

CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Nick Erickson

Date: 4/22/24

Email address: nick@housingfirstmn.org

Model Code: N/A

Telephone number: (651) 697-7586

Code or Rule Section: 1300

Firm/Association affiliation, if any: Housing First Minnesota
Approval of Permits

Topic of proposal: Conditioning

Code or rule section to be changed: 1300.0120

Intended for Technical Advisory Group ("TAG"): Administration And Minnesota Provisions TAG

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.
No.

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.

Subp. 15. Conditions of Approval. A municipality must not condition approval of a building permit or certificate of occupancy on the use of one or more of the following outside the requirements set forth in the State Building Code:

- (1) specific materials for aesthetic reasons for property used for a residential purpose as defined by the State Building Code;
- (2) minimum square footage, or floor area ratios;
- (3) architectural design elements including, but not limited to, number and placement of windows, decks, balconies, porches, gables, roof pitch, and elevation design standards;
- (4) garage square footage or dimension; or
- (5) building amenities such as common space, pools or fitness facilities.

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.)

This proposed code change will reassert the State Building Code's statutory and rules-based authority of regulating the components or systems of dwelling units in Minnesota. This clarifies the gray area that has existed between building code and local zoning powers. When imposed at the local level, the rationales used for defending these proposals (energy efficiency, health, safety of occupants, etc.) fall into the scope of the State Building Code (Minnesota Rules 1300.0030, Subp. 1, emphasis mine).

“The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

The purpose of the code is not to create, establish, or designate a particular class or group of persons who will or should be especially protected or benefited by the terms of the code.”

Additionally, Minnesota Statute 326B.121 Subd. 2(c), emphasis mine, states local governments cannot force any changes “regulating components or systems of any structure” that is different from the State Building Code:

*“A municipality must not by ordinance, or through development agreement, require building code provisions **regulating components or systems of any structure** that are different from any provision of the State Building Code.*

Examples of zoning requirements that are covered by the State Building Code include:

- **Windows:** Minnesota Rules 1300.0030 explicitly states the State Building Code has authority over stability, light and egress, all of which are directly tied to windows. Additionally, windows have a direct impact on energy efficiency, also explicitly stated in Minnesota Rule 1300.0030. These are numerous sections across the IRC, IBC, Residential and Commercial energy codes that regulate windows.
- **Cladding Material:** Cladding is a building component found in Section R703 of the IRC and Chapter 14 of the IBC. For IRC dwellings, Table R703.3(1) outlines the allowed siding material under the State Building Code and the performance/installation requirements.
- **Garage:** Garages for IRC dwellings are covered in R309 and include no size or dimensional requirements.
- **Unit Size Requirement:** For IRC dwellings, R304 outlines minimum room habitable room space, which is the only size requirement. There is .
- **Design Elements:**
 - IRC Chapter 9 outlines roof slope requirements. IBC Chapter 15 outlines roof assemblies. These provisions are also outlined in their respective building planning chapters.
 - Balconies and Decks. Chapter 16 of the IBC and sections R301 and R507 of the IRC outline the requirements for installation of balconies or decks and these features are not mandated in their respective code books.

Importantly, this proposal will reduce the minimum cost of construction in numerous ways as it prohibits a municipality from conditioning the approval of a building permit on requiring more costly homes and features which are considered “upgrades” by homebuilders.

Just as the building code would never require hardwood floors or granite counter tops as a minimum construction standard, the building code should protect against requirements of luxury exterior finishes for the sake of community aesthetics, design elevations the force larger homes, a specific number of windows or placement of windows, or luxury amenities being added as a condition for a multi-family permit.

Examples of cost savings on the minimum construction standard on a home include:

- *Prohibition on aesthetic mandates: Saves up to \$20,000 on a single-family home (four-sided aesthetics) .*
- *Prohibition on garage configurations: The cost difference for components and structure between a standard 2-car garage and a 540-square foot garage is up to \$20,000*
- *Prohibitions on square footage minimums: At \$100 per square foot, allowing smaller units results in a smaller (see Bloomington MN Zoning Analysis)*
- *Prohibitions on amenities: A deck, as one municipality recently contemplated for single-family rentals, adds \$15,000 to a new home’s price. Mandatory large front porches require roughly \$3,000 in extra concrete and labor costs.*

These requirements are currently enacted under local zoning laws or as a condition of project approval, yet these requirements dictate the features, size and scope of a structure built under the Minnesota State Building Code. Despite being a “zoning” issue, these provisions, as noted, often conflict with Minnesota Statute 326B.121 Subd. 2(c) as

they regulate components and systems of the dwellings:

“A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code.”

Often, these provisions are exclusionary in nature. By raising the cost of construction in a community, these policies serve as a barrier to entry that disproportionately impact Minnesotans of lower socio-economic status.

Adoption of this provision is not only about affordability and access to housing, but asserting the State Building Code is the authority over these provisions.

If the State Building code were to be amended to adopt these same practices this proposal seeks to remedy, the following items would be invalidated as they are either arbitrary, lack a record supporting the need or can be accomplished through other more affordable means:

- Bans on vinyl siding or a requirement that brick or fiber cement be used on all new homes when they are allowed on existing structures undergoing renovations.
- Cladding materials change based on what side of the street a building faces.
- Specifying the width of trim on exterior fenestration.
- Minimum garage size: 540 sq foot garage (with no basement), 480 square feet with an additional 120 square feet for storage. (with no basement), or 480 sq foot garage (with basement),
- 22-foot minimum width for an attached garage.
- Elevation requirements dictating the proportions or design styles of a home.
- Requirements that any multi-family structure include luxury amenities or balconies.
- Homes no be less than thirty feet (30') in length and not less than twenty-two feet (22') in width over that entire minimum length.
- Prominent front entry, including but not limited to, covered entry, front porch or similar accent shall be incorporated into the overall front elevation.
- Requiring modifications to a home's design based on the design choices of an adjacent property owner.
- Building articulation requirements that prevent massing, which directly impact the structure of the building without adding any health or safety benefits. .

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

1. This provision will reduce the cost of the minimum construction standard without affecting safety, durability, health or efficiency. It also demonstrates the Department's commitment to addressing racial inequities in housing.
2. This proposed code change strengthens the Minnesota State Building Code by affirming:
 - Any exterior cladding product authorized in the State Building Code cannot be banned by local zoning ordinances.
 - The Minnesota State Building Code has supreme authority over structures in Minnesota.
 - The original legislative intent of the Minnesota State Building Code of “which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.”

- Ensures that local governments cannot bypass the building code by shifting the construction requirements to zoning policies.

3. What other factors should the TAG consider?

Given the scope of Minnesota’s housing crisis, this proposal an important step that the Commissioner, CCLD and the TAG can take to help address this on0ging issue. Leading by example will challenge other policymakers to do the same.

Minnesota is facing a 106,000-unit housing deficit according to the recent estimate form Up for Growth with 76,600 of these housing units located in the Twin Cities MSA. According to Zonda, a new home in Minnesota is the most expensive in the region (based on median price):

- Minnesota: \$526,079
- Wisconsin: \$430,000
- North Dakota: \$419,000
- South Dakota: \$373,500
- Iowa: \$380,000
- Illinois: \$474,000
- US Median: \$400,500

According to Zonda just 28.4% of Minnesotans can afford new median priced single-family home in 2024. When the last building code was adopted in 2020, 49.8% could afford the median new home.

A large part of Minnesota’s cost disparities is because new affordably priced starter homes are not possible. Comparing the Twin Cities and other major MSAs in the region (via Zonda), Minnesota lacks new homes under \$300,000, and more closely mirror broken coastal markets than our Midwest peers. Share of new homes under \$300,000:

- Minneapolis-St. Paul MSA: 1.8%
- Chicago and Milwaukee MSAs: More Than 10%

The issues this proposal seeks to address are at the confluence of zoning and construction, the former of which has a historic tie to exclusion. In fact, the Twin Cities has the widest housing equity gap in the nation for any major MSA (46%). This divide is even more stark in St. Cloud, which has an equity gap of 73%.

This proposal also does not stop local governments from enforcing maximum allowed sizes, setbacks or height limits.

Cost/Benefit Analysis

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

This will reduce the minimum constrcution costs across the state be removing costly mandates on which building permits are conditioned. This reduction will also translate to reduced permit fees.

- 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.**

This will have a slight reduction on permit review time and inspection as the code official will not need to consult a Planned Unit Development's Development Agreement or Conditional Use Permit during the plan review stage. With few upgrades included as a base construction standard, there will be a lower valuation, resulting in a decrease in permit fees in communities in which luxury upgrades are a base construction standard.

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?**

Builders, code officials and planners will see their workload reduced where these provisions are inserted into as a condition to the development or building permit approval process. The largest affected party, most importantly, is the party often left out of the discussion: buyers and renters to pay for these unfunded mandates every month via increased housing costs.

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.**

Opponents to similar proposals in the past have not offered any valid alternatives, only opposition. Law changes, such as strengthening the State Building Code, are required to achieve the necessary changes.

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?**

There is a large societal cost for not adopting this proposed change, as well as costs at the individual housing unit level.

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.**

There are no state or federal laws or regulations known to be related to this proposal other than:

1. *Minnesota Statute 326B.121 Subd. 2(c), emphasis mine:*

*“A municipality must not by ordinance, or through development agreement, require building code provisions **regulating components or systems of any structure** that are different from any provision of the State Building Code.”*

2. Minnesota State Building Code 326B.101, emphasis mine:

*“The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. **The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.**”*

3. Minnesota Rules 1300.0030, Subp. 1, all of which are covered in the items in the proposal:

“The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.”

4. While this precedent escapes the scope of Minnesota’s courts, a 1988 case from the State of Connecticut’s Supreme Court highlights why this change should be considered, highlighting that these requirements lack a rational basis under their supposed purpose:

“When a minimum floor requirement has no rational relation to public health and has not been shown to conserve the value of buildings, the conclusion that the requirements are a form of economic discrimination, even if unintended, causes grave concern.” - Builders Service Corporation, Inc., Et Al. v. Planning And Zoning Commission of East Hampton

***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.



VIA: Email

RE: Proposal submitted by Housing First Minnesota to amend 1300.0120.

To whom it may concern,

I am writing on behalf of the Vinyl Siding Institute (VSI) to respectfully include our support for the code change proposal submitted by Housing First Minnesota to amend 1300.0120.

VSI supports this change because all categories of polymeric siding, including vinyl siding, meets the stringent requirements of building codes across Canada and the United States, including Minnesota. VSI agrees that this proposed code change will reassert the State Building Code's statutory and rules-based authority of regulating the components or systems of dwelling units in Minnesota. This clarifies the gray area that has existed between building code and local zoning powers. More importantly, this proposal will reduce the minimum cost of construction in numerous ways as it prohibits a municipality from conditioning the approval of a building permit on requiring more costly homes and features which are considered "upgrades" by homebuilders.

VSI is the trade association for manufacturers of vinyl and other polymeric siding. As an organization, it is our goal to further the development and growth of the vinyl and polymeric siding industry by helping to develop material, product, and performance standards in cooperation with standards-making organizations and code bodies.

The VSI respectfully asks that you approve the change being proposed by Housing First Minnesota. Thank you for any consideration you may choose to extend to this request.

Respectfully,

A handwritten signature in black ink, appearing to read "K. Offringa", is written over a light gray background.

Kate Offringa
President and CEO



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Nick Erickson

Date: April 16, 2025

Email address: nick@housingfirstmn.org

Model Code: 1300

Telephone number: (651) 697-7586

Code or Rule Section: 1300.0160

Firm/Association affiliation, if any: Housing First MN

Topic of proposal: Permit Fees

Code or rule section to be changed: 1300.0160

Intended for Technical Advisory Group ("TAG"): Administration and Minnesota Provisions

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"/> |
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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).

MR 1300.0160 This proposed change also includes modification of existing language.

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.

No

3. Provide *specific* language you would like to see changed. Indicate proposed new words with underlining and ~~strikethrough~~ 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 applicants should not be charged additional or extra fees to support a municipalities' general fund or other special interest projects undertaken by the municipality. [Author Note: This language is taken directly from DLI's Code Adoption Guide]

B. Each municipality shall establish a per hour rate for plan review and inspection services to reflect its actual costs of inspections. This per hour rate shall not include any planning and zoning services or any administrative overhead charges and is limited to the rate for services provided by a building official under Minnesota Rules Chapter 1300.0010 Subp. 1 or a designated deputy under Minnesota Rules Chapter 1300.0010 Subp. 2 B.

Subp. 3. Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application.

A. 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 may not include the valuation or the lot, land, or improvements.**

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

~~A.~~ **(1)** manufactured homes containing a Housing and Urban Development (HUD) certification label;

~~B.~~ **(2)** prefabricated buildings with a Department of Labor and Industry prefabrication label; and

~~C.~~ **(3)** industrialized/modular buildings with an Interstate Industrialized Buildings Commission (IIBC) label.

B. Building permit valuation shall be set by the building official. A permit applicant may challenge the valuation determination of the building official by submitting supporting documentation to support the valuation submission. The building official may not increase the valuation of a building based upon the municipality adopting fee schedule that the

C. The Commissioner of Labor and Industry shall develop separate per square foot table for new dwelling units and their accessory structures built to the International Residential Code or the International Building Code outlining the total inspection time for these structures.

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.

C. building permit fees for new one- and two-family dwellings and townhouses, including any inspection fees, adopted by a municipality must be based on a cost per square foot. All permit and inspection fees must be made available publicly through one or more of the following: (1) posting on the website of the municipality; (2) providing a copy by mail, if requested; or (3) keeping a copy for review at the city hall building of a municipality.

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 any master plan under Subp. 6.**

Subp. 6. Plan review of similar plans.

A. **Municipalities shall establish a master plan review fee** and 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;
- (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 same structure.

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.

Subp. 7. Payment of fees. A permit shall not be issued until the **building permit plan review and inspection** fees prescribed by the municipality have been paid. **The issuance of a building permit or certificate of occupancy may not be conditioned upon payment of fees related to zoning and land use decisions.**

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- **that outlines refunds for:**

A. A building permit which was submitted but no plan review completed.

B. A building permit which was issued and plan review completed but withdrawn before any inspection was undertaken or construction undertaken.

C. Over collection of building permit fees when a municipality has amassed surplus funds in violation of Subp. 2

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 [326B.148](#). 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. Fees collected under this chapter shall be limited to the administration and enforcement of the building code, including staffing, transportation, public education, training, tools and equipment. Planning, zoning and other growth-related costs or legislative and administrative charges are not allowed uses for these fees. *[Author Note: The language outlining fee uses has been taken directly from DLI's Code Adoption Guide]*

Subp. 12. Segregated Funds. Building permit fees shall be placed in a segregated fund. No internal loans shall be issued or fees transferred expect for covering the costs association with Subp. 11.

Subd. 13. Penalties. Violations of this section shall be subject to penalties under Minnesota Rules 1300.0150.

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.)

According to the Minnesota Department of Labor and Industry’s records, Minnesota municipalities amassed more than a quarter of a billion dollars in surplus building permit fees between 2019 and 2022 (unaudited figure based upon self-reported data by municipalities). This indicates that at some level, the fees charges by some municipalities may not be “fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.”

FIGURE I – Data from MN DLI: Fee and expense report for building permits 2019-2022

Year	Reported Surplus
2019	\$90,341,393
2020	\$42,998,353
2021	\$31,586,885
2022	\$86,703,070
Total	\$251,629,701

The proposed changes provide a comprehensive fix for this issue by addressing several issues with the current language:

- A. Proportionality*
- B. Valuation*
- C. Penalties*
- D. Fund Uses and Segregation*
- E. Conditional Approval*

For five years, reforms on this from have been a central part of the housing policy debate in Minnesota. As municipalities, the Department and Legislature have not yet taken action, the only course remedy has been legal action against municipalities routinely amassing building permit surpluses in Minnesota, with two joint cases pending review before the Minnesota Supreme Court.

When this matter was put before the Minnesota Board of Appeals, the Board agreeing with the municipalities of Dayton and Corcoran, determined it was not the right venue as the fee schedules are a legislative act and therefore “the State Board of Building Code Appeals had the technical expertise, authority, and jurisdiction necessary to conduct a thorough review of those valuations” (Board of Appeals decision, dated March 24, 2021).

When this matter was sent to Hennepin County District Court, the City of Dayton (in a brief for 27-cv-21-9070 dated March 10, 2023) said:

“Enforcement of the SBC—and, in particular, the regulation of building permit costs—has been “specifically delegated” by the state legislature to DOLI.”

“QUOTE”

On April 10, 2024, the United States Supreme Court issued its unanimous decision in *Sheetz v. El Dorado* that stated:

“The Takings Clause does not distinguish between legislative and administrative permit conditions. ...In sum, there is no basis for affording property rights less protection in the hands of legislators than administrators. The Takings Clause applies equally to both—which means that it prohibits legislatures and agencies alike from imposing unconstitutional conditions on land-use permits”

Additional specific rationale for the changes proposed are as follow:

A. Proportionality

As Figure I shows, there a reported quarter of a billion dollars of surplus revenue from 2019-2022 indicates that fees in some municipalities are not proportionate.

The language proposed in the exception listed in Subp. 4C is the result of the Building Code TAG (2021) on which I served. This proposed language, related to a statutory change, has been proposed as a code change. The record of those meeting shall provide additional supplemental information as to the proportionality concerns to fees related to IRC structures. This proportionality is also directly related to the valuations on which they are based (see below).

As fees are set of the valuation of a structure, which is then referenced against the fee schedule proportionality requires both the valuation and the fee schedule to illustrate that fees are in line with this rule.

B. Valuation

Mid- and large-volume builders in the Twin Cities have identified that valuation change are widely inconsistent. These builders, who are building the same or similar plans across the region, have report wide disparities in accepted valuations; Figure II below highlights this discrepancy:

Figure II – Permit Valuation review

In a review of 1,773 permits outlining the accepted vs. submitted valuation:

- Rate of Valuation Adjustment
 - 8.07% were lowered
 - 19.29% were unchanged
 - 72.65% were increased

- Average Valuation Change: + 22.78%
- Average valuation change: + \$55,449.80

Valuation changes were inconsistent as a whole, but in higher and more frequent in some Municipalities:

- Lino Lakes: 1.29% of permits changed
 - Only 1 increase
- Victoria: 100% of valuations increased:
 - Average \$ Increase: \$202,021.92
 - Average Valuation % Change: 70.18%
- Shakopee:
 - Average \$ Increase: \$180,959,44
 - Average Valuation % Change: 85.30%

Highest Observed Valuation Increase:

- By Percent: Shakopee 108.08%
- By Dollar Value: Victoria \$298,191

Note: This builder has tracked submitted vs. accepted valuation for several years and builds the same or similar plans across the region.

Valuation of new single-family homes in the Twin Cities metro has been demonstrated to not be an accurate measure of time to inspect. The proposed language in Subp.2, 4, 5 and 6 provide a remedy by requiring a per-square foot fee schedule for IRC dwellings and tie that fee to a per hour rate.

C. Penalties

Subp. 13 was added to mirror other parts of the State Building code to ensure there is a clear penalty. This simple change aligns the penalty to the rest of the code.

D. Fund Uses and Segregation

In 2018, the City of Corcoran planned on using building permit fees as a de facto new resident tax, with the intent of using roughly \$3,000 from each new home to remodel city hall.

Transcript of the City Administrator's Comments at the Nov. 8, 2018 [City of Corcoran Council Meeting](#) (emphasis mine):

*"The 'New Demand' is really renovation needed due to the new growth of the city. So because of the new growth of the city, we need more staff, which means more work stations... The 'New Demand' costs would be paid for by new growth revenue, **building permit revenue essentially**, which we've thrown into the Long Range Planning Fund. And have also put some transfers proposed."*

"For the 'New Demand,' I'm recommending we use \$300,000 from our Long Range Planning Fund; use a 2019 Budget Transfer for \$120,000, which is generated from Building Permit Revenue. I had previous budget plans of using the 2018 [budget] surplus, right now we're showing about breaking even or having a small surplus. I don't show a surplus for 2018 at this point. And there's a finance gap even with that of \$480,000 and I'll go more into that on the next slide."

From a July 2018 Memo from the City Administrator (emphasis mine), the Corcoran City Administrator outlined how the city earns a net revenue of \$3,000 per new home from building permits:

"Although the number of permits anticipated increases in the budget, the impact is zero. For the past several years the City has kept the building permit revenue from new home permits at 21 homes. The remainder has been used to build up

reserves and other funds that are not sufficient. The Council could change this practice and increase the amount of new home revenue dedicated to the general fund. “However, should the market subside, this revenue would then need to be cut as these are one-time funds. **For reference, each new home permit is averaging about \$3,000 in net revenue.** If the Council chose to increase the number of new home permits going to the general fund to 40, the net impact would be \$57,000.”

This plan was abandoned after media attention and criticism from Legislators over this use of building permit fees. <[Video Link](#)>

There are additional questions over the allowed use of building permits funds related to inconsistencies between city budget documents and statutorily required reports on the use of building permit fees

For example, the City of Eagan shows a building permit-related loss \$1.25 million in 2022 (the largest loss of any Minnesota Municipality in 2022), due to collecting roughly \$2.1 million in fees and roughly \$3.35 million in expenses per its 2022 report filed under Minn. State Statutes 326B.145. (Figure IV)

In its 2024 budget book, however, the city reports that the actual spending directly for permits and inspections, including 50% of the Community Development Director’s time, was roughly \$1.01 million, not the \$2.09 million it reported to the Department. This disparity in salary alone, more than double that the budget shows, highlights the need for clarity in the code as to what these expense can be used for.

Figure III – 2022 Eagan Permit Report filed with DLI

Total Permit Fee Income	\$2,093,304
Salary/Benefits Exp.	\$2,908,451
Travel/Vehicle Exp.	\$ 10,844
Office Space Exp.	\$ 0
Admin / Overhead Exp.	\$ 413,423
Total Exp.	\$3,345,880
NET PERMIT INCOME	-\$1,252,576

Figure IV – Eagan Inspections Actual Budget 2022 (Right Column)

EXPENDITURE SUMMARY

Expenditure	Actual 2021	Actual 2022
Personal Services	1,184,304	1,011,457
Parts and Supplies	8,255	7,987
Services and Other Charges	367,651	405,038
Capital Outlay	10,052	14,434
	1,570,263	1,438,916

POSITION INVENTORY

Personnel	2021	2022	
Community Development Director	0.5	0.5	-
Community Development Manager	-	-	
Chief Building Official	1.0	1.0	
Senior Inspectors	2.0	2.0	
Inspectors	4.0	4.0	
Clerical Technicians	2.3	2.0	-
Total	9.8	9.5	

Given the incongruence in its 2022 actual budget and its 2022 report filed under Minn. Stats Statues 326B.145, it would be appropriate for the Department to outline the approved uses for these funds to clear up that they are for to be used for the enforcement of the State Building Code, not for the general fund, or to balance the city’s budget.

It should be noted that the language provided in Subp. 11 is from the Department’s Code Adoption Guide and Subp. 12 affirms the intent of this language by providing a rule that these funds are not comingled.

E. Conditional Approval

At issue in Sheetz v. El Dorado was conditioning approval of a building permit on payment of land use fees. This is a common practice in Minnesota at the convergence of land use exactions and building permits. An applicant must pay a land use fee (or escrow the funds under the appeal process of Minn. State Statue 462.353) in order to get a permit, whether the fee is authorized or not. In Country Joe v. City of Eagan (C8-95-2289) builders were forced to pay an untheorized fee – i.e. a tax – in order to get a permit.

The prosed language in Subp. 2 A and Subp. 7 remove the conditional approval to exclude payment of unrelated fees with a building permit as these functions are not applicable to the Minnesota State Building Code. These changes divorce the land use discussions from that of the building code.

Conclusion

Given the scope of this issue, the recent Court decision and comments made in the public record of this matter, it is wholly appropriate for the Department to strengthen the language in the Minnesota State Building Code to provide enforceability for Minnesota Rules 1300.0160.

Enclosures:

- *Sheetz v. El Dorado Opinions*
- *Star Tribune Article: 'Cookie jar' e-mail inflames debate over Minnesota cities' permit fees*
-
- *Housing First Minnesota v. City of Corcoran / City of Dayton District Court Filings*
- *Housing First Minnesota v. City of Corcoran and Dayton Consolidated Appeal*

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

It seeks to affirm the intent of the fees related to the State Building Code by providing explicit language to protect against overcharging of building permits.

3. What other factors should the TAG consider?

Despite all the public attention to this matter, the practice of massing building permit surpluses has continued, see Figure 1.

The recent Sheetz v. El Dorado case provides the Department an opportunity to address this issue.

Cost/Benefit Analysis

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

Decrease costs where overcharging is happening. Municipalities not engaged in this practice will be unaffected.

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: Administrative change and will not impact safety or durability.

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

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

Homebuyers who are overcharged for a permit by. Municipalities (who are often left out of this discussion). Builders who pull permits. Municipalities accumulating massive building permit surpluses

- 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.**

A state legislative directive to DLI to modify the building code is the only other way to accomplish this, which would still need to go through the TAG process. As the Department prefers code changes to not go through the legislative process, this is the most direct way to address this issue without. The Legislature is likely to take a dim view of the Department's opposition to legislative action should it elect to not seek an administrative solution.

- 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 lawsuits against municipalities over their fee schedules, continued over-charging for permit. Possible reputational harm to DLI with continued inaction on this issue, the response of which may be a legislative directive that does not go through a TAG process.

- 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.**

There are three United States Supreme Court precedents that are directly related to this proposal.

- *Dolan v. Tigard* (1994): Established the legal precedent of rough proportionality.
- *Koontz v. St. John's River Water Management* (2013): Monetary exactions are established as a regulatory taking.
- *Sheetz. El Dorado* (2024): Established that legislative and administrative actions are not immune from the takings clause. Per the Board of Appeals March 2021 decision, fee schedules are legislative actions.

***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.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SHEETZ v. COUNTY OF EL DORADO, CALIFORNIA

CERTIORARI TO THE COURT OF APPEAL OF CALIFORNIA,
THIRD APPELLATE DISTRICT

No. 22–1074. Argued January 9, 2024—Decided April 12, 2024

As a condition of receiving a residential building permit, petitioner George Sheetz was required by the County of El Dorado to pay a \$23,420 traffic impact fee. The fee was part of a “General Plan” enacted by the County’s Board of Supervisors to address increasing demand for public services spurred by new development. The fee amount was not based on the costs of traffic impacts specifically attributable to Sheetz’s particular project, but rather was assessed according to a rate schedule that took into account the type of development and its location within the County. Sheetz paid the fee under protest and obtained the permit. He later sought relief in state court, claiming that conditioning the building permit on the payment of a traffic impact fee constituted an unlawful “exaction” of money in violation of the Takings Clause. In Sheetz’s view, the Court’s decisions in *Nollan v. California Coastal Comm’n*, 483 U. S. 825, and *Dolan v. City of Tigard*, 512 U. S. 374, required the County to make an individualized determination that the fee imposed on him was necessary to offset traffic congestion attributable to his project. The courts below ruled against Sheetz based on their view that *Nollan* and *Dolan* apply only to permit conditions imposed on an ad hoc basis by administrators, not to a fee like this one imposed on a class of property owners by Board-enacted legislation. 84 Cal. App. 5th 394, 402, 300 Cal. Rptr. 3d 308, 312.

Held: The Takings Clause does not distinguish between legislative and administrative land-use permit conditions. Pp. 4–11.

(a) When the government wants to take private property for a public purpose, the Fifth Amendment’s Takings Clause requires the government to provide the owner “just compensation.” The Takings Clause saves individual property owners from bearing “public burdens which, in all fairness and justice, should be borne by the public as a

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whole.” *Armstrong v. United States*, 364 U. S. 40, 49. Even so, the States have substantial authority to regulate land use, see *Village of Euclid v. Ambler Realty Co.*, 272 U. S. 365, and a State law that merely restricts land use in a way “reasonably necessary to the effectuation of a substantial government purpose” is not a taking unless it saps too much of the property’s value or frustrates the owner’s investment-backed expectations. *Penn Central Transp. Co. v. New York City*, 438 U. S. 104, 123, 127. Similarly, when the government can deny a building permit to further a “legitimate police-power purpose,” it can also place conditions on the permit that serve the same end. *Nollan*, 483 U. S., at 836. For example, if a proposed development will “substantially increase traffic congestion,” the government may condition the building permit on the owner’s willingness “to deed over the land needed to widen a public road.” *Koontz v. St. Johns River Water Management Dist.*, 570 U. S. 595, 605. But when the government withholds or conditions a building permit for reasons unrelated to its legitimate land-use interests, those actions amount to extortion. See *Nollan*, 483 U. S., at 837.

The Court’s decisions in *Nollan* and *Dolan* address the potential abuse of the permitting process by setting out a two-part test modeled on the unconstitutional conditions doctrine. See *Perry v. Sindermann*, 408 U. S. 593, 597. First, permit conditions must have an “essential nexus” to the government’s land-use interest, ensuring that the government is acting to further its stated purpose, not leveraging its permitting monopoly to exact private property without paying for it. See *Nollan*, 483 U. S., at 837, 841. Second, permit conditions must have “rough proportionality” to the development’s impact on the land-use interest and may not require a landowner to give up (or pay) more than is necessary to mitigate harms resulting from new development. See *Dolan*, 512 U. S., at 391, 393; *Koontz*, 570 U. S., at 612–615. Pp. 4–6.

(b) The County’s traffic impact fee was upheld below based on the view that the *Nollan/Dolan* test does not apply to monetary fees imposed by a legislature, but nothing in constitutional text, history, or precedent supports exempting legislatures from ordinary takings rules. The Constitution provides “no textual justification for saying that the existence or the scope of a State’s power to expropriate private property without just compensation varies according to the branch of government effecting the expropriation.” *Stop the Beach Renourishment, Inc. v. Florida Dept. of Environmental Protection*, 560 U. S. 702, 714 (plurality opinion). Historical practice similarly shows that legislation was the conventional way that governments at the state and national levels exercised their eminent domain power to obtain land for various governmental purposes, and to provide compensation to dispossessed landowners. The Fifth Amendment enshrined this long

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standing practice. Precedent points the same way as text and history. A legislative exception to the *Nollan/Dolan* test “conflicts with the rest of [the Court’s] takings jurisprudence,” which does not otherwise distinguish between legislation and other official acts. *Knick v. Township of Scott*, 588 U. S. 180, 185. That is true of precedents involving physical takings, regulatory takings, and the unconstitutional conditions doctrine which underlies the *Nollan/Dolan* test. Pp. 7–10.

(c) As the parties now agree, conditions on building permits are not exempt from scrutiny under *Nollan* and *Dolan* just because a legislative body imposed them. Whether a permit condition imposed on a class of properties must be tailored with the same degree of specificity as a permit condition that targets a particular development is an issue for the state courts to consider in the first instance, as are issues concerning whether the parties’ other arguments are preserved and how those arguments bear on Sheetz’s legal challenge. Pp. 10–11.

84 Cal. App. 5th 394, 300 Cal. Rptr. 3d 308, vacated and remanded.

BARRETT, J., delivered the opinion for a unanimous Court. SOTOMAYOR, J., filed a concurring opinion, in which JACKSON, J., joined. GORSUCH, J., filed a concurring opinion. KAVANAUGH, J., filed a concurring opinion, in which KAGAN and JACKSON, JJ., joined.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, pio@supremecourt.gov, of any typographical or other formal errors.

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
EL DORADO, CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, THIRD APPELLATE DISTRICT

[April 12, 2024]

JUSTICE BARRETT delivered the opinion of the Court.

George Sheetz wanted to build a small, prefabricated home on his residential parcel of land. To obtain a permit, though, he had to pay a substantial fee to mitigate local traffic congestion. Relying on this Court’s decisions in *Nollan v. California Coastal Comm’n*, 483 U. S. 825 (1987), and *Dolan v. City of Tigard*, 512 U. S. 374 (1994), Sheetz challenged the fee as an unlawful “exaction” of money under the Takings Clause. The California Court of Appeal rejected that argument because the traffic impact fee was imposed by legislation, and, according to the court, *Nollan* and *Dolan* apply only to permit conditions imposed on an ad hoc basis by administrators. That is incorrect. The Takings Clause does not distinguish between legislative and administrative permit conditions.

I
A

El Dorado County, California is a rural jurisdiction that lies east of Sacramento and extends to the Nevada border. Much of the County’s 1,700 square miles is backcountry. It

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is home to the Sierra Nevada mountain range and the Eldorado National Forest. Those areas, composed mainly of public lands, are sparsely populated. Visitors from around the world use the natural areas for fishing, backpacking, and other recreational activities.

Most of the County's residents are concentrated in the west and east regions. In the west, the towns of El Dorado Hills, Cameron Park, and Shingle Springs form the outer reaches of Sacramento's suburbs. Placerville, the county seat, lies just beyond them. In the east, residents live along the south shores of Lake Tahoe. Highway 50 connects these population centers and divides the County into north and south portions.

In recent decades, the County has experienced significant population growth, and with it an increase in new development. To account for the new demand on public services, the County's Board of Supervisors adopted a planning document, which it calls the General Plan, to address issues ranging from wastewater collection to land-use restrictions.¹ The Board of Supervisors is a legislative body under state law, and the adoption of its General Plan is a legislative act. See Cal. Govt. Code Ann. §65300 *et seq.* (West 2024).

To address traffic congestion, the General Plan requires developers to pay a traffic impact fee as a condition of receiving a building permit. The County uses proceeds from these fees to fund improvements to its road system. The fee amount is determined by a rate schedule, which takes into account the type of development (commercial, residential, and so on) and its location within the County. The amount is not based on "the cost specifically attributable to the particular project on which the fee is imposed." 84 Cal. App. 5th 394, 402, 300 Cal. Rptr. 3d 308, 312 (2022).

¹See County of El Dorado Adopted General Plan, https://edcgov.us/Government/planning/Pages/adopted_general_plan.aspx.

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B

George Sheetz owns property in the center of the County near Highway 50, which the General Plan classifies as “Low Density Residential.”² Sheetz and his wife applied for a permit to build a modest prefabricated house on the parcel, with plans to raise their grandson there. As a condition of receiving the permit, the County required Sheetz to pay a traffic impact fee of \$23,420, as dictated by the General Plan’s rate schedule. Sheetz paid the fee under protest and obtained the permit. The County did not respond to his request for a refund.

Sheetz sought relief in state court. He claimed, among other things, that conditioning the building permit on the payment of a traffic impact fee constituted an unlawful “exaction” of money in violation of the Takings Clause. In Sheetz’s view, our decisions in *Nollan v. California Coastal Comm’n*, 483 U. S. 825, and *Dolan v. City of Tigard*, 512 U. S. 374, required the County to make an individualized determination that the fee amount was necessary to offset traffic congestion attributable to his specific development. The County’s predetermined fee schedule, Sheetz argued, failed to meet that requirement.

The trial court rejected Sheetz’s claim and the California Court of Appeal affirmed. Relying on precedent from the California Supreme Court, the Court of Appeal asserted that the *Nollan/Dolan* test applies only to permit conditions imposed “‘on an individual and discretionary basis.’” 84 Cal. App. 5th, at 406, 300 Cal. Rptr. 3d, at 316 (quoting *San Remo Hotel L. P. v. City and Cty. of San Francisco*, 27 Cal. 4th 643, 666–670, 41 P. 3d 87, 102–105 (2002)). Fees imposed on “a broad class of property owners through legislative action,” it said, need not satisfy that test. 84 Cal. App.

²See Figure LU–1: Land Use Diagram, <https://edcgov.us/government/planning/adoptedgeneralplan/figures/documents/LU-1.pdf>.

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5th, at 407, 300 Cal. Rptr. 3d, at 316. The California Supreme Court denied review.

State courts have reached different conclusions on the question whether the Takings Clause recognizes a distinction between legislative and administrative conditions on land-use permits.³ We granted certiorari to resolve the split. 600 U. S. ____ (2023).

II

A

When the government wants to take private property to build roads, courthouses, or other public projects, it must compensate the owner at fair market value. The just compensation requirement comes from the Fifth Amendment’s Takings Clause, which provides: “nor shall private property be taken for public use, without just compensation.” By requiring the government to pay for what it takes, the Takings Clause saves individual property owners from bearing “public burdens which, in all fairness and justice, should be borne by the public as a whole.” *Armstrong v. United States*, 364 U. S. 40, 49 (1960).

The Takings Clause’s right to just compensation coexists with the States’ police power to engage in land-use planning. (Though at times the two seem more like in-laws than soulmates.) While States have substantial authority to regulate land use, see *Village of Euclid v. Amber Realty Co.*, 272 U. S. 365 (1926), the right to compensation is triggered if they “physically appropriat[e]” property or otherwise in-

³Compare, *e.g.*, *Home Builders Assn. of Dayton and Miami Valley v. Beavercreek*, 89 Ohio St. 3d 121, 128, 729 N. E. 2d 349, 356 (2000); *Northern Ill. Home Builders Assn. v. County of Du Page*, 165 Ill. 2d 25, 32–33, 649 N. E. 2d 384, 389 (1995) (applying the *Nollan/Dolan* test to legislative permit conditions), with, *e.g.*, *St. Clair Cty. Home Builders Assn. v. Pell City*, 61 So. 3d 992, 1007 (Ala. 2010); *Home Builders Assn. of Central Ariz. v. Scottsdale*, 187 Ariz. 479, 486, 930 P. 2d 993, 1000 (1997) (following California’s approach).

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terfere with the owner’s right to exclude others from it, *Cedar Point Nursery v. Hassid*, 594 U. S. 139, 149–152 (2021). That sort of intrusion on property rights is a *per se* taking. *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U. S. 419, 426 (1982). Different rules apply to State laws that merely restrict how land is used. A use restriction that is “reasonably necessary to the effectuation of a substantial government purpose” is not a taking unless it saps too much of the property’s value or frustrates the owner’s investment-backed expectations. *Penn Central Transp. Co. v. New York City*, 438 U. S. 104, 123, 127 (1978); see also *Lucas v. South Carolina Coastal Council*, 505 U. S. 1003, 1016 (1992) (“[T]he Fifth Amendment is violated when land-use regulation does not substantially advance legitimate state interests *or denies an owner economically viable use of his land*” (internal quotation marks omitted)).

Permit conditions are more complicated. If the government can deny a building permit to further a “legitimate police-power purpose,” then it can also place conditions on the permit that serve the same end. *Nollan*, 483 U. S., at 836. Such conditions do not entitle the landowner to compensation even if they require her to convey a portion of her property to the government. *Ibid.* Thus, if a proposed development will “substantially increase traffic congestion,” the government may condition the building permit on the owner’s willingness “to deed over the land needed to widen a public road.” *Koontz v. St. Johns River Water Management Dist.*, 570 U. S. 595, 605 (2013). We have described permit conditions of this nature as “a hallmark of responsible land-use policy.” *Ibid.* The government is entitled to put the landowner to the choice of accepting the bargain or abandoning the proposed development. See R. Epstein, *Bargaining With the State* 188 (1993).

The bargain takes on a different character when the government withholds or conditions a building permit for rea-

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sons unrelated to its land-use interests. Imagine that a local planning commission denies the owner of a vacant lot a building permit unless she allows the commission to host its annual holiday party in her backyard (in property speak, granting it a limited-access easement). The landowner is “likely to accede to the government’s demand, no matter how unreasonable,” so long as she values the building permit more. *Koontz*, 570 U. S., at 605. So too if the commission gives the landowner the option of bankrolling the party at a local pub instead of hosting it on her land. See *id.*, at 612–615. Because such conditions lack a sufficient connection to a legitimate land-use interest, they amount to “an out-and-out plan of extortion.” *Nollan*, 483 U. S., at 837 (internal quotation marks omitted).

Our decisions in *Nollan* and *Dolan* address this potential abuse of the permitting process. There, we set out a two-part test modeled on the unconstitutional conditions doctrine. See *Perry v. Sindermann*, 408 U. S. 593, 597 (1972) (government “may not deny a benefit to a person on a basis that infringes his constitutionally protected interests”). First, permit conditions must have an “essential nexus” to the government’s land-use interest. *Nollan*, 483 U. S., at 837. The nexus requirement ensures that the government is acting to further its stated purpose, not leveraging its permitting monopoly to exact private property without paying for it. See *id.*, at 841. Second, permit conditions must have “rough proportionality” to the development’s impact on the land-use interest. *Dolan*, 512 U. S., at 391. A permit condition that requires a landowner to give up more than is necessary to mitigate harms resulting from new development has the same potential for abuse as a condition that is unrelated to that purpose. See *id.*, at 393. This test applies regardless of whether the condition requires the landowner to relinquish property or requires her to pay a “monetary exactio[n]” instead of relinquishing the property. *Koontz*, 570 U. S., at 612–615.

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B

The California Court of Appeal declined to assess the County’s traffic impact fee for an essential nexus and rough proportionality based on its view that the *Nollan/Dolan* test does not apply to “legislatively prescribed monetary fees.” 84 Cal. App. 5th, at 407, 300 Cal. Rptr. 3d, at 316 (internal quotation marks omitted). That was error. Nothing in constitutional text, history, or precedent supports exempting legislatures from ordinary takings rules.

The Constitution’s text does not limit the Takings Clause to a particular branch of government. The Clause itself, which speaks in the passive voice, “focuses on (and prohibits) a certain ‘act’: the taking of private property without just compensation.” *Knight v. Metropolitan Govt. of Nashville & Davidson Cty.*, 67 F. 4th 816, 829 (CA6 2023). It does not single out legislative acts for special treatment. Nor does the Fourteenth Amendment, which incorporates the Takings Clause against the States. On the contrary, the Amendment constrains the power of each “State” as an undivided whole. §1. Thus, there is “no textual justification for saying that the existence or the scope of a State’s power to expropriate private property without just compensation varies according to the branch of government effecting the expropriation.” *Stop the Beach Renourishment, Inc. v. Florida Dept. of Environmental Protection*, 560 U. S. 702, 714 (2010) (plurality opinion). Just as the Takings Clause “protects ‘private property’ without any distinction between different types,” *Horne v. Department of Agriculture*, 576 U. S. 351, 358 (2015), it constrains the government without any distinction between legislation and other official acts. So far as the Constitution’s text is concerned, permit conditions imposed by the legislature and other branches stand on equal footing.

The same goes for history. In fact, special deference for legislative takings would have made little sense historically, because legislation was the conventional way that

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governments exercised their eminent domain power. Before the founding, colonial governments passed statutes to secure land for courthouses, prisons, and other public buildings. See, *e.g.*, 4 Statutes at Large of South Carolina 319 (T. Cooper ed. 1838) (Act of 1770) (Cooper); 6 Statutes at Large, Laws of Virginia 283 (W. Hening ed. 1819) (Act of 1752) (Hening). These statutes “invariably required the award of compensation to the owners when land was taken.” J. Ely, “That Due Satisfaction May Be Made:” the Fifth Amendment and the Origins of the Compensation Principle, 36 *Am. J. Legal Hist.* 1, 5 (1992). Colonial practice thus echoed English law, which vested Parliament alone with the eminent domain power and required that property owners receive “full indemnification . . . for a reasonable price.” 1 W. Blackstone, *Commentaries on the Laws of England* 139 (1768).

During and after the Revolution, governments continued to exercise their eminent domain power through legislation. States passed statutes to obtain private land for their new capitals and provided compensation to the landowners. See, *e.g.*, 4 Cooper 751–752 (Act of 1786); 10 Hening 85–87 (1822 ed.) (Act of 1779). At the national level, Congress passed legislation to settle the Northwest Territory, which likewise required the payment of compensation to dispossessed property owners. Northwest Ordinance of 1789, 1 Stat. 52. Two years later, the Fifth Amendment enshrined this longstanding practice. Against this background, it is little surprise that early constitutional theorists understood the Takings Clause to bind the legislature specifically. See, *e.g.*, 3 J. Story, *Commentaries on the Constitution of the United States* §1784, p. 661 (1833); 2 J. Kent, *Commentaries on American Law* 275–276 (1827). Far from supporting a deferential view, history shows that legislation was a prime target for scrutiny under the Takings Clause.

Precedent points the same way as text and history. A

Opinion of the Court

legislative exception to the *Nollan/Dolan* test “conflicts with the rest of our takings jurisprudence,” which does not otherwise distinguish between legislation and other official acts. *Knick v. Township of Scott*, 588 U. S. 180, 185 (2019). That is true of physical takings, regulatory takings, and the unconstitutional conditions doctrine in which the *Nollan/Dolan* test is rooted.

Start with our physical takings cases. We have applied the *per se* rule requiring just compensation to both legislation and administrative action. In *Loretto*, we held that a state statute effected a taking because it authorized cable companies to install equipment on private property without the owner’s consent. 458 U. S., at 438. In *Horne*, we held that an administrative order effected a taking because it required farmers to give the Federal Government a portion of their crop to stabilize market prices. 576 U. S., at 361. The branch of government that authorized the appropriation did not matter to the analysis in either case. Nor should it have. As we have explained: “The essential question is not . . . whether the government action at issue comes garbed as a regulation (or statute, or ordinance, or miscellaneous decree). It is whether the government has physically taken property for itself or someone else.” *Cedar Point*, 594 U. S., at 149.

This principle is evident in our regulatory takings cases too. We have examined land-use restrictions imposed by both legislatures and administrative agencies to determine whether the restriction amounted to a taking. In *Pennsylvania Coal Co. v. Mahon*, we held a state statute effected a taking because it prohibited the owner of mineral rights from mining coal beneath the surface estate, thus depriving the mineral rights of practically all economic value. 260 U. S. 393, 414 (1922). And in *Palazzolo v. Rhode Island*, we remanded for the lower courts to determine whether an agency decision effected a taking when it denied the owner permission to build a beach club on the wetland portion of

Opinion of the Court

his property but allowed him to build a home on the upland portion. 533 U. S. 606, 631 (2001). Here again, our decisions did not suggest that the outcome turned on which branch of government imposed the restrictions.

Excusing legislation from the *Nollan/Dolan* test would also conflict with precedent applying the unconstitutional conditions doctrine in other contexts. We have applied that doctrine to scrutinize legislation that placed conditions on the right to free speech, *Agency for Int'l Development v. Alliance for Open Society Int'l, Inc.*, 570 U. S. 205 (2013), free exercise of religion, *Sherbert v. Verner*, 374 U. S. 398 (1963), and access to federal courts, *Terral v. Burke Constr. Co.*, 257 U. S. 529 (1922), among others, e.g., *Memorial Hospital v. Maricopa County*, 415 U. S. 250 (1974) (right to travel). Failing to give like treatment to legislative conditions on building permits would thus “relegat[e the just compensation requirement] to the status of a poor relation” to other constitutional rights. *Dolan*, 512 U. S., at 392.

In sum, there is no basis for affording property rights less protection in the hands of legislators than administrators. The Takings Clause applies equally to both—which means that it prohibits legislatures and agencies alike from imposing unconstitutional conditions on land-use permits.

III

The County no longer contends otherwise. In fact, at oral argument, the parties expressed “radical agreement” that conditions on building permits are not exempt from scrutiny under *Nollan* and *Dolan* just because a legislature imposed them. Tr. of Oral Arg. 4, 73–74. The County was wise to distance itself from the rule applied by the California Court of Appeal, because, as we have explained, a legislative exception to the ordinary takings rules finds no support in constitutional text, history, or precedent.

We do not address the parties’ other disputes over the validity of the traffic impact fee, including whether a permit

Opinion of the Court

condition imposed on a class of properties must be tailored with the same degree of specificity as a permit condition that targets a particular development. The California Court of Appeal did not consider this point—or any of the parties’ other nuanced arguments—because it proceeded from the erroneous premise that legislative permit conditions are categorically exempt from the requirements of *Nollan* and *Dolan*. Whether the parties’ other arguments are preserved and how they bear on Sheetz’s legal challenge are for the state courts to consider in the first instance.

* * *

The judgment of the California Court of Appeal is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

SOTOMAYOR, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
EL DORADO, CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, THIRD APPELLATE DISTRICT

[April 12, 2024]

JUSTICE SOTOMAYOR, with whom JUSTICE JACKSON joins,
concurring.

I join the Court’s resolution of the limited question presented in this case, that conditions on building permits are “not exempt from scrutiny under *Nollan* and *Dolan* just because a legislature imposed them.” *Ante*, at 10; see *Nollan v. California Coastal Comm’n*, 483 U. S. 825 (1987); *Dolan v. City of Tigard*, 512 U. S. 374 (1994). There is, however, an important threshold question to any application of *Nollan/Dolan* scrutiny: whether the permit condition would be a compensable taking if imposed outside the permitting context.

“A predicate for any unconstitutional conditions claim is that the government could not have constitutionally ordered the person asserting the claim to do what it attempted to pressure that person into doing.” *Koontz v. St. Johns River Water Management Dist.*, 570 U. S. 595, 612 (2013). In the takings context, *Nollan/Dolan* scrutiny therefore applies only when the condition at issue would have been a compensable taking if imposed outside the permitting process. See *Koontz*, 570 U. S., at 612 (“[W]e began our analysis in both *Nollan* and *Dolan* by observing that if the government had directly seized the easements it sought to obtain through the permitting process, it would have committed a *per se* taking”).

SOTOMAYOR, J., concurring

The question presented in this case did not include that antecedent question: whether the traffic impact fee would be a compensable taking if imposed outside the permitting context and therefore could trigger *Nollan/Dolan* scrutiny. The California Court of Appeal did not consider that question and the Court does not resolve it. See *ante*, at 10–11. With this understanding, I join the Court’s opinion.

