

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BUILDING CODES & STANDARDS DIVISION

In the Matter of the Proposed Adoption
of the Rule of the State Department
of Administration, Building Codes
and Standards Division Governing the
Design of Manufactured Home Park Storm
Shelters and Adopting "Interim Guidelines"
TR-83A, January 1980, Section 1 and 2
by Reference

STATEMENT OF NEED
AND REASONABLENESS

The above-captioned proposed rules are new rules in the Minnesota State Building Code.

Pursuant to Minnesota Statute Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating rules for the Minnesota State Building Code. It is the duty of the commissioner to maintain the Minnesota State Building Code consistent with recognized standards regarding minimum safeguards of life, limb, health, property and public welfare together with controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The additional statutory requirements in the promulgation of this rule is found in Minnesota Statutes 327.20 Section 2 (327.205) (Shelter Construction Standards).

The rules as proposed incorporate by reference the "Interim Guidelines" — TR-83A, January 1980 Section 1 and 2 by reference and amends the "Interim Guidelines" to reflect specific needs in developing manufactured homes park shelters.

The proposed rules conform as far as practicable to established model guidelines. The amendments reflect the necessary added requirements that will make the application and enforcement of the standards reasonable and appropriate.

Any business entity which constructs, expands or remodels buildings is required to comply with the Minnesota State Building Code. When adopted, these proposed rules become part of the Minnesota State Building Code and will be applicable to all future manufactured home park shelter construction. These rules are not applicable to existing manufactured home park shelters unless they are declared unsafe (see hazardous and substandard buildings, MN Stat. Sec. 463.15 to 463.26).

The Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed by MN Stat. Sec. 14.115, Subd. 2, for reducing the impact of the rules on small businesses. The proposed rules do not require businesses to make reports so the requirements for reporting identified in items (a), (b), and (c) are not applicable.

Compliance requirements of items (a), (b), and (e) are not appropriate because the purpose of these rules is to establish a minimum uniform standard for construction of all public, private, commercial, industrial or residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents of the state at the least possible cost consistent with recognized standards. MN Stat. Sec. 16B.59 (1984). To exempt small businesses from any or all requirements of the rules would be contrary to the statutory objectives that are the basis of the the proposed rulemaking, MN Stat. Sec. 16B.59, 16B.61 and 16B.64. The legislature

has specifically mandated that the uniformity of building standards is in the public interest. MN Stat. Sec. 16B.85 states in part:

The (building) code and any amendments thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States.

Minnesota Statute Section 14.115, Subd. 2(d) calls for the establishment of performance standards for small businesses as one method of reducing the adverse impact of rules upon them. The code and its amendments are based on the application of scientific principles, approved tests and professional judgement; and to the extent practicable, are in terms or results rather than requiring specific methods or materials. The building code uses performance standards wherever possible. Since the performance standards apply across the board to all entities subject to the building code, the methods of reducing the impact of the rules provided by Subdivision 2(d) has been utilized. No special changes are necessary for small businesses.

The Building Codes and Standards Division has evaluated the effects of MN Stats. 3.981 to 3.983 and 14.131 and believe that the promulgation of these proposed rules will not result in the expenditure of additional monies by local public bodies nor have an impact on agricultural land and meets the test of the exceptions to fiscal notes as provided by MN Stat. 3.983.

Richard I. Hauck, Supervisor - Manufactured Structures, and Alvin Kleinbeck, Code Administrator of the Building Codes and Standards Division will appear on behalf of the proposed rules at the hearing if a hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules.

1370.0100 Purpose

This section identifies the provision of minimum standards to provide protection for manufactured home park occupants from tornados and extreme winds.

1370.0100 Scope

This section identifies the criteria to be used in the design and development of the manufactured home park storm shelters.

1370.0120 Definitions

Definition of storm shelter, dual purpose storm shelter and a single purpose storm shelter.

1370.0130 Applicable Requirements

This portion of the rule adopts the Federal Emergency Management Agencies Interim Guidelines TR-83A January 1980 Sections 1 and 2 for the design and construction of the storm shelters.

1370.0140 Plans, Specifications
and Permits

Plans and specifications for the storm shelters must be designed and sealed by a registered architect or engineer licensed to practice in the State of Minnesota. Permits for the construction of the shelters must be secured from the local building permit office in the jurisdiction where the unit will be constructed.

1370.0150 Space Requirements

The square foot per person designation is deemed adequate for a reasonable duration of the use of the shelter. If a dual purpose shelter is built, the square foot per occupant as determined by Table 33-A of the Uniform Building Code will be used. The ceiling height is deemed adequate because the single purpose shelter is not design as habitable space as defined by the building code. The height required over 60% of the developed floor area will allow for a variation in designs of the shelter such as a curved roof structure.

1370.0160 Required Exits

This section of the rule indicates that in dual purpose shelters, regular exit doors will be required. In single purpose shelters the second exit may be an opening of 9 square in area with a minimum dimension of 20 inches in width and the bottom of the opening no higher than 44 inches from the floor. All openings shall be designed to prevent flying missiles from entering the interior of the shelter. At least one opening must be accessible to the physically disabled in compliance with Chapter 1340 of the Minnesota State Building Code.

1370.0170 Dry Interiors

This section identifies that the storm shelter must be located away from flood-prone or ponding areas of the park and be so constructed so that they will remain reasonably dry for their use.

1370.0180 Utility Line Hazards

This requirement is important so that the shelter will be reasonably free from downed power lines which could impede access to and use of the shelter.

1370.0190 Minimizing Fire Danger

This requirement would require that the construction and location of the shelter be such that potential fire dangers be kept at a minimum in order to keep the shelter useful.

1370.0200 Electrical Power

The requirements of underground electrical service follows with Section 1370.0180 to keep the potential loss of electrical power, because of fallen power lines or other causes, to a minimum for the shelter.

1370.0210 Illumination

The requirement of five foot candle illumination at floor level is based on the average illumination of limited places of public assemblies for social activities, dance halls, auditoriums at intermission time, foyers of auditoriums and general exits and exit stairs in accordance with figure 9-80, IES Lighting Handbook, fifth edition as well as Minnesota State Building Code, 1330.0900 Subpart 4.B.

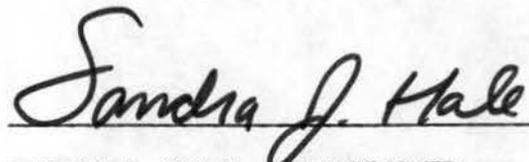
An emergency backup system is required to reduce the potential of fright and panic if the primary source of light is lost.

1370.0220 Ventilation

The ventilation requirements of the FEMA Interim Guidelines have been incorporated in this code because it is the most appropriate for the need.

1370.0320 Sanitation Facilities

Sanitation and drinking facilities for the storm shelters is not required because of the typical short duration of the use.

A handwritten signature in black ink that reads "Sandra J. Hale". The signature is written in a cursive style and is positioned above a horizontal line.

SANDRA J. HALE, COMMISSIONER

DEPARTMENT OF ADMINISTRATION