0160 Subp 3				
Intena	led for Technical Advisory Group ("TAG"):				
Genei	ral Information		<u>Yes</u>	<u>No</u>	
B. C. D. E.	 A. Is the proposed change unique to the State of Minnesota? B. Is the proposed change required due to climatic conditions of Minnesota? C. Will the proposed change encourage more uniform enforcement? D. Will the proposed change remedy a problem? E. Does the proposal delete a current Minnesota Rule, chapter amendment? F. Would this proposed change be appropriate through the ICC code development process? 				
	osed Language The proposed code change is meant to:				
change language contained the model code book? If so, list section(s).					
	□ change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s) 1300.0160 Subp 3				
delete language contained in the model code book? If so, list section(s).					
	☐ delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).				
\boxtimes add new language that is not found in the model code book or in Minnesota Rule. 1300.0160 Subp 3					

- 2. Is this proposed code change required by Minnesota Statute? If so, please provide the citation.
- 3. Provide *specific* language you would like to see changed. Indicate proposed new words with <u>underlining</u> and <u>strikethrough</u> words proposed for deletion. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Subp. 3. Building permit valuations.

The applicant for a permit shall provide an estimated permit value of the work for which the permit is being issued at time of application. Permit Such estimated valuations shall include the total value of all construction work, including materials and labor, for which the permit is being issued, such as including materials and labor, electrical, gas, mechanical, plumbing, permanent equipment, and permanent systems and all associated finish work. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the building official. Building permit valuation shall be set by the building official. The building official shall have the authority to adjust the final valuation for building permits.

Exceptions: Building permit valuations for the following structures shall be based on the valuation of on-site work only:

- A. Manufactured homes containing a Housing and Urban Development (HUD) certification label;
- B. Prefabricated buildings with a Department of Labor and Industry prefabrication label; and
- C. Industrialized/modular buildings with an Interstate Industrialized Buildings Commission (IIBC) label.
- Will this proposed code change impact other sections of a model code book or an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.
 NO

Need and Reason

- Why is the proposed code change needed? Please provide a general explanation as well as a specific explanation for any changes to numerical values (heights, area, etc.)
 Revision of text to align with the 2024 model codes. New and revised language clarifies what is included when determining the value of the work.
- 2. Why is the proposed code change a reasonable solution?

 The revision brings consistency with the model codes and more clearly defines the requirements.
- 3. What other factors should the TAG consider? None

Cost/Benefit Analysis

- 1. Will the proposed code change increase or decrease costs? Please explain and provide estimates if possible.
 - This is an editorial change and should not impact the cost of construction.
- If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain. If the benefit is quantifiable (for example energy savings), provide an estimate if possible.
 No cost change

3. If there is a cost increase, who will bear the costs? This can include government units, businesses, and individuals.

NA

4. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.

No

5. Will the cost of complying with the proposed code change in the first year after the rule takes effect exceed \$25,000 for any one small business or small city (Minn. Stat. § 14.127)? A small business is any business that has less than 50 full-time employees. A small city is any statutory or home rule charter city that has less than ten full-time employees. Please explain.

Regulatory Analysis

- 1. What parties or segments of industry are affected by this proposed code change?

 Architects, Contractors, Developers, Building Owners, Contractors, Building Officials
- Can you think of other means or methods to achieve the purpose of the proposed code change?
 What might someone opposed to this code change suggest instead? Please explain what the
 alternatives are and why your proposed change is the preferred method or means to achieve the
 desired result.

No

- 3. What are the probable costs or consequences of not adopting the code change, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
 Not adopting this change will result in continued disparity between justifications as to how permit values are determined.
- 4. Are you aware of any federal or state regulation or requirement related to this proposed code change? If so, please list the federal or state regulation or requirement and your assessment of any differences between the proposed code change and the federal regulation or requirement.