GORSUCH, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
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ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
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[April 12, 2024]

JUSTICE GORSUCH, concurring.

George Sheetz sued El Dorado County, alleging that the county’s actions violated the Takings Clause under the test this Court set forth in *Nollan v. California Coastal Comm’n*, 483 U. S. 825 (1987), and *Dolan v. City of Tigard*, 512 U. S. 374 (1994). State courts dismissed Mr. Sheetz’s suit, holding that the *Nollan/Dolan* test applies only in challenges to administrative, not legislative, actions. Today, the county essentially confesses error, and the Court corrects the state courts’ mistake. It does so because our Constitution deals in substance, not form. However the government chooses to act, whether by way of regulation “‘or statute, or ordinance, or miscellaneous decree,’” it must follow the same constitutional rules. *Ante*, at 9 (quoting *Cedar Point Nursery v. Hassid*, 594 U. S. 139, 149 (2021)).

The Court notes but does not address a separate question: whether the *Nollan/Dolan* test operates differently when an alleged taking affects a “class of properties” rather than “a particular development.” *Ante*, at 11. But how could it? To assess whether a government has engaged in a taking by imposing a condition on the development of land, the *Nollan/Dolan* test asks whether the condition in question bears an “‘essential nexus’” to the government’s land-use interest and has “‘rough proportionality’” to a property’s impact on that interest. *Ante*, at 6. Nothing about that test

GORSUCH, J., concurring

depends on whether the government imposes the challenged condition on a large class of properties or a single tract or something in between. Once more, how the government acts may vary but the Constitution's standard for assessing those actions does not.

Our precedents confirm as much. In *Nollan*, the California Coastal Commission told the plaintiffs that they could build a home on their land only if they accepted an easement allowing public access across their property along the beach. The plaintiffs argued that the commission's demand amounted to a taking without just compensation, and the Court agreed. In doing so, the Court acknowledged that the commission hadn't singled out the plaintiffs' particular property for special treatment but "had similarly conditioned" dozens of other building projects. 483 U. S., at 829. It acknowledged, too, that the commission's demand of the plaintiffs came about only because of a "comprehensive program" demanding similar public access easements up and down the California coast. *Id.*, at 841. But none of that made any difference in the Court's analysis, the test it applied, or the conclusion it reached. All that mattered was whether the government's action amounted to an uncompensated taking of the property of the plaintiffs whose case was actually before the Court. *Id.*, at 838.

In *Dolan*, the Court faced a similar situation and reached a similar conclusion. There, an Oregon municipality conditioned a building permit on the plaintiff's agreement to dedicate part of her land to "flood control and traffic improvements." 512 U. S., at 377. No one suggested that the city had targeted the plaintiff's development for special treatment; everyone agreed that the city's challenged action was the result of a "comprehensive land use pla[n]," one developed to meet "statewide planning goals." *Ibid.* Even so, the Court held an "individualized determination" necessary to determine whether an unconstitutional taking had occurred under the same test the Court applied in *Nollan*.

GORSUCH, J., concurring

512 U. S., at 393.

The logic of today’s decision is entirely consistent with these conclusions. The Takings Clause, the Court stresses, is no “‘poor relation’ to other constitutional rights.” *Ante*, at 10 (quoting *Dolan*, 512 U. S., at 392). And the government rarely mitigates a constitutional problem by multiplying it. A governmentally imposed condition on the freedom of speech, the right to assemble, or the right to confront one’s accuser, for example, is no more permissible when enforced against a large “class” of persons than it is when enforced against a “particular” group. If takings claims must receive “like treatment,” *ante*, at 10, whether the government owes just compensation for taking your property cannot depend on whether it has taken your neighbors’ property too.

In short, nothing in *Nollan*, *Dolan*, or today’s decision supports distinguishing between government actions against the many and the few any more than it supports distinguishing between legislative and administrative actions. In all these settings, the same constitutional rules apply. With that understanding, I am pleased to join the Court’s opinion.

KAVANAUGH, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
EL DORADO, CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, THIRD APPELLATE DISTRICT

[April 12, 2024]

JUSTICE KAVANAUGH, with whom JUSTICE KAGAN and JUSTICE JACKSON join, concurring.

I join the Court’s opinion. I write separately to underscore that the Court has not previously decided—and today explicitly declines to decide—whether “a permit condition imposed on a class of properties must be tailored with the same degree of specificity as a permit condition that targets a particular development.” *Ante*, at 10–11. Importantly, therefore, today’s decision does not address or prohibit the common government practice of imposing permit conditions, such as impact fees, on new developments through reasonable formulas or schedules that assess the impact of classes of development rather than the impact of specific parcels of property. Moreover, as is apparent from the fact that today’s decision expressly leaves the question open, no prior decision of this Court has addressed or prohibited that longstanding government practice. Both *Nollan* and *Dolan* considered permit conditions tailored to specific parcels of property. See *Dolan v. City of Tigard*, 512 U. S. 374, 379–381, 393 (1994); *Nollan v. California Coastal Comm’n*, 483 U. S. 825, 828–829 (1987). Those decisions had no occasion to address permit conditions, such as impact fees, that are imposed on permit applicants based on reasonable formulas or schedules that assess the impact of classes of development.

LOCAL

'Cookie jar' e-mail inflames debate over Minnesota cities' permit fees

Builders say message is proof that cities are overcharging them.

By Eric Roper (<https://www.startribune.com/eric-roper/6170342/>) Star Tribune |

SEPTEMBER 9, 2019 — 8:19PM

Minnesota cities have pushed back on [accusations by local builders](http://www.startribune.com/builders-say-cities-are-overcharging-for-permits/556971672/?refresh=true) (<http://www.startribune.com/builders-say-cities-are-overcharging-for-permits/556971672/?refresh=true>) that they overcharge for permits to pay for other city services. But soon after the builders' report was released last month, the chairman of the association representing local building officials confided to his peers that cities had "got their hand caught in the cookie jar."

The Aug. 21 e-mail, obtained by the Star Tribune through a public records request, adds to a simmering debate over whether cities have raised the cost of new housing by charging more for building permits than it costs them to provide inspection services. State rules say the fees should be "proportionate to the actual cost of service."

The law also says cities must submit annual forms documenting their building fees and expenses, but few complied until recently. Nearly 100 have been submitted to the Department of Labor and Industry (DLI) since the builders' report was released.

"We all have to agree we know it has been happening. We all know that when we said something about it [it] fell on deaf ears," James Williamette, chairman of the Association of Minnesota Building Officials, wrote to the group's board members — most of them city building officials — regarding the prior day's news conference at the Capitol. "We all know that pushing this issue with management was always difficult and a few of our peers were let go over this."

He wrote in the e-mail that building officials have little say on how the permit money gets allocated. "The fact is most cities depend on permit revenue to help balance the budget," he wrote.

Williamette said in an interview last week that he misspoke in the e-mail and was incensed at the time by what he had read in the builders' report about a suburb planning to use permit money for a City Hall remodel. He said he does not have evidence to back up the claims in his note, some of which — like employees being terminated — were based on hearsay.

"We don't know exactly what the cost of the service is, so we have no idea," Williamette said. "There's a lot of money coming in, and it costs a lot of money for the departments. ... We don't know what's happening."



STAR TRIBUNE, STAR TRIBUNE

Building materials for a home under construction sat near several already inhabited homes in Inver Grove Heights last year.

ADVERTISEMENT

But builders seized on the e-mail as confirmation of their argument.

"To us [the e-mail] validates our worst fears. It says to us cities are knowingly overcharging for permits," said David Siegel, executive director of Housing First Minnesota, which published the report through its research arm. "And that's regrettable, but it's undeniable. And it suggests that the things we found are in fact very real."

Siegel added that they sympathize with the building officials, who appear to be caught in the middle of this debate.

The Minnesota Senate is scheduled to hold a hearing Tuesday on the issue.

State officials say they have heard similar qualms over the years to those expressed by Williamette.

"Code officials have been saying this is an issue," said Scott McLellan, director of construction codes and licensing with DLI. "It's no secret that they speculate that the fees aren't used properly because generally they would like to see more help in administering the code at the local level."

But, McLellan added, "we have no factual data to substantiate it."

Proving a city is misusing permit fees is complicated, because many cities put the money in their general fund, rather than a dedicated account, making it difficult to track what expenses it ultimately supports. The law is also not clear about precisely where the line gets drawn on what is proportional.

The [DLI forms instruct cities](http://www.dli.mn.gov/sites/default/files/pdf/bc_ec016_mcdreport_6_27.pdf)

(http://www.dli.mn.gov/sites/default/files/pdf/bc_ec016_mcdreport_6_27.pdf) to isolate their inspection-related expenses, including external costs from other departments. The builders drew on those reports to show that, over five years, cities received about \$78 million more in permit revenue than they reported spending on related inspection services.

But League of Minnesota Cities lobbyist Irene Kao said the builders are too narrowly comparing permit revenue to inspection expenses, without accounting for other development-related expenses like planning and zoning.

Those other costs and fees, documented elsewhere on the DLI form, show some cities earning far less than they spend, Kao said. In its 2018 form submitted in late August, for example, Minneapolis reported a \$2 million surplus related to inspection fees and expenses, but a \$4 million deficit in relation to other development costs. St. Paul's form, also submitted recently, shows a similar pattern.

"If the criticism is cities are taking in all this money and not using it for these purposes ... it's not that simple," Kao said. "If you only look at building inspection fees and expenses, that corroborates that story. But if you take a look at all of the fees and expenses related to the development, it doesn't."

Kao said the five-year analysis also misses years when the economy was poor and cities earned far less in fees, so the League is conducting its own 10-year examination of the data.

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

File No. 27-CV-21-9070

Housing First Minnesota, a non-
profit trade association,

CASE TYPE: Declaratory
Judgment/Injunction

Plaintiff,

The Honorable Francis J. Magill

v.

City of Dayton, a Minnesota
municipal corporation,

**PLAINTIFF’S MEMORANDUM IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

Defendant.

INTRODUCTION

The law requires that municipal building permit fees must be “must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.” Building permit fees must be a “fee for service.” Cities may not charge “additional or extra fees to support a municipality’s general fund or other special interest projects undertaken by the municipality.” Between 2018 and 2021, the City collected approximately \$2.9 million in excess building permit revenue. The City’s reporting method is overinclusive; the true amount of excess revenue is substantially greater. The City has deposited \$2.7 million into “Fund 409”, which is designed to self-finance municipal development projects. The overwhelming majority of that money is excess building permit revenue. But for the City using building permit excess revenue to balance its budget and subsidize other City funds, Fund 409 would have a balance of over \$3.3 million. Housing First is entitled to summary judgment on its request for declaratory relief that the City’s building permit fees violate the law. The City should be ordered to stop its practice of reporting expenses unrelated to the state building code. All monies in Fund 409 should be ordered disgorged.

STATEMENT OF THE RECORD

1. *Verified* Complaint (“*V. Compl.*”)
2. City Building Permit Fee Schedule (Section 3: Building, Section 10: Valuation Building Permit Fees, State Surcharge & Plan Check);
3. Declaration of Bryan J. Huntington filed March 10, 2023 (“Huntington Decl.”), with exhibits:
 1. Baker Tilly Final Report dated January 10, 2022
 2. Metro West “Independent Contractor Agreement”
 3. Stantec letter dated January 3, 2022 addressed to the attention of Tina Goodroad
 4. Deposition Transcript of Troy Okerlund
 5. Agenda of a Dayton City Council Work Session dated November 10, 2015 and associated documents
 6. City of Dayton Management’s Discussion and Analysis
 7. Excerpts from the deposition transcript of Tina Goodroad
 8. Communications Letter dated December 31, 2016 prepared by BerganKDV.
 9. City’s Interfund Loan Policy
 10. Excerpts from the deposition of Zachary Doud
 11. AEM Financial Solutions, LLC Long Term Plan dated December 13, 2016
 12. City’s 2018 DLI report
 13. City’s 2019 DLI report
 14. City’s 2020 DLI report
 15. City’s 2021 DLI report
 16. Resolution No. 30-2018 (executed)
 17. Resolution No. 23-2019 (not executed)
 18. Resolution No. 24-2020 (not executed)
 19. Resolution No. 16-2021 (not executed)
 20. Resolution No. 31-2022 (not executed)
 21. Spreadsheet produced by the City in this litigation, introduced at the deposition of Troy Okerlund as Exhibit 10
 22. Transaction report for Metro West
 23. E-main chain produced by the City of Dayton between Tina Goodroad and Tim McNeil
 24. E-main chain produced by the City of Dayton between Tina Goodroad, Troy Okerlund, and others
 25. Goodroad deposition Exhibit 6
 26. Excerpts from the deposition of Alec Henderson
 27. Goodroad deposition Exhibit 14
 28. Spreadsheet that was introduced at the Goodroad deposition as Exhibit 21
 29. Deposition Transcript of Vicki Holthaus as 30.02(f) representative for Abdo
 30. Abdo Governmental Fee Analysis dated December 16, 2020
 31. OMB Circular A-87 REVISED
 32. Excerpts from the deposition of Andy Berg
 33. Response to the Baker Tilly City of Dayton time study (marked confidential)
 34. E-main chain produced by Baker Tilly between Matt Stark and others
 35. Expert Report of Dr. Elliot Eisenberg, Ph. D with enclosed resume
 36. Department of Labor & Industry Code Adoption Guide (2021 ed.)

FACTS

A. Housing First's Mission and Purpose.

Housing First is a trade association representing the interest of approximately 900 businesses throughout the State of Minnesota that are engaged in the development, construction and remodeling of homes and the supply of materials and services to the housing industry.¹ Among Housing First's organizational mission and purpose is, through advocacy, to oppose unlawful municipal regulations and fees which adversely impact the housing industry, including the City's building permit fees at issue, which increase the cost of housing and thereby reduce housing affordability.²

Housing First includes a diverse group of builders and developers.³ Both builders and developers suffer injury from unlawful building permit fees, as do all homebuyers, as it increases costs for all of these parties.⁴ Housing First members currently have, have had in the past, and will have in the future, numerous developments and homebuilding activities in the City (which have been and will be subject to the City's building permit fees) and have an interest in the outcome of this matter.⁵

By failing to fulfill its legal obligation to follow and comply with the laws and regulations governing imposition of permit fees, the City has collected building permit fees well in excess of the amount(s) allowed by law.⁶ The City has required Housing First's members to

¹ See *V. Compl.* ¶ 7.

² *Id.* ¶ 8.

³ *Id.* ¶ 9.

⁴ *Id.*

⁵ *Id.* ¶ 10.

⁶ *Id.* ¶ 11.

pay fees in excess of the amount allowed by law.⁷ Housing First has an ongoing interest in protecting its membership from the imposition of illegal fees.⁸

B. At All Times Relevant Herein, the City Has Used Third Party Consultants to Administer Building Permits.

State law requires that a municipality use a licensed building official to administer the State Building Code (“SBC”).⁹ The SBC is the “minimum construction standard throughout all of Minnesota including all cities, townships, and counties.”¹⁰ The SBC consists of many rule chapters.¹¹ The Department of Labor and Industry (“DLI”) website details the various chapters comprising the SBC.¹² A City may only have one official responsible for building code administration.¹³ There is an entire chapter of regulations governing certification of building officials.¹⁴

At all times relevant herein the City has contracted with Metro West to perform building permit code review and inspections. Metro West reviews all building plan applications for building code compliance, among other things.¹⁵ Ostensibly the terms of the original contract between the City and Metro West still govern the parties’ relationship (with the exception of current rates).¹⁶ The agreement states that “Contractor shall be personally liable for all labor and expenses incurred in connection with this Agreement.”¹⁷ Moreover, “Contractor shall furnish, at

⁷ *V. Compl.* ¶ 11.

⁸ *Id.*

⁹ Minn. Stat. § 326B.133, Subd. 2.

¹⁰ <https://www.dli.mn.gov/business/codes-and-laws/overview-minnesota-state-building-code>.

¹¹ <https://www.dli.mn.gov/business/codes-and-laws/makeup-minnesota-state-building-code>.

¹² *Id.*

¹³ Minn. Stat. § 326B.133, Subd. 1 (“Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category created by statute or rule.”).

¹⁴ See generally Minnesota Administrative Rules Chapter 1301.

¹⁵ See *Huntington Decl.* Ex. 1 (hereafter, “*Baker Tilly Report*”) p. 8.

¹⁶ See *Huntington Decl.* Ex. 2 (Independent Contractor Agreement).

¹⁷ *Id.* p. 1 ¶ 1.

Contractor's own cost and expense, all labor, materials, equipment and other items necessary to carry out the terms of this Agreement."¹⁸ Metro West bills the City an hourly rate for the time of its inspection professionals.

Likewise, the City contracts with an engineering firm, Stantec (previously known as Wenck) to perform plan review.¹⁹ Stantec's services include: "[r]eview proposed lot grading (submitted with permits); complete site inspections for compliance with permit application; review record drawing of site improvements; [and] complete erosion control inspections for sites responsible of the builder[.]"²⁰ Stantec bills for its services hourly. The City is only responsible for services actually provided.²¹

The City does not have, and has never had, internal staff either qualified or capable of performing the services provided by Metro West/Wenck.²²

C. The City Has Used Building Permit Revenues to Fund Generalized Municipal Debt.

In late 2015 the City held a work session to discuss how the City was paying down substantial debt the City had accrued.²³ A memorandum dated November 6, 2015 prepared by Bob Derus, Interim City Administrator, reads as follows:

Enclosed is the debt analysis that I did in October 2013, followed by one that was updated to today. Recently, Gary updated information about the amount of unfunded debt; roughly \$11.6 million. It forced me to rethink some of my assumptions about our debt since we refunded our debt and saved roughly \$12 million dollars in debt, which, since that time, left me with the impression that:

¹⁸ *Id.* p. 4 ¶ 6.

¹⁹ *See Huntington Decl.* Ex. 3 (Stantec letter to Goodroad).

²⁰ *Id.* p. 2.

²¹ *Id.* p. 5 ("Only time actually spent on services rendered will be charged.").

²² *See Huntington Decl.* Ex. 4 (hereafter, "*Okerlund Depo. Tr.*") p. 79:5-16; *Baker Tilly Report* pp. 32-34.

²³ *Huntington Decl.* Ex. 5 (November 10, 2015 Work Session Agenda and associated documents).

- 1) Our debt was being managed
- 2) Things got a lot easier, so we are good

However, when I saw that \$11.6 million in unfunded debt, along [stet] the message that Gary was advocating, that we need to see the levy go up, I decided to update this analysis.

I will go over this in detail at the meeting, but the main things that it is showing me are the following:

...
...

3. Yes, we are managing our debt as was my conclusion back in 2013, but the only reason we are not seeing significant growth of our tax levy, is the fact that all of our trunk, sewer, water and transportation fees from growth are going to fund debt service. In other words, we are robbing from our future to pay the past.²⁴

A Debt Analysis from October 2013 included a section titled “Annual Estimated GAP Finance Plan.”²⁵ The Debt Analysis observed that the City had at that time \$8.4 million in unfunded debt.²⁶ The City’s “Average Annual P & I [principal and interest] Payments” to service that debt was \$740k.²⁷ The City had what was called a “GAP Finance Plan.”²⁸ The GAP Finance Plan had various contributing elements, one of which was the City’s tax levy.²⁹ Building permit revenue was another element of the GAP Finance Plan.³⁰ The 2013 plan called for using \$65k in building permit revenue in 2014; \$104k in 2015; and \$130k in 2016.³¹

By October 2015, the City had nearly \$12 million in unfunded debt.³² The City needed \$950k annually to service principal and interest on that debt.³³ The City still had a GAP Finance

²⁴ *Huntington Decl.* Ex. 5 p. 2 (emphasis in original).

²⁵ *Huntington Decl.* Ex. 5 (Debt Analysis, October 2013) p. 4.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Huntington Decl.* Ex. 5 p. 4.

³² *Id.* (Debt Analysis, October 2015) p. 5.

³³ *Id.*

Plan in place, which continued to use building permit revenues to pay the debt.³⁴ The 2015 plan called for considerably more building permit revenues to fund the debt: \$120k in 2015; \$260k in 2016; and \$390k in 2017.³⁵

The City used significant excess permit revenues in 2015 to transfer money into other municipal funds. A summary report prepared by the City’s auditors analyzing the fiscal year ended December 31, 2015 reads:

The 2015 General Fund budget estimated both revenues and transfers in and expenditures and transfers out at \$3,194,385. The actual revenues exceeded the estimated revenues by \$491,848. Licenses and permits and charges for services were the two main revenue categories exceeding the budget estimates by \$401,110, according for over eighty percent of the favorable variance. . . .

The favorable revenue variance allowed the City to transfer an additional \$200,000 from the General Fund to Capital Improvement Capital Projects Funds (\$200,000 each for equipment and facilities). These transfers were in addition to the \$250,000 Pavement Management reserve contribution included in the original expenditure budget estimates.³⁶

Between 2015 and 2022, all building permit revenues and plan check revenues went into the City’s General Fund.³⁷ The general fund is used for “staffing costs, operational costs, those kinds of things . . . the general operations of the city.”³⁸ “It’s not a specialized fund.”³⁹

D. The City’s Excess Building Permit Revenue for 2016.

The City’s auditor, BerganKDV, prepared a “Communications Letter” to the City regarding its audit for 2016.⁴⁰ This letter observed that between 2015 and 2016, the City’s

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Huntington Decl.* Ex. 6 (Management’s Discussion and Analysis) p. 12.

³⁷ *See Huntington Decl.* Ex. 7 (hereafter, “*Goodroad Depo. Tr. excerpts*”) pp. 12:24-13:3.

³⁸ *Id.* p. 13:10-12.

³⁹ *Id.* p. 13:12-13.

⁴⁰ *Huntington Decl.* Ex. 8 (BerganKDV Communications Letter).

general fund revenues increased from \$3,656,233 to \$3,863,767, an increase of 5.7%.⁴¹ “[M]uch of this increase was in licenses and permits, which increased \$174,200 from 2015. This increase was due to collecting more building permits in 2016 due to an increase in development during the year.”⁴² Conversely, between 2015 and 2016, the City’s general government expenditures increased by only \$15,000.⁴³ Stated differently, the building permit increase was eleven (11) times greater than the increase in general government expenditures.

E. The City’s Interfund Loan Policy.

In late 2016 the City adopted an “Interfund Loan Policy.” The purpose of the policy was as follows:

The interfund loan policy provides the parameters by which the City may alleviate cash shortages in the various funds with temporary loans from other funds. Interfund loans are intended to be a temporary internal financing mechanism which may be used to alleviate the need for debt issuance on a project that requires only short-term financing and/or to provide temporary internal financing on a project for which permanent financing will take place at a later date.⁴⁴

As discussed below, between 2017 and 2021, the City transferred some \$2.7 million in excess building permit revenue into a fund known as “Fund 409.” \$2.7 million is roughly the balance of the fund today.⁴⁵ This fund was established on the advice of the City’s financial consultant, “AEM Financial Solutions, LLC”, referred to herein as “Abdo.” Abdo recommended that “the City Council consider transferring any future General Fund surpluses to the Temporary

⁴¹ *Id.* p. 10.

⁴² *Id.*

⁴³ *See id.* p. 11 (chart) (reflecting that general government expenditures were \$785,757 in 2015, and \$801,115 in 2016).

⁴⁴ *Huntington Decl.* Ex. 9 (Interfund Loan Policy).

⁴⁵ *Huntington Decl.* Ex. 10 (hereafter, “*Doud Depo. Tr. excerpts*”) pp. 72:13-73:2.

Financing Fund to build a reserve that may be used for future interfund loans (internal financing of projects.”).⁴⁶

F. The City’s Excess Building Permit Revenues Between 2017 and 2021.

Pursuant to Minn. Stat. § 326B.145, municipalities are legally required to file with DLI an annual report detailing, among other things, the amount of building permit fee revenue and related permit administration expenses. The following chart contains the amounts reported by the City to DLI for building permit revenues and expenditures, as well as the amount the City transferred to Fund 409, between 2017 and 2021.

	2017	2018	2019	2020	2021	Totals
BP revenues (reported)	No information reported by City of Dayton, in violation of Minn. Stat. § 326B.145 ⁴⁷	\$806,482 ⁴⁸	\$1,504,611 ⁴⁹	\$1,729,376 ⁵⁰	\$2,463,574 ⁵¹	\$6,504,043
BP expenditures (reported)	No information reported by City of Dayton, in violation of Minn. Stat. § 326B.145	\$599,541	\$686,207	\$1,006,906	\$1,185,672	\$3,478,326
Excess BP revenue (reported)	No information reported by City of Dayton, in violation of Minn. Stat. § 326B.145	\$206,941	\$818,404	\$722,470	\$1,277,092	\$2,889,633

⁴⁶ *Huntington Decl. Ex. 11* (Long Term Plan dated December 13, 2016) p. 7.

⁴⁷ *See Goodroad Depo. Tr. excerpts* p. 72:7-9.

⁴⁸ *Huntington Decl. Ex. 12* (2018 DLI report).

⁴⁹ *Huntington Decl. Ex. 13* (2019 DLI report).

⁵⁰ *Huntington Decl. Ex. 14* (2020 DLI report).

⁵¹ *Huntington Decl. Ex. 15* (2021 DLI report).

Amount that General Fund actual revenues exceeded actual expenditures	\$765,000 ⁵²	\$315,000 ⁵³	\$611,000 ⁵⁴	\$814,000 ⁵⁵	\$564,500 ⁵⁶	\$3,069,500
409 transfers	\$314,673 ⁵⁷	\$315,000 ⁵⁸	\$611,000 ⁵⁹	\$814,000 ⁶⁰	\$564,500 ⁶¹	\$2,619,173
BP funds used to offset/subsidize losses in other city funds	Unknown	N/A	\$207,404	N/A	\$712,592	\$919,996
Reconciliation between fund 409 money from other sources and BP revenues subsidizing other funds	Unknown	(206,941 - \$315k)= -\$108,059 (deficit of BP revenue in fund 409)	(\$207,404 - \$108,059)= +99,345 (surplus of BP revenue subsidizing other funds)	(\$235,429 - \$91,530)= +143,899 (surplus of BP revenue subsidizing other funds)	(\$712,592 + 143,899) +\$856,491 (surplus of BP revenue subsidizing other funds)	\$720,407 (surplus of BP revenue subsidizing other funds)

As shown by the chart above, between 2017 and 2021, the City transferred approximately \$2.7 million into Fund 409, also known as the “temporary financing fund.” Some of the money transferred into that fund (\$251k) came from other sources. However, during this time, the City used \$919,996 of excess building permit revenue to balance its budget when other funds were underperforming. If, rather than use building permit funds to subsidize other, unprofitable funds,

⁵² *Huntington Decl. Ex. 16* (hereafter, “*Resolution No. 30-2018*”).

⁵³ *Huntington Decl. Ex. 17* (hereafter, “*Resolution No. 23-2019*”).

⁵⁴ *Huntington Decl. Ex. 18* (hereafter, “*Resolution No. 24-2020*”).

⁵⁵ *Huntington Decl. Ex. 19* (hereafter, “*Resolution No. 16-2021*”).

⁵⁶ *Huntington Decl. Ex. 20* (hereafter, “*Resolution No. 31-2022*”).

⁵⁷ *Resolution No. 30-2018*.

⁵⁸ *Resolution No. 23-2019*; see also *Doud Depo. Tr. excerpts* pp. 31:7-13 (admitting that \$153,000 of excess building permit revenue from 2018 was put into Fund 409).

⁵⁹ *Resolution No. 24-2020*; see also *Doud Depo. Tr. excerpts* pp. 30:25-31:5 (admitting that \$609,000 of excess building permit revenue from 2019 was put into Fund 409).

⁶⁰ *Resolution No. 16-2021*.

⁶¹ *Resolution No. 31-2022*.

all excess building permit revenues had been put into Fund 409, and if no non-building permit excess revenue had been put into Fund 409, Fund 409 would currently have a balance of \$3,339,580. There is no evidence that the City intends to use the money in Fund 409 for any purpose relating to administration of the SBC.⁶²

Despite the consistent, year-after-year building permit fee excesses, at no time has the City amended its valuation-based charges for building permit fees.⁶³ The City's building permit fee schedule may be downloaded from the City website.⁶⁴

The City's actual out-of-pocket expenditures to Metro West and Wenck for the three years, 2018, 2019, and 2020 were \$569,297.50 (\$454,211) + \$115,089).⁶⁵ As shown by the chart above, during this same 3-year period, the City claimed inspection-related expenses of \$2,292,654 (\$599,541 + \$686,207 + \$1,006,906). Therefore, the City has claimed that its internal costs to support its outside consultants (who actually perform the code review, plan review, and building inspections) were three times greater than the direct (i.e., out of pocket) cost of the outside consultants.

In 2021, the City reduced its plan review fee.⁶⁶ As shown above, the City still had a nearly \$1.3 million surplus relating to building permits for the year. The City has no intention to further modify its fees to reduce future surpluses.⁶⁷ "The City anticipates continued significant growth between the present and 2040."⁶⁸

⁶² See *Goodroad Depo. Tr. excerpts* p. 110:13-20.

⁶³ *Id.* p. 70:9-14.

⁶⁴ <https://cityofdayton.wpenginepowered.com/wp-content/uploads/2023/01/2023-Fee-Schedule.pdf> (Section 3: Building, Section 10: Valuation Building Permit Fees, State Surcharge & Plan Check).

⁶⁵ *Huntington Decl.* Ex. 21.

⁶⁶ *Doud Depo. Tr. excerpts* p. 84:5-10.

⁶⁷ *Id.* p. 86:5-12.

⁶⁸ *Baker Tilly Report* p. 35.

G. The Deposition of Former Dayton Councilmember Troy Okerlund.

In mid-2022, Housing First subpoenaed former Dayton City Councilmember Troy Okerlund.⁶⁹ After the subpoena was served, the League of Minnesota Cities (the “League”), which has been paying the attorneys’ fees incurred by the City herein, provided Okerlund a lawyer.⁷⁰ In the final days leading up to the deposition, this League-appointed lawyer communicated with Okerlund.⁷¹ She told him that he (Okerlund) could be personally liable to the City for a \$2.7 million loss—this being roughly the amount that the City had in Fund 409.⁷² She told him that he could be sued for defamation by former Dayton administrator Tina Goodroad.⁷³ She told him that because he had spoken with Housing First, he would receive no indemnification from the League relating to his role as a former member of the City Council.⁷⁴ These comments intimidated and frightened Okerlund.⁷⁵

Okerlund previously served as a licensed building official for seven (7) years for the City of Brooklyn Center.⁷⁶ Thereafter, Okerlund was a senior investigator for DLI.⁷⁷

The lack of proportionality in the City’s building permit and plan review fees was a reason Okerlund ran for office in 2020.⁷⁸ After becoming an elected official, Okerlund attempted to raise concerns about building permit fees with City Administrator Goodroad.⁷⁹ Okerlund had the impression that Goodroad was trying to conceal the fact that there was a

⁶⁹ *Okerlund Depo. Tr.* p. 8:7-13.

⁷⁰ *Okerlund Depo. Tr.* p. 8:15-18.

⁷¹ *Id.* p. 9:14-17.

⁷² *Id.* p. 9:21-24.

⁷³ *Id.* p. 10:3-5.

⁷⁴ *Id.* p. 10:6-11.

⁷⁵ *Id.* p. 10:12-18.

⁷⁶ *Okerlund Depo. Tr.* p. 15:17-16:8.

⁷⁷ *Id.* p. 16:22:25.

⁷⁸ *See id.* p. 20:2-6.

⁷⁹ *Id.* pp. 29:10-30:7.

surplus of building permit revenues.⁸⁰ His concerns were well founded.⁸¹ Goodroad dismissed his concerns, claiming that the City had never been told by its auditors that it was doing anything wrong relating to building permit revenues.⁸²

As discussed below, the standard legal compliance form used by auditors does not include a section regarding building permit fees. Thus, no auditor would analyze the legality of building permit fees unless explicitly asked to do so. There is no evidence in the record Dayton ever asked any auditor to perform that analysis.

Okerlund attempted to meet with the mayor but was rebuffed several times.⁸³ He then sought to raise his concerns with the League of Minnesota Cities (the “League”); the League did nothing.⁸⁴ When Okerlund tried to get the City to address the issue, that created an uncomfortable situation for Okerlund.⁸⁵ “[T]here was an effort to move on from that issue, and bringing that up created some angst.”⁸⁶ The uncomfortable situation was a key reason that Okerlund left the Council.⁸⁷ The whole time Okerlund was on the Council he was trying to discover what surplus the City had in building permit revenues. He never got the full story:

As far as the dollar amount and where it was, I – I was certainly under the impression that there was a surplus somewhere. If it had been spent or where it was held, again, I was trying to trace or track that down through my entire time, and I don’t feel like I ever got where I felt comfortable with where the numbers were at and where things were located.⁸⁸

⁸⁰ *Id.* p. 32:3-7.

⁸¹ *See Huntington Decl.* Ex. 23 (Goodroad and McNeil e-mail chain) (“Do you think this will bring too much attention to the ‘surplus’ as we are admitting to it[.]”).

⁸² *See Huntington Decl.* Ex. 24 (Goodroad and Okerlund e-mail chain).

⁸³ *Okerlund Depo. Tr.* p. 30:1-3.

⁸⁴ *See Okerlund Depo. Tr.* p. 35:11-23.

⁸⁵ *See id.* p. 38:19-24.

⁸⁶ *Id.* p. 39:1-3.

⁸⁷ *Id.* p. 39:14-19.

⁸⁸ *Id.* p. 65:16-24.

Okerlund explained that a downturn in homebuilding activity would not harm the City from a standpoint of fixed City expenses:

Receiving a loss would be – would be a lot less dramatic than other building departments, because we subcontract it out. So we would just – if the work doesn't show up, we don't have to still employ four different building inspectors, we just have subcontracted people we pay. I think the contract was essentially hourly. . . . I think we were a lot more isolated and insulated from losses than other municipalities.⁸⁹

H. The Deposition of Former City Administrator Tina Goodroad.

Tina Goodroad was the City Administrator for Dayton between January 2019 and May 2022.⁹⁰ Previously, she had served as the Planning Director/Development Director for Dayton for approximately 3.5 years.⁹¹ During the course of this litigation she left Dayton to become the Community Development Director at the City of Lakeville.⁹² Goodroad has no specialized knowledge regarding home construction.⁹³ It was not her role or expertise to opine on whether plans and specifications for a new home met the requirements of the SBC.⁹⁴

Goodroad was asked about a document used by the City to allocate staff time to “inspection services.”⁹⁵ Goodroad was questioned why she had claimed a portion of her time as relating to inspection services.⁹⁶ When asked why she would be reviewing a building permit, her response was “[m]aking sure all the setbacks are being met, making sure all the building material requirements are being met, making sure it’s consistent with whatever city approvals the development was given.”⁹⁷ When asked why she would be looking at building materials, she

⁸⁹ *Id.* p. 66:19-67:4.

⁹⁰ *Goodroad Depo. Tr. excerpts* pp. 9:23-10:10.

⁹¹ *See Goodroad Depo. Tr. excerpts* p. 10:2-4.

⁹² *Id.* p. 10:6-13.

⁹³ *Id.* p. 11:4-6.

⁹⁴ *Id.* p. 11:7-16.

⁹⁵ *Huntington Decl. Ex. 25* (Goodroad Depo. Ex. 6) (Inspection Services Salary and Benefits).

⁹⁶ *Goodroad Depo. Tr. excerpts* p. 44:11-15.

⁹⁷ *Id.* p. 45:13-17.

stated she was seeking to comply with existing development approvals.⁹⁸ She agreed that none of the activities she performed concerned whether the project complied with the SBC.⁹⁹

Goodroad was asked why it would be that the City had identified 85% of a planner's (Alec Henderson's) time as being dedicated to building permits.¹⁰⁰ Her response was that he had to ensure the building permit was consistent with the City's zoning.¹⁰¹ (When that planner was deposed, he testified that he had no knowledge, education, or experience relating to the SBC.¹⁰² He denied that he provided any building inspection services.¹⁰³)

Similarly, Goodroad was also asked why the City had identified 25% of the public works supervisor (Marty Farrell) as related to building permits.¹⁰⁴ Again, her response was that this employee needed to verify zoning requirements.¹⁰⁵

Goodroad was asked about a letter written by the City's lawyers in October 2019 advising the City with respect to the law governing building permit fees.¹⁰⁶ The letter, addressed to Goodroad, stated that it was responding to "questions and concerns regarding building permit fees."¹⁰⁷ The letter reads:

⁹⁸ *Id.* p. 46:2-5.

⁹⁹ *Id.* p. 46:6-11.

¹⁰⁰ *Id.* p. 46:16-19.

¹⁰¹ *Goodroad Depo. Tr. excerpts* p. 47:21-23 (Q.: "So consistent with the zoning that pertains to the property right?" A.: "Yup, and to the development contract.").

¹⁰² *Huntington Decl. Ex. 26* (hereafter, "*Alec Henderson Tr. excerpts*") p. 12:8-11.

¹⁰³ *Id.* pp. 14:23-15:4 (Q.: "Are you qualified to perform building inspection services." A.: "I do not provide building inspections.") p. 21:15-23 (Q.: "So I do deserve a straightforward answer to my question. What percentage of your time, while you've been employed by the City, has been related to administration of the State Building Code." A.: "So I do not review building code compliance. So 0 percent would be building code compliance.").

¹⁰⁴ *Id.* pp. 48:23-49:2.

¹⁰⁵ *Id.* pp. 49:25-50:2 (Q.: "And Marty's role was to ensure consistency with zoning requirements?" A.: "Yes.").

¹⁰⁶ *Huntington Decl. Ex. 25* (Goodroad Depo Exhibit 14) p. 4.

¹⁰⁷ *Id.*

Cities enforcing the SBC must adopt a fee schedule for building permit fees, and the fees must be at a rate commensurate with the cost of services provided by the city. Minn. R. 1300.0160, subps. 1-2. In other words, the fees must be ‘fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.’ *Id.*, see also *Minnesota State Building Code: Code Adoption Guide* at p. 12, MN Dept. of Labor and Industry (Jan. 14, 2016). This means building permit fees are essentially a ‘fee for service’ and may not be used to raise city revenue. Thus, each city must evaluate its costs associated with administering and enforcing the SBC, which are typically related to running the city department and paying employees that administer and enforce the SBC, and establish fees that cover all of these costs.¹⁰⁸

The letter recommended:

[I]f Dayton has not already done so, we recommend adopting a building permit fee schedule that is commensurate to the City’s actual costs of the services it provides relating to administration and enforcement of the SBC. . . .¹⁰⁹

Goodroad was presented with a spreadsheet analyzing expenses that the City could claim on the DLI form as inspection-related expenses.¹¹⁰ The spreadsheet identifies a variety of City personnel, lists certain tasks, and then attributes direct and indirect costs for those staff. The spreadsheet concluded that on average, for a building permit, the City has \$2,170 in “direct cost”, \$20 in “office space” cost, \$600 in “indirect” cost, and \$341 in “city overhead” cost, for a total building permit cost of \$3,130.¹¹¹ The City’s outside consultant, Baker Tilly, used this spreadsheet to find the City’s costs for single-family detached new home construction.¹¹²

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Goodroad Depo. Tr. excerpts* pp. 95:17-96:1 (Q.: “And the purpose of all this is for the city to come up with a number that . . . it can identify on the DLI form as permit and inspection expenses, right?” . . . A.: “Yes.”); see also *Huntington Decl. Ex. 28*.

¹¹¹ *Goodroad Depo. Ex. 21*.

¹¹² Compare *id.* (stating that total task cost of single-family building permit is \$3,130) with *Baker Tilly Report* p. 38 (stating that total task cost of single-family building permit is \$3,129.75).

The questioning and answers regarding this spreadsheet are copied below:

- Q. And you would agree that a wide variety of the items listed here have nothing to do with the administration [or] enforcement of the state building code, right?
- A. They have everything to do with doing a complete review in issuance of a permit and ensuring that the house is complete and the lot is complete.
- Q. You would agree that they do not relate to the administration of the state building code, correct?
- A. Some may, some may not.
- Q. Yours did not, right?
- A. Specifically to the building code?
- Q. Right.
- A. It may not, but it had everything to do with the developer's obligations –
- Q. Right.
- A. --and the builder's obligations, so they're just as valid.
- Q. Just not according to your lawyers, who said that it had to be related to administration and enforcement of the state building code, right?
- Q. You have a more expansive view than the lawyers who were advising you, correct?
- Q. You're saying if an expense relates to development, then it's legitimate and can be claimed. That's not what your lawyers said, right?
- A. I don't know if I need to answer that again.
- Q. I think you need to answer that. We deserve an answer on that. **They said it has to relate to administration o[r] enforcement of the state building code. You're saying that if it relates to development, then it's legitimate. That's a much broader, more expansive view, is it not?**
- A. **Yes.**¹¹³

¹¹³ *Goodroad Depo. Tr. excerpts* pp. 96:23-98:22 (emphasis added).

Goodroad was asked to identify a specific, additional internal expense that the City would have when building permit activity increased. Other than increased expenditures to Metro West and Wenck, she could identify no specific expenses.¹¹⁴

I. Abdo's Cost Allocation Methodology.

Plaintiff deposed Abdo through its appointed representative Vicki Holthaus, a partner in Abdo's financial solutions team.¹¹⁵ Abdo helped the City of Dayton report building permit revenues to DLI in 2018 and 2019.¹¹⁶ Abdo also assisted in preparing a report for the City using the indirect cost methodology.¹¹⁷

It was not within Abdo's scope of work to provide a legal opinion concerning whether Dayton complied with state law governing building permit fees.¹¹⁸ Abdo reached no conclusions regarding whether the City's fees complied with state law.¹¹⁹ Holthaus acknowledged that building permit fees are supposed to be a fee for service.¹²⁰

Abdo's indirect cost methodology was drawn from federal regulation, more specifically, Office of Management and Budget ("OMB") Circular A-87.¹²¹ Abdo used this methodology without any basis for doing so under Minnesota law.¹²² Abdo never performed a legal analysis concerning which costs could properly be claimed on the DLI form.¹²³ Holthaus had never read the full OMB circular.¹²⁴

¹¹⁴ *Id.* pp. 89:15-90:4.

¹¹⁵ *Huntington Decl. Ex. 29* (hereafter, "*Holthaus Depo. Tr.*") p. 7:22-23.

¹¹⁶ *Id.* p. 10:24-11:1.

¹¹⁷ *Id.* p. 15:22-16:1.

¹¹⁸ *Id.* p. 19:6-12; pp. 55:23-56:4.

¹¹⁹ *Id.* p. 20:14-18.

¹²⁰ *Id.* p. 20:5-7.

¹²¹ *See* p. 20:5-7; *see also* *Huntington Decl. Ex. 30* (hereafter, "*Abdo fee analysis*") p. 4 (referencing OMB Circular A-87 and stating its allocation method was used to apportion "indirect salary" costs).

¹²² *Holthaus Depo. Tr. excerpts* p. 24:13-18.

¹²³ *Id.* p. 59:16-19.

¹²⁴ *See Holthaus Depo. Tr. excerpts* p. 24:1-3.

The indirect cost methodology does the following:

The City's governmental fees were grouped by department and the indirect costs were allocated across the various City fee types based on the direct salary cost for providing the service. Due to the nature of the services performed by the City's administrative employees, any costs not considered direct costs to the Administrative Department (indirect costs) were allocated to the governmental departments in our analysis.¹²⁵

Stated differently, Abdo took all of the City's costs that could not be apportioned to specific departments, and then allocated those costs based upon direct expenditures that could be allocated to a specific department.¹²⁶ The indirect cost methodology is not a fee for service methodology. Instead, it is a cost recovery method which attempts to ensure the City does not run a deficit.¹²⁷

Categories of "indirect costs", and the actual amounts that were allocated associated with these cost categories, include the following¹²⁸:

Department Name	Amount
Council	\$37,146
Administration	\$21,608
Elections	\$8,512
City Clerk	\$16,148
Finance	\$16,318
Assessing	\$85,885
Audit	\$35,117
Engineering	\$115,623
Legal	\$51,595
Financial Services	\$70,942
Central Services	\$67,188
Information Technology	\$39,199
Emergency Management	\$4,138
TOTAL	\$569,419

¹²⁵ *Abdo fee analysis* p. 5.

¹²⁶ *See Holthaus Depo. Tr. excerpts* pp. 32:19-33:3.

¹²⁷ *See id.* p. 48:7-21.

¹²⁸ *Abdo fee analysis* p. 5.

The OMB Circular states as its purpose that it “establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments[.]”¹²⁹ In other words, the purpose of the Circular is for the States to develop an accounting method for federal funds for specific federal projects.¹³⁰

The OMB Circular refers to “fee for service” as an “alternative” model to the cost allocation method. It reads:

[OMB] encourages Federal agencies to test fee for service alternatives as a replacement for current cost reimbursement payment methods in response to the National Performance Review’s (NPR) recommendation. The NPR recommends the fee for service approach to reduce the burden associated with maintaining systems for charging administrative costs to Federal programs and preparing and approving cost allocation plans. This approach should also increase incentives for administrative efficiencies and improve outcomes.¹³¹

The OMB Circular defines “cost” to explicitly exclude “transfers to a general or similar fund.”¹³² The OMB Circular provides examples of “indirect costs” to include: “general administration of the grantee department or agency, accounting and personnel services performed within the grantee department or agency, depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, etc.”¹³³ The OMB Circular is explicit that funds “are not [to] be used for general expenses required to carry out other responsibilities of a State or its subrecipients.”¹³⁴

¹²⁹ *Huntington Decl. Ex. 31* (hereafter, “*OMB Circular*”) p. 1.

¹³⁰ *Holthaus Depo. Tr. excerpts* p. 24:4-7.

¹³¹ *OMB Circular* p. 5.

¹³² *Id.* p. 7.

¹³³ *Id.* p. 51.

¹³⁴ *Id.* p. 6.

The following exchange took place during the Holthaus deposition:

- Q. [I]f the OMB Circular places limitations on a state’s use of funds for a federal program, would Abdo apply the same limitations on how a city can use building permit fee funds?
- A. You’ll have to restate this because I’m just struggling to understand the correlation between a state and federal program and a municipal cost accounting system for building inspections.
- Q. Well, I struggle with that, too, and yet you’re the ones using the federal program. So let’s—do you know—are you aware that both [Cities] put all building permit fee revenues into the general fund?
- A. Yes, I am.
- Q. . . . Under the OMB Circular, do you know whether there are restrictions on a state commingling federal funds with other state funds.
- A. I do not work with state or federal government so I’m not privy to the regulations that they utilize.¹³⁵

Holthaus had never seen the contracts the City had with third-party contractors for building inspections and plan review services.¹³⁶

Plaintiff also deposed Andy Berg, another partner with Abdo.¹³⁷ Berg testified regarding the legal compliance audit guide that is produced by the Minnesota Secretary of State.¹³⁸ No part of that standard form compliance document addresses building permit fees.¹³⁹

J. The Baker Tilly Study.

In 2021, the City retained another outside consultant, Baker Tilly, to study its building permit fees. The City used a draft report from Baker Tilly to complete its 2020 DLI report.¹⁴⁰ The City’s own finance director, Zachary Doud—the same person who certified the DLI report

¹³⁵ *Holthaus Depo. Tr. excerpts* pp. 29:9-30:1.

¹³⁶ *Id.* p. 30:

¹³⁷ *Huntington Decl. Ex. 32* (hereafter, “*Berg Depo. Tr.*”) p. 8:22-23.

¹³⁸ *Id.* p. 16:2-21.

¹³⁹ *Id.* p. 18:5-10.

¹⁴⁰ *Doud Depo. Tr. excerpts* p. 57:2-10.

for 2020—testified that he had no independent knowledge regarding whether the amounts claimed on the form were appropriate.¹⁴¹ Indeed, Doud did not know what the standard was for expenses to be legitimately claimed on the DLI report.¹⁴²

Baker Tilly concluded that the City was profiting approximately \$1,500 for each detached single-family home building permit.¹⁴³ Baker Tilly’s analysis of City costs was premised upon a wide variety of staff services having nothing to do with SBC administration.¹⁴⁴

Baker Tilly performed a time study asking City personnel to identify time spent performing various tasks. One response reflects the time a City administrative assistant spends processing permits. For “single family detached new construction”, it takes an assistant 26 minutes to enter and process the permit.¹⁴⁵

The same day that Plaintiff served Dayton with the Summons in this action, Matt Stark, a Baker Tilly employee, met with Doud. As summarized by Stark:

[Doud was] very happy and comfortable with the numbers we’ve generated for their DOLI report. In regard to this morning’s summons from BATC, I suggested that they might want to recalculate previous years’ costs using our methodology to see if they can help close the gap between revenues and expenditures that seems to bother the builders so much.¹⁴⁶

This same individual who was eager to help the City “close the gap” has co-authored an expert report in this litigation supporting the City.

¹⁴¹ *Id.* p. 57:11-18 (Q.: “Although you certified this document, you have no independent knowledge regarding whether the amounts identified here are properly claimed as building code enforcement expenditures, correct.?” A.: “That is correct.”).

¹⁴² *Id.* p. 45:5-9 (Q.: “Do you know what the standard is for legitimate expenditures to claim on the DLI report.” A.: “I do not.”).

¹⁴³ *Baker Tilly Report* p. 38.

