

2011-Or-___

**ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Johnson

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances
relating to Housing: Maintenance Code.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.435 to read as follows:

244.435. Heating facilities performance inspection and energy audit required. (a) The owner of any dwelling or dwellings required to possess a rental dwelling, rooming house, or lodging establishment license shall obtain at the owner's expense, a heating facilities performance inspection from a city-licensed mechanical or gas contractor or a boiler operator licensed by the State of Minnesota. The inspection shall verify that any combustion fuel heating plant in excess of ten (10) years of age complies with the "Heating, Ventilation and Cooling Performance Safety Check" requirements published, maintained and made readily available by the director of regulatory services. In addition to any other requirements adopted by the director, it shall be required that combustion make up air with a properly functioning air trap be installed for all combustion water heaters and heating plants in compliance with standards established by the Minnesota Fuel Gas Code. Should the initial inspection indicate that the dwelling or dwellings fail to meet any standard required pursuant to this section, the owner shall take necessary remedial action to abate the deficiency and obtain a reinspection documenting compliance with all requirements. Proof of a satisfactory inspection shall be required every two (2) years, or, if there is no record of a satisfactory inspection for a dwelling subject to this subsection the director may order that a satisfactory inspection be obtained within a reasonable timeframe to be determined by the director. The owner shall submit upon request to the director all applicable and necessary information documenting compliance with this section. This section shall not apply to any combustion fuel heating plant or boiler system already required to undergo periodic inspection by any agency of the State of Minnesota.

(b) The owner of any single family dwelling required to possess a rental dwelling license shall obtain at the owner's expense an energy audit including a blower door test and thermal (infrared) scan from a state-approved utility-administered conservation improvement program or from a home energy auditor otherwise recognized by the director of regulatory services. The inspection shall verify that the calculated house air leakage values are within levels established and adopted by the director. Should the initial blower test inspection indicate that the dwelling or dwellings fail to meet the

standard adopted pursuant to this subsection, the owner shall take necessary remedial action in conformance with Minn. Statute Section 504B.161(1)(a)(3) to abate the deficiency and obtain a reinspection documenting compliance with all requirements. The audit, testing, measurements, and inspection and any required mitigation shall be completed in compliance with a protocol that shall be published, maintained and made readily available by the director. The owner shall submit to the director all applicable and necessary information documenting compliance with this subsection and shall, upon the request of any current or prospective tenant, provide a complete and accurate copy of any energy audit obtained pursuant to this subsection. Proof of a satisfactory inspection shall be required from all dwellings subject to this subsection upon the order of and according to a systematic schedule to be adopted by the director of inspections, which shall provide for all existing dwellings to be audited within ten (10) years of the enactment of this subsection. All qualifying dwellings converted to rental usage subsequent to the enactment of this subsection shall be promptly inspected for compliance with this subsection. After any qualifying dwelling establishes initial compliance with this subsection the director may not order any subsequent audit for a period of ten (10) years unless for good cause. This subsection shall not apply to condominium, cooperative or townhouse dwellings.

(c) Effective date. This section shall become effective June 1, 2011.

Section 2. That Section 244.680 of the above-entitled ordinance be and is hereby repealed.

~~**244.680. City of Minneapolis rental property energy efficiency standards.** The State of Minnesota Rules for the Department of Energy and Economic Development, Sections 0100, 4100, and 4105 of Chapter 4170 are hereby incorporated in this title as fully as if set forth herein and shall be in force and effect as the City of Minneapolis rental property energy efficiency standards. Section 1710 of Chapter 4170 is also adopted for guidance in the enforcement of the aforementioned rules. Upon request, by complaint, or when in the opinion of the director of inspections an energy audit is warranted, the Minneapolis Energy Office shall conduct a determination of status to determine whether or not buildings are in compliance with the aforementioned rental energy efficiency standards and shall charge a fee not to exceed twenty-five dollars (\$25.00) for each determination of status conducted.~~

Section 3. That Section 244.685 of the above-entitled ordinance be and is hereby repealed.

~~**244.685. Certificate of compliance.** If the building is determined to be in compliance with the rental energy standards, the energy office shall issue a certificate of compliance to the building owner and shall charge a processing fee not to exceed twenty-five dollars (\$25.00) for the issuance of the certificate. Such certificate shall be nonexpiring and be in effect until such time as the building is found to be in noncompliance with the City of Minneapolis rental property energy efficiency standards.~~