No

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Author/requestor: CCLD Staff

CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Date: 5-13-2024

Email	Email address: don.sivigny@state.mn.us			3		
Telephone number: 651-284-5874						
Code	or Rule Section: 1303.2300 and 1303.2400					
Firm/A	Firm/Association affiliation, if any: DLI Topic of proposal: Radon (MN Rule 1303)					
Code or rule section to be changed: 1303.2300 Subp. 5 Item D, 1303.2400 Subpart C.						
Intended for Technical Advisory Group ("TAG"): 1300,1301,1302,1303						
Gener	al Information		<u>Yes</u>	<u>No</u>		
B. C. D. E.	Is the proposed change unique to the State of Minne Is the proposed change required due to climatic cond Will the proposed change encourage more uniform e Will the proposed change remedy a problem? Does the proposal delete a current Minnesota Rule, Would this proposed change be appropriate through development process?	ditions of Minnesota? Inforcement? Chapter amendment?				
Proposed Language 1. The proposed code change is meant to:						
	☐ change language contained the model code book? If so, list section(s). N/A					
	☐ change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s). YES. MN Rules Chapter 1303. Section 2403. subpart C					
	☐ delete language contained in the model code book? If so, list section(s). N/A					
	☐ delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s). YES. MN Rules Chapter 1303. Sections 2402 Subpart 5 item D, and 2403. Item C ☐ add new language that is not found in the model code book or in Minnesota Rule. N/A					

- 2. Is this proposed code change required by Minnesota Statute? If so, please provide the citation. N/A
- 3. Provide *specific* language you would like to see changed. Indicate proposed new words with <u>underlining</u> and <u>strikethrough</u> words proposed for deletion. Include the entire code (sub) section or rule subpart that contains your proposed changes.

1303.2402 REQUIREMENTS FOR PASSIVE RADON CONTROL SYSTEMS. Subp. 5. Vent pipes.

D. Vent pipe accessibility. Radon gas vent pipes shall be provided with space around the vent pipe for future installation of a fan. The space required for the future fan installation shall be a minimum of 24 inches in diameter, centered on the axis of the vent pipe, and shall extend a minimum distance of 3 vertical feet. The access requirements of the International Mechanical Code, section 306.3, shall also be met.

Exception 1: Accessibility to the radon gas vent pipe is not required if the future fan installation is above the roof system and there is an approved rooftop electrical supply provided. **Exception 2:** If the Radon Fan location is in an attic, where the insulation is installed on the floor of the attic, to meet the minimum R value for the Attic, and is installed in such a manner that travel into or through the attic is not required to install or service the Radon Fan

1303.2403 REQUIREMENTS FOR ACTIVE RADON CONTROL SYSTEMS.

When an active radon control system is installed, all the requirements for the passive radon control system in parts 1303.2400 to 1303.2400 shall be met. In addition, an active radon control system shall incorporate items A to CD in this part.

- **A. Radon gas vent pipe fan.** A radon gas vent pipe fan manufactured for radon control systems and rated for continuous operation that provides a minimum measurement of 50 cubic feet per minute at 1/2-inch water column shall be installed in the vertical vent pipe. The fan shall be attached to a radon gas vent pipe that connects the air below the soil-gas membrane with outdoor air and relies on the fan to provide upward air flow in the vent pipe. The radon gas vent pipe fan shall be installed outdoors, in attics, or in garages. The radon gas vent pipe fan shall not be installed in conditioned spaces of a building, basement, or crawl space. The radon gas vent pipe fan shall not be located where it positively pressurizes any portion of the vent pipe that is located inside conditioned space.
- **B. System monitoring device.** An audible alarm, a manometer, or other similar device shall be installed to indicate when the fan is not operating.
- **C. Luminaire and receptacle outlet.** A switch-controlled luminaire and the receptacle outlet near the fan shall be installed according to the Minnesota Electrical Code. The requirements of the International Mechanical Code, section 306, do not apply.
- <u>. D. Fan(s) in attics with insulation.</u> The access requirements of the International Mechanical Code, section 306.3, shall also be met.

Exceptions:

- 1. Accessibility to the radon gas vent pipe is not required if the future fan installation is above the roof system and there is an approved rooftop electrical supply provided.
- 2. If the Radon Fan location is in an attic, where the insulation is installed on the floor of the attic, to meet the minimum R value for the Attic, and is installed in such a manner that travel into or through the attic is not required to install or service the Radon Fan

4. Will this proposed code change impact other sections of a model code book or an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.