¹⁴⁴ *Goodroad Depo. Ex. 21* (stating that total task cost of single-family building permit is \$3,130) *with Baker Tilly Report* p. 38 (stating that total task cost of single-family building permit is \$3,129.75).

¹⁴⁵ *Huntington Decl. Ex. 33* (Baker Tilly time study response) p. 8.

¹⁴⁶ *Huntington Decl. Ex. 34* (Matt Stark e-mail chain).

K. Expert Report of Dr. Elliot Eisenberg, Ph. D.

Plaintiff produced an expert report prepared by economist Dr. Elliot Eisenberg, Ph. D.¹⁴⁷ Eisenberg earned a Bachelor of Arts in economics with first class honors from McGill University in Montreal, and also a Master and PH.D. in public administration from Syracuse University.¹⁴⁸ Eisenberg was an economist for the National Association of Home Builders for over a decade.¹⁴⁹ Eisenberg's report specifically focused upon and responded to the LOCI expert report served by Defendant.¹⁵⁰ Eisenberg's conclusions are as follows:

1. Any building permit fee will always have a negative impact on homebuilding and home prices,
2. The size of the fee and the behavioral response of the buyers is the key determinant of the magnitude of the loss, and
3. In the totality of cases, even a modest increase of \$1,000 will inevitably negatively impact demand, therefore
4. The excessive and disproportionate fees in the Cities have indisputably harmed homebuilders.
5. In addition to the negative impacts on homebuilders, there are negative impacts throughout the housing supply chain as a result of excessive and disproportionate building permit fees.
6. Finally, the analysis leads to the conclusion that the rental market is also negatively affected by excessive permit fees.¹⁵¹

Eisenberg provided several examples illustrating the economic principle of elasticity of demand.¹⁵² First, he provides the example of a municipal "banana inspection tax."¹⁵³ He

¹⁴⁷ *Huntington Decl.* Ex. 35 (hereafter, "*Eisenberg Report*").

¹⁴⁸ *Id.* p. 1.

¹⁴⁹ *Eisenberg Report* (resume).

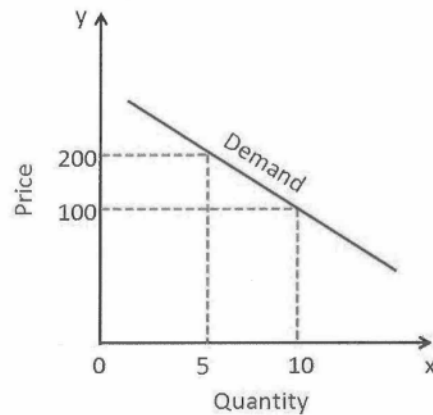
¹⁵⁰ *Id.* p. 1.

¹⁵¹ *Id.* pp. 1-2.

¹⁵² "The elasticity of demand refers to the degree to which demand responds to a change in an economic factor." <https://www.investopedia.com/ask/answers/012915/what-difference-between-inelasticity-and-elasticity-demand.asp#:~:text=The%20elasticity%20of%20demand%20refers,shifts%20when%20economic%20factors%20change>.

¹⁵³ *Eisenberg Report* p. 2.

provided the following chart which generally demonstrates how price increases impact demand¹⁵⁴:



As the price increases, demand drops. Eisenberg explained how a hypothetical banana tax would impact the behavior of numerous parties, from the grocery store selling the bananas, to the trucks that haul the bananas, to the international shipper of the bananas, to the banana farmer.¹⁵⁵

Eisenberg then provided a discussion regarding how interest rates impact homebuying behavior. Eisenberg observed that in 2022, interest rates for a 30-year mortgage rose from 3% to more than 6% and higher.¹⁵⁶ He noted that “[a]s the cost of a new monthly mortgage payment rose dramatically, new home sales plummeted, a measure of demand. The housing market went from one of the strongest sectors in the economy to one of the weakest[.]”¹⁵⁷ Eisenberg noted that there are alternatives to buying a home, such as renting, moving in with roommates, or moving back with one’s parents.¹⁵⁸ Indeed, housing demand is “highly elastic” because federal

¹⁵⁴ *Id.* p. 3.

¹⁵⁵ *Id.* pp. 3-4.

¹⁵⁶ *Id.* p. 5.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* p. 6.

regulations put a hard ceiling on a potential homebuyer’s debt-to-income ratio.¹⁵⁹ “The credit environment places a hard limit on new housing demand.”¹⁶⁰

Eisenberg reproduced the following chart originally produced by the National Association of Homebuilders¹⁶¹:

Table 1. US Households Priced Out of the Market by Increases in House Prices, 2022

Area	Mortgage Rate	House Price	Monthly Mortgage Payment	Taxes and Insurance	Minimum Income Needed	Households Unable to Afford the Median Price	
						Number	Percent
United States	3.50%	\$412,506	\$1,822	\$493	\$99,205	87,527,382	69.1%
United States	3.50%	\$413,506	\$1,826	\$494	\$99,445	87,645,314	69.2%
Difference		\$1,000	\$4	\$1	\$240	117,932	0.1%

Calculations assume a 10% down payment and a 73-basis point fee for private mortgage insurance.
A Household Qualifies for a Mortgage if Mortgage Payments, Taxes, and Insurance are 28% of Income

Thus, “a \$1,000 increase in the price of a new home will prevent an additional 117,932 households across the United States from qualifying for a mortgage, and thus buying a home.”¹⁶² Potential homebuyers may either choose not to seek a mortgage, or find themselves unable to qualify for one because of credit limitations.¹⁶³ Either way, demand for housing declines as prices rise.¹⁶⁴

Turning specifically to the issue of excessive building permit fees, Eisenberg observed the following with respect to the parties impacted by higher home prices: “Most immediately impacted, of course, are the builders and developers, who will necessarily build fewer homes. They will hire fewer workers, buy fewer supplies and building materials, and have less need for the services of architects and other professionals during the development and construction

¹⁵⁹ *Eisenberg Report* p. 6.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* p. 7.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

process.”¹⁶⁵ Also impacted is the priced-out buyer, who suddenly must find an alternative to buying a new home. Eisenberg provided the following additional conclusions and findings:

1. The core principles of microeconomics establish that price increases almost always change behavior, and the degree of behavioral change is reflective of the elasticity of demand.
2. Housing demand is relatively elastic, and as such, increased costs, such as permit fees, regardless of the amount, always have some negative impact on the housing market;
3. The excessive and disproportionate building permit fees assessed by the Cities[Dayton and Corcoran] have inevitably harmed homebuilders and the housing market in the area.
4. Statements or representations that building permit fees have no impact on the local housing market are not reasonable given underlying microeconomic principles.
5. The strength of the City’s housing market over the past years mirrors that of the national housing market in that low interest rates and pandemic related factors have been key drivers of the housing market.
6. The argument in the LOCI reports that since housing permits exceeded forecast levels there was no harm to the housing market from the excessive and disproportionate permit fees ignored larger market factors such as changes in interest rates and pandemic behavioral responses.¹⁶⁶

L. Claims at Issue in This Litigation.

The Verified Complaint in this case has four counts: (1) declaratory judgment (permit fee schedule invalid); (2) declaratory judgment (violation of due process); (3) declaratory judgment (violations of takings clause); and (4) injunctive relief. Housing First seeks, among other things, a declaration that the City’s building permit fee schedule is illegal and unenforceable; disgorgement of all building permit fee revenue collected in violation of the law; and injunctive relief enjoining enforcement of the building permit schedule.

¹⁶⁵ *Id.* p. 10.

¹⁶⁶ *Id.* p. 11.

ARGUMENT

I. BLACK LETTER LAW APPLICABLE TO DISPUTE.

A. Summary Judgment Standard.

Under Rule 56.01 of the Minnesota Rules of Civil Procedure, summary judgment “shall [be] grant[ed] . . . if the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” The purpose of summary judgment is to pierce the pleadings and to assess whether there is a genuine need for trial. Summary judgment is not a “disfavored procedural shortcut, but rather . . . an integral part of the [Rules of Civil Procedure] as a whole, which are designed to secure the just, speedy, and inexpensive determination of every action.”¹⁶⁷

Once the moving party has supported its motion as required by Rule 56.03, the non-moving party has the burden of producing evidence as to all material facts for which it bears the burden of proof at trial.¹⁶⁸ Summary judgment is appropriate against a party who fails to make a showing sufficient to establish the existence of any essential element needed to satisfy that party’s burden.¹⁶⁹ The non-moving party must go beyond the pleadings and set forth affirmative evidence and specific facts showing that there is a genuine dispute on that issue for trial.¹⁷⁰ “To resist summary judgment, the evidence must be significantly probative, not merely colorable.”¹⁷¹ If the non-moving party fails to carry that burden, summary judgment should be granted.¹⁷²

¹⁶⁷ *Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986).

¹⁶⁸ *Id.* at 322; *Doward v. City of Minneapolis*, 456 N.W.2d 460, 464 (Minn. Ct. App. 1990).

¹⁶⁹ *Celotex*, 477 U.S. at 322–23; *Davis v. Midwest Discount SECS, Inc.*, 439 N.W.2d 383, 386 (Minn. Ct. App. 1989).

¹⁷⁰ *Celotex*, 477 U.S. at 324; *Pourmehdi v. Northwest National Bank*, 849 F.2d 1145, 1146 (8th Cir. 1988).

¹⁷¹ *Albert v. Paper Calmenson & Co.*, 515 N.W.2d 59, 64 (Minn. Ct. App. 1994) (citations omitted).

¹⁷² *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).

B. The Minnesota Declaratory Judgments Act.

Under the Declaratory Judgments Act, courts have the “power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.”¹⁷³ The Act is remedial legislation that is intended to afford relief from uncertainty.¹⁷⁴ The Act has a preventative purpose.¹⁷⁵ The Minnesota Supreme Court has instructed that:

Jurisdiction exists to declare the rights, status, and other legal relations of the parties if the complainant is possessed of a judicially protectable right or status which is placed in jeopardy by the ripe or ripening seeds of an actual controversy with an adversary party, and such jurisdiction exists although the status quo between the parties has not yet been destroyed or impaired and even though no relief is or can be claimed or afforded beyond that of merely declaring the complainant’s rights so as to relieve him from a present uncertainty and insecurity.¹⁷⁶

C. Standing to Challenge Municipal Ordinances.

Minnesota Statute § 462.361 provides that “*any person aggrieved* by an ordinance, rule, regulation, decision or order of a governing body . . . may have such ordinance, rule, regulation, decision or order reviewed . . . in the district court”¹⁷⁷ Case law defines “any person aggrieved” as a party upon whom “an action by the municipality adversely operates on his rights of property or bears upon his personal interest.”¹⁷⁸

¹⁷³ *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337 (Minn. 2011) (quoting Minn. Stat. § 555.01)).

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* at 339; *cf. City of Eveleth v. Town of Fayal*, No. C2-00-1882, 2001 WL 605049, at **3-4 (Minn. Ct. App. June 5, 2001) (reinstating the City of Eveleth’s claim for declaratory judgment challenging a water control ordinance adopted by the Town of Fayal, even though the town had not sought to enforce the ordinance against the city).

¹⁷⁶ *Minn. Fed. of Men Teachers, Local 238, A.F.L. v. Bd. of Edu. of City of Mpls.*, 238 Minn. 154, 157-158 (1952) (citations omitted).

¹⁷⁷ Minn. Stat. § 462.361, subd. 1 (emphasis added)

¹⁷⁸ *Stansell v. City of Northfield*, 618 N.W.2d 814, 819 (Minn. Ct. App. 2000).

To establish standing, case law merely requires that a plaintiff identify a particularized injury to its personal interest.¹⁷⁹ “Any particularized injury, regardless if it is shared by the community as a whole, satisfies the standard set in *Citizens* for a party to qualify as ‘person aggrieved.’”¹⁸⁰

With respect to when an injury occurs, the following was observed by our Minnesota Supreme Court in *State by Humphrey v. Philip Morris Inc.*:

The argument that no injury has been suffered because costs were passed through one entity to customers, consumers, or other entities usually arises in antitrust cases. ***It has been uniformly rejected in the courts***, primarily on the theory that the injury is sustained as soon as the price, artificially raised for whatever reason, has been paid.¹⁸¹

D. Associational Standing.

Associational or organizational standing is a “well-established notion” that “recognizes that an organization may sue to redress injuries on its own behalf or on behalf of its members.”¹⁸² “The Minnesota Supreme Court has adopted a liberal standard for organizational standing.”¹⁸³

¹⁷⁹ *Citizens for a Balanced City v. Plymouth Congregational Church*, 672 N.W.2d 13, 18 (Minn. App. 2003).

¹⁸⁰ *See Friends of Twin Lakes v. City of Roseville*, No. A05-1770, 2006 WL 234879 (Minn. Ct. App.) at *3-4.

¹⁸¹ 551 N.W.2d 490, 496 (Minn. 1996) (emphasis added); *see also County of Oakland v. City of Detroit*, 866 F.2d 839, 845 (6th Cir. 1989) (“Does the injury suffered by such a person vanish if he is able to recoup the illegal overcharge by passing it on to his own customers? The answer is not difficult, at least insofar as the constitutional aspect of the question is concerned.”); *Bacchus Imports, Ltd. v. Dias*, 468 U.S. 263, 267 (1984) (holding that plaintiff wholesalers “plainly have standing” to challenge a tax alleged to be discriminatory, even if the tax was passed on to customers of the wholesaler) *cf. Hanover Shoe, Inc. v. United Shoe Machinery Corp.*, 392 U.S. 481, 490 (1968) (“We hold that the buyer is equally entitled to damages if he raises the price for his own product. As long as the seller continues to charge the illegal price, he takes from the buyer more than the law allows.”); *Bridgeport and Port Jefferson Steamboat Co. v. Bridgeport Port Authority*, 567 F.3d 79, 85-86 (2d Cir. 2009) (holding that steamboat had standing to challenge passenger fees steamboat collected from its passengers and paid to port authority).

¹⁸² *Id.* at 914-15.

¹⁸³ *Id.* at 913.

As indicated above, “Minnesota courts recognize impediments to an organization’s activities and mission as an injury sufficient for standing.”¹⁸⁴

“An association has standing to sue on behalf of its members where ‘(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.’”¹⁸⁵ Numerous decisions of the Minnesota appellate courts have approved of building associations bringing suit on behalf of their members.¹⁸⁶

E. Law Governing Municipal Building Permit Fee Collection.

Pursuant to Minn. Stat. § 462.353, Subd. 4(a): “fees must be fair, reasonable, and proportionate and have a nexus to the actual cost of the service for which the fee is imposed.” DLI has an administrative rule imposing similar requirements on building permit fees.¹⁸⁷ The rule reads: “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.”¹⁸⁸

DLI has expounded on this rule in its Code Adoption Guide. The Code Adoption guide reads:

¹⁸⁴ *Id.* at 914.

¹⁸⁵ *Builders Association of the Twin Cities d/b/a Housing First Minnesota v. City of Dayton*, Hennepin County Court File No. 27-CV-19-13521, Docket Index No. 23 (*Findings of Fact, Conclusions of Law, and Order*) p. 3 (quoting *Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977)).

¹⁸⁶ *See generally Builders Ass’n of the Twin Cities v. Minnesota Department of Labor & Indust.*, 872 N.W.2d 263 (Minn. Ct. App. 2015) (holding that sprinkler rule was invalid in constitutional pre-enforcement challenge brought by plaintiff herein); *see also Builders Ass’n of Minn. v. City of St. Paul*, 819 N.W.2d 172, 176-177 (Minn. Ct. App. 2012) (holding that builders association had standing to challenge city ordinance because its members suffered economic injuries and because its members’ interests were at stake); *cf. BATC v. Dayton*, Docket Index No. 23 p. 4 (holding that BATC had standing to challenge Dayton transportation charge).

¹⁸⁷ *See* Minn. R. 1300.0160 Subp. 2.

¹⁸⁸ *Id.*

Minnesota Rule requires building permit fees to be established at a rate that is commensurate with the services being provided by the local building department. The rule also states that the fees are to be reasonable, fair, and proportionate to the actual costs of the services being provided. It is for this reason that the building code does not specifically identify or provide for a fee schedule to be used by a jurisdiction. Each municipality is to evaluate local costs associated with the enforcement of the code. From this local evaluation, a fee structure can be established to cover associated and related building code administration and enforcement responsibilities. Again, by Minnesota Rule, the fees are to be commensurate with the services required or provided; building permit fees may not be used as a tool to raise additional monies for the municipalities' general fund.¹⁸⁹

The Code Adoption guide contains a question-and-answer section with responses of relevance to this case:

8. If we adopt the State Building Code, how much should we charge for a building permit fee?

Answer: Permit fees are to be determined and established by the local municipality. Permit fees must be established so that they cover all costs associated with administration and enforcement [of] the State Building Code – to run a functioning building department. Permit fees can be developed on a ‘fixed fee’ basis and on a construction ‘value’ type of sliding fee schedule, or a combination of both. It is important to remember that the fees are being collected as a ‘fee for service,’ and as such, they must be commensurate with the services being provided.¹⁹⁰

9. If we adopt the State Building Code, can ‘extra’ permit fee revenue be used to offset other general fund expenditures or balances in the local budget?

Answer: The State Building Code specifically requires that building permit fees be fair, reasonable, and proportionate to the actual costs of the services for which the fee is being imposed (1300.0160 – MN Rules Part). Although exactness is not required, *it is essential that there be a conscious effort to balance the fees and expenses generated by a program. When fees or expenses consistently and/or excessively vary from one another,*

¹⁸⁹ *Huntington Decl.* Ex. 36 (hereafter, “Code Adoption Guide”) p. 11.

¹⁹⁰ *Id.* p. 17.

adjustments in fees or expenses should be made to more closely align the two. Because these amounts can fluctuate considerably from year to year, it is important to base decisions on any changes only after establishing rationale and trends. Building permit applicants should not be charged additional or extra fees to support a municipality's general fund or other special interest projects undertaken by the municipality.¹⁹¹

The Code Adoption book follows from the plain meaning of the regulation and, therefore, has the force and effect of law.¹⁹²

II. PLAINTIFF HAS STANDING TO MAINTAIN THIS ACTION.

A. The Elements of Associational Standing are Satisfied.

Time and again the courts have affirmed that builder associations have standing to pursue claims on behalf of their members analogous to the claims at issue here. In fact, in another dispute between these same parties involving an illegal transportation fee imposed by the City (the "Transportation Fee Case"), the district court, the Honorable Susan M. Robiner, ruled that Plaintiff had standing to contest the fee.¹⁹³ The decision of Judge Robiner is instructive here.

Housing First's suit in the Transportation Fee Case challenged the City's Off Site Transportation Charge.¹⁹⁴ The City asserted that Housing First lacked standing to challenge the fee.¹⁹⁵ With respect to standing, the court observed record evidence that members of Housing First had homebuilding activity in the City of Dayton.¹⁹⁶ The court observed that Housing First

¹⁹¹ *Id.* p. 17 (emphasis added).

¹⁹² See generally *Matter of Valet Living*, No. A20-0817, 2021 WL 772622 (Minn. Ct. App. March 1, 2021) (holding that fire marshal's interpretive document followed from plain meaning of fire code); see also *Swenson v. Emerson Elec. Co.*, 374 N.W.2d 690, 702 (Minn. 1985) (observing that "an interpretive rule will be given authoritative effect if it is a permissible gloss on the statute in light of the statute's language, structure, and legislative history.")

¹⁹³ *Builders Association of the Twin Cities d/b/a Housing First Minnesota v. City of Dayton* (Hennepin County Ct. File No. 27-CV-19-13521), Docket Index No. 23.

¹⁹⁴ *Id.* p. 1.

¹⁹⁵ *Id.* p. 3.

¹⁹⁶ *Id.* p. 4.

was “seeking to protect its mission by keeping the costs associated with buying a new home low.”¹⁹⁷ The court ruled that Housing First had standing to contest the fee even though “[t]he costs imposed by the City ordinance would . . . eventually . . . be passed on to the new home buyer.”¹⁹⁸ For the same reasons as in the Transportation Fee Case, Housing First has standing to maintain its claims against the City here.

The City has made apparent that it will contest standing because the building permit fees are ultimately passed on to homebuyers. Housing First does not dispute, for purposes of this action, that building permit fees are eventually passed on to the homeowner. As was true in the Transportation Fee Case, the fact that the illegal fee is passed on to the homeowner is of no consequence. As has been observed by our Supreme Court:

The argument that no injury has been suffered because costs were passed through one entity to customers, consumers, or other entities usually arises in antitrust cases. ***It has been uniformly rejected in the courts***, primarily on the theory that the injury is sustained as soon as the price, artificially raised for whatever reason, has been paid.¹⁹⁹

Cognizable injury for standing purposes occurs the moment the City conditions development on payment of an illegal fee.²⁰⁰ That is why the builders, who actually pay the fee,

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *State by Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 496 (Minn. 1996) (emphasis added).

²⁰⁰ *See County of Oakland*, 866 F.2d at 845 (“Does the injury suffered by such a person vanish if he is able to recoup the illegal overcharge by passing it on to his own customers? The answer is not difficult, at least insofar as the constitutional aspect of the question is concerned.”); *Bacchus Imports*, 468 U.S. at 267 (holding that plaintiff wholesalers “plainly have standing” to challenge a tax alleged to be discriminatory, even if the tax was passed on to customers of the wholesaler); *cf. Hanover Shoe*, 392 U.S. at 490 (“We hold that the buyer is equally entitled to damages if he raises the price for his own product. As long as the seller continues to charge the illegal price, he takes from the buyer more than the law allows.”); *Bridgeport and Port Jefferson Steamboat*, 567 F.3d at 85-86 (holding that steamboat had standing to challenge passenger fees steamboat collected from its passengers and paid to port authority).

have standing to bring the claim. A homeowner likely lacks standing to challenge a municipal fee paid by a builder.²⁰¹ The City’s position is legally unsupported and would, if accepted, make its fees immune from challenge.

As a factual matter, the City’s position conflicts with fundamental economic principles. The Eisenberg expert report explains how excessive fees harm builders: “Most immediately impacted, of course, are the builders and developers, who will necessarily build fewer homes. They will hire fewer workers, buy fewer supplies and building materials, and have less need for the services of architects and other professionals during the development and construction process.”²⁰²

Furthermore, neither “injury” nor “harm” is an element of a claim under the Declaratory Judgments Act. All that need be shown to bring a claim under the Act is (1) “definite and concrete assertions of right that emanate from a legal source”; (2) “a genuine conflict in tangible interests between parties with adverse interests”; and (3) the matter is “capable of specific resolution by judgment rather than presenting hypothetical facts[.]”²⁰³ In *Harstad v. City of Woodbury*, the Minnesota appellate courts affirmed that there was a justiciable controversy permitting the developer to contest the city’s transportation fee.²⁰⁴ Justiciability did not depend upon who ultimately bore the cost. So here. Minnesota law does not allow municipalities to charge exorbitant and unreasonable building permit fees. A genuine controversy exists because a builder cannot legally build in the City without paying the illegal fee. The Court can grant a

²⁰¹ *Cf. Kansas v. Utilicorp United, Inc.*, 110 S.Ct. 2807 (1990) (holding that ultimate consumers of natural gas could not assert claim against natural gas producers; reaffirming that only direct purchaser utility companies could maintain suit).

²⁰² *Eisenberg Report* p. 10.

²⁰³ *Harstad v. City of Woodbury*, 902 N.W.2d 64, 70 (Minn. Ct. App. 2017) (citation omitted) *aff’d* by 916 N.W.2d 540 (Minn. 2018).

²⁰⁴ *Id.*

specific resolution—in the form of setting aside the City’s fee schedule. All of the elements for justiciability under the Declaratory Judgments Act are satisfied.

III. THE COURT SHOULD GRANT SUMMARY JUDGMENT AND DECLARE THE CITY’S BUILDING PERMIT FEE SCHEDULE INVALID.

There is no genuine issue of material fact that the City has collected over \$3 million in excess building permit fee revenue and placed much of that excess revenue into a fund intended to finance City improvements. Furthermore, there is no genuine issue of material fact that the City’s methods of reporting inspection expenses have inappropriately included a wide variety of costs unrelated to administration of the SBC. The record manifestly demonstrates that the City’s building permit fees are not “proportionate to the actual cost of the service for which the fee is imposed.”²⁰⁵ The Court should grant summary judgment and declare the City’s building permit fee schedule illegal, unenforceable, and void.

A. The City Has Violated the Law by Using Its Building Permit Fees to Fund City Services and Improvements Unrelated to Administration of the State Building Code.

Building permit fees are supposed to be a “fee for service” and not used for purposes of raising revenue, a fact acknowledged by the City Attorney.²⁰⁶ To quote the City Attorney: “Each city must evaluate its costs associated with administering and enforcing the SBC, which are typically related to running the city department and paying employees that administer and enforce the SBC, and establish fees that cover all of these costs.”²⁰⁷ In the words of the DLI Code Adoption Guide: “[I]t is essential that there be a conscious effort to balance the fees and

²⁰⁵ Minn. R. 1300.0160 Subp. 2.

²⁰⁶ *Huntington Decl. Ex. 27* (Goodroad Depo Ex. 14) p. 4 (Correspondence from Jacob Kimmes).

²⁰⁷ *Id.*

expenses generated by a program.”²⁰⁸ There may be cases where it is debatable whether the City has made a sincere effort to comply with the law. This is not one of those cases.

The record in this matter shows that the City has had disproportionate fees going back as early as 2013. The 2013 and 2015 GAP finance plans reflect that the City was using building permit excess revenues to fund generalized municipal debt.²⁰⁹ The City’s building permit excess revenue continued to increase in 2016.²¹⁰ In late 2016, on the advice of Abdo, the City established Fund 409.²¹¹ Between 2017 and 2021, the City deposited \$2.7 million in excess building permit revenue into Fund 409.²¹² The City used \$919,996 of excess building permit revenue to make its budget even (i.e., building permit revenues subsidizing other municipal services).²¹³ If, rather than use building permit funds to subsidize other, unprofitable funds, all excess building permit revenues had been put into Fund 409, and if no non-building permit excess revenue had been put into Fund 409, Fund 409 would currently have a balance of \$3,339,580.²¹⁴ As things stand today, the City has \$2.7 million in Fund 409.²¹⁵ The City has no intention to use these funds toward administration of the SBC.²¹⁶ Nor has the City done anything to modify its valuation-based permit fees.

In October 2019, the City attorney told the City that it should “adop[t] a building permit fee schedule that is commensurate to the City’s actual costs of the services it provides relating to administration and enforcement of the SBC.”²¹⁷ The City failed to do so. In fact, the City has

²⁰⁸ *Code Adoption Guide* p. 17.

²⁰⁹ *Huntington Decl.* Ex. 5 pp. 4-5.

²¹⁰ *Huntington Decl.* Ex. 8 (BerganKDV Communications Letter) p. 10.

²¹¹ *Huntington Decl.* Ex. 11 (Long Term Plan dated December 13, 2016) p. 7.

²¹² *Resolution Nos. 30-2018, 23-2019, 24-2020, 16-2021, 31-2022.*

²¹³ *Resolution Nos. 24-2020, 31-2022.*

²¹⁴ See excess building permit revenue chart, *supra*.

²¹⁵ *Doud Depo. Tr. excerpts* pp. 72:13-73:2

²¹⁶ See *Goodroad Depo. Tr. excerpts* p. 110:13-20.

²¹⁷ *Id.*

never modified its valuation-based permit fees.²¹⁸ The City’s revenues have “consistently” and “excessively” varied from its costs, yet there has been no “conscious effort” to balance them.²¹⁹

To the contrary, the record evidences the City’s effort to minimize and conceal its excess revenues. The Councilmember who sought reform, Troy Okerlund, was kept in the dark by the City Administrator and eventually driven from the Council altogether.²²⁰ Mere days before his deposition, Okerlund was told by his League-appointed lawyer that he could be held personally liable for the City’s loss of the monies in Fund 409.²²¹ The warning had its foreseeable effect: Okerlund felt threatened and fearful immediately before being deposed.²²²

The City’s building permit fees fail to meet the requirement that “fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.”²²³ Accordingly, the City’s building permit fees should be declared invalid, null and void.

B. The City Has Unlawfully Reported as Building Inspection Expenses Amounts Unrelated to Administration of the State Building Code.

The City building inspection expenses that must be reported to DLI must relate to administration and enforcement of the SBC.²²⁴ At deposition, former City Administrator Goodroad acknowledged that her view—viz., that zoning-related expenses should qualify in the proportionality analysis—was “much broader, more expansive” view.²²⁵ Indeed, the City’s use

²¹⁸ *Goodroad Depo. Tr. excerpts* p. 70:9-14.

²¹⁹ *Code Adoption Guide* p. 17.

²²⁰ *Okerlund Depo. Tr.* pp. 39:14-19, 65:16-24.

²²¹ *Id.* p. 9:21-24.

²²² *Id.* p. 10:12-18.

²²³ Minn. R. 1300.0160 Subp. 2.

²²⁴ *Huntington Decl. Ex. 27* (Correspondence from Jacob Kimmes); *see also Code Adoption Guide* p. 11 (“Each municipality is to evaluate local costs associated with the enforcement of the code. From this local evaluation, a fee structure can be established to cover associated and related building code administration and enforcement responsibilities.”).

²²⁵ *Goodroad Depo. Tr. excerpts* pp. 96:23-98:22.

of the Abdo and Baker Tilly methods have resulted in all manner of inaccurate and misleading expense reporting.

The City failed to file any report with DLI in either 2016 or 2017, in clear violation of the law.²²⁶ In 2018 and 2019, the City used the Abdo indirect cost methodology.²²⁷ The indirect cost method is drawn from federal regulation. Abdo's representative had never read the regulation in full; she was unaware of restrictions the regulation placed on using the indirect method.²²⁸ No one ever analyzed whether this methodology complied with Minnesota law.²²⁹

The indirect cost method resulted in costs from numerous departments having nothing to do with building permit administration being deemed inspection-related expenses.²³⁰ This included, among other things, costs for "Elections", "Assessing", "Legal", and "Emergency Management."²³¹ Abdo's representative acknowledged that the indirect cost methodology is a cost recovery method designed to ensure the City does not run a deficit.²³²

In 2020 the City used a different consultant, Baker Tilly, to assist with its DLI report.²³³ Baker Tilly's analysis similarly identified all manner of zoning-related tasks as going into the City's cost for building permit administration.²³⁴ This includes, for example, tasks such as "landscape escrow", "review subdivision", review of devel. approvals", "site review/as-builts", etc.²³⁵ Time was included for staff (e.g., Goodroad, Henderson) who testified they had no role in

²²⁶ See *id.* p. 72:7-9.

²²⁷ *Holthaus Depo. Tr.* p. 10:24-11:1.

²²⁸ See *Holthaus Depo. Tr. excerpts* pp. 24:1-3, 29:9-30:1.

²²⁹ *Id.* p. 59:16-19.

²³⁰ See *id.* pp. 32:19-33:3.

²³¹ *Abdo fee analysis* p. 5.

²³² See *Holthaus Depo. Tr. excerpts* p. 48:7-21.

²³³ *Doud Depo. Tr. excerpts* p. 57:2-10.

²³⁴ *Goodroad Depo. Ex. 21* (stating that total task cost of single-family building permit is \$3,130) with *Baker Tilly Report* p. 38 (stating that total task cost of single-family building permit is \$3,129.75)

²³⁵ *Goodroad Depo. Ex. 21.*

administering the SBC.²³⁶ Even taking into account all these zoning-related tasks, Baker Tilly still found the City had excess revenue in the amount of \$1,500 per permit.²³⁷

Absent declaratory relief from this Court, the City will continue reporting all manner of irrelevant expenditures as relating to building permit administration. The Court should declare that the City has claimed amounts in excess of what is allowed by law and order the City to cease this practice going forward.

IV. THE COURT SHOULD ORDER DISGORGEMENT OF ALL MONIES IN FUND 409.

Housing First prayed in its Complaint for disgorgement of all monies collected in violation of state and federal law.²³⁸ Courts around the country have ordered disgorgement of fees collected by municipalities in violation of the law.²³⁹ The respected treatise, “*Rathkopf’s The Law of Zoning and Planning*”, in the section titled “Reasonable Fees”, observes that: “Where excessive fees have been charged, they may be recovered in an action claiming money damages in the amount claimed to have been illegally exacted.”²⁴⁰ It matters not whether fees

²³⁶ *Goodroad Depo. Tr.* p. 46:6-11; *see also Alec Henderson Tr. excerpts* pp. 14:23-15:4 (Q.: “Are you qualified to perform building inspection services.” A.: “I do not provide building inspections.”) p. 21:15-23 (Q.: “So I do deserve a straightforward answer to my question. What percentage of your time, while you’ve been employed by the City, has been related to administration of the State Building Code.” A.: “So I do not review building code compliance. So 0 percent would be building code compliance.”).

²³⁷ *Baker Tilly Report* p. 38.

²³⁸ V. Compl. ¶¶ 57, 66, 74, 78.

²³⁹ *See generally Beachlawn Bldg. Corp. v. City of St. Clair Shores*, 136 N.W.2d 926 (Mich. 1965) (affirming order requiring city to reimburse fees charged under illegal building permit ordinance); *Raintree Homes, Inc. v. Village of Long Grove*, 906 N.E.2d 751 (Ill. Ct. App. 2009) (affirming trial court’s order requiring refund of illegal building permit fees).

²⁴⁰ *Rathkopf’s The Law of Zoning and Planning* § 69:26 (4th ed.)

were paid under formal protest.²⁴¹ Requiring a builder to pay excessive and unreasonable fees to obtain a building permit constitutes a taking and a violation of due process.²⁴²

The City currently has \$2.7 million in Fund 409 (and in fact would have much more if all excess building revenue had done into that fund). The City has no legitimate claim to these monies; its building inspection services certainly will not be harmed if ordered to disgorge the funds.²⁴³ The City's contracts with third party consultants are hourly and based upon services actually provided.²⁴⁴ Housing First will distribute all monies disgorged to homeowners who had to pay more for their homes because of the City's illegal conduct.

V. THE COURT SHOULD AWARD HOUSING FIRST ITS ATTORNEY FEES IN THIS ACTION FROM THE DISGORGED FUNDS.

Plaintiff Housing First has expended significant effort, cost and expense related to the recovery of unlawful building permit fees on behalf of Corcoran homeowners. Plaintiff alone has borne the heavy monetary cost and burden of this litigation. Those costs have been substantial. As part of this litigation, Plaintiff was forced to serve subpoenas, take depositions, and conduct significant discovery to conclusively demonstrate that the City's building permit fee schedule is unlawful and that the City should be required to disgorge the excess building permit revenue it collected in violation of the law. As argued above, the homeowners themselves would have no ability to seek recovery of the excessive fees. In fairness and equity, Plaintiff is entitled to reimbursement of its costs and expenses incurred in this litigation.

²⁴¹ *Beachlawn Bldg.*, 136 N.W.2d at 262-263 (“Since plaintiff could not have proceeded safely to build houses without permits from defendant . . . we concluded that plaintiff’s payments were involuntary because plaintiff had to pay what defendant demanded or give up its business.”).

²⁴² *Cf. Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 614 (2013) (“The fulcrum this case turns on is the direct link between the government’s demand and a specific parcel of real property.”).

²⁴³ *See Okerlund Depo. Tr.* p. 66:19-67:4.

²⁴⁴ *See Huntington Decl. Ex. 3* (Stantec letter to Goodroad).

There are two doctrines that support the award of equitable reimbursement for Plaintiffs' fees and expenses. The first is known as the "common fund" doctrine. The second is known as the "substantial benefit" doctrine. These are discussed in turn.

The common fund doctrine is based upon the principle:

[T]hat where one of many parties, having a common interest in a trust fund, at his own expense takes proper proceedings to save it from destruction, and to restore it to the purposes of the trust, he is entitled to reimbursement, either out of the fund itself, or by proportionate contribution from those who accept the benefit of his efforts."²⁴⁵

Stated differently, the common fund doctrine "provides that a private plaintiff, or plaintiff's attorney, whose efforts create, discover, increase or preserve a fund to which others also have a claim, is entitled to recover from the fund the costs of his litigation."²⁴⁶

Minnesota courts have recognized the common fund doctrine for over one-hundred years. As early as 1898, in the matter of *In re Skoll*, the Minnesota Supreme Court affirmed that the common fund doctrine was the law in this state.²⁴⁷ Likewise, in the 1936 decision of *Regan v. Babcock*, the supreme court observed that it "cannot be seriously doubted" that a court, "in a suit in equity . . . may allow to the plaintiffs compensation for their expenditures, including attorney's fees, out of the funds recovered or saved, where the suit is brought in a representative capacity for the benefit of an estate, municipality, or other beneficiary[.]"²⁴⁸ Here, where Plaintiff alone has enforced, protected, and preserved the rights of the affected homeowners, equitable reimbursement is justified and appropriate.

²⁴⁵ *Internal Imp. Fund Trustees v. Greenough*, 105 U.S. 527 (1881).

²⁴⁶ See *Zilhaver v. UnitedHealth Group, Inc.*, 646 F.Supp.2d 1075, 1084 (D. Minn. 2009) (awarding over \$200,000 in reimbursement under the common fund doctrine).

²⁴⁷ 71 Minn. 508, 510-511 (Minn. 1898) (quoting approvingly from the *Greenough* decision).

²⁴⁸ 196 Minn. 243, 250 (Minn. 1936) (collecting authorities).

The second doctrine supporting Plaintiff's recovery of attorneys' fees is the substantial benefit rule. This rule is based on the equitable principle that nonparties benefiting from litigation should share in the legal expenses of the party bringing the action.²⁴⁹ The principle avoids unjust enrichment to the absent beneficiaries.

To date, Plaintiff has incurred significant attorneys' fees in the prosecution of this action. If allowed to recover its attorneys' fees and costs, Plaintiff will timely file an affidavit in conformity with Minn. Gen. R. Prac. 119 attesting to its reasonable attorneys' fees and costs in this action. The affected Corcoran homeowners, who will ultimately receive the excess revenues disgorged by the City, would be inequitably enriched to the extent they benefit from Plaintiff's efforts without having to bear any of that cost and expense. Plaintiffs request that the Court grant summary judgment in favor of Plaintiff on this issue, and direct that, following the City's disgorgement of the monies contained in Fund 409, Plaintiff's reasonable attorneys' fees and costs will be paid from the disgorged funds.

CONCLUSION

Housing First is entitled to summary judgment. The Court should declare the City's building permit fee schedule invalid. Relief should be granted directing the City to comply with the law when it annually reports building permit expenses to DLI. Disgorgement should be ordered for all monies in Fund 409.

²⁴⁹ See *Bosch v. Meeker Co-op. Light and Power Ass'n*, 257 Minn. 362, 363-367 (Minn. 1960) (recognizing and applying the substantial benefit rule).

Dated: March 10, 2023

/s/ Bryan J. Huntington

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

File No. 27-CV-21-9069

Housing First Minnesota, a non-profit trade association,

CASE TYPE: Declaratory Judgment/Injunction

Plaintiff,

The Honorable Francis J. Magill

v.

City of Corcoran, a Minnesota municipal corporation,

PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Defendant.

INTRODUCTION

The law requires that municipal building permit fees must be “must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.” Building permit fees must be a “fee for service.” Cities may not charge “additional or extra fees to support a municipality’s general fund or other special interest projects undertaken by the municipality.” Between 2018 and 2021, the City collected approximately \$2.5 million in excess building permit revenue. Despite underreporting building permit revenues and overreporting the related expenses, the City’s reports to the Minnesota Department of Labor and Industry still show excess building permit revenues of over \$1.6 million. The record in this matter irrefutably reflects that the City’s fee schedule was not proportionate to the cost of the services being provided and indeed generated millions of dollars in excess building permit revenues. The City then used these excess revenues, which were deposited into its general fund, to balance the City’s budget generally and self-finance municipal development projects. Until the City’s practices were brought to light by Plaintiff, the City was fully prepared to finance a \$1.1 million remodel of its

city hall using primarily building permit revenues. Although Plaintiff's public report caused the City to change its funding mechanism midstream, the City nevertheless continued to transfer monies from the general fund surplus (containing building permit excess revenue) into the remodel fund. This use of building permit revenues to shore up City finances and fund projects which are unrelated to the City's administration of the state building code, is plainly contrary to law.

Housing First is entitled to summary judgment on its request for declaratory relief that the City's building permit fees violate the law. The City should be ordered to stop its practice of reporting expenses unrelated to the state building code. All excess building permit revenue collected by the City between 2018 and 2021, and in violation of Minnesota law, should be ordered disgorged.

STATEMENT OF THE RECORD

1. *Verified* Complaint (“*V. Compl.*”);
2. Declaration of Bryan J. Huntington filed March 10, 2023 (“*Huntington Decl.*”), with exhibits:
 1. Excerpts from the deposition of Brad Martens
 2. Metro West “Independent Contractor Agreement”
 3. Excerpts from the deposition of Jessica Beise
 4. Letter from Wenck Associates to Brad Martens dated January 6, 2021
 5. City’s 2018 DLI report
 6. City’s 2019 DLI report
 7. City’s 2020 DLI report
 8. City’s 2021 DLI report
 9. City’s 2018 Annual Financial Report
 10. City’s 2019 Annual Financial Report
 11. City’s 2020 Annual Financial Report
 12. City’s 2021 Annual Financial Report
 13. Email from Brad Martens dated June 29, 2018.
 14. Memorandum prepared by Brad Martens dated July 12, 2018
 15. Memorandum prepared by Brad Martens dated September 13, 2018
 16. Email from Brad Martens dated October 22, 2018
 17. City Staff Report dated November 8, 2018
 18. Minutes of the November 8, 2018 City Council meeting

19. Housing Affordability Institute’s report on building permit fees dated August 2019
20. Email from Brad Martens to reporter Thomas Hauser dated August 20, 2019
21. Email from Brad Martens to reporter Susan Van Cleaf dated August 22, 2019
22. Email from Brad Martens to the Mayor and City Council of Corcoran dated September 13, 2019
23. Transcript from the deposition of Vicki Holthaus as 30.02(f) representative for Abdo
24. Abdo Governmental Fee Analysis dated November 23, 2021
25. Abdo instructions for calculating indirect costs
26. Excerpts from the deposition of Margaret Ung
27. Spreadsheet used by the Margaret Ung to prepare the City’s 2020 DLI Report
28. Email from Brad Martens to Jessica Beise dated September 3, 2021
29. OMB Circular A-87 as revised on May 10, 2004
30. Excerpts from the deposition of Andrew Berg
31. Rebuttal report of expert Elliot Eisenberg, Ph.D. dated November 30, 2022
32. Minnesota State Building Code – Code Adoption Guide, 2021 Edition

FACTS

A. Housing First’s Mission and Purpose.

Housing First is a trade association representing the interest of approximately 900 businesses throughout the State of Minnesota that are engaged in the development, construction and remodeling of homes and the supply of materials and services to the housing industry.¹

Among Housing First’s organizational mission and purpose is, through advocacy, to oppose unlawful municipal regulations and fees which adversely impact the housing industry, including the City’s building permit fees at issue, which increase the cost of housing and thereby reduce housing affordability.²

Housing First includes a diverse group of builders and developers.³ Both builders and developers suffer injury from unlawful building permit fees, as do all homebuyers, as it increases costs for all of these parties.⁴ Housing First members currently have, have had in the past, and

¹ See *V. Compl.* ¶ 7.

² *Id.* ¶ 8.

³ *Id.* ¶ 9.

⁴ *Id.*

will have in the future, numerous developments and homebuilding activities in the City (which have been and will be subject to the City’s building permit fees) and have an interest in the outcome of this matter.⁵

By failing to fulfill its legal obligation to follow and comply with the laws and regulations governing imposition of permit fees, the City has collected building permit fees well in excess of the amount(s) allowed by law.⁶ The City has required Housing First’s members to pay fees in excess of the amount allowed by law.⁷ Housing First has an ongoing interest in protecting its membership from the imposition of illegal fees.⁸

B. At All Times Relevant Herein, the City Has Used Third Party Consultants to Administer Building Permits.

State law requires that a municipality use a licensed building official to administer the State Building Code (“SBC”).⁹ The SBC is the “minimum construction standard throughout all of Minnesota including all cities, townships, and counties.”¹⁰ The SBC consists of many rule chapters.¹¹ The Department of Labor and Industry (“DLI”) website details the various chapters comprising the SBC.¹² A City may only have one official responsible for building code administration.¹³ There is an entire chapter of regulations governing certification of building officials.¹⁴

⁵ *Id.* ¶ 10.

⁶ *Id.* ¶ 11.

⁷ *V. Compl.* ¶ 11.

⁸ *Id.*

⁹ Minn. Stat. § 326B.133, Subd. 2.

¹⁰ <https://www.dli.mn.gov/business/codes-and-laws/overview-minnesota-state-building-code>.

¹¹ <https://www.dli.mn.gov/business/codes-and-laws/makeup-minnesota-state-building-code>.

¹² *Id.*

¹³ Minn. Stat. § 326B.133, Subd. 1 (“Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category created by statute or rule.”).

¹⁴ *See generally* Minnesota Administrative Rules Chapter 1301.

At all times relevant herein the City has contracted with Metro West to perform building permit code review and inspections.¹⁵ Metro West reviews all building plan applications for building code compliance, among other things.¹⁶ Ostensibly the terms of the original contract between the City and Metro West still govern the parties' relationship (with the exception of current rates).¹⁷ The agreement states that “[a]ll necessary equipment of any nature, whatsoever necessary, to fulfill the terms of the Contract, shall be provided by the [contractor]”¹⁸ Moreover, “[Contractor] agrees that it will seek no reimbursement for out-of-pocket expenses incurred in the performance of the Contract.”¹⁹ In exchange for its services, Metro West received a fixed 35 percent of the City’s permit and plan check fees as well as various hourly fees based upon work performed.²⁰

Likewise, the City contracts with an engineering firm, Stantec (previously known as Wenck) to perform plan review.²¹ Stantec’s services include: “performing development plan review, construction management, trunk system planning, managing State mandated wetland and stormwater programs and financial projections among other services.”²² Stantec bills for its services hourly.²³

C. The City’s Excess Building Permit Revenues Between 2018 and 2021.

Pursuant to Minn. Stat. § 326B.145, municipalities are legally required to file with DLI an annual report detailing, among other things, the amount of building permit fee revenue and

¹⁵ *Huntington Decl.* Ex. 1 (hereafter, “*Martens Depo. Tr.*”) p. 43:12-21.

¹⁶ *Id.*

¹⁷ *See Huntington Decl.* Ex. 2 (Metro West Independent Contractor Agreement); *Huntington Decl.* Ex. 3 (hereafter, “*Beise Depo. Tr.*”) pp. 87:22-88:4.

¹⁸ Metro West Independent Contractor Agreement p. 2.

¹⁹ *Id.*

²⁰ *Id.* pp. 2-3.

²¹ *See Huntington Decl.* Ex. 4 (Wenck letter to Martens) p. 1.

²² *Id.*

²³ *Id.* p. 2.

related permit administration expenses. The following chart shows how the City has for years had massive building permit excess revenues and how the City has used those building permit revenues to balance its budget and fund special City projects. Notably, at all times relevant to this action, the City has deposited building permit fees directly into its general fund.²⁴

	2018	2019	2020	2021	Totals
BP revenues (reported)	\$634,592 ²⁵	\$880,195 ²⁶	\$1,187,692 ²⁷	\$1,187,692 ²⁸	\$3,890,171
Actual BP revenues	\$532,115 ²⁹	\$912,609 ³⁰	\$1,234,182 ³¹	\$1,472,323 ³²	\$4,151,229
BP expenditures (reported)	\$161,864	\$470,947	\$805,896	\$758,111	\$2,196,818
Actual BP expenditures	\$161,864 ³³	\$366,741 ³⁴	\$438,138 ³⁵	\$701,239 ³⁶	\$1,667,982
Excess BP revenue (reported)	\$472,728	\$409,248	\$381,796	\$429,581	\$1,693,353
Actual Excess BP revenue	\$370,251	\$545,868	\$796,044	\$771,084	\$2,483,247

²⁴ *Martens Depo. Tr.* p. 17:15-20.

²⁵ *Huntington Decl.* Ex. 5 (hereinafter “2018 DLI report”).

²⁶ *Huntington Decl.* Ex. 6 (hereinafter “2019 DLI report”).

²⁷ *Huntington Decl.* Ex. 7 (hereinafter “2020 DLI report”).

²⁸ *Huntington Decl.* Ex. 8 (hereinafter “2021 DLI report”).

²⁹ *Huntington Decl.* Ex. 9 (hereinafter “2018 Annual Financial Report”) pp. 92, 95.

³⁰ *Huntington Decl.* Ex. 10 (hereinafter “2019 Annual Financial Report”) pp. 90, 93.

³¹ *Huntington Decl.* Ex. 11 (hereinafter “2020 Annual Financial Report”) pp. 92, 95.

³² *Huntington Decl.* Ex. 12 (hereinafter “2021 Annual Financial Report”) pp. 94, 97.

