



The Association of Minnesota Building Officials

"Safe Homes – Resilient Communities"



MN Senate Housing Finance & Policy Committee
95 University Ave West
Saint Paul, MN 55155

March 15, 2022

RE: Senate File 3259, A-2

Honorable Committee Members,

The Association of MN Building Officials (AMBO) thanks the committee for their work towards affordable housing solutions and humbly submits the following concerns & recommendations regarding the [A-2](#) Authors Amendment to SF3259:

1. **Art. 2, Sec. 1(c):** Broadly applies to all codes, commercial and residential, and requires an additional level of government approval for future code adoption.
 - a. MN is currently 3-years behind the national codes.
 - b. The adoption of updated codes allows for new technology, designs, and may also reduce redundancies while improving safety for the public.
 - c. ***Recommendation: If the goal relates to residential construction, limit disruption to commercial code(s) adoption by narrowly tailoring the proposal to address residential concerns.***

2. **Art. 2, Sec. 1(d):** Prohibits regular code updates for the commercial energy code and residential energy code and requires a 5-year energy payback calculation.
 - a. The proposed changes were discussed in a 2021 DLI-TAG, and they were not supported by a majority of TAG members.
 - b. A 5-year required payback in the overall life cycle of a building is short.
 - c. Failure to update/adopt energy codes could lead to a loss of federal funds.
 - d. ***Recommendation: Narrowly tailor the proposal to address residential concerns.***

3. **Art. 4, Sec. 2, Subd. 2:** Requires the approval of building permits in 60 days.
 - a. If a building permit is not approved in 60 days, it's typically because the developer, or their representative, is seeking additional time to update building plans and/or allow time for finalizing project financing (this is especially true for affordable housing projects).
 - b. The proposed change reduces flexibility, could create a more demanding process for all parties, and may lead to a higher percentage of denied applications.
 - c. Line 7.29-7.30 appears to require automatic building permit approval if it's not denied in 60 days - this could lead to a built environment that risks life & safety.
 - d. *Recommendation = delete Article 4 or narrowly tailor the proposal to single-family residential (removing automatic approval of building permits).*

4. **Art. 5, Sec. 1, Subd. 5:** Requires a statewide square foot valuation to be used for new residential and "additions".
 - a. There are rarely "additions"/remodels that do not include substantial remodeling of the existing building. The proposed statewide "additions" valuation will impact a significant segment of permitting that was not discussed and was not requested by stakeholders in the recent DLI-TAG on standardized square foot valuation.
 - b. *Recommendation = on line 8.18 delete "and additions".*

Although AMBO does not support the overall bill, we hope to help limit any unintended consequences and help our partners achieve affordable housing without compromising safety.

Thank you for your public service,

Jerry Backlund,
AMBO President