This Code Change will amend Mn Rules Chapter 1303 "Minnesota Provisions to the Minnesota State Building Code (Including Radon)."

Need and Reason

1. Why is the proposed code change needed? Please provide a general explanation as well as a specific explanation for any changes to numerical values (heights, area, etc.)

This Proposed Change is needed because without this change, an individual, homeowner, or trades person will need to walk through the attic insulation that is blown in on the floor of the attic to service or install a Radon Fan. When doing so, they typically try to find and walk on the bottom portion (Cord) of the attic truss, to install or service a Radon Fan located in the attic.

When entering the attic to access for service, or to install a Radon fan, the following things happen that are creating violations to the State Building Code in many ways.

- The attic insulation will be compressed and displaced as it is walked on and, walked through. This will create a disruption and compression of the attic insulation, reducing Rvalue (or increasing the U-factor) to levels which are not in compliance with the State Building Code. (See Mn Rules 1322, the Minnesota Residential Energy Code Table R402.1.1, Table R402.1.3 and Section R 402.2.1)
- 2. The attic insulation will then, not be installed in accordance with the Manufacturers written installation instructions for performance of Loose Fill Insulation, or the State Building Code. (See Mn Rules Chapter 1322. The Minnesota Residential Energy Code Section R 303.1 (2))
- 3. Individuals entering the attic are damaging the Electrical wiring systems when they step into and through the insulation. When doing this, they end up stepping down the insulation and do not even see the electrical wiring running across the Floor of the attic and its framing members. This then causes damage to the electrical wiring system that can cause a Break in the wiring which can then become a Fire safety issue. In doing so this is also creating a violation of the Electrical Code. (Article 334 for NM cable, Sections 320.23, and 334.23)
- 2. Why is the proposed code change a reasonable solution? This change is a reasonable change to provide a Code Compliant attic insulation assembly, by not creating a situation that will lessen the performance of the Insulation to be less than that of the Minimum standards of the Code, create life safety issues within the building, or create other violations of the State Building Code by accomplishing the following:
 - a. Stop the reduction of attic insulation R value due to Displacement and Compression which will violate the Code.
 - b. Stop the damage caused by individuals entering the attic and damaging the Electrical wiring systems. when they step into and through the insulation. When doing this, they end up stepping down the insulation and do not even see the electrical wiring running across the Floor of the attic and its members. This then causes damage to the electrical wiring system that can be a Fire safety issue.
- 3. What other factors should the TAG consider?

TBD

Cost/Benefit Analysis

- 1. Will the proposed code change increase or decrease costs? Please explain and provide estimates if possible. There will be no increase or decrease to the costs of complying with this Code change.
- 2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain. If the benefit is quantifiable (for example energy savings), provide an estimate if possible. N/A
- If there is a cost increase, who will bear the costs? This can include government units, businesses, and individuals.
 N/A
- Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain. N/A
- 5. Will the cost of complying with the proposed code change in the first year after the rule takes effect exceed \$25,000 for any one small business or small city (Minn. Stat. § 14.127)? A small business is any business that has less than 50 full-time employees. A small city is any statutory or home rule charter city that has less than ten full-time employees. Please explain. N/A

Regulatory Analysis

- 1. What parties or segments of industry are affected by this proposed code change?
 - Builders and Building Officials as well as Home owners of the Buildings this code Change will be applied to based on the Scoping provisions for Residential Buildings
- Can you think of other means or methods to achieve the purpose of the proposed code change?
 What might someone opposed to this code change suggest instead? Please explain what the
 alternatives are and why your proposed change is the preferred method or means to achieve the
 desired result.

No

To Be determined

3. What are the probable costs or consequences of not adopting the code change, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?

The Costs and Consequences will be in creased energy costs for the life cycle of the building, the possibility of Life safety issues from fires ignited by broken r bare electrical wires. These cost will mainly be affecting the future owners and occupants of these buildings