³³ *2018 Annual Financial Report* p. 94

³⁴ *2019 Annual Financial Report* p. 92

³⁵ *2020 Annual Financial Report* p. 94

³⁶ *2021 Annual Financial Report* p. 96

BP revenue over budget	\$207,115 ³⁷	\$487,609 ³⁸	\$784,182 ³⁹	\$657,323 ⁴⁰	\$2,136,229
Total City revenues over budget	\$455,561	\$558,833	\$1,224,184	\$753,878	\$2,992,456
Percentage of excess revenues over budget attributable to BP excess revenue	81%	97%	65%	100% ⁴¹	85.75%
Amount that General Fund actual revenues exceeded actual expenditures	\$370,414	\$272,926	\$968,598	\$434,785	\$2,046,723
Transfers from general fund	\$265,000	\$695,000	\$537,000	\$235,000	\$1,732,000
Transfers to Fund 400 (“City Hall Remodel fund”)	N/A	\$520,000 ⁴²	\$187,000 ⁴³	N/A	\$707,000

As shown by the chart above, between 2018 and 2021, the City transferred approximately \$707,000 into Fund 400, also known as the “City Hall Remodel fund.” In that same time period,

³⁷ 2018 Annual Financial Report pp. 92, 95.

³⁸ 2019 Annual Financial Report pp. 90, 93.

³⁹ 2020 Annual Financial Report pp. 92, 95.

⁴⁰ 2021 Annual Financial Report pp. 94, 97.

⁴¹ In 2021, the amount of excess building permit revenue collected by the City (\$771,084) exceeded its general fund surplus (\$753,878).

⁴² 2019 Annual Financial Report p. 58.

⁴³ 2020 Annual Financial Report p. 58.

if not for excess building permit fees collected by the City, the general fund would not have enjoyed the surplus it has run for the last 4 years—but would have instead suffered a deficit.⁴⁴ In the four-year period, the City had excess building permit revenue of nearly \$2.5 million and exceeded the budgeted building permit fee revenues by nearly \$2.2 million. In that same period, the City had \$2m in excess revenue over budget. Of that budget surplus, \$707,000 was diverted into a fund for the remodel of city hall, while the remaining funds were comingled in the general fund with other revenues collected by the City and used for whatever purpose the City saw fit.

Despite the consistent, year-after-year building permit fee excesses, at no time has the City amended its valuation-based charges for building permit fees.⁴⁵

D. The City Intended to Use Building Permit Revenues to Fund a City Hall Renovation Until That Plan Was Exposed by Housing First.

From 2018 until late summer/early fall 2019, the City intended to fund a \$1+ million city hall remodel primarily using building permit excess revenues. On June 29, 2018, Brad Martens, then City Administrator, wrote an email to the mayor and several members of the city council regarding, among other topics, the remodel of city hall.⁴⁶ In that email, Martens estimated the cost of the remodel to be approximately \$850,000.00 and proposed for the remodel to be funded as follows (direct quotation below):

- \$125,000 from 2018-2019 CIP
- \$300,000 from long-range planning fund
- \$50,000 from 2018 building permit revenue
- \$100,000 from 2019 building permit revenue

⁴⁴ Amount that General Fund actual revenues exceeded actual expenditures (\$2,046,693) less building permit revenue over budget (\$2,124,467).

⁴⁵ *Beise Depo. Tr.* pp. 25:16-24, 55:9-23.

⁴⁶ *Huntington Decl.* Ex. 13 (Martens' June 29, 2018 email).

- \$275,000 loan from internal fund (probably park dedication) with annual payments of \$70,000 for four years back to fund (with interest) from future building permit revenue.
- **This plan would use almost entirely new growth money (building permits) to pay for a City Hall remodel . . .**⁴⁷

On July 12, 2018, Martens provided the city council with a memorandum pertaining to the overall 2019 City budget.⁴⁸ In that memorandum, Martens acknowledged that the City was averaging “about \$3,000.00 in net revenue” on each new home permit.⁴⁹ In projecting for 2019, Martens estimated 65 new home permits would be issued by the City.⁵⁰ Martens further stated that, despite the anticipated increase in the number of new home permits issued in 2019, the impact on the budget would be “zero.”⁵¹ Martens explained that this was because those revenues had been, and would continue to be, used to offset other gaps in the City’s finances, stating:

For the past several years the City has kept the building permit revenue from new home permits at 21 homes. **The remainder has been used to build up reserves and other funds that are not sufficient.**⁵²

On September 13, 2018, Martens provided the city council with a memorandum which also detailed the plans for financing the city hall remodel.⁵³ This memorandum estimated the total cost for phase one of the city hall remodel at between \$1,001,000 and \$1,168,000.⁵⁴ Consistent with his June 29 email, this memorandum called for significant portions of those costs

⁴⁷ *Id.* (emphasis added).

⁴⁸ *Huntington Decl.* Ex. 14 (Martens’ July 12, 2018 memorandum).

⁴⁹ *Id.* p. 4.

⁵⁰ *Id.* p. 3.

⁵¹ *Id.* p. 4.

⁵² *Id.*

⁵³ *Huntington Decl.* Ex. 15 (Martens’ September 13, 2018 memorandum).

⁵⁴ *Id.* p. 3.

to come from excess permit revenue including \$50,000 from the “2018 Building Permit Surplus” and a six-year inter-fund loan of \$405,000 to “be funded through building permit revenues.”⁵⁵

On October 22, 2018, Martens sent an email to Tammy Omdal, Senior Vice President and Manager of Northland Strategies, seeking assistance in establishing a financing plan for the city hall remodel.⁵⁶ In this email, Martens again confirmed the City’s intention to fund the remodel through excess building permit revenue, stating “

I need a plan to use new building permit revenue to pay back the gap [in city hall remodel financing] over a short term (ideally 5-6 years) as I intended to borrow from a fund (probably sewer but need to chat with you).⁵⁷

A November 8, 2018 Staff Report prepared by Martens again indicated that a large portion of the funds necessary for the city hall remodel would come from building permit revenues.⁵⁸ Further, the staff report further called for the allocation of revenues from the City’s 2019 budget and the City’s “2018 budget surplus.”⁵⁹ As provided in the table above reflecting the City’s building permit revenue from 2018 to 2021, the excess building permit revenue taken in by the City was a major contributor toward the surplus enjoyed by the City.⁶⁰

At a November 8, 2018 city council meeting, Martens spoke publicly about the city hall remodel as well as the City’s plan to finance the project with building permit revenues. In his comments to the council, Martens confirmed that his references to new growth referred to building permit revenue, stating that “[n]ew demand costs would be paid by new growth

⁵⁵ *Id.* p. 4.

⁵⁶ *Huntington Decl.* Ex. 16 (Martens’ October 22, 2018 email).

⁵⁷ *Id.* (emphasis added).

⁵⁸ *Huntington Decl.* Ex. 17 (November 8, 2018 Staff Report) (“The remainder is recommended to come from an internal loan from the water fund and be paid back from building permit revenues.”).

⁵⁹ *Id.* p. 3.

⁶⁰ *Supra* Section C.

revenue—building permit revenue essentially—which we have thrown into the long range planning fund.”⁶¹ Martens further confirmed that the 2019 budget transfer referred to in his November 8 staff report also referred to building permit revenue, stating “2019 budget transfer for \$120,000, which is generated from building permit revenue.”⁶² Lastly, Martens again stated that the inter-fund loan being contemplated to finance the city hall remodel would be paid back by building permits revenues, explaining to the council that the inter-loan payment plan was a “\$60,000 a year program . . . it could be paid back faster or slower with building permit revenue allocated towards that fund.”⁶³ The city council inquired about the number of building permits needed to fund the project.⁶⁴ City administrator Martens noted 20 building permits were allocated to the project.”⁶⁵

Throughout 2018, Martens consistently communicated his plan to fund the city hall remodel with revenues from building permits issued by the City. However, at his deposition, Martens admitted that it was not legitimate for the city council to use excess building permit revenues to finance the remodel of city hall.⁶⁶

The City’s annual financial reports show that the City acted in conformity with the city administrator’s plan for funding the city hall remodel using building permit revenue. In 2019 and 2020, the City collected hundreds of thousands of dollars in excess building permit revenues in those years and transferred significant sums into the city hall remodel fund.⁶⁷ In 2019, the city

⁶¹ City of Corcoran Council Meeting of November 8, 2018 (hereinafter “*Nov. 8 Council Meeting*”), available online at <https://www.youtube.com/watch?v=yEFzTInYJrs>.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*; *Huntington Decl.* Ex. 18 (Minutes of November 8, 2018 city council Meeting).

⁶⁵ *Id.*

⁶⁶ *Martens Depo. Tr.* p. 144:15-20.

⁶⁷ *2019 Annual Financial Report* pp. 90, 93; *2020 Annual Financial Report* pp. 92, 95.

collected \$545,868 in excess building permit revenue and transferred \$520,000 from the general fund, which held those revenues, to the city hall remodel fund.⁶⁸ In 2020, the city collected \$798,044 in excess building permit revenue and transferred \$187,000 from the general fund to the city hall remodel fund.⁶⁹

In August 2019, Plaintiff published an open report detailing how cities—including Corcoran—use building permit revenue to boost their bottom line (the “Report”).⁷⁰ Corcoran’s plan to use building permit revenues to fund its city hall remodel, as evidenced in the previously cited emails, memoranda, and public comments, was discussed in the Housing First report.⁷¹ Immediately after this report was published, Martens began a misinformation campaign in the media. Martens told multiple members of the media that, in fact, property taxes—not building permit revenue—would be funding the remodel.

Martens told one reporter that “[t]he funds to be paid back by the water fund will be paid by the tax levy supported by the growing tax base” and specifically stated that the Report’s statement that the repayment of that interfund loan would come from excess building permit revenue was false.⁷² Similarly, Martens told another reporter that the Report included “false and misleading statements” regarding how the City uses building permit revenue and stated that “the vast majority of the proposed City Hall remodel” would be paid by a tax levy supported by the additional tax capacity generated by housing growth.⁷³ In that same communication, Martens asserted that building permit revenues were instead used to cover “costs of the staff that are

⁶⁸ *2019 Annual Financial Report* pp. 58, 90, 92.

⁶⁹ *2020 Annual Financial Report* pp. 58, 92, 94.

⁷⁰ *Huntington Decl.* Ex. 19 (Housing Affordability Institute’s report).

⁷¹ *Id.*

⁷² *Huntington Decl.* Ex. 20 (August 20, 2019 email from Martens to reporter Thomas Hauser).

⁷³ *Huntington Decl.* Ex. 21 (August 22, 2019 email from Martens to reporter Susan Van Cleaf).

responsible for managing that process . . .”⁷⁴ However, Martens had publicly and in internal communications previous explicitly recognized that excess building permit revenue would be primarily responsible for funding the city hall remodel, including paying back any inter-fund loan.⁷⁵ Martens acknowledged at his deposition that his claim about property levy funding being used to fund the project was directly inconsistent with his prior statements to the city council the project would be funded by building permits.⁷⁶

After the attention generated by the Report, the City abruptly changed course on the funding mechanism for the city hall remodel. On September 13, 2019, Martens sent an email to the mayor and members of city council containing, among other items, an updated overview of the financing for the city hall remodel.⁷⁷ Unlike previous proposals which uniformly identified building permit revenue as the source of a majority of the funding for the city hall remodel, this financial overview provided that the vast majority of the funding would be “funded by the tax levy.”⁷⁸ At his deposition, Martens agreed that the plan to use tax levies to fund the remodel was fundamentally different than the plan as it previously existed.⁷⁹ When asked at his deposition about Martens could not recall when that change was made, or who was involved in the decision to change the source of funding.⁸⁰

⁷⁴ *Id.*

⁷⁵ *Huntington Decl.* Exs. 13-18.

⁷⁶ *Martens Depo. Tr.* p. 97:20-98:1.

⁷⁷ *Huntington Decl.* Ex. 22 (September 13, 2019 email from Martens to Mayor and city council).

⁷⁸ *Id.*

⁷⁹ *Martens Depo. Tr.* p. 112:13-113:22.

⁸⁰ *Id.* at p. 109:6-24.

As of the end of 2021, the City Hall Remodel fund contained a negative balance.⁸¹ In that year, \$545,163 of “general government” expenditures had been paid out of that fund.⁸² As detailed above, the general fund surplus which allowed for transfers to the City Hall Remodel fund was overwhelmingly the result of excess building permit revenue deposited into the general fund.

E. Abdo’s Cost Allocation Methodology.

Plaintiff deposed Abdo through its appointed representative Vicki Holthaus, a partner in Abdo’s financial solutions team.⁸³ Abdo helped the City of Corcoran report building permit revenues to DLI in 2020.⁸⁴ Abdo also assisted in preparing a report for the City using the indirect cost methodology.⁸⁵ The purpose of the report was so that the City could use the indirect cost method going forward.⁸⁶ Abdo has provided instruction to the City on how to use the indirect cost methodology.⁸⁷

Margaret Ung, the City’s finance manager, signed off on the 2020 DLI report.⁸⁸ When she was deposed, she did not know how Abdo performed the indirect cost analysis.⁸⁹ Ung repeatedly testified that she did not use an indirect cost methodology to fill out the 2020 DLI report.⁹⁰ However, the spreadsheet containing her analysis references an “AEM” (Abdo) time study and repeatedly references the “IDCAR” (indirect cost allocation rate).⁹¹ Clearly, the City

⁸¹ *2020 Annual Financial Report* p. 92.

⁸² *Id.*

⁸³ *Huntington Decl. Ex. 23* (hereafter, “*Holthaus Depo. Tr.*”) p. 7:22-23.

⁸⁴ *Id.* p. 11:10-17.

⁸⁵ *Huntington Decl. Ex. 24* (hereinafter “*Abdo fee analysis*”).

⁸⁶ *Holthaus Depo. Tr.* p. 12:3-7.

⁸⁷ *Id.* p. 12:3-14; *see also Huntington Decl. Ex. 25* (hereafter, “*Abdo Instructions for Calculating Indirect Costs*”).

⁸⁸ *See* 2020 DLI report.

⁸⁹ *See generally Huntington Decl. Ex. 26* (hereafter, “*Margaret Ung Depo. Tr.*”) p. 33-39.

⁹⁰ *Margaret Ung Depo. Tr.* pp. 40-42.

⁹¹ *See Huntington Decl. Ex. 27* (Ung Spreadsheet used to prepare the City’s 2020 DLI Report).

used Abdo’s analysis to prepare the report.⁹² The City presumably used Abdo’s analysis to prepare the 2021 DLI report.

It was not within Abdo’s scope of work to provide a legal opinion concerning whether Corcoran complied with state law governing building permit fees.⁹³ Abdo reached no conclusions regarding whether the City’s fees complied with state law.⁹⁴ Holthaus acknowledged that building permit fees are supposed to be a fee for service.⁹⁵

Abdo’s indirect cost methodology was drawn from federal regulation, more specifically, Office of Management and Budget (“OMB”) Circular A-87.⁹⁶ Abdo used this methodology without any basis for doing so under Minnesota law.⁹⁷ Abdo never performed a legal analysis concerning which costs could properly be claimed on the DLI form.⁹⁸ Holthaus had never read the full OMB circular.⁹⁹

The indirect cost methodology does the following:

The City’s governmental fees were grouped by department and the indirect costs were allocated across the various City fee types based on the direct salary cost for providing the service. Due to the nature of the services performed by the City’s administrative employees, any costs not considered direct costs to the Administrative Department (indirect costs) were allocated to the governmental departments in our analysis.¹⁰⁰

⁹² *Huntington Decl.* Ex. 28 (Martens September 3, 2021 email) (“AEM will take care of lines 11, 12, 13, 14.”).

⁹³ *Holthaus Depo. Tr.* p. 21:4-8.

⁹⁴ *Id.* p. 21:9-17.

⁹⁵ *Id.* p. 20:5-7.

⁹⁶ *See* p. 20:5-7; *see also* *Abdo fee analysis* p. 4 (referencing OMB Circular A-87 and stating its allocation method was used to apportion “indirect salary” costs).

⁹⁷ *Holthaus Depo. Tr.* p. 24:13-18.

⁹⁸ *Id.* p. 59:16-19.

⁹⁹ *See* *Holthaus Depo. Tr.* p. 24:1-3.

¹⁰⁰ *Abdo fee analysis* p. 5.

Stated differently, Abdo took all of the City's costs that could not be apportioned to specific departments, and then allocated those costs based upon direct expenditures that could be allocated to a specific department.¹⁰¹ The indirect cost methodology is not a fee for service methodology. Instead, it is a cost recovery method which attempts to ensure the City does not run a deficit.¹⁰²

The categories of "indirect costs" that were apportioned to inspections services was not specifically identified in either the Abdo report for Corcoran or the Ung spreadsheet. However, the Ung spreadsheet states that \$162,947 in overhead was "allocated based on IDCAR."¹⁰³ A report authored by Abdo for the City of Dayton did explicitly identify the indirect cost categories. They included items such as "Elections", "Assessing", "Legal", and "Emergency Management."¹⁰⁴

The OMB Circular states as its purpose that it "establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments[.]"¹⁰⁵ In other words, the purpose of the Circular is for the States to develop an accounting method for federal funds for specific federal projects.¹⁰⁶

The OMB Circular refers to "fee for service" as an "alternative" model to the cost allocation method. It reads:

[OMB] encourages Federal agencies to test fee for service alternatives as a replacement for current cost reimbursement payment methods in response to the

¹⁰¹ See *Holthaus Depo. Tr.* pp. 32:19-33:3.

¹⁰² See *id.* p. 48:7-21.

¹⁰³ *Huntington Decl. Ex. 27.*

¹⁰⁴ See Abdo fee analysis report for City of Dayton dated December 16, 2020, filed as an exhibit in support of summary judgment in the *Dayton* litigation.

¹⁰⁵ *Huntington Decl. Ex. 29* (hereafter, "*OMB Circular*").

¹⁰⁶ *Holthaus Depo. Tr.* p. 24:4-7.

National Performance Review's (NPR) recommendation. The NPR recommends the fee for service approach to reduce the burden associated with maintaining systems for charging administrative costs to Federal programs and preparing and approving cost allocation plans. This approach should also increase incentives for administrative efficiencies and improve outcomes.¹⁰⁷

The OMB Circular defines "cost" to explicitly exclude "transfers to a general or similar fund."¹⁰⁸ The OMB Circular provides examples of "indirect costs" to include: "general administration of the grantee department or agency, accounting and personnel services performed within the grantee department or agency, depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, etc."¹⁰⁹ The OMB Circular is explicit that funds "are not [to] be used for general expenses required to carry out other responsibilities of a State or its subrecipients."¹¹⁰

The following exchange took place during the Holthaus deposition:

- Q. [I]f the OMB Circular places limitations on a state's use of funds for a federal program, would Abdo apply the same limitations on how a city can use building permit fee funds?
- A. You'll have to restate this because I'm just struggling to understand the correlation between a state and federal program and a municipal cost accounting system for building inspections.
- Q. Well, I struggle with that, too, and yet you're the ones using the federal program. So let's—do you know—are you aware that both [Cities] put all building permit fee revenues into the general fund?
- A. Yes, I am.
- Q. . . . Under the OMB Circular, do you know whether there are restrictions on a state commingling federal funds with other state funds.

¹⁰⁷ *OMB Circular* p. 3.

¹⁰⁸ *Id.* p. 5.

¹⁰⁹ *Id.* p. 32.

¹¹⁰ *Id.* p. 4.

A. I do not work with state or federal government so I'm not privy to the regulations that they utilize.¹¹¹

Holthaus had never seen the contracts the City had with third-party contractors for building inspections and plan review services.¹¹²

Plaintiff also deposed Andy Berg, another partner with Abdo.¹¹³ Berg testified regarding the legal compliance audit guide that is produced by the Minnesota Secretary of State.¹¹⁴ No part of that standard form compliance document addresses building permit fees.¹¹⁵

F. Expert Report of Dr. Elliot Eisenberg, Ph. D.

Plaintiff produced an expert report prepared by economist Dr. Elliot Eisenberg, Ph. D.¹¹⁶ Eisenberg earned a Bachelor of Arts in economics with first class honors from McGill University in Montreal, and also a Master and PH.D. in public administration from Syracuse University.¹¹⁷ Eisenberg was an economist for the National Association of Home Builders for over a decade.¹¹⁸ Eisenberg's report specifically focused upon and responded to the LOCI expert report served by Defendant.¹¹⁹ Eisenberg's conclusions are as follows:

1. Any building permit fee will always have a negative impact on homebuilding and home prices,
2. The size of the fee and the behavioral response of the buyers is the key determinant of the magnitude of the loss, and
3. In the totality of cases, even a modest increase of \$1,000 will inevitably negatively impact demand, therefore
4. The excessive and disproportionate fees in the Cities have indisputably harmed homebuilders.

¹¹¹ *Holthaus Depo. Tr.* pp. 29:9-30:1.

¹¹² *Id.* p. 30:

¹¹³ *Huntington Decl. Ex. 30* (hereafter, "*Berg Depo. Tr.*") p. 8:22-23.

¹¹⁴ *Id.* p. 16:2-21.

¹¹⁵ *Id.* p. 18:5-10.

¹¹⁶ *Huntington Decl. Ex. 31* (hereafter, "*Eisenberg Report*").

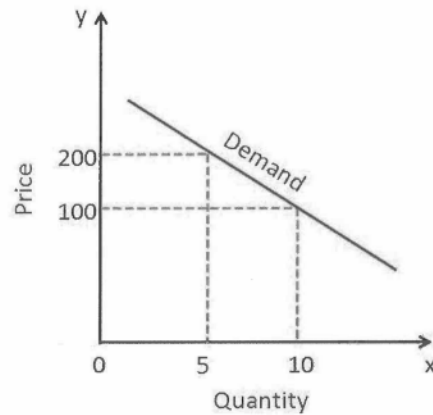
¹¹⁷ *Id.* p. 1.

¹¹⁸ *Eisenberg Report* (resume).

¹¹⁹ *Id.* p. 1.

5. In addition to the negative impacts on homebuilders, there are negative impacts throughout the housing supply chain as a result of excessive and disproportionate building permit fees.
6. Finally, the analysis leads to the conclusion that the rental market is also negatively affected by excessive permit fees.¹²⁰

Eisenberg provided several examples illustrating the economic principle of elasticity of demand.¹²¹ First, he provides the example of a municipal “banana inspection tax.”¹²² He provided the following chart which generally demonstrates how price increases impact demand¹²³:



As the price increases, demand drops. Eisenberg explained how a hypothetical banana tax would impact the behavior of numerous parties, from the grocery store selling the bananas, to the trucks that haul the bananas, to the international shipper of the bananas, to the banana farmer.¹²⁴

¹²⁰ *Id.* pp. 1-2.

¹²¹ “The elasticity of demand refers to the degree to which demand responds to a change in an economic factor.” <https://www.investopedia.com/ask/answers/012915/what-difference-between-inelasticity-and-elasticity-demand.asp#:~:text=The%20elasticity%20of%20demand%20refers,shifts%20when%20economic%20factors%20change>.

¹²² *Eisenberg Report* p. 2.

¹²³ *Id.* p. 3.

¹²⁴ *Id.* pp. 3-4.

Eisenberg then provided a discussion regarding how interest rates impact homebuying behavior. Eisenberg observed that in 2022, interest rates for a 30-year mortgage rose from 3% to more than 6% and higher.¹²⁵ He noted that “[a]s the cost of a new monthly mortgage payment rose dramatically, new home sales plummeted, a measure of demand. The housing market went from one of the strongest sectors in the economy to one of the weakest[.]”¹²⁶ Eisenberg noted that there are alternatives to buying a home, such as renting, moving in with roommates, or moving back with one’s parents.¹²⁷ Indeed, housing demand is “highly elastic” because federal regulations put a hard ceiling on a potential homebuyer’s debt-to-income ratio.¹²⁸ “The credit environment places a hard limit on new housing demand.”¹²⁹

Eisenberg reproduced the following chart originally produced by the National Association of Homebuilders¹³⁰:

Table 1. US Households Priced Out of the Market by Increases in House Prices, 2022

Area	Mortgage Rate	House Price	Monthly Mortgage Payment	Taxes and Insurance	Minimum Income Needed	Households Unable to Afford the Median Price	
						Number	Percent
United States	3.50%	\$412,506	\$1,822	\$493	\$99,205	87,527,382	69.1%
United States	3.50%	\$413,506	\$1,826	\$494	\$99,445	87,645,314	69.2%
Difference		\$1,000	\$4	\$1	\$240	117,932	0.1%

Calculations assume a 10% down payment and a 73-basis point fee for private mortgage insurance.
A Household Qualifies for a Mortgage if Mortgage Payments, Taxes, and Insurance are 28% of Income

Thus, “a \$1,000 increase in the price of a new home will prevent an additional 117,932 households across the United States from qualifying for a mortgage, and thus buying a home.”¹³¹

¹²⁵ *Id.* p. 5.

¹²⁶ *Id.*

¹²⁷ *Id.* p. 6.

¹²⁸ *Eisenberg Report* p. 6.

¹²⁹ *Id.*

¹³⁰ *Id.* p. 7.

¹³¹ *Id.*

Potential homebuyers may either choose not to seek a mortgage, or find themselves unable to qualify for one because of credit limitations.¹³² Either way, demand for housing declines as prices rise.¹³³

Turning specifically to the issue of excessive building permit fees, Eisenberg observed the following with respect to the parties impacted by higher home prices: “Most immediately impacted, of course, are the builders and developers, who will necessarily build fewer homes. They will hire fewer workers, buy fewer supplies and building materials, and have less need for the services of architects and other professionals during the development and construction process.”¹³⁴ Also impacted is the priced-out buyer, who suddenly must find an alternative to buying a new home. Eisenberg provided the following additional conclusions and findings:

1. The core principles of microeconomics establish that price increases almost always change behavior, and the degree of behavioral change is reflective of the elasticity of demand.
2. Housing demand is relatively elastic, and as such, increased costs, such as permit fees, regardless of the amount, always have some negative impact on the housing market.
3. The excessive and disproportionate building permit fees assessed by the Cities [Dayton and Corcoran] have inevitably harmed homebuilders and the housing market in the area.
4. Statements or representations that building permit fees have no impact on the local housing market are not reasonable given underlying microeconomic principles.
5. The strength of the City’s housing market over the past years mirrors that of the national housing market in that low interest rates and pandemic related factors have been key drivers of the housing market.
6. The argument in the LOCI reports that since housing permits exceeded forecast levels there was no harm to the housing market from the excessive and disproportionate permit fees ignored larger market factors such as changes in interest rates and pandemic behavioral responses.¹³⁵

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.* p. 10.

¹³⁵ *Id.* p. 11.

G. Claims at Issue in This Litigation.

The Verified Complaint in this case has four counts: (1) declaratory judgment (permit fee schedule invalid); (2) declaratory judgment (violation of due process); (3) declaratory judgment (violations of takings clause); and (4) injunctive relief. Housing First seeks, among other things, a declaration that the City’s building permit fee schedule is illegal and unenforceable; disgorgement of all building permit fee revenue collected in violation of the law; and injunctive relief enjoining enforcement of the building permit schedule.

ARGUMENT

I. BLACK LETTER LAW APPLICABLE TO DISPUTE.

A. Summary Judgment Standard.

Under Rule 56.01 of the Minnesota Rules of Civil Procedure, summary judgment “shall [be] grant[ed] . . . if the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” The purpose of summary judgment is to pierce the pleadings and to assess whether there is a genuine need for trial. Summary judgment is not a “disfavored procedural shortcut, but rather . . . an integral part of the [Rules of Civil Procedure] as a whole, which are designed to secure the just, speedy, and inexpensive determination of every action.”¹³⁶

Once the moving party has supported its motion as required by Rule 56.03, the non-moving party has the burden of producing evidence as to all material facts for which it bears the burden of proof at trial.¹³⁷ Summary judgment is appropriate against a party who fails to make a showing sufficient to establish the existence of any essential element needed to satisfy that

¹³⁶ *Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986).

¹³⁷ *Id.* at 322; *Doward v. City of Minneapolis*, 456 N.W.2d 460, 464 (Minn. Ct. App. 1990).

party's burden.¹³⁸ The non-moving party must go beyond the pleadings and set forth affirmative evidence and specific facts showing that there is a genuine dispute on that issue for trial.¹³⁹ "To resist summary judgment, the evidence must be significantly probative, not merely colorable."¹⁴⁰ If the non-moving party fails to carry that burden, summary judgment should be granted.¹⁴¹

B. The Minnesota Declaratory Judgments Act.

Under the Declaratory Judgments Act, courts have the "power to declare rights, status, and other legal relations whether or not further relief is or could be claimed."¹⁴² The Act is remedial legislation that is intended to afford relief from uncertainty.¹⁴³ The Act has a preventative purpose.¹⁴⁴ The Minnesota Supreme Court has instructed that:

Jurisdiction exists to declare the rights, status, and other legal relations of the parties if the complainant is possessed of a judicially protectable right or status which is placed in jeopardy by the ripe or ripening seeds of an actual controversy with an adversary party, and such jurisdiction exists although the status quo between the parties has not yet been destroyed or impaired and even though no relief is or can be claimed or afforded beyond that of merely declaring the complainant's rights so as to relieve him from a present uncertainty and insecurity.¹⁴⁵

¹³⁸ *Celotex*, 477 U.S. at 322–23; *Davis v. Midwest Discount SECS, Inc.*, 439 N.W.2d 383, 386 (Minn. Ct. App. 1989).

¹³⁹ *Celotex*, 477 U.S. at 324; *Pourmehdi v. Northwest National Bank*, 849 F.2d 1145, 1146 (8th Cir. 1988).

¹⁴⁰ *Albert v. Paper Calmenson & Co.*, 515 N.W.2d 59, 64 (Minn. Ct. App. 1994) (citations omitted).

¹⁴¹ *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).

¹⁴² *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337 (Minn. 2011) (quoting Minn. Stat. § 555.01)).

¹⁴³ *Id.*

¹⁴⁴ *Id.* at 339; *cf. City of Eveleth v. Town of Fayal*, No. C2-00-1882, 2001 WL 605049, at **3-4 (Minn. Ct. App. June 5, 2001) (reinstating the City of Eveleth's claim for declaratory judgment challenging a water control ordinance adopted by the Town of Fayal, even though the town had not sought to enforce the ordinance against the city).

¹⁴⁵ *Minn. Fed. of Men Teachers, Local 238, A.F.L. v. Bd. of Edu. of City of Mpls.*, 238 Minn. 154, 157-158 (1952) (citations omitted).

C. Standing to Challenge Municipal Ordinances.

Minnesota Statute § 462.361 provides that “*any person aggrieved* by an ordinance, rule, regulation, decision or order of a governing body . . . may have such ordinance, rule, regulation, decision or order reviewed . . . in the district court”¹⁴⁶ Case law defines “any person aggrieved” as a party upon whom “an action by the municipality adversely operates on his rights of property or bears upon his personal interest.”¹⁴⁷

To establish standing, case law merely requires that a plaintiff identify a particularized injury to its personal interest.¹⁴⁸ “Any particularized injury, regardless if it is shared by the community as a whole, satisfies the standard set in *Citizens* for a party to qualify as ‘person aggrieved.’”¹⁴⁹

With respect to when an injury occurs, the following was observed by our Minnesota Supreme Court in *State by Humphrey v. Philip Morris Inc.*:

The argument that no injury has been suffered because costs were passed through one entity to customers, consumers, or other entities usually arises in antitrust cases. ***It has been uniformly rejected in the courts***, primarily on the theory that the injury is sustained as soon as the price, artificially raised for whatever reason, has been paid.¹⁵⁰

¹⁴⁶ Minn. Stat. § 462.361, subd. 1 (emphasis added)

¹⁴⁷ *Stansell v. City of Northfield*, 618 N.W.2d 814, 819 (Minn. Ct. App. 2000).

¹⁴⁸ *Citizens for a Balanced City v. Plymouth Congregational Church*, 672 N.W.2d 13, 18 (Minn. App. 2003).

¹⁴⁹ *See Friends of Twin Lakes v. City of Roseville*, No. A05-1770, 2006 WL 234879 (Minn. Ct. App.) at *3-4.

¹⁵⁰ 551 N.W.2d 490, 496 (Minn. 1996) (emphasis added); *see also County of Oakland v. City of Detroit*, 866 F.2d 839, 845 (6th Cir. 1989) (“Does the injury suffered by such a person vanish if he is able to recoup the illegal overcharge by passing it on to his own customers? The answer is not difficult, at least insofar as the constitutional aspect of the question is concerned.”); *Bacchus Imports, Ltd. v. Dias*, 468 U.S. 263, 267 (1984) (holding that plaintiff wholesalers “plainly have standing” to challenge a tax alleged to be discriminatory, even if the tax was passed on to customers of the wholesaler) *cf. Hanover Shoe, Inc. v. United Shoe Machinery Corp.*, 392 U.S. 481, 490 (1968) (“We hold that the buyer is equally entitled to damages if he raises the price for his own product. As long as the seller continues to charge

D. Associational Standing.

Associational or organizational standing is a “well-established notion” that “recognizes that an organization may sue to redress injuries on its own behalf or on behalf of its members.”¹⁵¹

“The Minnesota Supreme Court has adopted a liberal standard for organizational standing.”¹⁵²

As indicated above, “Minnesota courts recognize impediments to an organization’s activities and mission as an injury sufficient for standing.”¹⁵³

“An association has standing to sue on behalf of its members where ‘(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.’”¹⁵⁴ Numerous decisions of the Minnesota appellate courts have approved of building associations bringing suit on behalf of their members.¹⁵⁵

the illegal price, he takes from the buyer more than the law allows.”); *Bridgeport and Port Jefferson Steamboat Co. v. Bridgeport Port Authority*, 567 F.3d 79, 85-86 (2d Cir. 2009) (holding that steamboat had standing to challenge passenger fees steamboat collected from its passengers and paid to port authority).

¹⁵¹ *Id.* at 914-15.

¹⁵² *Id.* at 913.

¹⁵³ *Id.* at 914.

¹⁵⁴ *Builders Association of the Twin Cities d/b/a Housing First Minnesota v. City of Dayton*, Hennepin County Court File No. 27-CV-19-13521, Docket Index No. 23 (*Findings of Fact, Conclusions of Law, and Order*) p. 3 (quoting *Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977)).

¹⁵⁵ See generally *Builders Ass’n of the Twin Cities v. Minnesota Department of Labor & Indust.*, 872 N.W.2d 263 (Minn. Ct. App. 2015) (holding that sprinkler rule was invalid in constitutional pre-enforcement challenge brought by plaintiff herein); see also *Builders Ass’n of Minn. v. City of St. Paul*, 819 N.W.2d 172, 176-177 (Minn. Ct. App. 2012) (holding that builders association had standing to challenge city ordinance because its members suffered economic injuries and because its members’ interests were at stake); cf. *BATC v. Dayton*, Docket Index No. 23 p. 4 (holding that BATC had standing to challenge Dayton transportation charge).

E. Law Governing Municipal Building Permit Fee Collection.

Pursuant to Minn. Stat. § 462.353, Subd. 4(a): “fees must be fair, reasonable, and proportionate and have a nexus to the actual cost of the service for which the fee is imposed.” DLI has an administrative rule imposing similar requirements on building permit fees.¹⁵⁶ The rule reads: “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.”¹⁵⁷

DLI has expounded on this rule in its Code Adoption Guide. The Code Adoption guide reads:

Minnesota Rule requires building permit fees to be established at a rate that is commensurate with the services being provided by the local building department. The rule also states that the fees are to be reasonable, fair, and proportionate to the actual costs of the services being provided. It is for this reason that the building code does not specifically identify or provide for a fee schedule to be used by a jurisdiction. Each municipality is to evaluate local costs associated with the enforcement of the code. From this local evaluation, a fee structure can be established to cover associated and related building code administration and enforcement responsibilities. Again, by Minnesota Rule, the fees are to be commensurate with the services required or provided; building permit fees may not be used as a tool to raise additional monies for the municipalities’ general fund.¹⁵⁸

The Code Adoption guide contains a question-and-answer section with responses of relevance to this case:

8. If we adopt the State Building Code, how much should we charge for a building permit fee?

Answer: Permit fees are to be determined and established by the local municipality. Permit fees must be established so that they cover all costs associated with administration and enforcement [of] the State Building Code – to run a functioning building department. Permit fees can be

¹⁵⁶ See Minn. R. 1300.0160 Subp. 2.

¹⁵⁷ *Id.*

¹⁵⁸ *Huntington Decl.* Ex. 32 (hereafter, “Code Adoption Guide”) p. 11.

developed on a ‘fixed fee’ basis and on a construction ‘value’ type of sliding fee schedule, or a combination of both. It is important to remember that the fees are being collected as a ‘fee for service,’ and as such, they must be commensurate with the services being provided.¹⁵⁹

9. If we adopt the State Building Code, can ‘extra’ permit fee revenue be used to offset other general fund expenditures or balances in the local budget?

Answer: The State Building Code specifically requires that building permit fees be fair, reasonable, and proportionate to the actual costs of the services for which the fee is being imposed (1300.0160 – MN Rules Part). Although exactness is not required, *it is essential that there be a conscious effort to balance the fees and expenses generated by a program. When fees or expenses consistently and/or excessively vary from one another, adjustments in fees or expenses should be made to more closely align the two.* Because these amounts can fluctuate considerably from year to year, it is important to base decisions on any changes only after establishing rationale and trends. Building permit applicants should not be charged additional or extra fees to support a municipality’s general fund or other special interest projects undertaken by the municipality.¹⁶⁰

The Code Adoption book follows from the plain meaning of the regulation and, therefore, has the force and effect of law.¹⁶¹

¹⁵⁹ *Id.* p. 17.

¹⁶⁰ *Id.* p. 17 (emphasis added).

¹⁶¹ *See generally Matter of Valet Living*, No. A20-0817, 2021 WL 772622 (Minn. Ct. App. March 1, 2021) (holding that fire marshal’s interpretive document followed from plain meaning of fire code); *see also Swenson v. Emerson Elec. Co.*, 374 N.W.2d 690, 702 (Minn. 1985) (observing that “an interpretive rule will be given authoritative effect if it is a permissible gloss on the statute in light of the statute’s language, structure, and legislative history.”)

II. PLAINTIFF HAS STANDING TO MAINTAIN THIS ACTION.

A. The Elements of Associational Standing are Satisfied.

Time and again the courts have affirmed that builder associations have standing to pursue claims on behalf of their members analogous to the claims at issue here. In fact, in another dispute between Plaintiff and the City of Dayton (“Dayton”) involving an illegal transportation fee imposed by Dayton (the “Transportation Fee Case”), the district court, the Honorable Susan M. Robiner, ruled that Plaintiff had standing to contest the fee.¹⁶² The decision of Judge Robiner is instructive here.

Housing First’s suit in the Transportation Fee Case challenged Dayton’s Off Site Transportation Charge.¹⁶³ Dayton asserted that Housing First lacked standing to challenge the fee.¹⁶⁴ With respect to standing, the court observed record evidence that members of Housing First had homebuilding activity in the City of Dayton.¹⁶⁵ The court observed that Housing First was “seeking to protect its mission by keeping the costs associated with buying a new home low.”¹⁶⁶ The court ruled that Housing First had standing to contest the fee even though “[t]he costs imposed by the City ordinance would . . . eventually . . . be passed on to the new home buyer.”¹⁶⁷ For the same reasons as in the Transportation Fee Case, Housing First has standing to maintain its claims against the City here.

The City has made apparent that it will contest standing because the building permit fees are ultimately passed on to homebuyers. Housing First does not dispute, for purposes of this

¹⁶² *Builders Association of the Twin Cities d/b/a Housing First Minnesota v. City of Dayton* (Hennepin County Ct. File No. 27-CV-19-13521), Docket Index No. 23.

¹⁶³ *Id.* p. 1.

¹⁶⁴ *Id.* p. 3.

¹⁶⁵ *Id.* p. 4.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

action, that building permit fees are eventually passed on to the homeowner. As was true in the Transportation Fee Case, the fact that the illegal fee is passed on to the homeowner is of no consequence. As has been observed by our Supreme Court:

The argument that no injury has been suffered because costs were passed through one entity to customers, consumers, or other entities usually arises in antitrust cases. ***It has been uniformly rejected in the courts***, primarily on the theory that the injury is sustained as soon as the price, artificially raised for whatever reason, has been paid.¹⁶⁸

Cognizable injury for standing purposes occurs the moment the City conditions development on payment of an illegal fee.¹⁶⁹ That is why the builders, who actually pay the fee, have standing to bring the claim. A homeowner likely lacks standing to challenge a municipal fee paid by a builder.¹⁷⁰ The City's position is legally unsupported and would, if accepted, make its fees immune from challenge.

As a factual matter, the City's position conflicts with fundamental economic principles. The Eisenberg expert report explains how excessive fees harm builders: "Most immediately impacted, of course, are the builders and developers, who will necessarily build fewer homes.

¹⁶⁸ *State by Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 496 (Minn. 1996) (emphasis added).

¹⁶⁹ *See County of Oakland*, 866 F.2d at 845 ("Does the injury suffered by such a person vanish if he is able to recoup the illegal overcharge by passing it on to his own customers? The answer is not difficult, at least insofar as the constitutional aspect of the question is concerned."); *Bacchus Imports*, 468 U.S. at 267 (holding that plaintiff wholesalers "plainly have standing" to challenge a tax alleged to be discriminatory, even if the tax was passed on to customers of the wholesaler); *cf. Hanover Shoe*, 392 U.S. at 490 ("We hold that the buyer is equally entitled to damages if he raises the price for his own product. As long as the seller continues to charge the illegal price, he takes from the buyer more than the law allows."); *Bridgeport and Port Jefferson Steamboat*, 567 F.3d at 85-86 (holding that steamboat had standing to challenge passenger fees steamboat collected from its passengers and paid to port authority).

¹⁷⁰ *Cf. Kansas v. Utilicorp United, Inc.*, 110 S.Ct. 2807 (1990) (holding that ultimate consumers of natural gas could not assert claim against natural gas producers; reaffirming that only direct purchaser utility companies could maintain suit).

They will hire fewer workers, buy fewer supplies and building materials, and have less need for the services of architects and other professionals during the development and construction process.”¹⁷¹

Furthermore, neither “injury” nor “harm” is an element of a claim under the Declaratory Judgments Act. All that need be shown to bring a claim under the Act is (1) “definite and concrete assertions of right that emanate from a legal source”; (2) “a genuine conflict in tangible interests between parties with adverse interests”; and (3) the matter is “capable of specific resolution by judgment rather than presenting hypothetical facts[.]”¹⁷² In *Harstad v. City of Woodbury*, the Minnesota appellate courts affirmed that there was a justiciable controversy permitting the developer to contest the city’s transportation fee.¹⁷³ Justiciability did not depend upon who ultimately bore the cost. So here. Minnesota law does not allow municipalities to charge exorbitant and unreasonable building permit fees. A genuine controversy exists because a builder cannot legally build in the City without paying the illegal fee. The Court can grant a specific resolution—in the form of setting aside the City’s fee schedule. All of the elements for justiciability under the Declaratory Judgments Act are satisfied.

III. THE COURT SHOULD GRANT SUMMARY JUDGMENT AND DECLARE THE CITY’S BUILDING PERMIT FEE SCHEDULE INVALID.

There is no genuine issue of material fact that the City has collected over \$2.4 million in excess building permit fee revenue and used that excess revenue to build up the City’s reserves and fill gaps in the City’s finances.¹⁷⁴ Until the City’s usage of building permit fee revenue was brought to light by Plaintiff, the City had intended to use a major portion of those excess revenue

¹⁷¹ *Eisenberg Report* p. 10.

¹⁷² *Harstad v. City of Woodbury*, 902 N.W.2d 64, 70 (Minn. Ct. App. 2017) (citation omitted) *aff’d* by 916 N.W.2d 540 (Minn. 2018).

¹⁷³ *Id.*

¹⁷⁴ *See Supra* Section C; *see also* Martens’ July 12, 2018 memorandum.

to remodel its city hall. And even after that report, the City still put hundreds of thousands of dollars of commingled general fund surplus (largely comprised of excess building permit revenues) into the city hall remodel fund. Furthermore, there is no genuine issue of material fact that the City's methods of reporting inspection expenses have inappropriately included a wide variety of costs unrelated to administration of the SBC. The record manifestly demonstrates that the City's building permit fees are not "proportionate to the actual cost of the service for which the fee is imposed."¹⁷⁵ The Court should grant summary judgment and declare the City's building permit fee schedule illegal, unenforceable, and void.

A. The City Has Violated the Law by Using Its Building Permit Fees to Fund City Services and Improvements Unrelated to Administration of the State Building Code.

Building permit fees are supposed to be a "fee for service" and not used for purposes of raising revenue.¹⁷⁶ In the words of the DLI Code Adoption Guide: "[I]t is essential that there be a conscious effort to balance the fees and expenses generated by a program."¹⁷⁷ There may be cases where it is debatable whether the City has made a sincere effort to comply with the law. This is not one of those cases.

The record in this matter shows that the City has had disproportionate fees going back as early as 2018. At all times building permit fee revenue has been deposited into the City's general fund.¹⁷⁸ According to the City's annual financial reports, the City collected excess building permit fee revenue totaling hundreds of thousands of dollars per year.¹⁷⁹ Between 2018 and 2021, the last year for which data is currently available, the City collected \$2,483,247 in

¹⁷⁵ Minn. R. 1300.0160 Subp. 2.

¹⁷⁶ *Code Adoption Guide* pp. 11, 17.

¹⁷⁷ *Id.* at p. 17.

¹⁷⁸ *Martens Depo. Tr.* p. 17:15-20.

¹⁷⁹ *See Supra* Section C.

excess building permit revenues.¹⁸⁰ Largely as a result of excess building permit revenue, the City enjoyed a surplus in its general fund year after year.¹⁸¹ It is undisputed that these excess revenues were impermissibly used for City expenses and gaps in City finances unrelated to costs associated with administering and enforcing the SBC.¹⁸²

Beginning in 2019, the City established Fund 400 for the purpose of financing a remodel of city hall.¹⁸³ Despite his central role in the decision to finance the city hall remodel using building permit fee revenue, City Administrator Brad Martens agreed at his deposition that it was not legitimate for the City to use those revenues for the remodel of city hall.¹⁸⁴ Between 2019 and 2020, the City transferred \$707,000 from the general fund to Fund 400.¹⁸⁵ In both 2019 and 2020, if not for excess building permit fee revenue, the City would not have had a surplus in its general fund sufficient to cover these transfers.¹⁸⁶ Therefore, those transfers necessarily included building permit excess revenues.

As things stand today, the City has collected nearly \$2.5 million in excess building permit revenue.¹⁸⁷ However, these revenues have not been used solely to pay costs associated with administering and enforcing the SBC, but have instead been used to benefit the finances of the City generally.¹⁸⁸ Despite collecting significant, excess building permit fees year after year, the City failed to do anything to modify its permit fee schedule to bring its fees in line with its

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Martens' July 12, 2018 memorandum ("For the past several years the City has kept the building permit revenue from new home permits at 21 homes. The remainder has been used to build up reserves and other funds that are not sufficient").

¹⁸³ 2019 Annual Financial Report p. 58.

¹⁸⁴ *Martens Depo. Tr.* p. 144:15-20.

¹⁸⁵ *See Supra* Section C.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *See Supra* Section C; *see also* Martens' July 12, 2018 memorandum.

expenses.¹⁸⁹ The City’s revenues have “consistently” and “excessively” varied from its costs, yet there has been no “conscious effort” to balance them.¹⁹⁰

To the contrary, the record evidences the City’s effort to minimize and conceal its excess revenues. Despite reporting excess building permit revenues in its annual DLI reports, a comparison of those reports to the City’s annual financial reports reflects the City’s consistent practice of underreporting revenues while overreporting expenditures. Between 2018 and 2021, the City reported excess building permit revenue totaling \$1,693,353 while its annual financial report reflects excess building permit revenues of \$2,483,247.¹⁹¹ This discrepancy is the result of the City underreporting building permit revenue by \$261,058 during that same time period while also overreporting building permit expenses by \$528,836.¹⁹² These are not rounding errors, but rather reflect a consistent pattern of inaccurate reporting to downplay the extent to which the City was collecting excess building permit revenue from 2018 to present.

The City’s building permit fees fail to meet the requirement that “fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.”¹⁹³ Accordingly, the City’s building permit fees should be declared invalid, null and void.

B. The City Has Unlawfully Reported as Building Inspection Expenses Amounts Unrelated to Administration of the State Building Code.

The City building inspection expenses that must be reported to DLI must relate to administration and enforcement of the SBC.¹⁹⁴ Rather than comply with this requirement, the

¹⁸⁹ *Beise Depo. Tr.* pp. 25:16-24, 55:9-23

¹⁹⁰ *Code Adoption Guide* p. 17.

¹⁹¹ *See Supra* Section C.

¹⁹² *Id.*

¹⁹³ Minn. R. 1300.0160 Subd. 2.

¹⁹⁴ *Code Adoption Guide* p. 11 (“Each municipality is to evaluate local costs associated with the enforcement of the code. From this local evaluation, a fee structure can be established to cover associated and related building code administration and enforcement responsibilities.”).

City's use of the Abdo method has resulted in all manner of inaccurate and misleading expense reporting.

Beginning in 2020, the City used the Abdo indirect cost methodology.¹⁹⁵ The indirect cost method is drawn from federal regulation. Abdo's representative had never read the regulation in full; she was unaware of restrictions the regulation placed on using the indirect method.¹⁹⁶ No one ever analyzed whether this methodology complied with Minnesota law.¹⁹⁷

The indirect cost method resulted in costs from numerous departments having nothing to do with building permit administration being deemed inspection-related expenses.¹⁹⁸ While the categories of "indirect costs" that were apportioned to inspections services was not specifically identified in either the Abdo report for Corcoran or the Ung spreadsheet, the Ung spreadsheet reflects that \$162,947 in overhead was "allocated based on IDCAR."¹⁹⁹ A report authored by Abdo for the City of Dayton did explicitly identify the indirect cost categories. They included items such as "Elections", "Assessing", "Legal", and "Emergency Management."²⁰⁰ Abdo's representative acknowledged that the indirect cost methodology is a cost recovery method designed to ensure the City does not run a deficit.²⁰¹

Absent declaratory relief from this Court, the City will continue reporting all manner of irrelevant expenditures as relating to building permit administration. The Court should declare

¹⁹⁵ *Holthaus Depo. Tr.* pp. 11:10-12:7.

