



## CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

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Date: 5/28/2025

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Model Code: 2024 IRC

Telephone number: 651-284-5884

Code or Rule Section: R401.5

Firm/Association affiliation, if any: DLI/CCLD

Topic of proposal: Excavation near  
Foundations

Code or rule section to be changed: Add 401.5

Intended for Technical Advisory Group ("TAG"): Minnesota Residential Code

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### General Information

Yes   No

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| A. Is the proposed change unique to the State of Minnesota?                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| B. Is the proposed change required due to climatic conditions of Minnesota?            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| C. Will the proposed change encourage more uniform enforcement?                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| D. Will the proposed change remedy a problem?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| E. Does the proposal delete a current Minnesota Rule, chapter amendment?               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| F. Would this proposed change be appropriate through the ICC code development process? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### 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).
- ☐ 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 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 underlining and ~~striketrough~~ words proposed for deletion. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Add the following section:

**R401.5 Excavation near foundations.** Where excavation will reduce support from any foundation, a registered design professional shall prepare an assessment of the structure as determined from examination of the structure, the review of available design documents and, if necessary, excavation of test pits. The registered design professional shall determine the requirements for underpinning and protection and prepare site-specific plans, details and sequence of work for submission. Such support shall be provided by underpinning, sheeting and bracing, or by other means acceptable to the building official.

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.  
No.

### **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.)  
Minnesota deletes code sections regulating

The residential building code does not specifically address the impact of excavations and foundations on adjacent properties or structures like the commercial building code does. As people build larger homes and homes with deeper amenity basements on smaller lots at minimal distances from property lines, these protections of adjacent structures is necessary.

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

The change allows proposed construction to still occur, but also requires protections of adjacent buildings and property from damage due to removal of lateral support during excavation and reconstruction. It is reasonable that the party proposing the new work and removing the existing lateral support from adjacent buildings or properties should provide the necessary supports to mitigate damage potential.

3. What other factors should the TAG consider?  
Inclusion in the code allows the building official to require protections before damage occurs. The result may mitigate civil litigation.

### **Cost/Benefit Analysis**

1. Will the proposed code change increase or decrease costs? Please explain and provide estimates if possible.  
No. Property owners may choose to locate their development farther away from adjacent structures to not impact the stability of existing foundations.
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.

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

1. What parties or segments of industry are affected by this proposed code change?  
Home owners, home builders, developers, building inspectors, architects and engineers, geotechnical engineers, the general public.
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?

Unmitigated damage to adjacent properties through compromised foundations resulting in extensive and continued property damage over time and potential litigation.

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: The information you provide in this code change proposal form is considered Public Data and used by the TAG to consider your proposed modification to the code. Any code change proposal form submitted to DLI may be reviewed at public TAG meetings and used by department staff and the Office of Administrative Hearings to justify the need and reasonableness of any proposed rule draft subject to administrative review and is available to the public.

\*\*\*\*Note: Incomplete forms will be returned to the submitter with instruction to complete the form. Only completed forms will be accepted and considered by the TAG. The submitter may be asked to provide additional information in support of the proposed code change.