¹⁹⁶ *See Holthaus Depo. Tr.* pp. 24:1-3, 29:9-30:1.

¹⁹⁷ *Id.* p. 59:16-19.

¹⁹⁸ *See id.* pp. 32:19-33:3.

¹⁹⁹ *See Huntington Decl.* Ex. 27.

²⁰⁰ *See* Abdo fee analysis report for City of Dayton dated December 16, 2020, filed as an exhibit in support of summary judgment in the *Dayton* litigation.

²⁰¹ *See Holthaus Depo. Tr.* p. 48:7-21.

that the City has claimed amounts in excess of what is allowed by law and order the City to cease this practice going forward.

IV. THE COURT SHOULD ORDER DISGORGEMENT OF ALL EXCESS BUILDING PERMIT FEE REVENUES COLLECTED BETWEEN 2018 AND 2021.

Housing First prayed in its Complaint for disgorgement of all monies collected in violation of state and federal law.²⁰² Courts around the country have ordered disgorgement of fees collected by municipalities in violation of the law.²⁰³ The respected treatise, “*Rathkopf’s The Law of Zoning and Planning*”, in the section titled “Reasonable Fees”, observes that: “Where excessive fees have been charged, they may be recovered in an action claiming money damages in the amount claimed to have been illegally exacted.”²⁰⁴ It matters not whether fees were paid under formal protest.²⁰⁵ Requiring a builder to pay excessive and unreasonable fees to obtain a building permit constitutes a taking and a violation of due process.²⁰⁶

The City has collected nearly \$2.5 million in excess building permit fee revenues and has for years used those revenues to build its financial reserves and fill gaps in City finances in violation of Minn. Stat. § 462.353, Subd. 4(a). The City has no legitimate claim to these monies; its building inspection services certainly will not be harmed if ordered to disgorge the funds.

²⁰² *V. Compl.* ¶¶ 41, 50, 58, 62.

²⁰³ See generally *Beachlawn Bldg. Corp. v. City of St. Clair Shores*, 136 N.W.2d 926 (Mich. 1965) (affirming order requiring city to reimburse fees charged under illegal building permit ordinance); *Raintree Homes, Inc. v. Village of Long Grove*, 906 N.E.2d 751 (Ill. Ct. App. 2009) (affirming trial court’s order requiring refund of illegal building permit fees).

²⁰⁴ *Rathkopf’s The Law of Zoning and Planning* § 69:26 (4th ed.)

²⁰⁵ *Beachlawn Bldg.*, 136 N.W.2d at 262-263 (“Since plaintiff could not have proceeded safely to build houses without permits from defendant . . . we concluded that plaintiff’s payments were involuntary because plaintiff had to pay what defendant demanded or give up its business.”).

²⁰⁶ *Cf. Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 614 (2013) (“The fulcrum this case turns on is the direct link between the government’s demand and a specific parcel of real property.”).

The City's contracts with third party consultants are hourly or based upon a set percentage of the fees collected by the City, and are based upon services actually provided.²⁰⁷ Housing First will distribute all monies disgorged to homeowners who had to pay more for their homes because of the City's illegal conduct.

V. THE COURT SHOULD AWARD HOUSING FIRST ITS ATTORNEY FEES IN THIS ACTION FROM THE DISGORGED FUNDS.

Plaintiff Housing First has expended significant effort, cost and expense related to the recovery of unlawful building permit fees on behalf of Corcoran homeowners. Plaintiff alone has borne the heavy monetary cost and burden of this litigation. Those costs have been substantial. As part of this litigation, Plaintiff was forced to serve subpoenas, take depositions, and conduct significant discovery to conclusively demonstrate that the City's building permit fee schedule is unlawful and that the City should be required to disgorge the excess building permit revenue it collected in violation of the law. As argued above, the homeowners themselves would have no ability to seek recovery of the excessive fees. In fairness and equity, Plaintiff is entitled to reimbursement of its costs and expenses incurred in this litigation.

There are two doctrines that support the award of equitable reimbursement for Plaintiffs' fees and expenses. The first is known as the "common fund" doctrine. The second is known as the "substantial benefit" doctrine. These are discussed in turn.

The common fund doctrine is based upon the principle:

[T]hat where one of many parties, having a common interest in a trust fund, at his own expense takes proper proceedings to save it from destruction, and to restore it to the purposes of the trust, he is entitled to reimbursement, either out of the fund itself, or by proportionate contribution from those who accept the benefit of his efforts.²⁰⁸

²⁰⁷ Metro West Independent Contractor Agreement p. 2; Wenck letter to Martens p. 1.

²⁰⁸ *Internal Imp. Fund Trustees v. Greenough*, 105 U.S. 527 (1881).

Stated differently, the common fund doctrine “provides that a private plaintiff, or plaintiff’s attorney, whose efforts create, discover, increase or preserve a fund to which others also have a claim, is entitled to recover from the fund the costs of his litigation.”²⁰⁹

Minnesota courts have recognized the common fund doctrine for over one-hundred years. As early as 1898, in the matter of *In re Skoll*, the Minnesota Supreme Court affirmed that the common fund doctrine was the law in this state.²¹⁰ Likewise, in the 1936 decision of *Regan v. Babcock*, the supreme court observed that it “cannot be seriously doubted” that a court, “in a suit in equity . . . may allow to the plaintiffs compensation for their expenditures, including attorney’s fees, out of the funds recovered or saved, where the suit is brought in a representative capacity for the benefit of an estate, municipality, or other beneficiary[.]”²¹¹ Here, where Plaintiff alone has enforced, protected, and preserved the rights of the affected homeowners, equitable reimbursement is justified and appropriate.

The second doctrine supporting Plaintiff’s recovery of attorneys’ fees is the substantial benefit rule. This rule is based on the equitable principle that nonparties benefiting from litigation should share in the legal expenses of the party bringing the action.²¹² The principle avoids unjust enrichment to the absent beneficiaries.

To date, Plaintiff has incurred significant attorneys’ fees in the prosecution of this action. If allowed to recover its attorneys’ fees and costs, Plaintiff will timely file an affidavit in conformity with Minn. Gen. R. Prac. 119 attesting to its reasonable attorneys’ fees and costs in

²⁰⁹ See *Zilhaver v. UnitedHealth Group, Inc.*, 646 F.Supp.2d 1075, 1084 (D. Minn. 2009) (awarding over \$200,000 in reimbursement under the common fund doctrine).

²¹⁰ 71 Minn. 508, 510-511 (Minn. 1898) (quoting approvingly from the *Greenough* decision).

²¹¹ 196 Minn. 243, 250 (Minn. 1936) (collecting authorities).

²¹² See *Bosch v. Meeker Co-op. Light and Power Ass’n*, 257 Minn. 362, 363-367 (Minn. 1960) (recognizing and applying the substantial benefit rule).

this action. The affected Corcoran homeowners, who will ultimately receive the excess revenues disgorged by the City, would be inequitably enriched to the extent they benefit from Plaintiff's efforts without having to bear any of that cost and expense. Plaintiffs request that the Court grant summary judgment in favor of Plaintiff on this issue, and direct that, following the City's disgorgement of excess building permit revenues between 2018 and 2021, Plaintiff's reasonable attorneys' fees and costs will be paid from the disgorged funds.

CONCLUSION

Housing First is entitled to summary judgment. The Court should declare the City's building permit fee schedule invalid. Relief should be granted directing the City to comply with the law when it annually reports building permit expenses to DLI. Disgorgement should be ordered for all monies in Fund 409. Housing First should be awarded its attorneys' fees.

Dated: March 10, 2013

/s/ Bryan J. Huntington

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IN COURT OF APPEALS
A23-1049

Housing First Minnesota,

Appellant,

v.

City of Corcoran,

Respondent.

A23-1050

Housing First Minnesota,

Appellant,

v.

City of Dayton,

Respondent.

**APPELLANT'S REPLY BRIEF
IN CONSOLIDATED CASES**

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ARGUMENT

I. THE DISTRICT COURT ERRED BY GRANTING SUMMARY JUDGMENT BASED ON LACK OF STANDING.

A. Summary of Facts/Issues Not Disputed by the Cities.

At the outset, it is important to point out what the Cities have not done in their appeal brief. The Cities have not challenged or disputed any of the facts or information contained in Appellant’s principal brief. The Cities have not argued that they demonstrated a genuine issue of material fact on the merits under Minn. R. 1300.0160, subp. 2, viz., whether the Cities’ building permit fees were “proportionate to the actual cost of the service for which the fee is imposed.” The Cities have done nothing to rebut Housing First’s evidence that the Cities have inappropriately claimed expenses unrelated to State Building Code (“SBC”) administration as building permit expenses. The Cities have not asked this Court to remand to the district court should the Court conclude Housing First has standing. If the Court rejects the Cities’ technical defenses, summary judgment on the merits should be directed in favor of Housing First.

B. Response to Cities’ Statement of Facts.

On page 11 of the Cities’ brief, they cite to the August 2019 Housing Affordability Institute report and suggest it admitted or acknowledged that all builders in these Cities charge profit and overhead. The Cities simultaneously acknowledge that the chart relied upon by the district court with respect to profit and overhead was an “example.” *Cities’ Br.* p. 11. The Cities are well aware this was a hypothetical calculation—not even discussing a single specific building permit, much less all building permits issued in the Cities—yet they discuss it as if it was an admission in discovery, stating it was

“disclosed” as a calculation. This was not a “disclosure.” It was a public report authored by an entity not a party to this lawsuit regarding costs associated with a hypothetical permit. Nowhere did the report state or suggest that every building permit would follow the same specific criteria it discussed. It chose a 30-year mortgage because that is “typical[.]” *See Dayton Doc. Index 111 (3/10/2023 Dayton Swenson Decl.) Ex. 7 p. 11 (HFM002158)*. Housing First was under no obligation to disprove that all builders charge profit when that is not what this documented represented. In granting summary judgment against Housing First, the district court was required to construe the evidence and take all inferences in favor of Housing First. It did the opposite. It was clear error for the district court to make a factual finding on summary judgment regarding how all builders charge in exclusive reliance upon a hypothetical discussed in a report authored by a non-party.

The Cities claim Housing First “cannot identify any particular permits for which it believes its members were overcharged.” *Cities’ Br.* p. 12. This case is not about an overcharge here or there, or about this or that subdivision. This case is about documented, undeniable, systemic overcharging over a period of years.

The Cities assert that “[t]he Cities’ annual adoption of their fee schedules reflect their good-faith attempt to align their revenues and expenses[.]” *Cities’ Br.* p. 12. At no time has Dayton amended its valuation-based permit fee schedule. *See Dayton Doc. Index 49 (3/10/2023 Huntington Decl.) Ex. 7 p. 70:9-14 (Goodroad Depo. Tr. excerpts)*. It was not until 2023—over a year after this litigation commenced—that Corcoran made any change to its valuation-based building permit fees. There is no evidence this recent

amendment to the valuation-based fees in Corcoran was adopted in order to make the fees commensurate with the City's actual costs of SBC administration. The City will still keep profiting after this change. The fact that these Cities repeatedly adopted the same fee schedule over and over despite enormous profits—approximately \$3M in four years for Dayton, and \$2.5M in four years for Corcoran—is not evidence of good faith. Quite the opposite.

The Cities contend that when they set building permit fees, they do not know what costs they will incur relating to building permit administration. *Cities' Br.* p. 9. This suggestion is mostly false, and is certainly not an undisputed fact. The Cities know the historical hourly rates charged by its third-party contractors (the parties that actually do the plan review and inspection work). Whether the Cities have fifty building permits or five hundred, they will pay these contractors the same hourly rate per permit. The Cities' out-of-pocket payments to their contractors are based upon services actually provided. *See 3/10/2023 Huntington Decl.* Ex. 3 (Stantec letter to Goodroad). Accordingly, the Cities run no risk of a deficit should the number of new home building permits decline. *See id.* at Ex. 4 p. 66:19-67:4.

The Cities asserts that “expenses for building permits vary from year to year based on the amount of time both staff and consultants work on building permits.” *Cities' Br.* p. 14. As they did below, the Cities offer as an example Dayton's associate planner. The planner the City is referring to is Alec Henderson.¹ The Cities never tie these allegedly

¹ https://www.hometownsource.com/press_and_news/news/government/dayton-accepts-planner-s-resignation/article_dbb781b4-8224-11ed-8e61-0f616eac0f6b.html.

higher costs to building permit administration. The truth is, the role Mr. Henderson played has nothing to do with building permit administration. This is not a fact that can genuinely be disputed: Henderson testified that 0% of his duties related to administration of the SBC. *3/10/2023 Huntington Decl.* Ex. 26 p. 21:15-23 (Q.: “What percentage of your time, while you’ve been employed by the City, has been related to administration of the State Building Code.” A.: “So I do not review building code compliance. So 0 percent would be building code compliance.”).

C. Housing First Has Standing Under Builders Association of Minnesota.

The Cities assert that: “Where a plaintiff association seeks to establish standing based on alleged harm to its members, courts scrutinize whether those members have suffered an injury-in-fact.” *Cities’ Br.* p. 24 (citation omitted). The Cities contend that in *Builders Association of Minnesota v. City of St. Paul*, the “Court did not hold . . . that the plaintiff organization had standing through its members despite these members’ not suffering an injury-in-fact.” *Id.* p. 31. But in that opinion, the Court determined that: “An organization can assert standing if its members’ interests are directly at stake **or** if its members have suffered an injury-in-fact.” 819 N.W.2d 172, 177 (Minn. Ct. App. 2012) (emphasis added.) Thus, there are two *separate* bases for there to be organizational standing in this case.

The *Builders Association of Minnesota* court determined that, in addition to injury in fact standing, the plaintiff building association also had standing because its builder members offered services in St. Paul. *See id.* (observing that “as a number of BAM’s members offered remodeling services in St. Paul, the policy directly affected their

interests as well.”). In the instant case, just as in *Builders Association of Minnesota*, Appellant has standing under both bases—member interests at stake and injury in fact—although only one is sufficient for standing purposes.

The Cities suggest that the Court should simply ignore what the Court determined in the published decision in *Builders Association of Minnesota* regarding an association’s interests at stake being an independent basis for standing. *Cities’ Br.* pp. 32-33. The Cities must show a “compelling” reason for the Court to overrule its precedent. *Matter of Civ. Commitment of Kraskey*, No. A17-1243, 2018 WL 414380, at *3 (Minn. Ct. App. Jan. 16, 2018). The Cities fail to do so; the Court should reject the invitation to overrule or transmogrify that precedent.

The Cities claim that *Builders Association of Minnesota* “is best interpreted as referring to statutory standing.” *Id.* p. 32. Even accepting purely for the sake of argument that were true, it does nothing to aid the Cities: just as the association in *Builders Association of Minnesota* sought a declaratory judgment, so too did Housing First seek declaratory relief.

D. The Case Law Cited by the Cities is Irrelevant.

The Cities argue that: “the fact of full reimbursement of the fees means, as a matter of law, that Housing First’s members have not suffered an injury-in-fact sufficient to establish standing.” *Cities’ Br.* p. 27. The Cities cite *Tovar v. Essentia Health*, a case where one of the plaintiffs was a mother arguing that her employer and insurer unlawfully discriminated in refusing to provide benefits to her child (who was also a plaintiff). *See* 342 F. Supp. 3d 947, 955 (D. Minn. 2018); *see also Tovar v. Essentia*

Health, 857 F.3d 771 (8th Cir. 2017). The Eighth Circuit Court of Appeals ruled that the mother's out-of-pocket expenses to pay for certain drugs established injury in fact supporting her claims. *See Tovar*, 857 F.3d at 778. The district court then ruled that the plaintiff mother lacked standing because the mother had been reimbursed by the insurer. *See* 342 F. Supp. 3d at 951 ("Defendants later decided to provide coverage as a one-time exception and reimbursed Tovar for her out-of-pocket expenses."), 955. The pass through defense was not at issue in *Tovar*. There was no claim there that a vendor had been forced to pay an illegal fee, nor did the defendant assert that reimbursement by a third party would bar standing. Not once did *Tovar* cite *Hanover Shoe* or any of its progeny.

The Cities also cite the unpublished and non-precedential Ninth Circuit Court of Appeals decision in *Luman v. Theismann*, 647 Fed.Appx. 804 (9th Cir. 2016). *Cities' Br.* p. 27. In that case, the plaintiffs alleged that the drug they purchased did not perform as advertised. *See* No. 2:13-cv-00656, 2014 WL 443960, at *1 (E.D. Cal. Feb. 4, 2014). Before one of the plaintiffs (Luman) filed suit, the drug manufacturer issued that plaintiff a refund. The district court ruled that issuance of the refund mooted that plaintiff's claim for monetary relief. *Id.* at **4-5.

The district court further ruled in *Luman* that the plaintiffs lacked standing to pursue injunctive relief because the plaintiffs never intended to use the drug again. *See id.* at **6-7. The Ninth Circuit affirmed these specific holdings of the district court. *See Luman*, 647 Fed.Appx. at 806-807. Housing First is not seeking money damages in this case. Housing First prayed for declaratory and injunctive relief. The record is manifestly

clear that Housing First’s members have and will continue to build the vast majority of the new homes in the Cities. *Dayton V. Compl.* ¶ 10; *Corcoran V. Compl.* ¶ 10; *Dayton Doc. Index 111 (3/31/2023 Declaration of Nick Erickson)* ¶ 5; *Corcoran Doc. Index 76* ¶ 5. Housing First’s members have standing to pursue injunctive relief because they are “realistically threatened by a repetition of the violation.” *Luman*, 2014 WL 443960, at *7 (citation omitted). *Luman* provides no assistance to Defendants.

E. Housing First Has Standing Under *The Tobacco Case*.

The Cities make the colorful observation that “the Court will search in vain for any mention of the pass-through defense in the section of *Blue Cross* where the supreme court addressed whether the plaintiff could pursue its equitable claims.” *Cities’ Br.* p. 30. It is true that if the reader myopically reads the three paragraphs underneath the header “Equitable Claims” on pages 497-498 of the opinion, the phrase “pass through defense” does not explicitly appear there. But to suggest, as the Cities do (*id.* pp. 30-31), that the Court did not reject the pass through defense as to those claims as well, is to inappropriately ignore what the rest of the opinion, as well as the district court opinion, makes obvious.

The Minnesota Supreme Court observed in the *Tobacco Case* that: “The defendant tobacco companies moved the trial court to dismiss *Blue Cross* from the suit for lack of standing because *Blue Cross* had passed through its increased expenditures for health care to its subscriber groups as premium increases and therefore had suffered no compensable injury.” *State by Humphrey v. Philip Morris, Inc.*, 551 N.W.2d 490 (Minn. 1996) (hereafter, “*The Tobacco Case*”). The Tobacco companies argued that *Blue Cross*

and Blue Shield of Minnesota should be completely dismissed from the case based upon the pass through defense. As summarized by the district court: “Defendants seek to dismiss Plaintiff Blue Cross and Blue Shield of Minnesota (“BCBSM”) for lack of standing, arguing that BCBSM has suffered no pecuniary harm because BCBSM has ‘passed through’ its expenditures for health care costs to its subscriber groups in the form of increased premiums.” No. C1-94-8565, 1995 WL 1937124, at *2 (Minn. D. Ct. May 19, 1995). The supreme court did, most certainly, reject the argument that the pass through defense required dismissal of the equitable claims of Blue Cross. It did so based upon principles of associational standing—principles which are just as applicable in this case. *See The Tobacco Case*, 551 N.W.2d at 497-498.

The Cities presume that the Declaratory Judgments Act should be treated differently than the statutes at issue in *The Tobacco Case*, but never explain why that is the case. Like the antitrust and consumer protection statutes considered by the supreme court there, the Declaratory Judgments Act is likewise “broad and comprehensive in its terms[.]” *Barron v. City of Minneapolis*, 212 Minn. 566, 568 (Minn. 1942). The reasons motivating rejection of the pass through defense in *The Tobacco Case* counsel the same outcome here.

As far as the Cities claim that Housing First “lacks any equitable claims” (*Cities’ Br.* p. 30), that is simply false. The Complaints in both cases explicitly seek disgorgement—an equitable remedy. *See Dayton V. Compl.* ¶¶ 57, 66, 74; *Corcoran V. Compl.* ¶¶ 41, 50, 58; *see also S.E.C. v. Capital Solutions Monthly Income Fund, LP*, 28 F.Supp.3d 887, 897 (D. Minn. 2014) (“Disgorgement is an equitable remedy aimed at preventing unjust enrichment resulting from a defendant’s wrongdoing.”). The Cities are well aware that disgorgement is an equitable remedy. *See Transcript of April 7, 2023 Summary Judgment Hearing*, p. 46:11:12 (counsel for

the Cities stating at oral argument before the district court that “disgorgement is . . . an equitable remedy.”).

F. Housing First Has Standing Under *Hanover Shoe* and *Illinois Brick*.

The Cities claim that under *Hanover Shoe*, if it can be shown that a party forced to pay an illegal fee in fact passed through the cost of the illegal fee, the pass through defense is viable. *Cities’ Br.* pp. 33-34. The Cities’ “interpretation” of that opinion is irreconcilable with its text. The Supreme Court remarked in *Hanover Shoe* that it is “difficult to determine, in the real economic world . . . what effect a change in a company’s price will have on its total sales.” *Hanover Shoe, Inc. v. United Shoe Machinery Corp.*, 392 U.S. 481, 493 (1968). The Court further observed that “even if it could be shown that the buyer raised his price in response to, and in the amount of, the overcharge **and that** his margin of profit and total sales had not thereafter declined, **there would remain** the nearly insuperable difficulty of demonstrating that the particular plaintiff could not or would not have raised his prices absent the overcharge or maintained the higher price had the overcharge been discontinued.” *Id.* (emphasis added). The Court concluded that applicability of the pass through defense would require a “**convincing showing of each** of these virtually unascertainable figures.” *Id.* (emphasis added). The Cities made no effort to demonstrate any of these other circumstances. The Cities have not come close to establishing the pass through defense under the requirements of *Hanover Shoe*.

On the other hand, Housing First has presented expert evidence that it could have had more total sales—and thus more total revenue—had the Cities not charged the

excessive building permit fees. ADD 52; ADD 42:13-24. Every \$1,000 increase in the total cost of the home prices out a segment of potential homebuyers, thereby reducing total demand. *See* ADD 49; ADD 53.

Where the Cities discuss *Illinois Brick* (*Cities' Br.* p. 33), they carefully omit that portion of the opinion demonstrating that the “narrow” situation where a cost-plus contract “might be permitted” is not applicable in this case. The Court in *Illinois Brick* described such a situation as one where: “the purchaser is insulated from any decrease in its sales as a result of attempting to pass on the overcharge, because *its customer is committed to buying a fixed quantity regardless of price.*” *Illinois Brick Co. v. Illinois*, 431 U.S. 720, 736 (1977) (emphasis added). The Court observed that cost-plus contracts “circumvent complex market interactions[.]” *Id.* The Eisenberg report reflects that the housing market is “highly elastic” because prospective homebuyers have many options in lieu of buying a house. ADD 48. Prospective homebuyers have choices, and are not committed to buying a house irrespective of price. This is not a situation involving a cost-plus contract.

The Cities argue that their own experts concluded “that the building-permit fees charged by Corcoran and Dayton *do not* negatively affect the housing markets in those specific cities.” *Cities' Br.* p. 37. Unlike Dr. Eisenberg, the Cities’ “experts” are not economists. At no time did the Cities attempt to rebut the opinions and analysis of Dr. Eisenberg.

G. The Cities’ Attempt to Distinguish Case Law Cited by Housing First Fails.

The Cities would distinguish *Bridgeport and Port Jefferson Steamboat Co. v. Bridgeport Port Authority* on the theory that “Housing First is not alleging that it, as an association, has suffered any injury.” 567 F.3d 79 (2d Cir. 2009). This is a thinly veiled challenge to black letter law of associational standing. Housing First’s members will suffer future injury if injunctive relief is not granted in these cases. *Dayton V. Compl.* ¶ 10 (“Housing First members currently have, have had in the past, and will have in the future, numerous developments and homebuilding activities in the City (which have been and will be subject to the City’s building permit fees) and have an interest in the outcome of this matter.”); *Corcoran V. Compl.* ¶ 10 (same). Such harm is all that is necessary for associational standing. *See The Tobacco Case*, 551 N.W.2d at 497-498. Under *Bridgeport and Port Jefferson Steamboat Co.*, the possibility of future injury grants standing to challenge an illegal fee. 567 F.3d 79,86 (2d Cir. 2009).

II. HOUSING FIRST HAS STANDING UNDER MINNESOTA COMMON LAW.

The Cities acknowledge that taxpayers have standing to sue to enjoin illegal municipal expenditures. *See Cities’ Br.* pp. 39-41. The Cities simultaneously deny that private persons who pay a municipal fee may sue to enjoin an illegal expenditure *See id.* The Cities offer no rationale for such a difference in treatment. The Cities disregard that in *Regan v. Babcock*, the supreme court observed the fact the plaintiffs paid auto license fees in holding they had standing to challenge a highway construction contract. 188 Minn. 192, 201 (1933). The interest of Housing First in proper disposition of the fees

paid by its members is more compelling than the interest of an ordinary taxpayer in proper administration of general municipal funds. The Court should hold that Housing First has a legitimate and protectible concern in these cases and therefore has standing under Minnesota common law.

III. HOUSING FIRST MAY ENFORCE THE RIGHTS OF HOMEOWNERS.

The Cities claim that Housing First may not enforce the rights of homebuyers, citing to *Kowalski v. Tesmer*, 543 U.S. 125, 130 (2004). *Cities' Br.* p. 42. The Cities point out that the United States Supreme Court has looked to two criteria when deciding third party standing: (1) a “close” relationship with the person who possesses the right; and (2) a “hindrance” to the possessor’s ability to protect their own interests. *See Kowalski*, 543 U.S. at 130.² A fair examination of *Kowalski* shows that affording third party standing to Housing First is in keeping with the decisions where third party standing has been recognized in the past, such as *Craig v. Boren*, 429 U.S. 190 (1976).

In *Kowalski*, the Court held that attorneys lacked third party standing to assert the constitutional rights of hypothetical future clients. 543 U.S. at 131. The *Kowalski* Court distinguished its prior decision in *Caplin & Drysdale Chartered v. United States*, where the Court “granted a law firm third-party standing to challenge a drug forfeiture statute by invoking the rights of an existing client.” 543 U.S. at 131 (discussing 491 U.S. 617

² Although the Cities reference the *Kowalski* standard, they immediately stray from *Kowalski* Court’s application of that standard, choosing instead to cite to *Glaze v. State*, 909 N.W.2d 322 (Minn. 2018), a case holding that an attorney-client relationship ends with the client dies. *Cities' Br.* p. 42.

(1989)). The *Kowalski* Court stated that an “*existing* attorney-client relationship is, of course, quite distinct from the *hypothetical* attorney-client relationship posited here.” *Id.* (emphasis in original). In this case, the evidence is that Housing First has had, currently has, and will have in the future, developments in the Cities subject to the Cities’ building permit fees. *Dayton V. Compl.* ¶ 10; *Corcoran V. Compl.* ¶ 10. Unlike *Kowalski*, the third party standing claim here is not premised *exclusively* upon future home construction in the Cities by Appellant’s members.

The *Kowalski* Court observed that the United States Supreme Court has “been quite forgiving with [the close relationship and hindrance criteria] in certain circumstances.” 543 U.S. at 130. One such circumstances is “when enforcement of the challenged restriction *against the litigant* would result indirectly in the violation of third parties’ rights.” *Kowalski*, 543 U.S. at 130 (2004) (emphasis in original; citations omitted). In *Craig*, the possibility that either the plaintiff vendor or “other similar situated vendors” might be deterred from selling particular beer to young males would “indirectly” violate the rights of young men. 429 U.S. at 195. It is for this reason that the Court in *Craig* stated that “vendors and those in like positions have been ***uniformly permitted to resist efforts at restricting their operations*** by acting as advocates of the rights of third parties who seek access to their market or function.” *Id.* (emphasis added). Under the same reasoning, the Cities’ excessive fees may in whole or in part deter certain homebuilders from operating in these Cities. Homebuilders failing to pay the Cities’

permit fees subject themselves to sanction.³ Refusing to acknowledge third party standing in this case may limit access to the homebuying market in these Cities—because of reduced new home supply for consumers—which is sufficient to afford third party standing under *Kowalski* and *Craig*.

The Cities then contend that there is no hindrance to homebuyers from challenging building permit fees under “the administrative process”, viz., Minn. R. 1300.0230. *Cities’ Br.* p. 42. The history of these cases reflects that the appeals board created by Minn. R. 1300.0230 will not hear any challenge to the Cities’ building permit ordinances. Housing First invoked that process before filing suit, and the appeals board, accepting the Cities’ arguments, found it had no jurisdiction to hear a challenge to the Cities’ ordinances. *See Corcoran* Doc. Index 68 (“*Pls.’ Mem. in O’ppn to Summ. J. (Corcoran)*”) pp. 3-4; *see also* ADD 35-36, 37-38. Homeowners could not sue in court to challenge the ordinances because they have no direct relationship with the Cities. *Cf. Kansas v. Utilicorp United, Inc.*, 110 S.Ct. 2807 (1990) (holding that ultimate consumers of natural gas could not assert claim against natural gas producers; reaffirming that only direct purchaser utility companies could maintain suit). Thus, there is a hindrance that supports third party standing here.

³ Corcoran City Code Chapter 40.04 (“A violation of the Code is a misdemeanor . . . Any person or entity that fails to obtain a permit . . . prior to performing work shall pay a penalty of two times the original permit fee and shall be required to pay to the city all costs associated with enforcement, including reasonable attorney’s fees.”).

The Cities have at all times refused to definitively state that homebuyers could challenge their ordinances in Court. Acceptance of the Cities' argument would be to place the Cities' building permit ordinances outside judicial review—a result contrary to fundamental principles of justice. The Court should hold that Housing First has third party standing.

IV. HOUSING FIRST IS ENTITLED TO JUDGMENT IN ITS FAVOR ON ITS DECLARATORY JUDGMENT CLAIM.

The Cities contend that “Count I is viable only if Housing First has a cause of action under the Planning Act[.]” *Cities’ Br.* p. 45. The Cities contend that municipal ordinances may not be reviewed exclusively under the Declaratory Judgments Act. *Id.* pp. 44-45. That municipal ordinances may be reviewed exclusively under the Declaratory Judgments Act is thoroughly established and is not subject to genuine doubt. *See McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337 (2011) (the Minnesota Supreme Court has “long held that a declaratory judgment action is proper to test the validity of a municipal ordinance, *regardless of whether another remedy exists.*”) (emphasis added); *Barron*, 212 Minn. at 569 (1942) (remarking that “plainly . . . the situation is one that affords a good reason for making use of the act.”); *Builder’s Ass’n of Minnesota*, No. 62-cv-112-436, 2011 WL 9819707 (Civil complaint dated March 18, 2011 praying for declaratory judgment under Minn. Stat. § 555.01); *Builder’s Ass’n of Minnesota*, 819 N.W.2d 172 (holding that Builders Association of Minnesota was entitled to declaratory judgment in its favor); *Harstad v. City of Woodbury*, 902 N.W.2d 64, 71 (Minn. Ct. App. 2017) (holding that builder could challenge fee under Declaratory

Judgments Act), *aff'd* by 916 N.W.2d 540 (Minn. 2018). Count I of the Complaints in both cases sought relief under the Declaratory Judgments Act. Housing First is entitled to summary judgment on these claims.

V. HOUSING FIRST IS ENTITLED TO SUMMARY JUDGMENT ON ITS TAKINGS CLAIM.

To establish an unconstitutional taking, a plaintiff must show that (1) it has a protected property interest, (2) the government took the property interest for public use, and (3) just compensation was not paid. *See Hall v. State*, 908 N.W.2d 345, 352 (Minn. 2018) (citing *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1000 (1984)). The district court found that Housing First satisfied the first two elements of this three-element test (viz., protected property interest and public use).⁴ *See* ADD 13-15, 30-32. Housing First appeals the district court's finding that Housing First did not satisfy the third element: that just compensation was not paid.

Nowhere in the Cities' briefing do they seek reversal of *any* of the conclusions reached by the district court with regard to Housing First's taking claim. Rather, the Cities' argument is limited solely to whether *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 606 (2013) is applicable to the facts at issue. The Cities do not so

⁴ Housing First did not challenge the district court's conclusions with regard to the first two elements of a government taking *which found in favor of Housing First*. The City suggests that Housing First waived appeal of the taking issue because it did not address these two elements. The Cities cite no authority holding that a party must on appeal brief elements found in its favor in order to contest a different element decided adversely.

much as reference whether the district court erred in concluding that Housing First had satisfied the first two elements. Therefore, the Cities have waived any such arguments.⁵

The Cities have failed to brief the district court's conclusions that Housing First has, through its members, a protected property interest which was taken by the Cities for a public purpose. However, to the extent this Court reviews these elements issue, it should affirm. As recognized by the district court, Housing First's members have a protected property interest in the permit fees they pay to the Cities. ADD 14, 32. As considered at length in *McKesson*, individuals have a protected property interest in the funds which government entities unlawfully exact. *McKesson Corp. v. Div. of Alcoholic Beverages & Tobacco, Dep't of Bus. Regul. of Fla.*, 496 U.S. 18, 36-39 (1990). Further, there is no genuine dispute that the Cities have exacted building permit funds in excess of what is allowed under Minn. R. 1300.0160 Subp. 2, and used (or intend to use) the extra funds for public purposes. There is no basis for a reversal of the district court's findings that Housing First satisfied the first two elements of its taking claim.

The sole question pertaining to Housing First's takings claim which is before the court is whether the district court erred in concluding that Housing First had not

⁵ In the proceedings before the district court, the Cities provided no argument relating to the public use or just compensation elements of the taking claim. The only element argued by the Cities was whether there was a protected property interest; the district court properly found against the Cities on that element. The Court should not allow the Cities to advance arguments pertaining to these other elements for the first time on appeal. See *Thiel v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that Minnesota appellate courts generally consider only those issues which were presented to and considered by the trial court).

established that it, and its members, did not receive just compensation. Neither below nor upon appeal have the Cities provided any argument whatsoever that Housing First, or its members, received just compensation for the government taking at issue.

The district court dismissed Housing First's taking claim based upon its finding that "Housing First's members sought to purchase building permits from the City and that is exactly what they got in exchange for payment of the building permit fees." ADD 14, 32. This finding is unsupported by law and the record. It is undisputed that *both* Cities took in over \$2.5 million dollars in *excess* building permit fees in a matter of several years. Housing First's members received *nothing* for the portion of those building permit fees which were, consistently over the course of those years, in excess of the "fair, reasonable, and proportion[al]" fees authorized by rule. Minn. R. 1300.0160 Subp. 2.

The Cities engage in a lengthy, 5-page argument that the constitutional exaction analysis from *Koontz* has no applicability to its building permit fees because they are "user fees." *Cities' Br.* pp. 48-54. This argument would be surprising to the majority that decided *Koontz*: the Court specifically used building permits in an example of what would be an unconstitutional condition:

By conditioning a building permit on the owner's deeding over a public right-of-way, for example, the government can pressure an owner into voluntarily giving up property for which the Fifth Amendment would otherwise require just compensation. So long as the building permit is more valuable than any just compensation the owner could hope to receive for the right-of-way, the owner is likely to accede to the government's demand, no matter how unreasonable. Extortionate demands of this sort frustrate the Fifth Amendment right to just compensation, and the unconstitutional conditions doctrine prohibits them.

Koontz, 570 U.S. at 606 (internal citations omitted); *see also Knight v. Metropolitan Government of Nashville & Davidson County, Tenn.*, 67 F.4th 816, 828 (6th Cir. 2023) (“*Koontz* holds that *Nollan* applies whenever the government gives a landowner the choice between the owner’s right to just compensation and a building permit.”). *Koontz* applies whenever a permit applicant must pay a fee associated with submission of a specific development permit. *Cf. Knight*, 67 F.4th at 827 (“Unlike a land-use law that regulates all property owners (including those who do not seek permits), the sidewalk ordinance does not compel all owners to build a sidewalk or pay a fee. It reaches only those who seek permits.”). The Cities building permit fees are only applicable to those that submit building permit applications. Unless the building permit fees are paid, there is no right to develop the land. Accordingly, *Koontz* is fully applicable here.

The district court erred in dismissing this claim. The Court should order the district court to enter summary judgment in favor of Housing First on the taking claim.

VI. HOUSING FIRST IS ENTITLED TO SUMMARY JUDGMENT ON ITS PROCEDURAL DUE PROCESS CLAIM.

The Cities argue that *McKesson* does not support the retrospective relief sought by Housing First in this matter.⁶ The Cities’ arguments are without merit.

⁶ Housing First’s appeal brief properly focused upon the scanty analysis provided by the district court on the due process issue. The district court gave a single reason as to why it concluded there was not a due process violation. The Cities may argue the Court’s conclusion was correct for other reasons, but Housing First had no duty to anticipate these arguments or copy verbatim everything it said before in the district court. “[B]riefs and records should be reduced to a minimum consistent with a full review of the alleged errors.” *Truesdale v. Friedman*, 267 Minn. 402, 405 (Minn. 1964). The very point of the reply brief is to respond to new arguments made by the

First, the Cities argue that, unlike *McKesson*, here there is no dispute that the inflated building permit fees were passed on to homebuyers. *Cities' Br.* pp. 56-57. However, this argument was squarely addressed and dismissed by the *McKesson* court. The Supreme Court stated that, even if it were to accept the premise that the passing on of unlawful excise taxes might result in a “windfall” to the plaintiff, it would in any event reject that premise as a basis to justify the state’s attempt to avoid providing retrospective relief. 496 U.S. at 46-48.

Second, the Cities rely on *United States v. Jefferson Electric Mfg. Co.*, 291 U.S. 386 (1934), to suggest that Housing First may not pursue its procedural due process claim because it lacks a claim under the commerce clause. *Jefferson Electric* involved a *statutory* pass through defense relating to automobile accessories. 291 U.S. at 391. *Jefferson Electric* has little, if any, significance after the 1968 ruling in *Hanover Shoe*.

Moreover, one of the reasons for rejection of the pass through defense in *McKesson* was the likelihood of lost sales. *McKesson*, 496 U.S. at 48-49 (stating that, regardless of the extent to which a plaintiff was successful in passing along the cost of the excise tax through higher prices to its customers, it likely lost sales, thereby justifying rejection of the pass-through defense). Here, as a result of the excessive building permit fees charged by the Cities, Housing First likely lost sales and revenue. *See* ADD 52

respondent. Once again, the Cities seek to avoid the substance by arguing a pedantic and excessively demanding view of what must be argued in an appeal brief for an issue to be raised. These same Cities vigorously arguing waiver on a handful of issues opposed Housing First’s motion for additional pages in briefing, claiming there was no need for it.

(“Most immediately impacted, of course, are the builders and developers, who will necessarily build fewer homes.”).

Housing First’s procedural due process claim should not have been dismissed. The Court should reverse and affirmatively direct the district court to enter summary judgment in favor of Housing First on this claim.

VII. SEPARATION OF POWERS AND POLITICAL QUESTION DOCTRINES.

The Cities again advance the unpled affirmative defenses of separation of powers and the political question doctrine. As these affirmative defenses were never asserted in the pleadings below and were raised for the first time on summary judgment, the City has waived any right to advance these defenses. Minn. R. Civ. P. 8.03 (“In pleading to a preceding pleading, a party shall set forth affirmatively . . . any [] matter constituting an avoidance or affirmative defense.”); *St. Cloud Aviation, Inc. v. Pulos*, 375 N.W.2d 543, 545 (Minn. Ct. App. 1985) (“By failing to raise an affirmative defense in a responsive pleading or any subsequent amendment, one is deemed to have waived that defense.”).

Further, the Cities at no point even attempt to address the substantive arguments contained in Housing First’s principal brief in this appeal as to why these affirmative defenses fail on the merits. For example, the Cities ignore completely the restriction on the political questions doctrine as only applying to situations where the Constitution has given a coordinate branch of government jurisdiction over a particular question. See *Cruz-Guzman v. State*, 916 N.W.2d 1, 7-10 (Minn. 2018) (analyzing whether political question doctrine prevented Court adjudication because Minnesota Constitution created duty in legislature “to establish a general and uniform system of public schools.”)

(quoting Minn. Const. art. XIII, § 1); *see also Ninetieth Minnesota State Senate v. Dayton*, 903 N.W.2d 609, 624-625 (Minn. 2017) (analyzing political question doctrine in case implicating constitutional provisions, i.e., appropriations and line-item veto clauses); *Limmer v. Swanson*, 806 N.W.2d 838, 839 (Minn. 2011) (“the petition asks us to resolve fundamental constitutional questions about the relative power of the three branches of government.”).

The Cities argue that: “It is DOLI’s job—not Housing First’s, and not the judicial branch’s—to oversee the Cities’ compliance with the State Building Code. The legislature assigned that authority to DOLI.” *Cities’ Br.* p 59. There is nothing in the SBC that precludes this lawsuit. The statute granting DLI enforcement authority of the SBC expressly states that “[n]othing in this section shall be construed to limit the application of other state or federal laws . . .” Minn. Stat. § 326B.082 Subd. 15. The SBC should not be interpreted to limit the application of the Minnesota Declaratory Judgments Act. And, in fact, the Minnesota appellate courts have granted relief to private parties alleging that municipal regulations were in violation of the SBC. *See generally Builders Ass’n of Minnesota*, 819 N.W.2d 172 (holding that building association could challenge municipal window regulation as contrary to the State Building Code); *see also Wessman v. City of Mankato*, No. A08-0273, 2008 WL 5058608 (Minn. Ct. App. Dec. 2, 2008) (ruling that landowners were entitled to summary judgment on claim that municipal ordinance requiring completion of construction within definite period of time violated the State Building Code).

There is great irony in the fact that the Cities charge that Housing First is seeking “a major policy change.” *Cities’ Br.* p. 60. In reality, Housing First is seeking to enforce Minnesota law in a manner consistent with DLI’s interpretation. Seeking a judicial determination whether the Cities’ building permit ordinances comply with the law is precisely within the judicial function. Determining whether fees are for the purpose of raising revenue is a task that courts are competent to perform and often do perform. *See First Baptist Church of St. Paul v. City of St. Paul*, 884 N.W.2d 355, 359-362 (2016) (concluding that municipal right of way assessment was a revenue raising device); *Barron*, 212 Minn. at 570 (holding that municipal ordinance setting license fee for vending machines was a revenue raising device).

The Court should reject the Cities’ arguments in their entirety, reverse the district court’s decision, and award summary judgment in favor of Housing First.

CONCLUSION

The district court erred by dismissing Housing First’s Verified Complaint. This Court should reverse and direct the district court to grant summary judgment in favor of Housing First on Counts I through IV. The district court should be directed on remand to determine monetary relief and attorneys’ fees.

Dated: October 19, 2023

/s/ Bryan J Huntington

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CERTIFICATE OF COMPLIANCE

I hereby certify that Appellant's brief conforms to the requirements of Minn. R. App. P. 132.01 subd. 1. I further certify that Respondent's brief complies with the word limitations of Minn. R. App. P. 132.01 subd. 3(a). The brief was prepared using Microsoft Word 365, which reports the total word count to be 6,515 words, exclusive of the captions, tables of contents, table of authorities, and the signature block. The font used is Times New Roman 13 point.

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Municipality	Permit Fees	Plan Review Fees	Other Fees	Total Fees	Salary/Benefits Exp	Travel/Vehicle Exp	Office Space Exp	Admin Overhead Exp	Total Expense	Difference	Year
Alexandria Township	66,355	0	0	66,355	71,382	0	0	5,000	76,382	-10,027	2022
Arthur Township	44	18	0	62	14,000	500	500	500	16,000	-15,938	2022
Baldwin Township	145,655	34,845	24,000	204,500	30,436	0	9,000	141,071	183,237	21,263	2022
Baytown Township	161,687	48,241	534	210,462	172,635	0	0	0	172,635	37,827	2022
Becker Township	161,699	128,403	0	290,102	190,556	0	11,233	48,068	251,457	38,645	2022
Benton County	271,090	80,291	7,950	359,331	219,389	0	311	0	219,700	139,631	2022
Bridgewater Township	107,744	20,319	4,914	132,977	115,018	0	0	5,000	120,018	12,959	2022
Carver County	371,034	207,610	15,751	594,395	375,291	0	49,500	0	424,791	169,604	2022
Cascade Township	27,928	20,203	0	48,131	16,877	0	2,400	0	19,277	28,854	2022
Castle Rock Township	57,762	14,837	0	72,599	0	0	0	0	0	72,599	2022
Chengwatana Township	28,926	15,032	0	43,958	33,720	0	0	0	33,720	10,238	2022
Chisago County	420,426	217,260	32,910	670,596	316,077	41,011	9,240	343,452	711,140	-40,544	2022
City of Aitkin	151,955	31,656	6,095	189,706	166,914	0	1,200	0	168,714	20,992	2022
City of Albany	40,196	18,811	0	59,007	27,000	0	0	0	27,000	32,007	2022
City of Albert Lea	168,176	73,666	37,364	279,206	392,599	0	0	0	422,014	-142,808	2022
City of Albertville	499,450	279,591	82,499	861,540	256,828	0	0	8,514	267,234	594,306	2022
City of Alden	0	0	0	0	0	0	0	0	0	0	2022
City of Alexandria	594,525	254,797	100,082	949,404	322,304	8,240	26,456	30,028	462,142	487,262	2022
City of Altura	0	0	0	0	0	0	0	0	0	0	2022
City of Andover	877,073	272,624	0	1,149,697	425,526	17,000	49,707	567,547	1,081,813	67,884	2022
City of Annandale	75,525	32,294	0	107,819	90,797	0	0	0	90,797	17,022	2022
City of Anoka	415,567	149,056	0	564,623	207,421	15,010	0	69,918	293,476	271,147	2022
City of Apple Valley	1,408,214	503,203	386,223	2,297,640	978,945	19,418	122,264	287,220	1,495,907	801,733	2022
City of Appleton	9,045	5,104	0	14,149	3,600	0	0	250	3,979	10,170	2022
City of Arden Hills	427,504	217,777	304,595	949,876	372,248	5,776	29,398	72,281	616,434	333,442	2022
City of Arlington	17,380	9,432	1,750	28,562	92,112	0	662	0	92,774	-64,212	2022
City of Atwater	55	5	0	60	4,569	17	0	8,036	12,683	-12,623	2022
City of Audubon	8,243	226	0	8,469	8,985	0	0	1,021	10,006	-1,537	2022
City of Austin	195,386	105,209	139,887	440,482	264,882	22,800	0	6,016	321,558	118,924	2022
City of Avon	50,044	6,480	3,394	59,918	44,328	0	0	0	44,328	15,590	2022
City of Barnesville	38,195	9,325	0	47,520	45,937	0	0	0	45,937	1,583	2022
City of Baxter	320,612	184,294	96,305	601,211	192,700	5,198	4,367	32,489	235,704	365,507	2022
City of Bayport	112,531	60,624	0	173,155	260,939	0	0	0	260,939	-87,784	2022
City of Beaver Bay	0	0	0	0	0	0	0	0	0	0	2022
City of Becker	224,055	100,692	5,265	330,012	191,923	0	10,589	78,774	282,723	47,289	2022
City of Belle Plaine	174,343	57,034	55,797	287,174	216,279	6,391	6,258	49,254	326,235	-39,061	2022
City of Bellechester	500	0	0	500	0	0	0	400	400	100	2022
City of Bemidji	188,880	104,734	247,843	541,457	455,270	9,023	18,731	134,746	627,382	-85,925	2022
City of Benson	58,863	11,047	0	69,910	23,735	493	0	0	28,383	41,527	2022
City of Big Lake	207,074	151,598	291,638	650,310	231,029	2,900	0	168,606	414,021	236,289	2022
City of Birchwood Village	13,952	2,951	0	16,903	21,222	0	0	0	21,372	-4,469	2022
City of Bird Island	4,182	1,508	0	5,690	5,121	0	0	0	5,121	569	2022
City of Biwabik	31,788	20,700	0	52,488	0	0	0	34,132	34,132	18,356	2022
City of Blaine	1,581,829	867,746	1,040,907	3,490,482	2,775,867	60,947	0	864,752	3,714,051	-223,569	2022
City of Blooming Prairie	30,557	19,074	1,287	50,918	1,889	0	0	1,975	3,864	47,054	2022
City of Bloomington	2,090,587	1,128,817	2,178,601	5,398,005	3,270,162	64,277	339,790	123,044	3,821,713	1,576,292	2022
City of Blue Earth	36,207	0	0	36,207	21,776	1,200	7,597	484	31,387	4,820	2022
City of Braham	10,833	691	0	11,524	8,173	1,379	600	1,580	11,732	-208	2022
City of Brainerd	294,262	41,216	55,036	390,514	394,135	7,915	0	11,597	413,647	-23,133	2022
City of Breckenridge	83	0	0	83	108,919	1,700	0	0	112,319	-112,236	2022
City of Breezy Point	138,724	65,740	0	204,464	153,052	0	0	0	154,409	50,055	2022
City of Brook Park	0	0	0	0	0	0	0	0	0	0	2022
City of Brooklyn Park	1,436,596	1,221,810	523,543	3,181,949	2,089,162	0	0	0	2,089,162	1,092,787	2022
City of Brownsville	0	0	0	0	0	0	0	0	0	0	2022
City of Brownton	5,156	3,029	2,114	10,299	12,560	0	0	0	12,585	-2,286	2022
City of Buffalo	206,545	114,652	79,934	401,131	360,182	0	13,252	9,172	382,765	18,366	2022
City of Burnsville	867,549	527,384	927,218	2,322,151	1,140,563	27,514	81,236	411,501	1,696,262	625,889	2022
City of Butterfield	0	0	0	0	0	0	0	0	0	0	2022
City of Cambridge	461,708	0	42,975	504,683	430,891	5,980	51,935	88,601	582,650	-77,967	2022
City of Cannon Falls	123,568	45,757	2,250	171,575	81,652	0	0	0	82,836	88,739	2022
City of Carlos	955	58	0	1,013	2,400	0	0	0	2,400	-1,387	2022
City of Carlton	9,402	600	0	10,002	9,760	0	0	0	9,860	142	2022
City of Carver	352,046	146,790	15,999	514,835	397,021	2,291	1,353	397,021	809,829	-294,994	2022
City of Center City	0	0	0	0	0	0	0	0	0	0	2022
City of Centerville	298,219	191,348	6,775	496,342	145,321	3,340	0	0	154,350	341,992	2022
City of Champlin	260,835	52,370	138,324	451,529	315,534	9,266	157,581	77,185	569,197	-117,668	2022
City of Chanhassen	635,595	301,135	401,859	1,338,589	1,330,533	27,972	94,629	156,172	1,651,091	-312,502	2022
City of Chaska	1,120,609	587,817	337,357	2,045,783	760,516	29,426	60,645	29,579	995,684	1,050,099	2022
City of Chatfield	4,195	1,957	0	6,152	14,062	0	0	0	14,062	-7,910	2022
City of Chisago City	13,198	4,526	3,157	20,881	13,867	0	0	170,836	184,703	-163,822	2022
City of Chisholm	184	20	0	204	50,000	10,000	10,000	5,000	80,000	-79,796	2022
City of Circle Pines	34,040	7,090	15,273	56,403	53,810	0	0	0	53,958	2,445	2022
City of Claremont	10,584	0	0	10,584	4,430	0	0	0	4,430	6,154	2022

City of Clarks Grove	0	0	0	0	0	0	0	0	0	0	0	0	0	2022
City of Clear Lake	50,420	0	0	50,420	0	0	0	0	0	0	0	0	50,420	2022
City of Clearwater	119,183	34,765	12,976	166,924	33,674	0	0	0	0	33,674	0	133,250	2022	
City of Cleveland	7,295	2,855	0	10,150	7,105	0	0	71	7,176	2,974	0	2,974	2022	
City of Cloquet	73,618	14,223	24,760	112,601	129,300	1,750	0	0	131,700	-19,099	0	112,601	2022	
City of Coates	1,825	710	0	2,535	8,000	0	325	500	8,825	-6,290	0	2,535	2022	
City of Cokato	35,785	0	0	35,785	53,586	0	0	0	53,586	-17,801	0	35,785	2022	
City of Cold Spring	141,637	85,760	21,948	249,345	60,459	0	0	0	60,459	188,886	0	249,345	2022	
City of Cologne	70,400	43,901	7,210	121,511	34,799	0	0	0	34,799	86,712	0	121,511	2022	
City of Columbia Hghts.	242,315	99,561	97,342	439,218	190,797	1,942	3,893	119,650	317,891	121,327	0	439,218	2022	
City of Columbus	170,948	101,954	30,161	303,063	306,666	0	1,041	101,538	411,792	-108,729	0	303,063	2022	
City of Conger	0	0	0	0	0	0	0	0	0	0	0	0	2022	
City of Coon Rapids	1,056,705	494,915	675,682	2,227,302	886,308	12,000	10,884	470,047	1,496,546	730,756	0	2,227,302	2022	
City of Corcoran	631,355	246,162	124,280	1,001,797	184,726	80	0	155,536	671,669	330,128	0	1,001,797	2022	
City of Cosmos	0	0	0	0	0	0	0	0	0	0	0	0	2022	
City of Cottage Grove	2,301,743	1,015,767	887,997	4,205,507	1,211,344	32,113	137,933	219,950	1,602,281	2,603,226	0	4,205,507	2022	
City of Courtland	13,430	4,194	1,127	18,751	0	0	0	0	0	18,751	0	18,751	2022	
City of Credit River	547,902	0	0	547,902	223,508	0	0	0	250,958	296,944	0	547,902	2022	
City of Crookston	44,132	5,084	16,219	65,435	94,706	0	0	8,043	103,000	-37,565	0	65,435	2022	
City of Crosby	65,049	17,547	0	82,596	0	0	0	0	82,596	0	0	82,596	2022	
City of Crystal	232,628	73,475	189,780	495,883	409,285	3,030	15,660	17,284	472,891	22,992	0	495,883	2022	
City of Dassel	37,103	14,614	0	51,717	0	0	0	0	51,717	0	0	51,717	2022	
City of Dayton	1,577,284	320,864	78,183	1,976,331	814,999	0	2,790	72,868	961,037	1,015,294	0	1,976,331	2022	
City of Deephaven	135,560	69,562	108,467	313,539	267,917	0	28,670	18,627	318,927	-5,338	0	313,539	2022	
City of Deer River	8,314	2,945	0	11,259	9,007	2,500	0	0	11,507	-248	0	11,259	2022	
City of Deerwood	10,680	5,566	3,520	19,766	17,789	0	0	1,000	19,000	766	0	19,766	2022	
City of Delano	336,920	129,518	61,579	528,017	368,845	11,645	82,343	38,006	506,717	21,300	0	528,017	2022	
City of Dennison	7,604	2,943	401	10,948	1,025	0	0	9,427	10,494	454	0	10,948	2022	
City of Detroit Lakes	287,358	110,362	0	397,720	302,087	1,674	8,790	6,619	348,748	48,972	0	397,720	2022	
City of Dodge Center	96,594	46,599	4,279	147,472	0	0	0	0	147,472	0	0	147,472	2022	
City of Dover	0	0	0	0	0	0	0	0	0	0	0	0	2022	
City of Duluth	1,681,060	726,386	1,048,226	3,455,672	2,056,971	30,149	36,322	247,671	2,574,785	880,887	0	3,455,672	2022	
City of Dundas	101,919	40,170	4,689	146,778	97,680	0	4,100	3,400	105,805	40,973	0	146,778	2022	
City of Eagan	1,121,359	537,390	434,555	2,093,304	2,908,451	10,844	0	413,423	3,345,880	-1,252,576	0	2,093,304	2022	
City of Eagle Lake	34,702	18,194	2,313	55,209	42,608	0	0	0	42,608	12,601	0	55,209	2022	
City of East Bethel	233,088	61,503	0	294,591	312,987	0	0	17,316	342,109	-47,518	0	294,591	2022	
City of East Grand Forks	26,946	4,795	0	31,741	61,550	0	39,784	0	103,592	-71,851	0	31,741	2022	
City of Eden Prairie	1,859,353	744,052	1,000,880	3,604,285	1,459,226	108,521	194,433	230,696	2,537,399	1,066,886	0	3,604,285	2022	
City of Edina	4,152,887	1,962,427	1,344,786	7,460,100	1,899,794	13,107	57,036	339,005	2,476,266	4,983,834	0	7,460,100	2022	
City of Elgin	2,702	1,847	1,531	6,080	5,002	467	0	1,363	6,832	-752	0	6,080	2022	
City of Elk River	512,999	235,691	206,724	955,414	588,827	7,795	17,356	1,195,728	1,838,313	-882,899	0	955,414	2022	
City of Ellendale	0	0	0	0	0	0	0	0	0	0	0	0	2022	
City of Ely	101,000	30,500	17,800	149,300	142,600	8,400	13,200	6,250	172,000	-22,700	0	149,300	2022	
City of Elysian	17,909	10,838	2,053	30,800	23,507	0	0	5,349	28,856	1,944	0	30,800	2022	
City of Excelsior	113,446	66,745	20,524	200,715	95,433	0	0	0	95,433	105,282	0	200,715	2022	
City of Eyota	8,325	5,726	25,986	40,037	20,890	15	468	50	21,523	18,514	0	40,037	2022	
City of Fairfax	13,499	0	0	13,499	10,970	0	0	9,257	20,227	-6,728	0	13,499	2022	
City of Fairmont	15,360	32,528	0	47,888	136,876	3,629	45,927	34,948	224,612	-176,724	0	47,888	2022	
City of Falcon Heights	118,354	5,517	14,284	138,155	84,826	0	0	60,317	145,658	-7,503	0	138,155	2022	
City of Farmington	587,567	196,890	97,706	882,163	644,250	5,960	38,210	217,844	944,702	-62,539	0	882,163	2022	
City of Fergus Falls	186,144	55,672	28,879	270,695	86,778	5,940	2,099	6,791	110,554	160,141	0	270,695	2022	
City of Fisher	2,600	81	0	2,681	3,099	0	0	0	3,099	-418	0	2,681	2022	
City of Foley	19,831	0	0	19,831	26,420	0	0	15,215	43,248	-23,417	0	19,831	2022	
City of Forest Lake	330,414	207,891	109,561	647,866	432,393	3,429	4,110	49,768	495,201	152,665	0	647,866	2022	
City of Freeport	5,544	681	0	6,225	0	0	0	0	6,225	0	0	6,225	2022	
City of Fridley	244,072	117,498	161,924	523,494	442,053	27,948	200,373	274,073	977,785	-454,291	0	523,494	2022	
City of Gaylord	39,756	22,621	3,926	66,303	71,495	0	0	0	71,495	-5,192	0	66,303	2022	
City of Ghent	3,760	887	0	4,647	4,647	0	0	0	4,647	0	0	4,647	2022	
City of Gilman	0	0	0	0	0	0	0	0	0	0	0	0	2022	
City of Glencoe	28,550	0	0	28,550	0	0	0	0	0	28,550	0	28,550	2022	
City of Glenville	0	0	0	0	0	0	0	0	0	0	0	0	2022	
City of Glyndon	10,271	255	3,623	14,149	3,287	0	0	13,941	17,236	-3,087	0	14,149	2022	
City of Golden Valley	1,579,805	0	0	1,579,805	733,892	31,434	13,030	158,599	1,155,081	424,724	0	1,579,805	2022	
City of Goodhue	65	0	0	65	0	0	0	0	0	65	0	65	2022	
City of Goodview	34,390	0	0	34,390	16,086	2,116	0	8,903	27,105	7,285	0	34,390	2022	
City of Grand Rapids	321,984	119,782	120	441,886	343,339	0	0	117,863	512,446	-70,560	0	441,886	2022	
City of Grant	227,618	62,000	11,088	300,706	128,750	0	0	0	128,750	171,956	0	300,706	2022	
City of Grasston	0	0	0	0	0	0	0	0	0	0	0	0	2022	
City of Greenfield	92,296	564	0	92,860	0	0	0	0	92,860	0	0	92,860	2022	
City of Greenwood	46,580	7,685	12,099	66,364	70,699	0	0	7,070	77,769	-11,405	0	66,364	2022	
City of Grove City	4,073	0	0	4,073	0	0	0	0	0	4,073	0	4,073	2022	
City of Ham Lake	242,848	103,598	111,161	457,607	376,250	4,295	15,026	105,382	517,734	-60,127	0	457,607	2022	
City of Hamburg	3,571	1,703	370	5,644	3,975	0	0	0	3,975	1,669	0	5,644	2022	
City of Hampton	7,915	1,596	1,985	11,496	1,817	0	424	1,650	10,857	639	0	11,496	2022	

City of Hanover	211,219	132,124	771,371	1,114,714	182,347	0	0	0	182,347	932,367	2022
City of Harris	10,172	0	0	10,172	0	0	0	0	0	10,172	2022
City of Hartland	100	0	0	100	0	0	0	0	0	100	2022
City of Hastings	491,474	362,402	217,936	1,071,812	535,618	0	0	0	546,030	525,782	2022
City of Hayfield	5,808	0	0	5,808	0	0	0	5,500	5,500	308	2022
City of Hector	16,153	0	0	16,153	11,540	0	0	0	11,540	4,613	2022
City of Heidelberg	0	0	0	0	0	0	0	0	0	0	2022
City of Henderson	6,637	3,391	356	10,384	0	0	0	0	0	10,384	2022
City of Hermantown	139,937	69,968	0	209,905	222,417	7,220	0	3,528	234,705	-24,800	2022
City of Hibbing	140,016	53,672	6,350	200,038	170,000	18,000	3,500	3,100	197,800	2,238	2022
City of Hilltop	6,709	2,799	0	9,508	0	0	0	0	0	9,508	2022
City of Hinckley	20,041	6,971	0	27,012	31,273	466	3,470	43	36,298	-9,286	2022
City of Holdingford	0	0	0	0	0	0	0	0	0	0	2022
City of Hopkins	1,160,020	446,393	0	1,606,413	577,311	1,770	55,076	55,910	738,177	868,236	2022
City of Houston	7,593	0	0	7,593	0	0	0	5,511	5,511	2,082	2022
City of Howard Lake	32,189	16,555	14,205	62,949	0	0	0	0	0	62,949	2022
City of Hugo	461,911	146,734	127,818	736,463	591,094	8,276	19,327	111,187	743,544	-7,081	2022
City of Hutchinson	396,624	15,671	24,445	436,740	469,311	6,407	11,016	104,156	605,264	-168,524	2022
City of Independence	111,997	74,521	0	186,518	86,303	4,572	0	0	94,155	92,363	2022
City of International Falls	67,845	22,459	0	90,304	103,176	0	0	0	221,282	-130,978	2022
City of Inver Grove Hgts	854,192	476,417	291,703	1,622,312	1,165,523	34,200	21,500	199,413	1,435,529	186,783	2022
City of Isanti	175,806	76,922	46,797	299,525	246,768	3,276	0	681	262,565	36,960	2022
City of Jackson	25,526	8,051	1,670	35,247	12,780	0	0	0	12,780	22,467	2022
City of Janesville	34,155	18,401	19,076	71,632	71,145	0	0	200	71,595	37	2022
City of Jordan	339,692	0	0	339,692	198,272	0	0	0	198,272	141,420	2022
City of Kandiyohi	0	0	0	0	0	0	0	0	0	0	2022
City of Kasson	151,277	89,936	13,124	254,337	71,832	3,615	0	0	75,447	178,890	2022
City of Kellogg	4,074	460	144	4,678	0	0	0	4,331	4,331	347	2022
City of Kerkhoven	1,959	0	0	1,959	3,934	0	0	0	3,934	-1,975	2022
City of Kettle River	100	0	0	100	0	0	0	0	0	100	2022
City of Kimball	43,664	23,899	2,700	70,263	53,529	0	0	0	53,529	16,734	2022
City of La Prairie	9,060	3,950	0	13,010	30,893	171	0	0	31,064	-18,054	2022
City of Lake City	79,147	21,178	0	100,325	84,313	1,200	12,000	50,000	149,513	-49,188	2022
City of Lake Crystal	19,110	8,803	0	27,913	25,147	0	0	0	25,147	2,766	2022
City of Lake Elmo	888,486	595,475	681,497	2,165,458	738,438	12,787	1,760	46,524	812,285	1,353,173	2022
City of Lakeland Shores	7,199	11,739	0	18,938	12,880	0	0	3,000	15,880	3,058	2022
City of Lakeville	2,338,112	805,157	993,103	4,136,372	2,411,547	22,238	148,090	424,814	3,023,221	1,113,151	2022
City of Landfall	5,080	3,356	400	8,836	22,313	0	0	0	22,313	-13,477	2022
City of Lauderdale	84,532	54,318	25,865	164,715	135,840	0	13,973	3,627	153,705	11,010	2022
City of LeCenter	28,047	13,767	0	41,814	31,056	0	0	71	31,127	10,687	2022
City of Lester Prairie	12,858	8,539	6,109	27,506	15,500	0	0	0	15,500	12,006	2022
City of LeSueur	55,461	21,909	4,510	81,880	126,749	308	0	0	129,301	-47,421	2022
City of Lexington	17,407	27,984	35,509	80,900	106,839	0	0	0	106,839	-25,939	2022
City of Lindstrom	39,794	18,514	0	58,308	27,028	436	500	12,037	41,001	17,307	2022
City of Lino Lakes	628,685	364,451	251,864	1,245,000	404,257	105,192	21,334	312,675	859,380	385,620	2022
City of Little Canada	287,868	93,254	71,352	452,474	211,099	3,843	5,012	79,307	300,810	151,664	2022
City of Little Falls	82,944	44,615	29,158	156,717	127,996	0	0	0	129,434	27,283	2022
City of Long Lake	215,455	137,388	18,007	370,850	18,707	0	0	15,264	33,971	336,879	2022
City of Long Prairie	34,286	0	0	34,286	25,511	0	0	0	25,511	8,775	2022
City of Lonsdale	172,704	0	0	172,704	220,341	0	592	0	231,688	-58,984	2022
City of Loretto	6,629	2,210	250	9,089	5,087	0	0	1,353	6,440	2,649	2022
City of Luverne	168,026	0	360	168,386	111,616	1,808	540	1,034	114,998	53,388	2022
City of Madison Lake	66	66	0	132	41,889	0	0	0	41,889	-41,757	2022
City of Mahtomedi	400,188	110,593	130,836	641,617	368,437	0	0	0	368,437	273,180	2022
City of Mankato	1,646,495	775,392	0	2,421,887	1,402,371	57,857	0	56,194	1,891,871	530,016	2022
City of Mantorville	38	0	0	38	9,069	0	0	0	9,069	-9,031	2022
City of Maple Grove	1,673,419	1,048,617	1,313,831	4,035,867	3,292,148	1,117	273,698	636,777	4,875,073	-839,206	2022
City of Maple Lake	3,393,394	1,966,435	0	5,359,829	0	0	0	0	0	5,359,829	2022
City of Maple Plain	63,529	0	0	63,529	0	0	0	8,462	8,462	55,067	2022
City of Maplewood	1,241,945	351,803	385,614	1,979,362	1,358,217	0	0	135,821	1,758,538	220,824	2022
City of Marine-on-St. Croix	44,897	0	0	44,897	31,000	0	0	0	31,000	13,897	2022
City of Marshall	189,738	60,232	1,378	251,348	482,709	2,463	0	16,280	504,089	-252,741	2022
City of Mayer	1,225	0	17,500	18,725	1,779	0	0	7,981	10,045	8,680	2022
City of Medford	1,132	0	0	1,132	0	0	0	0	0	1,132	2022
City of Medicine Lake	23,685	13,324	4,889	41,898	13,803	0	0	0	13,803	28,095	2022
City of Medina	407,420	245,266	112,261	764,947	198,826	94	21,472	111,161	331,954	432,993	2022
City of Melrose	87,030	29,481	4,976	121,487	100,069	0	4,330	9,165	113,618	7,869	2022
City of Mendota	0	0	0	0	0	0	0	0	0	0	2022
City of Mendota Heights	417,170	173,094	83,401	673,665	232,782	0	17,920	51,424	316,241	357,424	2022
City of Miesville	3,657	1,788	0	5,445	0	0	0	0	0	5,445	2022
City of Milaca	33,688	15,280	4,983	53,951	39,970	0	0	13,435	53,555	396	2022
City of Minneapolis	15,463,821	4,927,571	7,933,486	28,324,878	10,127,240	163,383	377,559	2,791,401	14,773,715	13,551,163	2022
City of Minnetonka	3,348,460	0	1,995,359	5,343,819	2,134,203	39,169	13,667	258,162	2,702,902	2,640,917	2022
City of Minnetonka Beach	86,756	52,764	14,026	153,546	154,422	0	0	65,068	219,815	-66,269	2022

City of Minnetrista	595,124	237,364	0	832,488	338,166	0	0	31,380	369,546	462,942	2022
City of Montevideo	87,171	23,760	3,081	114,012	118,768	3,600	0	1,500	133,497	-19,485	2022
City of Montgomery	50,016	25,606	0	75,622	96,417	0	0	0	96,417	-20,795	2022
City of Monticello	354,105	145,599	1,175	500,879	466,452	75,830	8,141	30,492	591,218	-90,339	2022
City of Montrose	19,775	9,241	2,513	31,529	15,764	0	0	0	15,764	15,765	2022
City of Moorhead	625,161	119,831	53,388	798,380	572,363	2,766	0	89,688	671,816	126,564	2022
City of Moose Lake	18,178	4,506	180	22,864	21,125	0	0	0	21,125	1,739	2022
City of Mora	39,911	9,221	6,119	55,251	92,753	918	4,645	2,005	101,582	-46,331	2022
City of Morris	46,780	11,458	6,958	65,196	43,000	0	0	0	43,000	22,196	2022
City of Mound	177,750	96,397	56,678	330,825	502,471	0	0	3,142	511,429	-180,604	2022
City of Mounds View	101,574	49,763	55,284	206,621	254,419	682	18,955	25,442	343,958	-137,337	2022
City of Mountain Iron	14,031	12,776	0	26,807	65,936	551	0	0	66,487	-39,680	2022
City of Mountain Lake	8,890	0	0	8,890	1,833	0	0	0	1,833	7,057	2022
City of Myrtle	0	0	0	0	0	0	0	0	0	0	2022
City of New Brighton	386,863	132,628	253,040	772,531	350,765	0	0	80,960	639,585	132,946	2022
City of New Hope	152,706	56,866	232,222	441,794	560,198	9,552	0	0	655,076	-213,282	2022
City of New London	40,704	2,281	0	42,985	35,314	1,016	0	3,031	39,841	3,144	2022
City of New Prague	205,613	41,704	4,670	251,987	264,439	2,162	2,323	18,297	287,442	-35,455	2022
City of New Richland	44	12	0	56	25,758	0	0	0	25,758	-25,702	2022
City of New Trier	2	577	0	579	0	0	0	0	0	579	2022
City of New Ulm	142,256	24,034	17,725	184,015	267,888	7,642	0	11,603	289,219	-105,204	2022
City of Newport	121,594	20,868	0	142,462	21,552	0	0	50,958	137,386	5,076	2022
City of Nicollet	6,599	3,301	0	9,900	0	0	0	0	0	9,900	2022
City of North Branch	158,359	52,782	48,239	259,380	318,584	44,480	5,511	0	368,575	-109,195	2022
City of North Mankato	518,508	48,390	16,039	582,937	365,286	25,964	34,402	53,500	559,077	23,860	2022
City of North Oaks	416,988	224,231	98,398	739,617	469,126	0	0	0	469,126	270,491	2022
City of North St. Paul	850,002	120,843	124,674	1,095,519	708,584	0	0	26,052	738,719	356,800	2022
City of Northfield	475,304	142,388	73,255	690,947	608,408	2,366	0	494,512	1,109,701	-418,754	2022
City of Northrop	0	0	0	0	0	0	0	0	0	0	2022
City of Norwood Young America	54,742	29,075	7,586	91,403	36,974	0	0	0	36,974	54,429	2022
City of Nowthen	115,632	45,617	2,863	164,112	122,859	0	0	40,375	163,234	878	2022
City of Oak Park Heights	68,146	35,202	22,988	126,336	133,794	384	0	96,543	232,258	-105,922	2022
City of Oakdale	1,852,469	399,988	565,437	2,817,894	581,502	0	0	40,000	622,502	2,195,392	2022
City of Ogilvie	4,981	584	0	5,565	0	0	0	4,270	4,270	1,295	2022
City of Olivia	4,007	21,985	700	26,692	150,300	4,802	0	10,236	165,831	-139,139	2022
City of Orono	620,612	363,972	124,898	1,109,482	384,647	383	50,395	68,418	529,261	580,221	2022
City of Ortonville	9,358	1,542	0	10,900	17,075	0	0	0	17,075	-6,175	2022
City of Osakis	20,319	2,304	0	22,623	22,794	0	0	0	22,794	-171	2022
City of Osseo	49,023	29,062	38,144	116,229	43,766	0	14,727	40,265	101,573	14,656	2022
City of Otsego	1,268,259	458,713	210,306	1,937,278	508,252	17,962	50,724	55,578	727,676	1,209,602	2022
City of Owatonna	368,086	153,749	1,050	522,885	384,827	9,582	47,200	0	516,023	6,862	2022
City of Park Rapids	55,024	14,603	2,822	72,449	58,761	0	0	681	59,442	13,007	2022
City of Paynesville	30,897	1,774	0	32,671	67,804	171	0	1,917	70,818	-38,147	2022
City of Pease	4,735	2,789	692	8,216	0	0	0	6,504	6,504	1,712	2022
City of Pennock	0	0	0	0	0	0	0	0	0	0	2022
City of Perham	49,216	18,929	0	68,145	94,152	0	0	0	94,152	-26,007	2022
City of Pierz	70,178	18,373	13,329	101,880	45,996	0	0	4,000	50,196	51,684	2022
City of Pillager	10,091	2,878	300	13,269	9,997	0	0	3,272	13,269	0	2022
City of Pine City	25,141	18,831	46,155	90,127	0	0	0	86,819	86,819	3,308	2022
City of Pine Island	87,650	10,615	0	98,265	47,155	0	0	0	47,155	51,110	2022
City of Pine River	1,497	0	0	1,497	15,227	0	0	0	15,227	-13,730	2022
City of Plainview	40,389	12,767	1,170	54,326	35,551	91	0	300	36,467	17,859	2022
City of Plato	6,385	3,971	0	10,356	8,583	0	0	0	8,583	1,773	2022
City of Plymouth	1,738,438	701,119	1,035,943	3,475,500	2,127,496	0	61,306	590,535	2,824,389	651,111	2022
City of Princeton	125,795	42,449	0	168,244	50,594	0	0	0	50,594	117,650	2022
City of Prior Lake	558,827	286,444	103,705	948,976	910,532	17,518	52,267	186,705	1,173,718	-224,742	2022
City of Proctor	0	0	0	0	0	0	0	0	0	0	2022
City of Ramsey	520,770	249,663	215,549	985,982	527,224	17,418	41,807	434,850	1,065,761	-79,779	2022
City of Red Lake Falls	0	0	0	0	0	0	0	0	0	0	2022
City of Red Wing	204,177	54,339	39,023	297,539	250,942	3,559	0	22,896	284,118	13,421	2022
City of Redwood Falls	82,655	32,041	5,412	120,108	113,886	6,674	0	6,811	129,796	-9,688	2022
City of Rice	22,425	14,187	5,930	42,542	40,986	0	0	0	40,986	1,556	2022
City of Rice Lake	46,426	20,493	0	66,919	54,833	272	0	3,769	58,874	8,045	2022
City of Richfield	585,366	222,445	407,445	1,215,256	1,149,566	16,440	38,511	25,938	1,388,896	-173,640	2022
City of Richmond	6,322	7,388	0	13,710	19,000	0	0	0	19,000	-5,290	2022
City of Robbinsdale	89,263	16,451	133,929	239,643	344,270	0	0	3,750	348,020	-108,377	2022
City of Rochester	1,788,049	939,953	2,124,399	4,852,401	3,011,563	20,600	88,264	471,463	3,797,278	1,055,123	2022
City of Rock Creek	9,309	6,018	0	15,327	0	0	0	0	0	15,327	2022
City of Rockford	104,081	57,363	18,634	180,078	72,177	0	0	0	72,177	107,901	2022
City of Rockville	38,542	20,864	0	59,406	0	0	0	0	0	59,406	2022
City of Rogers	881,840	531,282	287,316	1,700,438	1,062,337	6,877	21,996	108,587	1,261,324	439,114	2022
City of Rollingstone	7,294	4,151	765	12,210	5,705	0	0	0	5,705	6,505	2022
City of Roseau	19,755	4,341	0	24,096	48,704	0	0	0	51,992	-27,896	2022
City of Rosemount	999,529	378,959	217,823	1,596,311	782,053	33,677	82,650	281,157	1,242,535	353,776	2022

City of Roseville	823,490	454,609	507,067	1,785,166	888,386	6,507	20,000	68,133	991,410	793,756	2022
City of Rothsay	0	0	0	0	0	0	0	0	0	0	2022
City of Royalton	3,860	2,069	501	6,430	5,415	0	0	0	5,415	1,015	2022
City of Rush City	9,211	0	0	9,211	19,337	0	0	0	19,337	-10,126	2022
City of Rushford	4,458	2,001	126	6,585	0	0	0	0	0	6,585	2022
City of Sandstone	19,106	2,564	539	22,209	7,618	0	2,984	16,012	26,614	-4,405	2022
City of Sartell	506,397	155,552	145,253	807,202	401,400	8,070	15,901	3,405	433,490	373,712	2022
City of Sauk Centre	128,899	28,933	0	157,832	229,963	0	0	2,648	234,622	-76,790	2022
City of Sauk Rapids	264,542	51,551	17,444	333,537	350,443	1,873	513	0	387,045	-53,508	2022
City of Savage	488,732	247,100	198,160	933,992	633,923	35,691	17,503	1,083,416	1,825,032	-891,040	2022
City of Scandia	101,023	38,995	3,284	143,302	84,063	0	0	66,576	150,639	-7,337	2022
City of Scanlon	7,851	0	0	7,851	0	0	0	0	0	7,851	2022
City of Shakopee	2,252,279	1,152,083	2,258,111	5,662,473	1,364,348	18,870	35,100	215,211	2,113,194	3,549,279	2022
City of Sherburn	0	0	0	0	0	0	0	0	0	0	2022
City of Shoreview	667,360	265,649	255,618	1,188,627	707,875	17,108	0	273,301	1,023,212	165,415	2022
City of Shorewood	15,854,280	83,142	114,270	16,051,692	149,605	2,387	0	254,748	407,982	15,643,710	2022
City of Silver Bay	3,091	65	385	3,541	6,375	0	8,391	21,985	36,751	-33,210	2022
City of Silver Lake	2,321	2,194	1,959	6,474	0	0	0	0	0	6,474	2022
City of Sleepy Eye	47,916	0	0	47,916	57,079	1,457	0	0	58,536	-10,620	2022
City of South Haven	0	0	0	0	0	0	0	0	0	0	2022
City of South St. Paul	278,083	121,104	220,336	619,523	341,169	0	4,692	150,604	498,303	121,220	2022
City of Spring Lake Pk.	73,944	25,902	22,457	122,303	179,082	5,154	5,795	17,171	212,514	-90,211	2022
City of Spring Park	119	40	18	177	0	0	0	0	0	177	2022
City of St. Anthony	169,381	80,036	179,606	429,023	440,166	0	12,443	43,488	500,478	-71,455	2022
City of St. Augusta	121,740	0	0	121,740	113,312	0	2,500	0	116,312	5,428	2022
City of St. Bonifacius	38,405	19,703	0	58,108	7,910	0	0	0	7,910	50,198	2022
City of St. Cloud	818,844	306,006	309,162	1,434,012	1,131,345	47,061	3,975	465,285	1,720,897	-286,885	2022
City of St. Francis	146,773	56,872	31,186	234,831	140,498	2,047	12,762	0	158,313	76,518	2022
City of St. James	104,633	20,304	525	125,462	46,613	1,591	1,319	10,466	60,154	65,308	2022
City of St. Joseph	191,771	34,966	0	226,737	226,737	0	0	0	226,737	0	2022
City of St. Marys Point	0	0	0	0	0	0	0	0	0	0	2022
City of St. Michael	1,221,761	423,452	4,410	1,649,623	1,162,484	43,288	83,578	119,114	1,442,046	207,577	2022
City of St. Paul	8,648,305	2,560,511	4,533,577	15,742,393	7,973,831	109,984	238,298	769,887	9,165,323	6,577,070	2022
City of St. Paul Park	44,929	12,983	0	57,912	0	0	0	0	0	57,912	2022
City of St. Peter	308,282	145,473	0	453,755	129,226	1,548	0	47,811	186,930	266,825	2022
City of Stacy	22,768	15,559	0	38,327	36,202	0	1,225	18,912	57,870	-19,543	2022
City of Starbuck	20,015	0	0	20,015	19,218	0	0	0	19,218	797	2022
City of Stewart	0	0	0	0	0	0	0	0	0	0	2022
City of Stewartville	0	0	0	0	0	0	0	0	0	0	2022
City of Stillwater	467,816	210,433	88,479	766,728	461,760	5,244	95,569	374,335	944,699	-177,971	2022
City of Stockton	5,500	2,389	210	8,099	8,098	0	0	0	8,098	1	2022
City of Thf. River Falls	92,113	39,002	1,389	132,504	129,187	0	0	0	129,187	3,317	2022
City of Tonka Bay	98,612	37,361	17,395	153,368	148,288	0	0	0	148,288	5,080	2022
City of Truman	0	0	0	0	0	0	0	0	0	0	2022
City of Twin Lakes	0	0	0	0	0	0	0	0	0	0	2022
City of Two Harbors	18,677	0	0	18,677	13,535	0	0	0	13,535	5,142	2022
City of Utica	0	0	0	0	0	0	0	0	0	0	2022
City of Vadnais Heights	921,728	147,737	177,652	1,247,117	652,188	2,600	124,000	0	1,264,788	-17,671	2022
City of Vermillion	412	72	0	484	0	0	0	0	0	484	2022
City of Victoria	577,666	282,505	0	860,171	655,887	58,497	27,095	42,240	905,978	-45,807	2022
City of Virginia	30,690	27,011	0	57,701	362,088	500	1,200	900	366,488	-308,787	2022
City of Wabasha	18,929	11,321	6,507	36,757	25,172	0	0	0	25,172	11,585	2022
City of Waconia	923,485	565,210	153,644	1,642,339	837,495	1,264	46,193	48,749	938,438	703,901	2022
City of Waite Park	116,620	53,552	53,370	223,542	210,931	290	0	30,915	247,769	-24,227	2022
City of Walker	15,520	2,947	0	18,467	107,284	0	0	0	107,284	-88,817	2022
City of Wanamingo	18,313	6,585	0	24,898	0	0	0	24,898	24,898	0	2022
City of Warren	7,813	757	0	8,570	0	0	0	0	0	8,570	2022
City of Warroad	54,829	29,669	0	84,498	48,204	0	0	0	48,204	36,294	2022
City of Waseca	143,866	68,659	33,146	245,671	248,373	0	0	0	248,373	-2,702	2022
City of Watertown	218,773	130,074	31,516	380,363	310,111	40,000	1,500	2,500	354,860	25,503	2022
City of Waverly	25,334	15,312	0	40,646	60,897	0	0	0	60,897	-20,251	2022
City of Wayzata	211,941	117,280	108,854	438,075	220,641	4,940	31,511	231,757	537,565	-99,490	2022
City of Wells	9,569	3,310	0	12,879	18,696	0	0	0	18,739	-5,860	2022
City of West Concord	30	3	0	33	0	0	0	2,000	2,000	-1,967	2022
City of West St. Paul	299,649	102,926	119,319	521,894	506,381	4,873	24,568	76,462	612,800	-90,906	2022
City of Wheaton	1,685	0	0	1,685	0	0	0	0	0	1,685	2022
City of White Bear Lake	761,730	276,247	391,573	1,429,550	600,423	34,928	0	335,259	981,042	448,508	2022
City of Willow River	0	0	0	0	0	0	0	0	0	0	2022
City of Windom	99,798	20,051	0	119,849	82,132	651	1,551	3,596	89,325	30,524	2022
City of Winnebago	4,439	0	0	4,439	6,950	0	0	0	6,950	-2,511	2022
City of Winona	364,034	0	29,041	393,075	488,568	37,276	0	21,490	558,739	-165,664	2022
City of Winsted	14,927	9,493	6,802	31,222	33,416	0	0	0	33,416	-2,194	2022
City of Winthrop	6,087	0	0	6,087	4,786	0	0	0	4,786	1,301	2022
City of Woodbury	4,656,569	1,134,077	1,320,207	7,110,853	2,416,696	56,732	154,789	298,710	3,219,615	3,891,238	2022

City of Worthington	70,015	37,701	6,047	113,763	0	0	0	0	0	113,763	2022
City of Wrenshall	3,454	1,803	0	5,257	5,759	0	0	0	5,759	-502	2022
City of Wyoming	134,943	76,622	19,895	231,460	181,026	1,737	0	0	187,694	43,766	2022
City of Zimmerman	200,156	103,704	26,103	329,963	114,351	0	0	3,879	118,230	211,733	2022
City of Zumbro Falls	0	0	0	0	0	0	0	0	0	0	2022
City of Zumbrota	49,455	16,370	682	66,507	37,489	0	0	29,018	66,507	0	2022
Corinna Township	54,175	30,227	0	84,402	0	0	0	60,815	60,815	23,587	2022
Denmark Township	30,637	37,971	41,919	110,527	41,103	0	0	0	41,103	69,424	2022
Douglas Township	21,854	11,980	0	33,834	42,740	0	0	0	42,740	-8,906	2022
Dover Township	3,457	2,501	0	5,958	2,248	0	750	0	2,998	2,960	2022
Dovre Township	0	0	0	0	0	0	0	0	0	0	2022
Elmira Township	6,505	4,706	0	11,211	4,459	0	750	0	5,209	6,002	2022
Empire Township	45,737	19,870	0	65,607	10,000	11,000	7,900	8,000	52,950	12,657	2022
Eureka Township	37,765	16,990	0	54,755	0	0	0	0	0	54,755	2022
Faxon Township	10,344	5,195	0	15,539	12,386	0	0	0	12,386	3,153	2022
Freeborn County	39,883	25,597	9,998	75,478	95,188	4,421	4,200	0	106,369	-30,891	2022
Goodhue County	198,896	68,228	70	267,194	467,201	10,808	0	0	487,119	-219,925	2022
Greenbush Township	13,591	11,273	3,476	28,340	16,835	0	3,000	4,757	27,946	394	2022
Grey Cloud Island Township	0	0	0	0	0	0	0	0	0	0	2022
Haverhill Township	6,469	4,680	0	11,149	8,093	0	1,200	0	9,293	1,856	2022
High Forest Township	10,007	7,239	0	17,246	7,144	0	1,000	0	8,144	9,102	2022
Kalmar Township	23,826	17,235	0	41,061	16,598	0	1,200	0	17,798	23,263	2022
Kandiyohi County	199,439	129,635	0	329,074	218,455	3,952	0	0	233,957	95,117	2022
Linwood Township	56,128	30,983	11,073	98,184	20,921	354	3,375	47,360	73,283	24,901	2022
Lynden Township	20,597	9,609	0	30,206	30,197	0	0	0	30,322	-116	2022
Marshan Township	25,786	7,839	0	33,625	109,000	1,150	5,000	1,000	116,850	-83,225	2022
May Township	96,160	40,568	0	136,728	67,762	0	0	0	67,762	68,966	2022
Meeker County	0	0	0	0	0	0	0	0	0	0	2022
Middleville Township	6,294	3,484	0	9,778	6,314	0	0	0	6,314	3,464	2022
Mille Lacs County	104,491	0	0	104,491	217,798	0	0	0	217,798	-113,307	2022
Munson Township	9,486	1,787	0	11,273	0	0	0	0	0	11,273	2022
New Haven Township	18,191	13,159	0	31,350	14,013	0	1,000	0	15,013	16,337	2022
Nininger Township	12,298	4,959	0	17,257	0	0	0	0	0	17,257	2022
Olmsted County	340,732	94,869	46,255	481,856	0	0	0	544,601	544,601	-62,745	2022
Orion Township	1,669	1,207	0	2,876	1,177	0	200	0	1,377	1,499	2022
Pleasant Grove Township	2,434	1,761	0	4,195	2,037	0	200	0	2,237	1,958	2022
Princeton Township	62,692	25,581	4,343	92,616	31,922	0	0	0	31,922	60,694	2022
Randolph Township	23,944	8,198	0	32,142	0	0	0	0	0	32,142	2022
Ravena Township	31,405	14,606	0	46,011	0	0	0	0	0	46,011	2022
Rice County	229,467	149,461	69,613	448,541	331,290	2,605	6,480	83,000	441,090	7,451	2022
Rochester Township	58,546	42,352	0	100,898	42,164	0	2,500	0	44,664	56,234	2022
Rock Dell Township	10,411	7,531	0	17,942	7,404	0	300	0	7,704	10,238	2022
Royalton Township	18,488	13,432	4,610	36,530	13,866	0	0	0	13,866	22,664	2022
Saint Paul Regional Water Svcs	0	0	171,392	171,392	172,797	34,860	0	55,041	264,318	-92,926	2022
Salem Township	8,118	5,873	0	13,991	5,863	0	300	0	6,163	7,828	2022
Sciota Township	9,836	8,342	1,196	19,374	15,576	0	0	0	15,576	3,798	2022
Scott County	619,807	370,888	103,863	1,094,558	571,936	0	0	309,843	982,850	111,708	2022
Sherburne County	280,412	180,721	401,204	862,337	530,748	29,366	72,119	70,458	711,995	150,342	2022
St. Johns Township	0	0	0	0	0	0	0	0	0	0	2022
State of Minnesota	1,963,338	2,616,402	447,094	5,026,834	1,565,546	114,869	46,875	358,353	2,095,399	2,931,435	2022
Stearns County	0	0	0	0	0	0	0	0	0	0	2022
Steele County	84,818	47,627	0	132,445	159,374	5,284	4,320	0	169,896	-37,451	2022
Stillwater Township	57,438	17,185	3,074	77,697	29,661	0	0	0	29,661	48,036	2022
Thomson Township	42,245	13,350	4,139	59,734	84,989	227	650	1,648	87,514	-27,780	2022
Vermillion Township	23,756	16,633	1,840	42,229	41,903	0	0	0	41,903	326	2022
Viola Township	3,522	2,548	0	6,070	2,321	0	200	0	2,521	3,549	2022
Wakefield Township	84,723	25,437	5,644	115,804	96,854	0	0	0	96,854	18,950	2022
Watab Township	56,804	35,519	4,768	97,091	0	0	0	0	0	97,091	2022
Waterford Township	8,513	2,747	101	11,361	8,029	0	0	3,332	11,361	0	2022
West Lakeland Township	84,849	179,451	4,139	268,439	0	0	0	193,834	193,834	74,605	2022
White Bear Township	141,383	43,663	57,395	242,441	237,684	138	11,800	0	255,459	-13,018	2022
Wright County	406,817	214,467	0	621,284	383,373	5,934	0	21,398	412,204	209,080	2022
Totals:	\$147,229,248	\$52,503,609	\$49,769,310	\$249,502,167	\$120,967,112	\$2,348,710	\$4,945,095	\$25,282,979	\$162,799,097	\$86,703,070	

Municipality	Permit Fees	Plan Review Fees	Other Fees	Total Fees	Salary/Benefits Exp	Travel/Vehicle Exp	Office Space Exp	Admin Overhead Exp	Total Expense	Difference	Year
Alexandria Township	75,613	0	0	75,613	62,488	0	0	5,000	67,488	8,125	2021
Arthur Township	26,000	12,000	0	38,000	27,000	1,000	0	1,000	29,000	9,000	2021
Athens Township	23,818	12,187	0	36,005	38,790	0	0	0	38,790	-2,785	2021
Baytown Township	82,927	30,099	0	113,026	96,214	0	0	0	96,214	16,812	2021
Becker Township	105,066	56,067	10,808	171,941	166,170	0	4,733	0	171,643	298	2021
Benton County	165,314	44,262	9,000	218,576	140,137	0	0	0	140,314	78,262	2021
Bridgewater Township	35,759	12,516	7,859	56,134	73,692	0	0	5,000	78,692	-22,558	2021
Carver County	311,739	167,803	14,518	494,060	366,768	0	49,500	0	416,268	77,792	2021
Cascade Township	36,072	23,447	0	59,519	19,219	0	16,960	0	38,579	20,940	2021
Castle Rock Township	1,712,175	16,850	2,735	1,731,760	25,000	2,800	1,088	1,050	30,676	1,701,084	2021
Chengwatana Township	16,352	8,607	1,773	26,732	0	0	0	11,593	11,593	15,139	2021
Chisago County	394,402	219,600	25,432	639,434	434,455	25,980	9,240	331,928	804,603	-165,169	2021
City of Ada	5,770	0	0	5,770	0	0	0	10,667	10,667	-4,897	2021
City of Afton	279,709	0	10,290	289,999	128,729	0	0	26,652	169,342	120,657	2021
City of Aitkin	23,949	7,785	5,056	36,790	39,000	0	0	0	39,000	-2,210	2021
City of Albany	4,691	1,979	0	6,670	27,000	0	0	0	27,000	-20,330	2021
City of Albert Lea	231,418	114,284	36,895	382,597	335,116	0	0	0	470,799	-88,202	2021
City of Albertville	351,852	178,501	53,567	583,920	239,118	0	0	4,903	244,556	339,364	2021
City of Alden	0	0	0	0	0	0	0	0	0	0	2021
City of Alexandria	381,447	163,477	68,885	613,809	308,411	2,128	31,636	27,107	426,691	187,118	2021
City of Altura	0	0	0	0	0	0	0	0	0	0	2021
City of Andover	788,527	210,270	0	998,797	478,492	15,072	51,037	431,105	1,001,929	-3,132	2021
City of Annandale	29,895	16,693	2,010	48,598	65,360	0	0	0	65,360	-16,762	2021
City of Anoka	385,615	108,839	0	494,454	178,675	4,011	0	58,120	240,987	253,467	2021
City of Apple Valley	1,344,604	355,309	601,497	2,301,410	778,171	13,370	191,215	255,256	1,322,166	979,244	2021
City of Appleton	21,495	13,445	0	34,940	22,788	0	0	43	25,533	9,407	2021
City of Arden Hills	399,076	235,844	280,215	915,135	195,501	7,404	14,958	41,381	690,839	224,296	2021
City of Arlington	34,516	22,403	4,250	61,169	98,343	0	501	395	99,239	-38,070	2021
City of Atwater	3,168	240	0	3,408	3,899	0	0	9,677	13,635	-10,227	2021
City of Audubon	0	0	0	0	0	0	0	0	0	0	2021
City of Austin	202,056	116,051	68,503	386,610	272,853	21,432	0	6,726	329,618	56,992	2021
City of Avon	40,083	12,034	0	52,117	36,845	0	0	0	36,845	15,272	2021
City of Badger	0	0	0	0	0	0	0	0	0	0	2021
City of Balaton	0	0	0	0	0	0	0	0	0	0	2021
City of Barnesville	43,826	14,452	0	58,278	46,927	0	0	0	46,927	11,351	2021
City of Baxter	137,461	75,293	46,137	258,891	177,882	4,799	4,207	30,038	218,958	39,933	2021
City of Bayport	51,549	32,733	12,153	96,435	198,047	0	0	900	198,947	-102,512	2021
City of Beaver Bay	0	0	0	0	0	0	0	0	0	0	2021
City of Becker	69,581	35,750	2,375	107,706	183,679	0	11,987	60,555	258,303	-150,597	2021
City of Belle Plaine	105,070	27,853	34,116	167,039	151,468	6,063	6,052	52,583	225,605	-58,566	2021
City of Bellechester	100	0	0	100	0	0	0	0	0	100	2021
City of Bemidji	214,083	95,521	236,301	545,905	405,905	6,971	18,288	110,419	571,888	-25,983	2021
City of Benson	30,499	9,750	0	40,249	36,975	2,583	0	0	42,967	-2,718	2021
City of Bethel	0	0	0	0	0	0	0	0	0	0	2021
City of Big Lake	255,663	140,573	177,121	573,357	199,924	2,121	0	170,007	397,686	175,671	2021
City of Birchwood Village	8,651	1,528	0	10,179	13,718	0	0	0	13,718	-3,539	2021
City of Bird Island	14,706	0	0	14,706	12,665	0	0	0	12,665	2,041	2021
City of Biwabik	16,227	9,634	0	25,861	0	0	0	27,910	27,910	-2,049	2021
City of Blaine	1,711,141	882,004	715,275	3,308,420	2,536,118	18,914	0	728,101	3,305,253	3,167	2021
City of Blomkest	0	0	0	0	0	0	0	0	0	0	2021
City of Blooming Prairie	22,464	13,944	1,445	37,853	0	0	0	0	0	37,853	2021
City of Bloomington	1,370,289	664,725	1,501,216	3,536,230	2,789,852	73,729	312,340	121,521	3,312,775	223,455	2021
City of Blue Earth	14,017	0	0	14,017	21,286	1,199	2,314	400	25,361	-11,344	2021
City of Braham	0	0	4,393	4,393	60,584	1,000	600	0	62,184	-57,791	2021
City of Brainerd	286,883	39,255	46,127	372,265	441,450	6,291	0	5,720	454,495	-82,230	2021
City of Breckenridge	20,127	0	0	20,127	94,184	846	0	0	96,035	-75,908	2021
City of Breezy Point	181,912	78,155	0	260,067	123,849	0	0	0	125,588	134,479	2021
City of Brewster	12	0	0	12	0	0	0	0	0	12	2021
City of Brook Park	0	0	0	0	0	0	0	0	0	0	2021
City of Brooklyn Center	365,810	0	94,206	460,016	1,060,131	33,480	0	0	1,128,509	-668,493	2021
City of Brooklyn Park	2,317,554	1,888,729	684,685	4,890,968	1,943,285	0	0	0	1,943,285	2,947,683	2021
City of Brownsdale	0	0	0	0	0	0	0	0	0	0	2021
City of Brownsville	725	0	0	725	0	0	0	0	0	725	2021
City of Browntrn	4,244	1,649	220	6,113	8,447	0	0	0	8,472	-2,359	2021
City of Buffalo	280,459	126,189	147,748	554,396	463,399	0	12,072	9,172	484,801	69,595	2021
City of Buffalo Lake	9,302	2,861	0	12,163	740	0	40	9,633	10,443	1,720	2021
City of Buhl	23	4	2	29	5,978	0	0	250	6,378	-6,349	2021
City of Burnsville	807,466	437,201	1,008,873	2,253,540	1,051,740	25,321	75,221	380,823	1,556,533	697,007	2021
City of Butterfield	0	0	0	0	0	0	0	0	0	0	2021
City of Byron	84,409	21,411	0	105,820	54,022	0	0	0	54,022	51,798	2021
City of Caledonia	0	0	0	0	0	0	0	0	0	0	2021
City of Cambridge	751,733	0	70,670	822,403	623,233	6,850	47,258	114,644	810,034	12,369	2021
City of Cannon Falls	49,471	18,323	0	67,794	55,994	0	0	0	55,994	11,800	2021

City of Canton	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Carlos	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Carlton	8,521	850	0	9,371	7,462	0	0	0	0	7,902	1,469	0	0	2021
City of Carver	493,311	231,936	33,791	759,038	359,299	58,407	1,292	359,299	792,600	-33,562	0	0	0	2021
City of Cass Lake	1,572	143	39	1,754	0	0	0	0	0	0	1,754	0	0	2021
City of Center City	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Centerville	141,230	43,949	61,990	247,169	137,915	2,886	0	2,805	152,536	94,633	0	0	0	2021
City of Champlin	260,686	84,149	168,161	512,996	306,019	9,329	53,452	75,136	450,471	62,525	0	0	0	2021
City of Chanhassen	1,370,311	386,764	345,359	2,102,434	1,127,408	22,294	57,322	325,341	1,573,784	528,650	0	0	0	2021
City of Chaska	949,682	429,834	251,321	1,630,837	735,273	8,069	64,299	40,193	871,527	759,310	0	0	0	2021
City of Chatfield	14,581	9,475	0	24,056	0	0	0	17,463	17,463	6,593	0	0	0	2021
City of Chisago City	20,786	4,585	7,241	32,612	13,643	0	0	124,868	138,511	-105,899	0	0	0	2021
City of Chisholm	9,799	0	0	9,799	75,000	500	500	0	76,500	-66,701	0	0	0	2021
City of Circle Pines	36,482	14,686	15,838	67,006	37,013	0	0	0	37,168	29,838	0	0	0	2021
City of Claremont	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Clarkfield	13	4	0	17	0	0	0	0	0	17	0	0	0	2021
City of Clarks Grove	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Clear Lake	29,556	0	0	29,556	0	0	0	0	0	29,556	0	0	0	2021
City of Clearwater	36,169	19,967	5,431	61,567	61,626	0	0	0	61,626	-59	0	0	0	2021
City of Cleveland	10,141	3,628	0	13,769	9,639	0	0	0	9,639	4,130	0	0	0	2021
City of Cloquet	89,429	13,426	38,127	140,982	113,850	1,750	0	0	116,250	24,732	0	0	0	2021
City of Coates	21	8	0	29	8,000	0	325	500	8,825	-8,796	0	0	0	2021
City of Kokato	37,150	0	0	37,150	48,356	0	0	0	48,356	-11,206	0	0	0	2021
City of Cold Spring	70,004	32,855	28,243	131,102	103,179	0	0	0	103,179	27,923	0	0	0	2021
City of Cologne	47,229	30,874	6,106	84,209	13,273	0	0	0	13,273	70,936	0	0	0	2021
City of Columbia Hghts.	348,597	167,197	98,353	614,147	180,984	1,077	4,358	56,047	244,251	369,896	0	0	0	2021
City of Columbus	180,892	114,388	33,902	329,182	233,569	1,242	1,050	87,268	324,933	4,249	0	0	0	2021
City of Conger	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Coon Rapids	843,160	260,270	489,143	1,592,573	957,081	7,764	10,516	467,049	1,561,615	30,958	0	0	0	2021
City of Corcoran	1,027,115	388,485	38,957	1,454,557	161,160	457	0	140,191	885,015	569,542	0	0	0	2021
City of Cosmos	3,587	0	0	3,587	0	0	0	0	0	3,587	0	0	0	2021
City of Cottage Grove	1,930,801	645,558	773,984	3,350,343	1,075,142	23,500	106,131	302,681	1,509,567	1,840,776	0	0	0	2021
City of Courtland	16,270	400	634	17,304	0	0	0	0	0	17,304	0	0	0	2021
City of Credit River	415,908	0	0	415,908	164,929	0	0	0	216,639	199,269	0	0	0	2021
City of Crookston	40,409	3,563	4,045	48,017	83,149	0	0	11,005	94,974	-46,957	0	0	0	2021
City of Crosby	85,883	31,000	0	116,883	0	0	0	0	0	116,883	0	0	0	2021
City of Crystal	282,804	104,060	179,385	566,249	390,907	3,367	13,406	16,338	451,348	114,901	0	0	0	2021
City of Currie	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Darwin	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Dassel	7,006	4,004	0	11,010	0	0	0	0	0	11,010	0	0	0	2021
City of Dayton	2,024,693	438,881	0	2,463,574	684,560	1,238	3,451	83,709	1,185,672	1,277,902	0	0	0	2021
City of Deephaven	255,902	148,046	86,919	490,867	274,642	0	29,220	23,812	328,048	162,819	0	0	0	2021
City of Deer River	16	1	0	17	5,800	0	0	0	5,800	-5,783	0	0	0	2021
City of Deerwood	4,811	2,067	0	6,878	6,011	0	0	0	6,011	867	0	0	0	2021
City of Delano	364,720	173,755	95,524	633,999	305,596	10,837	45,686	55,887	420,908	213,091	0	0	0	2021
City of Dellwood	43,991	19,976	6,000	69,967	39,908	0	0	0	39,908	30,059	0	0	0	2021
City of Dennison	2,580	946	149	3,675	70	0	0	3,158	3,228	447	0	0	0	2021
City of Detroit Lakes	281,335	74,625	0	355,960	288,196	1,421	6,839	6,282	321,820	34,140	0	0	0	2021
City of Dilworth	49,223	6,584	6,924	62,731	44,857	0	0	6,969	52,216	10,515	0	0	0	2021
City of Dodge Center	21,610	10,840	0	32,450	0	0	0	0	0	32,450	0	0	0	2021
City of Dover	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Duluth	2,381,245	1,427,620	798,869	4,607,734	1,940,789	19,393	36,322	248,473	2,466,169	2,141,565	0	0	0	2021
City of Dundas	74,330	46,066	12,755	133,151	91,290	0	3,500	3,000	98,365	34,786	0	0	0	2021
City of Eagan	1,173,856	528,459	541,401	2,243,716	2,983,122	3,703	0	374,000	3,369,081	-1,125,365	0	0	0	2021
City of Eagle Lake	36,013	15,919	2,790	54,722	29,366	0	0	0	29,366	25,356	0	0	0	2021
City of East Bethel	335,874	114,222	0	450,096	314,278	0	0	18,363	339,143	110,953	0	0	0	2021
City of East Grand Forks	53,518	11,915	0	65,433	64,876	0	38,284	54,324	159,128	-93,695	0	0	0	2021
City of Eden Prairie	2,606,791	769,115	855,799	4,231,705	1,366,494	100,191	180,529	209,384	2,303,219	1,928,486	0	0	0	2021
City of Edina	2,965,011	1,260,736	952,222	5,177,969	2,548,655	16,523	801,029	241,382	3,770,730	1,407,239	0	0	0	2021
City of Elgin	76,423	2,981	314	79,718	0	0	0	0	0	79,718	0	0	0	2021
City of Elk River	588,999	281,502	210,887	1,081,388	470,063	12,818	15,250	1,054,306	1,568,394	-487,006	0	0	0	2021
City of Elko New Market	206,373	119,634	59,166	385,173	261,701	25	945	6,029	268,926	116,247	0	0	0	2021
City of Ellendale	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Elmore	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Ely	161,578	72,552	21,165	255,295	173,104	13,024	21,600	9,608	221,486	33,809	0	0	0	2021
City of Elysian	30,647	19,133	5,810	55,590	42,474	0	0	1,664	44,138	11,452	0	0	0	2021
City of Emmons	0	0	0	0	0	0	0	0	0	0	0	0	0	2021
City of Excelsior	139,432	44,116	0	183,548	106,328	0	0	0	106,328	77,220	0	0	0	2021
City of Eyota	7,788	6,031	1,375	15,194	16,035	6	405	25	16,566	-1,372	0	0	0	2021
City of Fairfax	7,150	0	0	7,150	6,661	0	0	0	6,661	489	0	0	0	2021
City of Fairmont	13,880	61,100	0	74,980	199,720	4,527	7,186	33,358	251,940	-176,960	0	0	0	2021
City of Falcon Heights	188,042	91,458	30,481	309,981	173,198	12	0	88,078	262,116	47,865	0	0	0	2021
City of Faribault	177,424	74,871	126,402	378,697	415,096	1,296	0	13,045	510,522	-131,825	0	0	0	2021
City of Farmington	434,252	188,998	172,261	795,511	552,313	15,717	33,579	160,107	797,819	-2,308	0	0	0	2021

City of Fergus Falls	118,305	26,837	31,785	176,927	79,641	2,248	2,099	6,792	95,896	81,031	2021
City of Fisher	0	0	0	0	0	0	0	0	0	0	2021
City of Foley	9,618	0	0	9,618	13,912	0	0	8,077	23,311	-13,693	2021
City of Forest Lake	373,463	190,977	117,473	681,913	463,306	0	400	0	463,706	218,207	2021
City of Foreston	15	15	0	30	0	0	0	2,394	2,394	-2,364	2021
City of Frazee	15,069	5,761	7,854	28,684	4,200	0	0	0	4,200	24,484	2021
City of Freeborn	0	0	0	0	0	0	0	0	0	0	2021
City of Freeport	0	0	0	0	0	0	0	0	0	0	2021
City of Fridley	370,275	169,231	407,284	946,790	441,869	28,796	195,911	273,959	976,640	-29,850	2021
City of Fulda	0	0	0	0	0	0	0	0	0	0	2021
City of Gaylord	66,792	0	0	66,792	70,455	0	0	0	70,455	-3,663	2021
City of Gem Lake	7,760	1,609	0	9,369	10,752	0	0	0	13,272	-3,903	2021
City of Geneva	140	0	0	140	0	0	0	0	0	140	2021
City of Ghent	7,938	5,842	50	13,830	13,830	0	0	0	13,830	0	2021
City of Gilman	0	0	0	0	0	0	0	0	0	0	2021
City of Glencoe	75,125	48,662	11,935	135,722	0	0	0	0	0	135,722	2021
City of Glenville	0	0	0	0	0	0	0	0	0	0	2021
City of Glenwood	43,723	6,358	0	50,081	34,465	0	0	0	34,465	15,616	2021
City of Glyndon	18,124	235	3,938	22,297	3,110	0	0	15,661	18,776	3,521	2021
City of Golden Valley	605,098	259,328	470,509	1,334,935	670,405	35,540	1,130	370,729	1,263,883	71,052	2021
City of Goodhue	178	0	0	178	0	0	0	0	0	178	2021
City of Goodview	34,118	0	0	34,118	17,467	1,875	0	9,560	28,902	5,216	2021
City of Grand Rapids	207,072	114,205	108	321,385	322,127	0	0	110,581	480,786	-159,401	2021
City of Granite Falls	27,378	9,786	0	37,164	51,537	0	0	0	51,537	-14,373	2021
City of Grant	140,000	78,900	0	218,900	12,875	0	0	0	12,875	206,025	2021
City of Grasston	0	0	0	0	0	0	0	0	0	0	2021
City of Green Isle	44,383	29,201	3,536	77,120	0	0	0	0	0	77,120	2021
City of Greenfield	63,084	35,679	0	98,763	0	0	0	0	0	98,763	2021
City of Greenwood	52,962	27,611	23,407	103,980	71,569	0	0	7,157	78,726	25,254	2021
City of Grove City	1,470	0	0	1,470	0	0	0	0	0	1,470	2021
City of Ham Lake	262,848	114,646	100,906	478,400	333,966	74,778	4,665	97,549	537,923	-59,523	2021
City of Hamburg	4,531	2,432	105	7,068	6,127	0	0	0	6,127	941	2021
City of Hammond	0	0	0	0	0	0	0	0	0	0	2021
City of Hampton	2,259	854	990	4,103	909	0	295	475	4,401	-298	2021
City of Hanover	229,425	127,724	722,685	1,079,834	124,590	0	0	124,590	955,244	2021	
City of Harris	7,801	0	0	7,801	0	0	0	5,851	5,851	1,950	2021
City of Hartland	0	0	0	0	0	0	0	0	0	0	2021
City of Hastings	422,339	129,673	73,467	625,479	471,018	34,978	0	0	510,830	114,649	2021
City of Hayfield	9,700	0	0	9,700	0	0	0	8,242	8,242	1,458	2021
City of Hayward	0	0	0	0	0	0	0	0	0	0	2021
City of Hector	10,827	0	0	10,827	0	0	0	0	0	10,827	2021
City of Heidelberg	0	0	0	0	0	0	0	0	0	0	2021
City of Henderson	0	0	0	0	0	0	0	0	0	0	2021
City of Hermantown	142,846	71,423	0	214,269	149,213	7,220	0	2,397	160,614	53,655	2021
City of Hibbing	78,448	33,868	2,941	115,257	125,000	1,100	2,000	1,500	131,700	-16,443	2021
City of Hilltop	3,377	1,693	0	5,070	0	0	0	0	0	5,070	2021
City of Hinckley	29,772	14,020	0	43,792	30,769	307	1,394	0	35,747	8,045	2021
City of Holdingford	0	0	0	0	0	0	0	0	0	0	2021
City of Hollandale	0	0	0	0	0	0	0	0	0	0	2021
City of Hopkins	524,550	132,252	5,102	661,904	495,544	773	54,856	48,332	632,383	29,521	2021
City of Houston	5,065	0	0	5,065	0	0	0	4,590	4,590	475	2021
City of Howard Lake	24,362	10,881	4,775	40,018	0	0	0	0	0	40,018	2021
City of Hugo	783,102	248,850	194,189	1,226,141	615,031	11,861	19,454	118,240	781,081	445,060	2021
City of Hutchinson	485,954	16,760	27,358	530,072	442,564	5,914	16,011	102,977	579,012	-48,940	2021
City of Independence	231,875	41,305	0	273,180	78,803	3,902	0	0	85,607	187,573	2021
City of International Falls	151,006	44,990	0	195,996	93,624	0	0	0	135,936	60,060	2021
City of Inver Grove Hgts	954,295	447,808	373,897	1,776,000	1,278,853	30,900	30,000	48,637	1,400,855	375,145	2021
City of Iron Junction	0	0	0	0	0	0	0	0	0	0	2021
City of Ironton	0	0	0	0	0	0	0	0	0	0	2021
City of Isanti	197,056	93,582	51,348	341,986	215,724	537	9	7,116	224,715	117,271	2021
City of Jackson	35,795	18,889	3,490	58,174	13,230	0	0	0	13,230	44,944	2021
City of Janesville	47,205	26,852	31,225	105,282	71,145	0	0	200	71,495	33,787	2021
City of Jordan	201,911	0	0	201,911	201,938	0	0	0	201,938	-27	2021
City of Kandiyohi	0	0	0	0	0	0	0	0	0	0	2021
City of Kasson	148,941	65,279	14,833	229,053	92,840	3,718	0	0	96,558	132,495	2021
City of Kellogg	3,477	198	200	3,875	0	0	0	0	0	3,875	2021
City of Kenyon	0	0	0	0	0	0	0	0	0	0	2021
City of Kerkhoven	96	0	0	96	0	0	0	0	0	96	2021
City of Kettle River	2,046	0	0	2,046	1,088	753	0	0	1,841	205	2021
City of Kimball	31,702	17,685	2,550	51,937	40,408	0	0	825	41,233	10,704	2021
City of La Prairie	3,368	1,971	0	5,339	16,115	0	0	2,729	18,874	-13,535	2021
City of LaCrescent	67,769	23,135	9,717	100,621	35,643	1,516	1,646	19,315	60,198	40,423	2021
City of Lake City	63,961	27,478	2,660	94,099	84,313	0	0	0	84,313	9,786	2021
City of Lake Crystal	27,073	10,210	0	37,283	34,670	0	0	0	34,670	2,613	2021

City of Lake Elmo	1,125,421	750,814	271,846	2,148,081	1,197,885	15,228	4,270	11,358	1,240,831	907,250	2021
City of Lake St Croix Beach	12,898	0	0	12,898	32,273	0	0	0	32,273	-19,375	2021
City of Lake Wilson	0	0	0	0	0	0	0	0	0	0	2021
City of Lakefield	0	0	0	0	0	0	0	0	0	0	2021
City of Lakeland	34,334	0	0	34,334	13,701	0	0	0	13,701	20,633	2021
City of Lakeland Shores	1,979	3,879	0	5,858	0	0	0	5,358	5,358	500	2021
City of Lakeville	2,338,112	805,157	993,103	4,136,372	2,242,629	16,771	143,777	249,015	2,665,619	1,470,753	2021
City of Landfall	0	0	0	0	0	0	0	0	0	0	2021
City of Lauderdale	12,514	3,059	3,798	19,371	51,531	0	0	3,189	54,720	-35,349	2021
City of LeCenter	18,885	7,659	0	26,544	33,485	0	0	0	33,485	-6,941	2021
City of Lester Prairie	0	0	0	0	17,000	0	0	0	17,000	-17,000	2021
City of LeSueur	196,438	0	0	196,438	117,371	214	0	0	119,479	76,959	2021
City of Lewiston	55	10	15	80	9,091	0	0	0	9,091	-9,011	2021
City of Lexington	208,269	147,161	5,799	361,229	361,830	0	0	0	363,920	-2,691	2021
City of Lilydale	10,210	0	3,160	13,370	15,070	0	0	0	15,070	-1,700	2021
City of Lindstrom	19,004	4,385	0	23,389	10,572	435	400	8,783	20,690	2,699	2021
City of Lino Lakes	699,892	387,910	228,359	1,316,161	387,874	14,181	18,807	287,353	721,246	594,915	2021
City of Litchfield	34,226	0	0	34,226	111,015	0	0	0	111,015	-76,789	2021
City of Little Canada	71,598	13,417	28,110	113,125	192,091	5,507	4,228	83,093	295,231	-182,106	2021
City of Little Falls	91,379	51,959	29,862	173,200	143,161	0	0	0	144,450	28,750	2021
City of Long Lake	60,793	23,537	240	84,570	41,768	0	0	2,177	43,945	40,625	2021
City of Long Prairie	23,961	0	0	23,961	18,230	0	0	0	18,230	5,731	2021
City of Lonsdale	428,849	0	0	428,849	382,106	139	1,480	25,717	419,574	9,275	2021
City of Loretto	10,742	1,866	100	12,708	7,978	0	0	1,084	9,062	3,646	2021
City of Luverne	21,002	0	0	21,002	99,110	2,180	0	18,444	120,182	-99,180	2021
City of Lynd	0	0	0	0	0	0	0	0	0	0	2021
City of Madison Lake	30,311	18,061	0	48,372	0	0	0	0	0	48,372	2021
City of Mahtomedi	133,642	46,127	70,919	250,688	287,787	0	0	0	287,787	-37,099	2021
City of Manchester	0	0	0	0	0	0	0	0	0	0	2021
City of Mankato	1,117,727	439,718	0	1,557,445	1,101,156	34,319	0	46,200	1,577,086	-19,641	2021
City of Mantorville	30,171	0	0	30,171	12,223	0	0	0	12,223	17,948	2021
City of Maple Grove	1,994,364	1,117,173	1,242,393	4,353,930	3,106,926	1,027	232,572	498,940	4,542,504	-188,574	2021
City of Maple Lake	1,869,251	789,739	0	2,658,990	0	0	0	0	0	2,658,990	2021
City of Maple Plain	30,607	0	0	30,607	0	0	0	7,512	7,512	23,095	2021
City of Maplewood	805,414	336,412	392,226	1,534,052	1,414,004	0	0	141,400	1,555,404	-21,352	2021
City of Marine-on-St. Croix	40,055	0	0	40,055	4,000	0	0	0	4,000	36,055	2021
City of Marshall	128,418	37,422	5,928	171,768	463,750	2,108	0	6,908	477,036	-305,268	2021
City of Mayer	45,730	29,375	15,609	90,714	49,355	0	0	0	49,355	41,359	2021
City of Mazeppa	20,674	0	0	20,674	0	0	0	9,599	9,599	11,075	2021
City of Medford	6,478	0	0	6,478	0	0	0	0	0	6,478	2021
City of Medicine Lake	6,025	1,208	2,072	9,305	21,886	0	0	0	21,886	-12,581	2021
City of Medina	409,388	255,026	114,490	778,904	153,326	75	14,258	93,302	260,961	517,943	2021
City of Melrose	24,127	5,771	4,756	34,654	26,654	0	4,330	10,967	42,026	-7,372	2021
City of Mendota	0	0	0	0	0	0	0	0	0	0	2021
City of Mendota Heights	367,644	133,527	77,487	578,658	234,351	0	17,706	49,838	313,131	265,527	2021
City of Miesville	62,280	569	1,275	64,124	0	0	325	0	325	63,799	2021
City of Milaca	27,820	11,516	4,154	43,490	55,452	1,161	0	15,615	73,279	-29,789	2021
City of Minneapolis	14,031,305	4,448,216	7,349,994	25,829,515	9,545,223	275,041	738,330	3,155,219	15,998,210	9,831,305	2021
City of Minnetonka	2,631,399	0	1,381,523	4,012,922	1,967,209	36,717	13,667	242,629	2,496,425	1,516,497	2021
City of Minnetonka Beach	54,578	29,936	8,584	93,098	93,549	0	0	24,023	117,572	-24,474	2021
City of Minnetrista	584,605	227,201	0	811,806	328,078	0	0	36,546	364,624	447,182	2021
City of Montevideo	43,112	14,316	2,419	59,847	114,513	3,600	0	1,500	125,950	-66,103	2021
City of Montgomery	29,858	38,960	15,240	84,058	100,177	0	0	0	100,177	-16,119	2021
City of Monticello	538,067	234,963	6,449	779,479	395,209	77,553	7,143	43,984	606,709	172,770	2021
City of Montrose	78,699	29,834	8,760	117,293	58,647	0	0	0	58,647	58,646	2021
City of Moorhead	984,136	117,010	58,571	1,159,717	564,122	7,297	0	61,141	638,815	520,902	2021
City of Moose Lake	21,431	13,619	0	35,050	35,360	0	0	0	35,392	-342	2021
City of Mora	24,653	15,249	3,330	43,232	84,964	918	4,355	1,554	92,765	-49,533	2021
City of Morris	21,794	13,302	7,546	42,642	38,000	4,000	0	0	42,000	642	2021
City of Mound	183,099	93,460	50,966	327,525	506,505	0	0	2,522	516,853	-189,328	2021
City of Mounds View	85,700	24,437	116,448	226,585	246,674	912	17,926	24,667	334,859	-108,274	2021
City of Mountain Iron	71,080	0	0	71,080	48,724	1,217	0	0	49,941	21,139	2021
City of Mountain Lake	5,320	0	0	5,320	14,085	0	0	0	14,085	-8,765	2021
City of Murdock	0	0	0	0	0	0	0	0	0	0	2021
City of Myrtle	0	0	0	0	0	0	0	0	0	0	2021
City of Nevis	0	0	0	0	0	0	0	0	0	0	2021
City of New Brighton	348,786	109,409	266,068	724,263	332,279	0	0	80,928	559,228	165,035	2021
City of New Germany	3,925	1,914	0	5,839	0	0	0	0	0	5,839	2021
City of New Hope	179,488	76,362	286,760	542,610	512,720	9,780	0	0	602,908	-60,298	2021
City of New London	52,247	899	0	53,146	36,519	1,348	0	2,314	41,236	11,910	2021
City of New Prague	57,415	35,327	129,780	222,522	266,158	1,591	1,863	14,038	285,063	-62,541	2021
City of New Richland	66	12	0	78	15,581	0	0	0	15,581	-15,503	2021
City of New Trier	2	0	0	2	0	0	0	0	0	2	2021
City of New Ulm	244,348	78,771	17,268	340,387	270,994	7,173	0	19,926	307,788	32,599	2021

City of Newport	641,280	102,947	66,447	810,674	43,000	0	0	0	44,000	766,674	2021
City of Nicollet	22,415	12,783	1,202	36,400	0	0	0	0	0	36,400	2021
City of North Branch	237,107	114,736	58,203	410,046	254,614	1,987	0	0	256,601	153,445	2021
City of North Mankato	416,511	46,344	15,256	478,111	350,157	22,480	32,287	43,670	480,666	-2,555	2021
City of North Oaks	254,095	128,038	62,583	444,716	290,313	0	0	0	290,313	154,403	2021
City of North St. Paul	3,144,790	0	0	3,144,790	0	0	0	0	0	3,144,790	2021
City of Northfield	458,287	148,879	120,589	727,755	335,522	1,491	0	825,004	1,164,244	-436,489	2021
City of Northrop	0	0	0	0	0	0	0	0	0	0	2021
City of Norwood Young America	0	27,235	40,873	68,108	37,860	0	0	0	37,860	30,248	2021
City of Nowthen	104,809	58,609	22,417	185,835	142,556	0	0	20,686	163,242	22,593	2021
City of Oak Grove	237,864	149,457	46,748	434,069	364,515	0	0	13,421	377,936	56,133	2021
City of Oak Park Heights	84,101	25,524	1,645	111,270	131,981	250	786	91,841	226,768	-115,498	2021
City of Oakdale	545,586	129,541	149,747	824,874	424,777	0	0	38,960	464,739	360,135	2021
City of Ogilvie	0	0	0	0	0	0	0	0	0	0	2021
City of Olivia	7,126	43,097	1,629	51,852	113,500	0	2,800	19,856	138,585	-86,733	2021
City of Orono	487,947	280,163	102,297	870,407	509,308	1,000	17,522	157,109	694,708	175,699	2021
City of Oronoco	19,461	7,085	28,454	55,000	13,528	0	0	0	13,528	41,472	2021
City of Ortonville	27,897	4,591	0	32,488	41,522	0	0	0	41,522	-9,034	2021
City of Osakis	17,746	343	1,149	19,238	13,380	0	0	0	13,380	5,858	2021
City of Osseo	63,472	38,777	31,787	134,036	46,759	0	8,371	26,387	84,795	49,241	2021
City of Otsego	1,448,968	542,513	309,894	2,301,375	519,773	15,370	16,425	47,939	695,759	1,605,616	2021
City of Owatonna	330,507	150,674	1,240	482,421	365,542	8,812	47,200	0	485,102	-2,681	2021
City of Park Rapids	81,577	38,516	1,927	122,020	101,102	0	0	0	101,102	20,918	2021
City of Paynesville	63,398	9,611	49	73,058	89,892	233	0	11,365	103,673	-30,615	2021
City of Pease	5,716	0	0	5,716	0	0	0	4,532	4,532	1,184	2021
City of Penock	0	0	0	0	0	0	0	0	0	0	2021
City of Perham	98,831	45,999	0	144,830	115,864	0	0	0	115,864	28,966	2021
City of Pierz	35,373	10,824	4,979	51,176	16,477	0	0	4,000	20,477	30,699	2021
City of Pillager	17,503	4,589	450	22,542	20,288	0	0	2,254	22,542	0	2021
City of Pine City	123,050	79,707	19,014	221,771	0	0	0	0	0	221,771	2021
City of Pine Island	48,727	16,195	0	64,922	24,280	0	0	0	24,280	40,642	2021
City of Pine River	877	0	0	877	9,166	0	0	0	9,166	-8,289	2021
City of Pine Springs	19	4,481	0	4,500	0	0	0	0	0	4,500	2021
City of Pipestone	36,408	1,009	0	37,417	87,430	1,120	0	13,670	102,561	-65,144	2021
City of Plainview	18,184	5,632	1,080	24,896	27,962	73	0	150	28,285	-3,389	2021
City of Plato	4,505	3,057	0	7,562	7,064	0	0	0	7,064	498	2021
City of Plymouth	1,773,815	648,601	1,152,204	3,574,620	2,064,728	0	66,002	590,075	2,768,314	806,306	2021
City of Princeton	116,652	49,288	0	165,940	19,082	0	0	0	19,082	146,858	2021
City of Prior Lake	745,088	378,103	117,462	1,240,653	818,820	47,301	50,320	185,210	1,115,677	124,976	2021
City of Proctor	2,377	1,750	6,762	10,889	9,378	0	0	961	11,998	-1,109	2021
City of Ramsey	566,419	199,008	249,552	1,014,979	498,919	11,640	31,927	425,100	1,015,639	-660	2021
City of Randolph	7,979	5,189	2,673	15,841	0	0	0	0	0	15,841	2021
City of Red Lake Falls	0	0	0	0	0	0	0	0	0	0	2021
City of Red Wing	159,768	46,050	54,730	260,548	230,603	0	0	52,178	289,502	-28,954	2021
City of Redwood Falls	102,300	43,853	12,467	158,620	88,144	3,795	0	7,547	99,823	58,797	2021
City of Rice	70,769	45,957	8,484	125,210	106,238	0	0	0	106,238	18,972	2021
City of Rice Lake	52,610	0	0	52,610	30,990	0	0	0	30,990	21,620	2021
City of Richfield	806,119	271,564	633,590	1,711,273	1,242,595	15,490	35,545	43,383	1,441,508	269,765	2021
City of Richmond	29,389	15,276	625	45,290	18,986	0	0	0	18,986	26,304	2021
City of Robbinsdale	168,197	88,562	174,536	431,295	281,549	1,900	0	35,851	321,171	110,124	2021
City of Rochester	1,617,638	872,507	1,898,998	4,389,143	3,008,271	16,208	77,590	434,953	3,644,463	744,680	2021
City of Rock Creek	11,992	7,762	0	19,754	0	0	0	0	0	19,754	2021
City of Rockford	170,415	87,073	29,670	287,158	98,233	0	0	0	98,233	188,925	2021
City of Rockville	1,308,658	68,667	0	1,377,325	0	0	0	0	0	1,377,325	2021
City of Rogers	854,510	485,054	300,277	1,639,841	1,026,483	5,989	20,621	85,147	1,195,177	444,664	2021
City of Rollingstone	6,362	3,643	727	10,732	4,710	0	0	0	4,710	6,022	2021
City of Roseau	23,297	8,797	0	32,094	58,476	0	0	0	58,476	-26,382	2021
City of Rosemount	1,094,285	377,310	237,327	1,708,922	896,701	27,277	76,750	238,529	1,316,311	392,611	2021
City of Roseville	799,397	494,773	564,750	1,858,920	841,254	14,190	20,000	35,259	925,063	933,857	2021
City of Royalton	3,454	1,926	0	5,380	4,820	0	0	0	4,820	560	2021
City of Rush City	8,228	0	0	8,228	19,111	0	0	0	19,111	-10,883	2021
City of Rushford	7,874	4,510	183	12,567	0	0	0	0	0	12,567	2021
City of Sabin	0	0	0	0	0	0	0	0	0	0	2021
City of Sandstone	14,014	5,906	972	20,892	8,305	0	2,627	952	11,884	9,008	2021
City of Sartell	385,202	109,187	135,496	629,885	426,324	4,647	13,614	7,328	456,285	173,600	2021
City of Sauk Centre	85,681	20,463	0	106,144	183,307	0	0	1,515	187,500	-81,356	2021
City of Sauk Rapids	182,305	67,483	42,612	292,400	336,222	7,948	0	0	378,704	-86,304	2021
City of Savage	516,645	275,621	141,974	934,240	599,855	6,901	16,831	1,053,451	1,734,205	-799,965	2021
City of Scandia	143,324	46,308	152	189,784	84,063	0	0	62,405	146,468	43,316	2021
City of Scanlon	109	0	0	109	0	0	0	0	0	109	2021
City of Shafer	22,680	10,155	0	32,835	0	0	0	0	0	32,835	2021
City of Shakopee	1,810,960	1,034,312	1,427,883	4,273,155	1,266,076	18,484	28,200	190,038	1,945,837	2,327,318	2021
City of Sherburn	6,906	3,970	0	10,876	9,921	0	0	0	9,921	955	2021
City of Shoreview	726,166	295,641	311,856	1,333,663	742,197	18,797	0	312,769	1,100,466	233,197	2021

City of Shorewood	324,481	115,291	97,741	537,513	150,686	2,787	0	232,470	388,097	149,416	2021
City of Silver Bay	6,974	1,582	2,180	10,736	8,120	0	5,294	23,540	36,954	-26,218	2021
City of Silver Lake	10,222	5,854	3,022	19,098	0	10,928	0	0	0	19,098	2021
City of Sleepy Eye	28,345	0	0	28,345	33,001	1,523	0	0	34,524	-6,179	2021
City of South Haven	0	0	0	0	0	0	0	0	0	0	2021
City of South St. Paul	331,136	120,773	184,742	636,651	234,477	0	3,795	110,137	355,317	281,334	2021
City of Spicer	7,858	1,180	0	9,038	7,859	0	0	0	8,078	960	2021
City of Spring Lake Pk.	82,281	33,166	23,023	138,470	184,822	1,505	5,301	25,111	218,111	-79,641	2021
City of Spring Park	54,568	0	0	54,568	30,000	0	0	0	30,000	24,568	2021
City of St. Anthony	462,510	275,669	287,998	1,026,177	760,372	0	12,382	53,584	830,937	195,240	2021
City of St. Augusta	95,217	8,730	0	103,947	94,883	0	0	7,277	102,160	1,787	2021
City of St. Bonifacius	30,339	13,266	410	44,015	9,100	0	0	0	9,100	34,915	2021
City of St. Charles	28,648	10,216	7,145	46,009	48,152	0	2,000	10,000	60,152	-14,143	2021
City of St. Clair	0	0	0	0	0	0	0	0	0	0	2021
City of St. Cloud	604,303	266,801	261,973	1,133,077	1,155,307	37,718	12,707	384,397	1,641,257	-508,180	2021
City of St. Francis	142,727	68,213	32,961	243,901	138,381	1,099	8,249	4,619	153,713	90,188	2021
City of St. Hilaire	0	0	0	0	0	0	0	0	0	0	2021
City of St. James	11,166	2,226	3,352	16,744	32,485	0	410	4,517	37,412	-20,668	2021
City of St. Joseph	52,168	15,553	0	67,721	90,000	8,900	1,088	9,000	109,726	-42,005	2021
City of St. Louis Park	1,491,494	859,094	1,093,519	3,444,107	2,137,923	80,358	32,338	320,190	2,857,175	586,932	2021
City of St. Marys Point	11,787	27,272	0	39,059	0	0	0	0	0	39,059	2021
City of St. Michael	1,380,369	473,808	4,340	1,858,517	1,041,582	30,214	54,721	120,111	1,289,031	569,486	2021
City of St. Paul	7,032,996	2,978,278	4,486,837	14,498,111	9,243,573	152,247	250,120	1,130,978	10,874,791	3,623,320	2021
City of St. Paul Park	0	0	0	0	0	0	0	0	0	0	2021
City of St. Peter	273,010	139,178	0	412,188	144,341	1,364	0	37,524	188,928	223,260	2021
City of Stacy	30,714	14,003	0	44,717	60,022	0	1,312	33,980	98,318	-53,601	2021
City of Staples	38,674	13,562	6,552	58,788	34,891	0	4,184	3,563	54,388	4,400	2021
City of Starbuck	18,131	0	0	18,131	10,219	0	0	0	10,219	7,912	2021
City of Stephen	255	0	0	255	0	0	0	0	0	255	2021
City of Stewart	7,524	342	148	8,014	0	0	0	0	0	8,014	2021
City of Stewartville	0	0	0	0	0	0	0	0	0	0	2021
City of Stillwater	377,828	211,505	83,558	672,891	411,393	3,785	83,907	349,348	876,358	-203,467	2021
City of Stockton	2,086	1,595	100	3,781	3,414	0	0	368	3,782	-1	2021
City of Sunfish Lake	28,850	11,672	4,010	44,532	38,729	0	0	0	38,729	5,803	2021
City of Taylors Falls	15,064	5,555	712	21,331	0	0	0	0	21,331	0	2021
City of Thf. River Falls	85,747	28,434	0	114,181	118,940	0	0	0	118,940	-4,759	2021
City of Tonka Bay	93,642	41,168	20,062	154,872	63,074	0	0	0	63,074	91,798	2021
City of Tracy	8,076	892	0	8,968	27,813	270	427	0	28,510	-19,542	2021
City of Trimont	22,120	0	0	22,120	0	0	0	0	0	22,120	2021
City of Truman	0	0	0	0	0	0	0	0	0	0	2021
City of Twin Lakes	0	0	0	0	0	0	0	0	0	0	2021
City of Twin Valley	270	0	0	270	0	0	0	0	0	270	2021
City of Two Harbors	27,872	0	0	27,872	19,393	0	0	0	19,393	8,479	2021
City of Upsala	0	0	0	0	0	0	0	0	0	0	2021
City of Utica	0	0	0	0	0	0	0	0	0	0	2021
City of Vadnais Heights	546,807	225,141	277,427	1,049,375	609,520	0	98,500	0	1,102,460	-53,085	2021
City of Vermillion	3	4	11	18	8,000	8,900	325	500	18,463	-18,445	2021
City of Victoria	487,226	187,214	93,047	767,487	625,963	1,668	19,845	58,257	808,171	-40,684	2021
City of Virginia	92,949	56,360	0	149,309	367,610	500	1,200	500	370,710	-221,401	2021
City of Wabasha	39,096	20,291	2,207	61,594	23,366	0	0	0	23,366	38,228	2021
City of Waconia	628,307	365,568	149,206	1,143,081	551,290	0	0	44,695	599,485	543,596	2021
City of Waite Park	89,417	42,703	46,372	178,492	219,009	881	2,752	17,295	243,854	-65,362	2021
City of Walker	52,067	23,639	0	75,706	94,977	0	0	0	94,977	-19,271	2021
City of Wanamingo	25,928	11,160	0	37,088	37,088	0	0	0	37,088	0	2021
City of Warren	10,091	1,433	0	11,524	9,406	0	0	0	9,406	2,118	2021
City of Warroad	11,940	5,755	0	17,695	10,060	0	0	0	10,220	7,475	2021
City of Waseca	131,373	93,069	61,290	285,732	149,284	0	0	0	149,284	136,448	2021
City of Watertown	149,059	72,341	24,006	245,406	105,892	37,390	762	3,000	152,044	93,362	2021
City of Waverly	43,162	26,814	0	69,976	63,626	0	0	0	63,626	6,350	2021
City of Wayzata	254,778	161,364	174,538	590,680	216,202	4,800	46,749	227,248	549,196	41,484	2021
City of Wells	14,675	6,633	0	21,308	21,072	0	0	0	21,100	208	2021
City of West Concord	0	0	0	0	0	0	0	0	0	0	2021
City of West St. Paul	727,469	395,472	328,993	1,451,934	310,564	0	0	130,327	441,612	1,010,322	2021
City of White Bear Lake	727,081	347,017	212,496	1,286,594	556,159	33,464	0	272,266	869,097	417,497	2021
City of Willernie	10,996	4,113	0	15,109	11,810	0	0	0	11,810	3,299	2021
City of Willmar	254,814	80,969	45,347	381,130	661,675	0	0	0	662,475	-281,345	2021
City of Willow River	500	0	0	500	0	0	0	0	0	500	2021
City of Windom	42,330	5,030	0	47,360	71,288	689	1,360	3,686	78,131	-30,771	2021
City of Winnebago	0	0	0	0	0	0	0	0	0	0	2021
City of Winona	375,785	0	0	375,785	447,737	35,000	0	60,000	549,848	-174,063	2021
City of Winsted	22,593	28,360	3,152	54,105	88,380	0	0	0	88,380	-34,275	2021
City of Winthrop	10,069	1,671	363	12,103	11,435	0	0	0	11,435	668	2021
City of Woodbury	3,945,765	1,605,386	1,361,175	6,912,326	1,632,293	48,325	94,670	419,657	2,311,867	4,600,459	2021
City of Woodland	36,885	19,895	27,595	84,375	0	0	0	43,268	43,268	41,107	2021

City of Worthington	98,796	43,401	6,725	148,922	0	0	0	0	0	0	148,922	2021
City of Wrenshall	3,432	2,184	0	5,616	7,252	0	0	0	0	7,252	-1,636	2021
City of Wyoming	263,821	82,629	40,345	386,795	140,083	898	0	0	142,350	244,445	2021	
City of Zimmerman	238,005	131,780	42,564	412,349	99,385	0	0	3,105	102,490	309,859	2021	
City of Zumbro Falls	90	59	0	149	0	0	0	0	0	149	2021	
City of Zumbrota	77,983	40,148	7,760	125,891	85,086	0	0	40,805	125,891	0	2021	
Corinna Township	73,829	40,493	0	114,322	0	0	0	82,246	82,246	32,076	2021	
Denmark Township	65,852	37,757	25,391	129,000	0	0	0	36,275	36,275	92,725	2021	
Douglas Township	6,683	4,637	0	11,320	1,732	0	0	0	1,732	9,588	2021	
Dover Township	1,068	677	0	1,745	1,600	0	2,374	0	3,974	-2,229	2021	
Dovre Township	0	0	0	0	0	0	0	0	0	0	2021	
Elmira Township	2,038	1,305	0	3,343	1,942	0	2,881	0	4,823	-1,480	2021	
Empire Township	38,593	29,030	20,132	87,755	101,000	11,400	7,900	8,000	145,135	-57,380	2021	
Eureka Township	387,255	10,201	30,267	427,723	18,000	2,100	1,400	2,700	27,300	400,423	2021	
Farmington Township	0	0	0	0	0	0	0	0	0	0	2021	
Faxon Township	14,895	8,627	0	23,522	5,951	0	0	0	5,951	17,571	2021	
Freeborn County	40,248	25,661	6,505	72,414	88,690	4,274	4,200	0	99,724	-27,310	2021	
Goodhue County	317,605	137,396	0	455,001	458,041	9,616	0	0	476,709	-21,708	2021	
Greenbush Township	15,614	8,430	474	24,518	13,075	0	3,000	5,400	24,788	-270	2021	
Grey Cloud Island Township	2,970	0	0	2,970	0	0	0	0	0	2,970	2021	
Hampton Township	9,111	5,922	20,325	35,358	25,698	0	1,500	0	27,198	8,160	2021	
Haverhill Township	19,420	12,428	0	31,848	13,956	0	20,710	0	34,666	-2,818	2021	
High Forest Township	2,387	1,525	0	3,912	5,416	0	8,038	0	13,454	-9,542	2021	
Isanti County	486,446	0	0	486,446	41,395,922	2,407,938	0	0	43,803,860	-43,317,414	2021	
Kalmar Township	27,775	17,757	0	45,532	18,638	0	24,958	0	46,296	-764	2021	
Kandiyohi County	186,758	121,393	0	308,151	238,842	4,721	0	0	254,717	53,434	2021	
Lent Township	139,698	31,039	9,397	180,134	38,516	0	0	0	38,516	141,618	2021	
LeSauk Township	18,646	8,533	1,082	28,261	24,150	0	0	0	24,150	4,111	2021	
Linwood Township	48,254	20,495	0	68,749	13,057	243	1,180	44,778	62,969	5,780	2021	
Lynden Township	23,154	12,459	164	35,777	32,431	0	0	0	32,431	3,346	2021	
Marshan Township	956,582	4,304	8,987	969,873	10,923	1,156	1,088	1,050	14,955	954,918	2021	
May Township	89,425	0	0	89,425	27,603	0	0	0	27,603	61,822	2021	
Meeker County	0	0	0	0	0	0	0	0	0	0	2021	
Middleville Township	3,753	0	0	3,753	3,159	0	0	0	3,159	594	2021	
Mille Lacs County	143,637	76,851	0	220,488	202,249	0	0	0	202,249	18,239	2021	
Munson Township	16,603	2,000	0	18,603	0	0	0	0	0	18,603	2021	
New Haven Township	19,916	12,750	0	32,666	12,568	0	18,650	0	31,218	1,448	2021	
Nininger Township	309,016	8,606	15,592	333,214	6,000	700	325	800	8,625	324,589	2021	
Olmsted County	207,081	83,113	66,685	356,879	0	0	0	584,745	584,745	-227,866	2021	
Orion Township	0	0	0	0	0	0	0	0	0	0	2021	
Paxton Township	0	0	0	0	0	0	0	0	0	0	2021	
Pleasant Grove Township	1,906	1,217	0	3,123	1,773	0	2,032	0	4,405	-1,282	2021	
Princeton Township	62,427	37,564	5,792	105,783	0	0	0	0	0	105,783	2021	
Randolph Township	0	0	0	0	0	0	0	0	0	0	2021	
Ravenna Township	19,654	8,685	0	28,339	0	0	0	0	0	28,339	2021	
Rice County	245,068	158,129	57,549	460,746	375,225	879	0	46,880	446,631	14,115	2021	
Rochester Township	50,761	32,722	0	83,483	31,328	0	41,488	0	77,784	5,699	2021	
Rock Dell Township	4,914	3,141	0	8,055	2,689	0	3,689	0	6,599	1,456	2021	
Saint Paul Regional Water Svcs	0	0	270,999	270,999	190,216	33,126	0	30,947	255,909	15,090	2021	
Salem Township	9,653	6,172	0	15,825	6,648	0	9,650	0	16,604	-779	2021	
Sciota Township	14,830	3,196	211	18,237	14,627	0	0	0	14,627	3,610	2021	
Scott County	528,500	314,650	109,936	953,086	616,326	0	0	201,455	908,192	44,894	2021	
Sherburne County	395,111	253,751	69,408	718,270	548,849	26,917	20,441	25,442	630,739	87,531	2021	
St. Johns Township	0	0	0	0	0	0	0	0	0	0	2021	
State of Minnesota	1,654,987	2,329,784	444,791	4,429,562	2,839,960	125,056	46,875	553,508	3,584,040	845,522	2021	
Stearns County	0	0	0	0	0	0	0	0	0	0	2021	
Steele County	75,422	41,208	0	116,630	149,747	4,978	4,320	0	160,534	-43,904	2021	
Stillwater Township	61,798	26,900	3,824	92,522	53,222	0	0	0	53,222	39,300	2021	
Stockholm Township	2,564	641	0	3,205	2,179	0	0	0	2,179	1,026	2021	
Thomson Township	62,946	25,788	16,797	105,531	90,991	3,312	1,294	1,446	97,132	8,399	2021	
Vermillion Township	19,404	11,562	11,520	42,486	58,723	0	0	0	58,723	-16,237	2021	
Viola Township	4,005	2,560	0	6,565	2,897	0	4,100	0	7,197	-632	2021	
Wabasha County	5,158,994	2,584,490	0	7,743,484	0	0	0	0	0	7,743,484	2021	
Watab Township	57,026	36,977	6,422	100,425	0	0	0	85,660	85,660	14,765	2021	
Waterford Township	0	0	0	0	0	0	0	0	0	0	2021	
West Lakeland Township	67,283	138,256	6,842	212,381	0	0	0	151,993	151,993	60,388	2021	
White Bear Township	160,109	55,667	0	215,776	216,173	1,600	6,500	1,290	226,081	-10,305	2021	
Wright County	409,231	212,227	0	621,458	397,265	5,874	0	28,283	434,241	187,217	2021	
Totals:	\$139,437,219	\$54,723,067	\$47,773,060	\$241,933,346	\$164,025,656	\$4,783,503	\$5,501,439	\$25,493,870	\$210,346,461	\$31,586,885		

Municipality	Permit Fees	Plan Review Fees	Other Fees	Total Fees	Salary/Benefits Exp	Travel/Vehicle Exp	Office Space Exp	Admin Overhead Exp	Total Expense	Difference	Year
Alexandria Township	26,528	4,977	3,914	35,419	35,479	0	0	0	35,479	-60	2020
Arthur Township	18,912	8,574	0	27,486	25,000	500	0	500	26,500	986	2020
Baytown Township	103,087	49,707	400	153,194	101,415	0	0	0	101,415	51,779	2020
Becker Township	207,308	0	0	207,308	27,036	0	0	57,691	87,873	119,435	2020
Benton County	251,501	75,160	7,446	334,107	205,769	0	0	0	206,129	127,978	2020
Bridgewater Township	33,984	12,066	8,848	54,898	91,853	0	0	5,000	96,853	-41,955	2020
Carver County	208,585	110,068	17,415	336,068	316,469	0	0	49,500	365,969	-29,901	2020
Cascade Township	19,940	13,292	0	33,232	18,600	0	0	0	18,600	14,632	2020
Castle Rock Township	21,982	14,461	9,027	45,470	25,323	2,865	1,997	4,194	38,588	6,882	2020
Chengwatana Township	4,824	3,135	0	7,959	0	0	0	0	0	7,959	2020
City of Ada	1,416	921	0	2,337	0	0	0	0	0	2,337	2020
City of Afton	244,832	0	3,936	248,768	120,569	0	0	17,168	149,972	98,796	2020
City of Aitkin	17,708	6,971	2,144	26,823	29,335	0	0	0	29,335	-2,512	2020
City of Albany	35,201	0	0	35,201	28,769	0	0	0	28,769	6,432	2020
City of Albert Lea	169,305	69,229	22,296	260,830	331,826	537	0	0	463,254	-202,424	2020
City of Albertville	156,491	76,584	42,760	275,835	207,166	0	0	5,227	212,810	63,025	2020
City of Alden	0	0	0	0	0	0	0	0	0	0	2020
City of Alexandria	383,827	176,538	66,941	627,306	148,725	1,391	19,730	17,158	265,700	361,606	2020
City of Altura	11	11	0	22	0	0	0	0	0	22	2020
City of Andover	843,233	239,483	0	1,082,716	513,190	13,699	39,388	439,438	1,029,182	53,534	2020
City of Annandale	32,389	17,762	11,684	61,835	65,058	0	0	0	65,058	-3,223	2020
City of Anoka	450,788	81,123	0	531,911	140,728	14,583	0	33,026	188,504	343,407	2020
City of Apple Valley	407,186	88,600	174,083	669,869	935,484	31,828	95,514	268,611	1,408,615	-738,746	2020
City of Appleton	33,873	9,174	165	43,212	8,251	0	0	1,787	10,038	33,174	2020
City of Arden Hills	184,984	82,140	162,811	429,935	265,191	7,372	17,812	39,526	404,488	25,447	2020
City of Arlington	29,097	17,567	6,700	53,364	105,508	0	0	3,723	109,748	-56,384	2020
City of Atwater	25,634	5,476	0	31,110	6,464	0	0	9,419	15,883	15,227	2020
City of Audubon	7,303	1,344	2,604	11,251	8,985	0	0	1,021	10,073	1,178	2020
City of Austin	181,679	0	56,264	237,943	261,905	21,432	0	0	321,353	-83,410	2020
City of Avon	40,205	6,973	0	47,178	41,090	0	0	0	41,090	6,088	2020
City of Badger	0	0	0	0	0	0	0	0	0	0	2020
City of Barnesville	43,186	11,028	2,470	56,684	53,018	0	0	0	53,018	3,666	2020
City of Barnum	0	0	0	0	0	0	0	0	0	0	2020
City of Baxter	138,088	57,369	68,117	263,574	160,779	32,510	2,929	32,048	232,137	31,437	2020
City of Bayport	114,343	58,950	13,169	186,462	256,578	0	0	900	257,478	-71,016	2020
City of Beaver Bay	0	0	0	0	0	0	0	0	0	0	2020
City of Becker	91,720	52,285	3,330	147,335	163,971	0	15,824	58,244	240,222	-92,887	2020
City of Belgrade	11	0	0	11	1	1	0	0	2	9	2020
City of Belle Plaine	48,869	25,179	37,635	111,683	129,914	6,168	4,917	49,186	198,805	-87,122	2020
City of Bellechester	0	0	0	0	0	0	0	0	0	0	2020
City of Bemidji	235,838	64,592	233,090	533,520	375,751	3,473	7,000	96,267	496,397	37,123	2020
City of Benson	6,321	375	0	6,696	83,553	0	0	0	83,553	-76,857	2020
City of Bethel	0	0	0	0	0	0	0	0	0	0	2020
City of Big Lake	208,021	133,433	168,812	510,266	200,898	407	0	225,558	450,590	59,676	2020
City of Birchwood Village	18,653	7,918	0	26,571	14,115	0	0	0	14,115	12,456	2020
City of Bird Island	16,838	0	0	16,838	12,628	0	0	600	13,228	3,610	2020
City of Biwabik	18,840	11,603	0	30,443	16,407	0	0	0	16,907	13,536	2020
City of Blaine	1,122,438	544,238	660,151	2,326,827	2,484,133	60,947	50,021	98,895	2,752,031	-425,204	2020
City of Blomkest	0	0	0	0	0	0	0	0	0	0	2020
City of Blooming Prairie	7,523	3,736	215	11,474	0	0	0	0	0	11,474	2020
City of Bloomington	1,878,446	857,160	1,571,950	4,307,556	2,907,641	67,410	312,693	218,545	3,603,094	704,462	2020
City of Blue Earth	43,733	0	0	43,733	18,920	1,200	3,283	5,828	29,793	13,940	2020
City of Braham	19,935	10,439	5,348	35,722	51,884	0	7,750	3,003	64,040	-28,318	2020
City of Brainerd	237,075	58,401	33,617	329,093	467,845	4,284	0	0	482,374	-153,281	2020
City of Breckenridge	17,704	0	0	17,704	88,946	861	0	0	90,727	-73,023	2020
City of Breezy Point	87,378	41,209	11,250	139,837	114,563	0	0	339	118,289	21,548	2020
City of Brook Park	0	0	0	0	0	0	0	0	0	0	2020
City of Brooklyn Center	406,567	0	292,783	699,350	922,149	18,578	0	42,473	997,707	-298,357	2020
City of Brooklyn Park	1,558,119	35,057	2,780	1,595,956	1,881,693	0	0	0	1,881,693	-285,737	2020
City of Browns Valley	0	0	0	0	0	0	0	0	0	0	2020
City of Brownsdale	0	0	0	0	0	0	0	0	0	0	2020
City of Brownton	8,585	4,303	355	13,243	14,618	0	0	0	14,631	-1,388	2020
City of Buffalo	242,097	110,347	124,523	476,967	326,031	0	11,377	3,885	341,293	135,674	2020
City of Buffalo Lake	10,008	5,218	0	15,226	1,627	0	43	14,152	15,865	-639	2020
City of Buhl	0	0	0	0	0	0	0	0	0	0	2020
City of Burnsville	650,029	182,230	575,096	1,407,355	979,749	25,611	74,216	400,272	1,548,958	-141,603	2020
City of Butterfield	0	0	0	0	0	0	0	0	0	0	2020
City of Byron	134,686	33,448	0	168,134	75,928	0	0	0	75,928	92,206	2020
City of Cambridge	346,677	0	43,084	389,761	264,426	6,437	51,885	56,799	399,052	-9,291	2020
City of Cannon Falls	63,027	30,814	3,577	97,418	0	0	0	81,235	81,235	16,183	2020
City of Carlos	0	0	0	0	0	0	0	0	0	0	2020
City of Carlton	9,256	991	0	10,247	7,664	211	0	2,000	11,129	-882	2020
City of Carver	364,431	215,507	116,962	696,900	334,507	6,436	1,114	334,507	686,385	10,515	2020

City of Freeport	3,955	200	0	4,155	3,561	0	0	0	3,561	594	2020
City of Fridley	474,841	217,577	319,561	1,011,979	395,841	20,608	192,269	245,421	956,805	55,174	2020
City of Gaylord	46,394	0	0	46,394	53,258	0	0	1,915	55,173	-8,779	2020
City of Gem Lake	10,103	3,347	0	13,450	7,689	0	0	0	7,759	5,691	2020
City of Geneva	0	0	0	0	0	0	0	0	0	0	2020
City of Ghent	3,746	0	0	3,746	3,746	0	0	0	3,746	0	2020
City of Gilman	0	0	0	0	0	0	0	0	0	0	2020
City of Glencoe	71,645	34,392	940	106,977	0	0	0	0	0	106,977	2020
City of Glenville	0	0	0	0	0	0	0	0	0	0	2020
City of Glenwood	43,204	11,038	0	54,242	47,639	0	0	0	47,639	6,603	2020
City of Glyndon	9,351	1,223	1,681	12,255	1,402	0	0	10,345	11,752	503	2020
City of Golden Valley	413,676	177,290	503,963	1,094,929	586,570	45,078	1,130	358,389	1,192,020	-97,091	2020
City of Goodhue	0	0	0	0	0	0	0	0	0	0	2020
City of Goodview	21,459	0	60	21,519	12,315	1,849	0	3,743	17,907	3,612	2020
City of Grand Rapids	266,368	137,039	40	403,447	305,682	0	0	106,005	457,887	-54,440	2020
City of Granite Falls	33,748	17,775	0	51,523	57,976	0	0	0	57,976	-6,453	2020
City of Grant	110,880	62,910	0	173,790	125,000	0	0	0	125,000	48,790	2020
City of Graston	0	0	0	0	0	0	0	0	0	0	2020
City of Green Isle	22,919	14,058	500	37,477	0	0	0	0	0	37,477	2020
City of Greenfield	412	77	0	489	0	0	0	0	0	489	2020
City of Greenwood	31,486	15,505	13,636	60,627	41,752	0	0	0	41,752	18,875	2020
City of Grove City	7,101	1,007	0	8,108	0	0	0	0	0	8,108	2020
City of Ham Lake	281,368	121,452	91,121	493,941	366,819	3,667	8,179	104,162	542,011	-48,070	2020
City of Hamburg	5,590	2,667	865	9,122	0	0	0	6,269	6,269	2,853	2020
City of Hammond	0	0	0	0	0	0	0	0	0	0	2020
City of Hampton	5,902	2,721	1,292	9,915	1,206	0	1,862	775	10,608	-693	2020
City of Hanover	97,180	51,109	203,176	351,465	64,378	0	0	0	64,378	287,087	2020
City of Harris	15,759	0	0	15,759	0	0	0	11,819	11,819	3,940	2020
City of Hartland	0	0	0	0	0	0	0	0	0	0	2020
City of Hastings	313,293	51,327	86,460	451,080	389,700	4,018	0	0	402,620	48,460	2020
City of Hayfield	8,403	0	0	8,403	0	0	0	8,785	8,785	-382	2020
City of Hayward	0	0	0	0	0	0	0	0	0	0	2020
City of Hector	10,342	0	574	10,916	0	0	0	0	0	10,916	2020
City of Heidelberg	0	0	0	0	0	0	0	0	0	0	2020
City of Henderson	0	0	0	0	0	0	0	0	0	0	2020
City of Hermantown	61,859	30,930	0	92,789	146,491	7,240	0	1,782	156,703	-63,914	2020
City of Hibbing	48,335	23,649	5,007	76,991	155,000	0	0	0	155,000	-78,009	2020
City of Hilltop	0	0	0	0	0	0	0	0	0	0	2020
City of Hinckley	18,122	8,581	0	26,703	29,121	691	1,051	173	31,671	-4,968	2020
City of Holdingford	0	0	0	0	0	0	0	0	0	0	2020
City of Hollandale	0	0	0	0	0	0	0	0	0	0	2020
City of Hopkins	388,156	90,253	11,379	489,788	438,235	1,335	0	82,225	533,969	-44,181	2020
City of Houston	2,668	0	0	2,668	0	0	0	8,090	8,090	-5,422	2020
City of Howard Lake	0	0	0	0	0	0	0	0	0	0	2020
City of Hugo	659,717	259,209	141,294	1,060,220	510,914	3,493	18,463	111,012	679,125	381,095	2020
City of Hutchinson	424,960	16,322	23,344	464,626	419,693	1,290	11,173	1,168	452,079	12,547	2020
City of Independence	167,141	48,264	0	215,405	108,305	3,262	0	0	114,280	101,125	2020
City of International Falls	79,641	26,805	0	106,446	91,789	0	0	0	134,101	-27,655	2020
City of Inver Grove Hgts	592,375	237,031	250,752	1,080,158	1,182,398	34,300	31,200	39,286	1,297,055	-216,897	2020
City of Ironton	0	0	0	0	0	0	0	0	0	0	2020
City of Isanti	235,980	131,611	52,129	419,720	393,402	28	5	1,491	398,039	21,681	2020
City of Jackson	19,221	3,747	980	23,948	13,770	0	0	0	13,770	10,178	2020
City of Janesville	48,748	41,100	80	89,928	44,939	0	0	200	45,289	44,639	2020
City of Jordan	283,740	0	0	283,740	101,775	0	0	0	101,775	181,965	2020
City of Kandiyohi	0	0	0	0	0	0	0	0	0	0	2020
City of Kasson	114,372	50,832	15,584	180,788	101,415	3,761	0	0	105,176	75,612	2020
City of Kellogg	2,432	1,066	209	3,707	0	0	0	0	0	3,707	2020
City of Kenyon	0	0	0	0	0	0	0	0	0	0	2020
City of Kerkhoven	227	0	0	227	3,600	0	0	0	3,600	-3,373	2020
City of Kettle River	0	0	0	0	0	0	0	0	0	0	2020
City of Kimball	14,856	7,579	0	22,435	0	0	0	0	0	22,435	2020
City of La Prairie	6,237	3,006	0	9,243	14,131	436	0	2,302	16,869	-7,626	2020
City of La Crescent	43,706	16,967	9,935	70,608	34,789	2,012	1,595	18,216	60,904	9,704	2020
City of Lake City	40,793	16,989	1,475	59,257	61,675	48	0	0	61,723	-2,466	2020
City of Lake Crystal	34,735	11,005	0	45,740	43,922	0	0	0	43,922	1,818	2020
City of Lake Elmo	1,640,296	785,363	0	2,425,659	1,074,973	13,227	3,242	10,329	1,106,044	1,319,615	2020
City of Lake St Croix Beach	21,193	0	0	21,193	34,181	0	0	0	34,181	-12,988	2020
City of Lakeland	36,446	0	0	36,446	19,357	0	0	0	19,357	17,089	2020
City of Lakeland Shores	3,233	6,391	0	9,624	6,503	0	0	0	6,503	3,121	2020
City of Lakeville	2,710,156	987,012	1,021,877	4,719,045	2,104,940	26,870	139,589	218,654	2,504,681	2,214,364	2020
City of Landfall	0	0	0	0	0	0	0	0	0	0	2020
City of LaSalle	0	0	0	0	0	0	0	0	0	0	2020
City of Lauderdale	24,805	9,721	4,410	38,936	47,233	0	0	6,748	53,981	-15,045	2020
City of LeCenter	32,780	15,961	0	48,741	33,485	0	0	0	33,485	15,256	2020

City of Lester Prairie	83,699	45,986	7,517	137,202	15,000	0	0	0	15,000	122,202	2020
City of LeSueur	167,907	32,118	3,586	203,611	119,928	0	0	0	119,928	83,683	2020
City of Lewiston	6,658	955	1,644	9,257	6,090	0	0	0	6,090	3,167	2020
City of Lexington	80,493	62,295	29,000	171,788	173,425	0	0	0	175,515	-3,727	2020
City of Lilydale	8,309	180	3,068	11,557	9,690	0	0	0	9,690	1,867	2020
City of Lindstrom	26,878	0	0	26,878	5,000	0	200	0	5,700	21,178	2020
City of Lino Lakes	453,039	240,977	182,487	876,503	324,427	11,796	16,227	267,784	644,234	232,269	2020
City of Litchfield	96,734	0	0	96,734	109,206	0	0	0	109,206	-12,472	2020
City of Little Canada	74,254	12,895	33,980	121,129	172,587	3,056	3,923	69,940	293,791	-172,662	2020
City of Little Falls	56,282	30,113	27,778	114,173	93,510	0	0	0	94,886	19,287	2020
City of Long Lake	43,176	18,246	10,325	71,747	41,517	0	0	1,945	43,559	28,188	2020
City of Long Prairie	62,387	0	0	62,387	50,784	0	0	0	50,784	11,603	2020
City of Lonsdale	115,882	91,165	0	207,047	135,074	0	0	0	135,074	71,973	2020
City of Loretto	22,376	3,065	1,714	27,155	5,690	0	0	1,248	6,938	20,217	2020
City of Luverne	59,666	0	280	59,946	102,994	1,410	1,439	341	107,244	-47,298	2020
City of Madison Lake	21,655	9,463	0	31,118	0	0	0	0	0	31,118	2020
City of Mahtomedi	231,556	58,334	0	289,890	316,795	0	0	0	316,795	-26,905	2020
City of Manchester	0	0	0	0	0	0	0	0	0	0	2020
City of Mankato	765,639	289,399	0	1,055,038	1,012,764	37,937	0	51,000	1,125,945	-70,907	2020
City of Mantorville	31,864	0	0	31,864	10,994	0	0	0	10,994	20,870	2020
City of Maple Grove	1,510,021	842,332	1,514,226	3,866,579	2,912,627	1,079	226,416	434,288	4,045,908	-179,329	2020
City of Maple Lake	44,567	17,728	6,788	69,083	0	0	0	0	0	69,083	2020
City of Maple Plain	67,154	0	0	67,154	0	0	0	86,269	86,269	-19,115	2020
City of Maplewood	908,764	634,966	376,929	1,920,659	921,627	5,595	79,216	122,937	1,352,310	568,349	2020
City of Marine-on-St. Croix	9,338	0	1,720	11,058	11,221	0	0	0	11,221	-163	2020
City of Marshall	131,323	35,362	31,551	198,236	444,819	2,036	0	18,045	467,643	-269,407	2020
City of Mayer	93,386	39,195	19,433	152,014	51,181	0	0	0	51,181	100,833	2020
City of Mazeppa	8,629	0	0	8,629	0	0	0	10,340	10,340	-1,711	2020
City of Medford	6,493	0	0	6,493	0	0	0	0	0	6,493	2020
City of Medicine Lake	17,006	5,570	2,864	25,440	15,945	0	0	0	15,945	9,495	2020
City of Medina	384,103	229,227	93,203	706,533	153,217	82	14,671	298,620	466,820	239,713	2020
City of Melrose	23,511	4,591	4,831	32,933	38,844	0	4,247	4,363	47,610	-14,677	2020
City of Mendota	1	0	0	1	0	0	0	0	0	1	2020
City of Mendota Heights	245,390	64,582	60,191	370,163	216,946	0	17,864	50,549	294,253	75,910	2020
City of Miesville	0	0	0	0	0	0	0	0	0	0	2020
City of Milaca	24,225	7,987	3,987	36,199	95,689	2,167	0	7,409	105,563	-69,364	2020
City of Minneapolis	14,522,891	4,754,725	9,115,888	28,393,504	10,427,808	255,199	835,456	2,601,214	15,980,160	12,413,344	2020
City of Minnetonka	2,232,863	4,113	1,497,686	3,734,662	2,033,464	31,439	13,667	235,986	2,521,961	1,212,701	2020
City of Minnetonka Beach	39,667	24,885	8,531	73,083	20,450	0	0	31,814	52,264	20,819	2020
City of Minnetrista	658,349	292,623	0	950,972	323,107	0	0	40,355	363,462	587,510	2020
City of Montevideo	33,877	12,814	4,482	51,173	112,017	3,600	0	1,500	123,793	-72,620	2020
City of Montgomery	9,347	67,086	70,009	146,442	141,387	0	0	0	141,387	5,055	2020
City of Monticello	338,839	122,359	67,121	528,319	299,690	3,450	0	27,221	354,251	174,068	2020
City of Montrose	53,310	22,168	5,690	81,168	40,587	0	0	0	40,587	40,581	2020
City of Moorhead	532,819	70,414	46,381	649,614	515,848	5,293	0	96,259	624,222	25,392	2020
City of Moose Lake	15,244	3,794	0	19,038	28,000	0	0	0	28,000	-8,962	2020
City of Mora	27,567	6,926	2,359	36,852	80,891	853	6,479	1,306	95,218	-58,366	2020
City of Morgan	134	0	0	134	0	0	0	0	0	134	2020
City of Morris	20,726	9,495	0	30,221	35,000	3,000	0	0	38,000	-7,779	2020
City of Mound	142,321	71,297	44,484	258,102	422,211	0	0	2,301	432,630	-174,528	2020
City of Mounds View	91,219	21,883	195,297	308,399	240,577	716	17,106	24,057	313,651	-5,252	2020
City of Mountain Iron	9,329	0	0	9,329	19,635	790	0	0	20,425	-11,096	2020
City of Mountain Lake	8,043	0	0	8,043	3,083	0	0	0	3,731	4,312	2020
City of Myrtle	0	0	0	0	0	0	0	0	0	0	2020
City of Nevis	0	0	0	0	0	0	0	0	0	0	2020
City of New Brighton	431,145	117,089	2,073	550,307	276,137	0	0	90,018	487,406	62,901	2020
City of New Germany	4,317	2,722	550	7,589	0	0	0	2,000	2,000	5,589	2020
City of New Hope	195,553	92,922	224,894	513,369	506,211	13,550	0	0	609,718	-96,349	2020
City of New London	74,157	9,189	0	83,346	33,902	956	0	10,870	46,598	36,748	2020
City of New Prague	273,361	0	0	273,361	261,530	1,105	0	17,494	280,340	-6,979	2020
City of New Richland	114	5	0	119	0	0	0	0	0	119	2020
City of New Trier	0	0	0	0	0	0	0	0	0	0	2020
City of New Ulm	124,631	18,650	14,955	158,236	290,532	0	0	0	291,132	-132,896	2020
City of Newport	528,813	75,613	72,931	677,357	41,946	0	0	167,624	210,050	467,307	2020
City of Nicollet	36,744	5,240	1,190	43,174	0	0	0	0	0	43,174	2020
City of North Branch	219,898	96,827	68,941	385,666	210,206	33,787	7,799	0	251,792	133,874	2020
City of North Mankato	333,794	41,030	6,605	381,429	362,779	6,865	10,896	20,903	404,627	-23,198	2020
City of North Oaks	240,010	97,018	54,789	391,817	235,090	0	0	25,932	261,022	130,795	2020
City of North St. Paul	142,210	84,857	0	227,067	0	0	0	0	0	227,067	2020
City of Northfield	306,955	134,059	78,426	519,440	261,137	0	0	415,112	722,389	-202,949	2020
City of Northrop	0	0	0	0	0	0	0	0	0	0	2020
City of Norwood Young America	90,436	54,263	0	144,699	42,432	0	0	0	42,432	102,267	2020
City of Nowthen	82,440	34,848	0	117,288	20,831	0	0	0	20,831	96,457	2020
City of Oak Grove	162,117	85,782	57,394	305,293	257,615	0	0	14,959	272,574	32,719	2020

City of Oak Park Heights	90,239	40,207	1,960	132,406	125,756	378	804	91,550	219,645	-87,239	2020
City of Oakdale	774,899	161,980	177,074	1,113,953	366,455	0	0	51,968	419,286	694,667	2020
City of Ogilvie	1,684	0	0	1,684	0	0	0	607	607	1,077	2020
City of Olivia	20,405	27,977	1,724	50,106	112,929	0	2,716	28,333	148,184	-98,078	2020
City of Orono	357,672	169,196	122,447	649,315	183,889	0	0	0	183,889	465,426	2020
City of Oronoco	13,644	4,244	1,010	18,898	10,950	0	0	0	10,950	7,948	2020
City of Ortonville	42,446	5,222	0	47,668	12,760	0	0	0	12,760	34,908	2020
City of Osakis	11,016	852	729	12,597	9,779	0	0	0	9,779	2,818	2020
City of Osseo	4,144,960	7,816	18,461	4,171,237	41,610	0	10,203	20,343	74,903	4,096,334	2020
City of Otsego	1,438,943	625,009	291,927	2,355,879	425,139	13,971	17,182	50,006	614,038	1,741,841	2020
City of Owatonna	429,977	131,806	1,210	562,993	406,862	70,141	47,200	0	557,800	5,193	2020
City of Park Rapids	49,985	21,108	1,744	72,837	76,803	0	0	1,701	78,504	-5,667	2020
City of Paynesville	28,903	2,474	0	31,377	85,816	648	0	9,204	96,669	-65,292	2020
City of Pease	0	0	0	0	0	0	0	0	0	0	2020
City of Pemberton	5,469	577	55	6,101	7,065	0	0	0	7,065	-964	2020
City of Pennock	0	0	0	0	0	0	0	0	0	0	2020
City of Perham	90,193	34,920	0	125,113	91,849	0	0	0	91,849	33,264	2020
City of Pierz	6,000	6,389	7,621	20,010	16,027	0	0	3,983	20,010	0	2020
City of Pillager	52,671	13,261	600	66,532	59,879	0	0	6,653	66,532	0	2020
City of Pine City	65,445	34,091	15,449	114,985	0	0	0	0	0	114,985	2020
City of Pine Island	0	10,642	345,672	356,314	38,331	0	0	0	38,331	317,983	2020
City of Pine River	2,760	0	0	2,760	27,046	0	0	0	27,046	-24,286	2020
City of Pine Springs	17,417	8,081	3,314	28,812	0	0	0	0	0	28,812	2020
City of Pipestone	29,460	600	525	30,585	83,404	940	0	12,511	99,625	-69,040	2020
City of Plainview	55,786	8,152	1,080	65,018	27,942	110	0	150	28,247	36,771	2020
City of Plato	13,450	8,192	0	21,642	17,366	0	0	1,500	18,866	2,776	2020
City of Plymouth	1,910,204	725,935	961,812	3,597,951	2,067,158	0	61,992	772,506	2,908,959	688,992	2020
City of Princeton	61,804	31,874	0	93,678	40,634	0	0	0	40,634	53,044	2020
City of Prior Lake	743,284	397,284	137,647	1,278,215	771,232	41,206	48,192	185,453	1,073,595	204,620	2020
City of Proctor	8,311	500	1,624	10,435	14,763	86	0	0	14,849	-4,414	2020
City of Ramsey	522,922	184,169	221,377	928,468	479,451	11,443	29,793	220,314	893,071	35,397	2020
City of Randolph	0	0	0	0	0	0	0	0	0	0	2020
City of Red Lake Falls	7,746	2,047	0	9,793	2,000	0	0	0	2,100	7,693	2020
City of Red Wing	231,408	49,490	32,032	312,930	224,814	1,609	0	32,062	274,567	38,363	2020
City of Redwood Falls	54,626	12,043	3,542	70,211	88,599	3,251	0	8,329	100,300	-30,089	2020
City of Rice	45,843	39,676	7,147	92,666	0	0	0	0	0	92,666	2020
City of Rice Lake	40,643	0	0	40,643	33,305	0	0	1,272	45,110	-4,467	2020
City of Richfield	832,401	294,860	592,622	1,719,883	1,007,116	15,040	23,976	99,212	1,380,938	338,945	2020
City of Richmond	16,212	8,604	949	25,765	17,308	0	0	0	17,308	8,457	2020
City of Robbinsdale	109,625	24,150	179,534	313,309	273,988	1,849	0	34,888	312,546	763	2020
City of Rochester	1,333,317	704,670	1,401,911	3,439,898	3,383,326	24,724	93,182	403,159	4,161,524	-721,626	2020
City of Rock Creek	12,614	8,205	0	20,819	0	0	0	0	0	20,819	2020
City of Rockford	112,077	62,286	21,666	196,029	59,588	0	0	0	59,588	136,441	2020
City of Rockville	0	0	0	0	0	0	0	0	0	0	2020
City of Rogers	613,678	378,535	183,291	1,175,504	834,357	5,588	582,274	77,728	1,548,906	-373,402	2020
City of Rollingstone	4,397	1,995	388	6,780	6,266	0	0	0	6,266	514	2020
City of Roseau	21,514	4,983	0	26,497	49,889	0	0	0	49,889	-23,392	2020
City of Rosemount	841,639	265,229	228,183	1,335,051	603,365	14,588	40,723	198,861	897,154	437,897	2020
City of Roseville	1,015,991	581,982	642,005	2,239,978	849,080	45,350	20,000	31,650	969,980	1,269,998	2020
City of Rothsay	0	0	0	0	0	0	0	0	0	0	2020
City of Royalton	9,267	5,729	719	15,715	13,379	0	0	0	13,379	2,336	2020
City of Rush City	9,866	0	0	9,866	20,858	0	0	0	20,858	-10,992	2020
City of Rushford	3,955	1,952	84	5,991	0	0	0	0	0	5,991	2020
City of Sabin	0	0	0	0	0	0	0	0	0	0	2020
City of Sandstone	36,393	16,470	1,542	54,405	21,808	0	2,519	0	24,327	30,078	2020
City of Sartell	166,014	63,790	89,629	319,433	381,801	3,600	1,337	4,353	398,245	-78,812	2020
City of Sauk Centre	57,366	19,166	0	76,532	136,122	0	0	0	137,761	-61,229	2020
City of Sauk Rapids	203,497	59,651	32,698	295,846	262,650	39,650	4,450	0	352,827	-56,981	2020
City of Savage	546,742	274,019	237,743	1,058,504	552,816	5,338	12,809	941,183	1,559,302	-500,798	2020
City of Scandia	53,537	29,552	49,190	132,279	54,391	2,840	0	43,687	100,918	31,361	2020
City of Scanlon	0	0	0	0	0	0	0	0	0	0	2020
City of Shafer	19,957	11,926	250	32,133	0	0	0	0	0	32,133	2020
City of Shakopee	1,118,379	821,263	1,389,345	3,328,987	759,832	10,172	28,200	198,148	1,458,522	1,870,465	2020
City of Sherburn	4,870	2,669	0	7,539	8,960	0	0	0	8,960	-1,421	2020
City of Shoreview	697,392	194,102	241,550	1,133,044	819,246	17,120	0	314,410	1,173,018	-39,974	2020
City of Shorewood	373,123	119,370	38,527	531,020	135,494	2,459	0	220,225	360,783	170,237	2020
City of Silver Bay	7,530	4,119	470	12,119	6,410	0	7,828	23,404	37,642	-25,523	2020
City of Silver Lake	11,147	5,583	555	17,285	0	0	0	0	0	17,285	2020
City of Sleepy Eye	25,786	0	0	25,786	30,900	1,726	0	0	32,626	-6,840	2020
City of South Haven	0	0	0	0	0	0	0	0	0	0	2020
City of South St. Paul	152,683	54,457	105,282	312,422	270,218	0	3,716	32,617	401,026	-88,604	2020
City of Spicer	10,137	808	0	10,945	18,622	0	0	0	18,749	-7,804	2020
City of Spring Lake Pk.	59,303	24,369	21,102	104,774	149,243	1,090	4,499	30,174	202,227	-97,453	2020
City of Spring Park	29,702	17,545	13,124	60,371	39,466	0	0	0	39,466	20,905	2020

Elmira Township	6,484	4,323	0	10,807	4,267	0	0	0	4,267	6,540	2020
Empire Township	99,515	63,217	26,595	189,327	101,291	11,461	7,988	8,000	145,575	43,752	2020
Eureka Township	12,796	10,213	6,234	29,243	18,992	2,149	1,498	2,749	28,544	699	2020
Farmington Township	3,048	1,981	368	5,397	0	0	1,981	0	3,316	2,081	2020
Faxon Township	6,675	3,988	856	11,519	88,479	0	0	0	88,479	-76,960	2020
Freeborn County	33,272	21,346	5,504	60,122	82,541	4,400	3,600	5,050	97,870	-37,748	2020
Goodhue County	270,747	128,016	0	398,763	425,241	5,332	0	0	438,439	-39,676	2020
Greenbush Township	8,844	4,304	553	13,701	17,841	0	3,000	5,600	30,841	-17,140	2020
Greenville Township	3,233	2,597	0	5,830	1,500	0	0	0	1,750	4,080	2020
Grey Cloud Island Township	0	0	0	0	0	0	0	0	0	0	2020
Hampton Township	10,527	6,589	9,565	26,681	4,866	0	1,500	0	6,366	20,315	2020
Haverhill Township	7,882	5,255	0	13,137	6,689	0	0	0	6,689	6,448	2020
High Forest Township	4,750	3,166	0	7,916	7,684	0	0	0	7,684	232	2020
Isanti County	479,331	0	0	479,331	507,425	23,114	0	0	530,539	-51,208	2020
Kalmar Township	10,924	7,282	0	18,206	9,842	0	0	0	9,842	8,364	2020
Kandiyohi County	174,228	113,248	0	287,476	233,654	7,051	0	0	249,139	38,337	2020
Lent Township	64,338	34,743	8,310	107,391	53,707	0	0	0	53,707	53,684	2020
LeSaut Township	18,487	10,557	7,668	36,712	35,472	0	0	0	35,472	1,240	2020
Linwood Township	51,117	26,299	6,584	84,000	75,496	1,107	4,642	2,685	87,831	-8,331	2020
Lynden Township	37,811	22,126	300	60,237	0	0	0	53,348	53,348	6,889	2020
Marshan Township	23,295	0	0	23,295	10,923	1,156	1,088	1,050	14,955	8,340	2020
May Township	83,278	0	0	83,278	21,591	0	0	0	21,591	61,687	2020
Meeker County	102,831	59,531	0	162,362	0	0	0	0	162,362	0	2020
Middleville Township	6,159	1,558	0	7,717	5,498	0	0	2,557	8,055	-338	2020
Mille Lacs County	125,119	61,978	0	187,097	187,242	0	0	0	187,242	-145	2020
Munson Township	23,754	1,000	0	24,754	0	0	0	0	0	24,754	2020
New Haven Township	0	0	0	0	0	0	0	0	0	0	2020
Nininger Township	7,402	4,811	3,474	15,687	6,331	716	499	1,056	9,654	6,033	2020
Olmsted County	101,914	63,870	66,117	231,901	0	0	0	444,384	444,384	-212,483	2020
Orion Township	5,885	3,923	0	9,808	4,846	0	0	0	7,311	2,497	2020
Paxton Township	189	0	0	189	0	0	0	0	0	189	2020
Pleasant Grove Township	6,126	2,487	0	8,613	3,693	0	0	0	3,693	4,920	2020
Princeton Township	61,839	38,245	7,175	107,259	0	0	0	0	0	107,259	2020
Randolph Township	33,090	0	0	33,090	0	0	0	0	0	33,090	2020
Ravenna Township	14,385	6,123	0	20,508	0	0	0	0	0	20,508	2020
Rice County	242,336	153,288	12,906	408,530	335,776	2,424	0	52,408	407,139	1,391	2020
Rochester Township	36,875	24,584	0	61,459	27,165	12,000	0	0	39,165	22,294	2020
Rock Dell Township	5,885	3,923	0	9,808	6,979	0	0	0	6,979	2,829	2020
Royalton Township	40,743	15,431	611	56,785	0	0	0	0	0	56,785	2020
Saint Paul Regional Water Svcs	0	0	244,333	244,333	205,987	31,485	0	21,264	258,736	-14,403	2020
Salem Township	9,094	6,061	0	15,155	7,253	0	0	245	7,498	7,657	2020
Sciota Township	0	0	0	0	0	0	0	0	0	0	2020
Scott County	505,901	336,442	191,337	1,033,680	643,056	56	0	96,929	786,812	246,868	2020
Sherburne County	475,719	306,875	119,457	902,051	546,366	28,539	10,732	20,803	613,548	288,503	2020
St. Johns Township	0	0	0	0	0	0	0	0	0	0	2020
State of Minnesota	1,743,765	2,222,956	429,693	4,396,414	2,717,362	132,728	46,875	678,525	3,606,088	790,326	2020
Stearns County	0	0	0	0	0	0	0	0	0	0	2020
Steele County	118,788	59,793	0	178,581	180,060	9,769	0	0	202,613	-24,032	2020
Stillwater Township	32,076	13,149	1,543	46,768	58,834	0	0	0	58,834	-12,066	2020
Stockholm Township	10,368	3,735	0	14,103	0	0	0	0	0	14,103	2020
Vermillion Township	10,900	6,653	539	18,092	20,000	0	0	0	20,000	-1,908	2020
Viola Township	3,497	2,331	0	5,828	2,585	0	0	0	2,585	3,243	2020
Wabasha County	41,215	22,638	0	63,853	52,078	0	0	0	52,078	11,775	2020
Wakefield Township	48,207	0	0	48,207	69,286	0	0	0	69,286	-21,079	2020
Watab Township	0	0	0	0	0	0	0	0	0	0	2020
Waterford Township	11,272	0	0	11,272	1,600	0	0	9,672	11,272	0	2020
West Lakeland Township	37,596	79,240	3,453	120,289	0	0	0	83,531	83,531	36,758	2020
White Bear Township	156,102	48,175	0	204,277	192,428	1,500	6,500	98	201,846	2,431	2020
Wright County	431,718	235,530	0	667,248	560,789	4,218	0	2,493	568,408	98,840	2020
Totals:	\$110,962,459	\$42,317,877	\$44,528,567	\$197,808,903	\$114,740,657	\$2,308,911	\$5,793,750	\$22,740,056	\$154,810,550	\$42,998,353	

Municipality	Permit Fees	Plan Review Fees	Other Fees	Total Fees	Salary/Benefits Exp	Travel/Vehicle Exp	Office Space Exp	Admin Overhead Exp	Total Expense	Difference	Year
Arthur Township	6,700	3,066	203	9,969					7,550	2,419	2019
Athens Township	38,079	13,255	0	51,334					51,334	0	2019
Baytown Township	53,877	29,184	2,100	85,161					56,036	29,125	2019
Becker Township	94,435	35,899	0	130,334					51,266	79,068	2019
Benton County	161,286	79,543	25,264	266,093					48,769	217,324	2019
Bridgewater Township	68,407	8,989	5,750	83,146					77,566	5,580	2019
Carver County	190,489	97,525	5,868	293,882					400,902	-107,020	2019
Cascade Township	24,316	12,401	0	36,717					19,685	17,032	2019
Chengwatana Township	7,609	4,946	524	13,079					10,797	2,282	2019
Chisago County	393,382	213,929	103,701	711,012					692,549	18,463	2019
City of Ada	6,081	0	0	6,081					10,666	-4,585	2019
City of Afton	151,857	0	5,005	156,862					115,020	41,842	2019
City of Aitkin	54,951	16,328	4,087	75,366					62,018	13,348	2019
City of Albany	40,306	10,564	3,823	54,693					49,002	5,691	2019
City of Albert Lea	156,291	62,457	21,183	239,931					345,387	-105,456	2019
City of Albertville	114,856	63,115	89,678	267,649					196,441	71,208	2019
City of Alexandria	390,338	114,533	43,059	547,930					421,566	126,364	2019
City of Andover	757,603	242,501	0	1,000,104					933,909	66,195	2019
City of Annandale	38,679	22,118	9,991	70,788					63,251	7,537	2019
City of Anoka	225,002	56,400	3,340	284,742					178,571	106,171	2019
City of Apple Valley	615,380	250,405	248,030	1,113,815					1,683,128	-569,313	2019
City of Arden Hills	310,505	184,608	315,664	810,777					408,724	402,053	2019
City of Arlington	14,122	14,200	5,000	33,322					46,356	-13,034	2019
City of Austin	358,878	86,085	0	444,963					0	444,963	2019
City of Avon	68,456	20,513	0	88,969					63,177	25,792	2019
City of Barnesville	37,036	6,078	2,185	45,299					35,010	10,289	2019
City of Baxter	227,372	113,591	77,014	417,977					247,855	170,122	2019
City of Bayport	112,432	64,484	92,237	269,153					134,040	135,113	2019
City of Becker	114,878	70,519	200,489	385,886					157,458	228,428	2019
City of Belle Plaine	59,759	29,450	16,999	106,208					175,771	-69,563	2019
City of Bemidji	194,162	70,894	207,335	472,391					532,223	-59,832	2019
City of Big Lake	311,776	112,204	50,825	474,805					429,040	45,765	2019
City of Birchwood Village	9,235	2,810	0	12,045					6,926	5,119	2019
City of Bird Island	4,333	0	0	4,333					3,850	483	2019
City of Biwabik	17,659	9,227	0	26,886					17,054	9,832	2019
City of Blaine	1,381,595	632,101	799,399	2,813,095					2,872,510	-59,415	2019
City of Blooming Prairie	9,216	4,455	158	13,829					11,259	2,570	2019
City of Bloomington	1,764,477	707,708	1,840,953	4,313,138					3,018,234	1,294,904	2019
City of Braham	41,629	9,326	2,391	53,346					52,786	560	2019
City of Brainerd	427,245	90,066	25,105	542,416					285,000	257,416	2019
City of Breckenridge	11,317	0	0	11,317					101,201	-89,884	2019
City of Breezy Point	83,870	41,590	6,332	131,792					127,087	4,705	2019
City of Brooklyn Center	417,160	173,132	260,140	850,432					1,193,577	-343,145	2019
City of Brooklyn Park	2,211,578	43,069	3,450	2,258,097					2,307,036	-48,939	2019
City of Buffalo	289,838	171,515	105,358	566,711					314,414	252,297	2019
City of Burnsville	1,061,135	498,012	1,075,770	2,634,917					1,328,450	1,306,467	2019
City of Byron	115,326	31,639	21,021	167,986					70,304	97,682	2019
City of Cambridge	242,615	0	45,611	288,226					438,113	-149,887	2019
City of Cannon Falls	48,021	18,351	2,220	68,592					38,417	30,175	2019
City of Carlton	17,923	9,223	0	27,146					25,345	1,801	2019
City of Carver	478,280	221,264	10,001	709,545					611,728	97,817	2019
City of Centerville	77,059	40,547	4,904	122,510					146,268	-23,758	2019
City of Champlin	171,863	56,863	99,982	328,708					318,422	10,286	2019
City of Chanhassen	646,355	324,962	303,883	1,275,200					1,207,669	67,531	2019
City of Chaska	366,547	165,379	165,284	697,210					1,114,425	-417,215	2019
City of Chatfield	18,011	6,480	2,346	26,837					77,054	-50,217	2019
City of Chisago City	14,621	2,868	2,396	19,885					112,046	-92,161	2019
City of Chisholm	21,242	0	0	21,242					42,400	-21,158	2019
City of Circle Pines	68,537	8,294	15,992	92,823					45,955	46,868	2019
City of Claremont	5,466	2,697	1,111	9,274					5,206	4,068	2019
City of Clear Lake	1,239,949	0	0	1,239,949					18,446	1,221,503	2019
City of Clearwater	63,308	39,327	85,487	188,122					29,468	158,654	2019
City of Cleveland	63,564	18,727	0	82,291					55,274	27,017	2019
City of Cloquet	138,143	30,077	6,423	174,643					119,066	55,577	2019
City of Cokato	32,580	15,619	4,292	52,491					64,459	-11,968	2019
City of Cold Spring	37,374	18,451	74,268	130,093					111,092	19,001	2019
City of Cologne	62,073	42,788	11,790	116,651					38,197	78,454	2019
City of Columbia Hghts.	137,542	41,043	52,047	230,632					375,981	-145,349	2019
City of Columbus	81,852	50,618	46,208	178,678					208,259	-29,581	2019
City of Comfrey	0	0	0	0					0	0	2019
City of Coon Rapids	1,089,769	321,763	466,975	1,878,507					1,483,156	395,351	2019
City of Corcoran	615,000	265,195	0	880,195					470,947	409,248	2019
City of Cosmos	7,731	940	0	8,671					0	8,671	2019

City of Cottage Grove	1,205,461	478,484	325,384	2,009,329					754,592	1,254,737	2019
City of Courtland	10,111	200	1,412	11,723					0	11,723	2019
City of Crookston	44,371	6,350	3,731	54,452					98,203	-43,751	2019
City of Crosby	101,237	35,017	6,263	142,517					75,571	66,946	2019
City of Crystal	248,770	95,242	0	344,012					330,938	13,074	2019
City of Darwin	0	0	0	0					0	0	2019
City of Dassel	9,732	5,547	0	15,279					0	15,279	2019
City of Dayton	962,261	516,440	25,910	1,504,611					686,207	818,404	2019
City of Deephaven	125,791	65,213	52,015	243,019					312,879	-69,860	2019
City of Deerwood	6,252	3,411	142	9,805					9,038	767	2019
City of Delano	211,703	104,686	20,860	337,249					227,656	109,593	2019
City of Dellwood	18,214	6,833	4,500	29,547					57,315	-27,768	2019
City of Detroit Lakes	282,680	86,292	0	368,972					309,965	59,007	2019
City of Dilworth	23,601	785	7,442	31,828					43,336	-11,508	2019
City of Dodge Center	36,715	0	0	36,715					39,888	-3,173	2019
City of Duluth	2,651,328	685,551	0	3,336,879					2,020,351	1,316,528	2019
City of Dundas	31,165	15,527	1,289	47,981					27,932	20,049	2019
City of Eagan	1,407,511	782,029	507,121	2,696,661					2,625,073	71,588	2019
City of Eagle Lake	27,206	12,898	3,939	44,043					31,083	12,960	2019
City of East Bethel	279,959	65,471	0	345,430					319,615	25,815	2019
City of Eden Prairie	1,822,372	793,385	670,585	3,286,342					2,059,568	1,226,774	2019
City of Edina	2,038,274	1,029,626	1,019,013	4,086,913					3,426,668	660,245	2019
City of Elgin	6,196	3,687	900	10,783					4,713	6,070	2019
City of Elk River	457,246	223,094	148,119	828,459					2,225,835	-1,397,376	2019
City of Elko New Market	72,516	20,243	13,837	106,596					112,333	-5,737	2019
City of Ely	53,400	11,800	13,900	79,100					92,100	-13,000	2019
City of Elysian	36,813	20,253	5,950	63,016					36,030	26,986	2019
City of Excelsior	175,401	83,353	0	258,754					40,713	218,041	2019
City of Eyota	8,389	4,594	11,963	24,946					17,374	7,572	2019
City of Fairfax	5,872	0	0	5,872					6,370	-498	2019
City of Fairmont	17,200	28,334	0	45,534					0	45,534	2019
City of Falcon Heights	101,441	38,783	6,535	146,759					96,145	50,614	2019
City of Faribault	272,520	121,743	105,575	499,838					478,937	20,901	2019
City of Farmington	297,890	71,270	0	369,160					412,357	-43,197	2019
City of Fergus Falls	122,098	0	26,915	149,013					105,908	43,105	2019
City of Foley	61,801	0	0	61,801					52,801	9,000	2019
City of Forest Lake	533,485	227,718	0	761,203					591,201	170,002	2019
City of Frazee	8,121	973	0	9,094					4,060	5,034	2019
City of Freeport	2,839	0	0	2,839					2,414	425	2019
City of Fridley	490,491	228,558	199,579	918,628					577,600	341,028	2019
City of Gaylord	47,550	32,300	10,124	89,974					137,748	-47,774	2019
City of Gem Lake	80,090	17,614	0	97,704					23,452	74,252	2019
City of Ghent	3,454	439	0	3,893					4,493	-600	2019
City of Glencoe	180,696	100,754	2,475	283,925					221,159	62,766	2019
City of Glenwood	21,580	2,880	0	24,460					21,312	3,148	2019
City of Golden Valley	584,847	250,649	597,899	1,433,395					1,216,889	216,506	2019
City of Goodview	43,751	0	75	43,826					19,133	24,693	2019
City of Grand Rapids	344,252	104,765	199	449,216					676,545	-227,329	2019
City of Granite Falls	41,449	17,714	0	59,163					67,105	-7,942	2019
City of Grant	105,755	52,877	0	158,632					39,444	119,188	2019
City of Green Isle	5,485	2,786	4,191	12,462					8,577	3,885	2019
City of Greenfield	71,238	36,416	76,183	183,837					0	183,837	2019
City of Greenwood	32,358	15,342	12,628	60,328					51,719	8,609	2019
City of Grove City	0	0	0	0					0	0	2019
City of Ham Lake	220,641	98,155	91,497	410,293					424,716	-14,423	2019
City of Hamburg	9,425	4,926	1,357	15,708					11,332	4,376	2019
City of Hanover	58,288	34,300	151,295	243,883					42,662	201,221	2019
City of Harmony	0	0	0	0					0	0	2019
City of Hastings	569,117	40,409	0	609,526					623,418	-13,892	2019
City of Hayfield	2,540	1,315	0	3,855					4,125	-270	2019
City of Hector	6,244	2,971	352	9,567					1,245	8,322	2019
City of Henderson	8,322	4,896	17,768	30,986					11,613	19,373	2019
City of Hermantown	55,980	27,708	0	83,688					152,348	-68,660	2019
City of Hibbing	47,937	25,559	0	73,496					150,000	-76,504	2019
City of Hilltop	13,136	2,401	0	15,537					1,200	14,337	2019
City of Hinckley	22,188	8,539	2,225	32,952					29,567	3,385	2019
City of Hopkins	585,338	165,548	2,344	753,230					487,382	265,848	2019
City of Hugo	306,645	116,460	76,572	499,677					614,407	-114,730	2019
City of Hutchinson	441,036	17,912	23,619	482,567					329,255	153,312	2019
City of Independence	207,035	36,601	180	243,816					10,229	233,587	2019
City of International Falls	36,451	4,259	0	40,710					101,446	-60,736	2019
City of Inver Grove Hgts	1,003,387	406,126	290,914	1,700,427					1,242,794	457,633	2019
City of Isanti	174,440	97,651	50,002	322,093					351,585	-29,492	2019
City of Jackson	22,890	4,747	1,553	29,190					14,737	14,453	2019

City of Janesville	42,730	25,515	2,652	70,897					48,998	21,899	2019
City of Jordan	166,819	111,213	0	278,032					67,205	210,827	2019
City of Kasson	176,734	41,888	22,538	241,160					110,257	130,903	2019
City of Kellogg	3,569	1,611	360	5,540					0	5,540	2019
City of Kimball	5,505	2,380	4,887	12,772					5,959	6,813	2019
City of La Prairie	5,362	2,568	40	7,970					31,647	-23,677	2019
City of LaCrescent	27,088	9,214	5,293	41,595					45,529	-3,934	2019
City of Lake City	34,753	14,388	0	49,141					43,424	5,717	2019
City of Lake Crystal	22,336	5,508	1,568	29,412					27,022	2,390	2019
City of Lake Elmo	780,104	460,523	192,388	1,433,015					468,607	964,408	2019
City of Lake St Croix Beach	12,157	0	0	12,157					29,388	-17,231	2019
City of Lakefield	710	0	0	710					0	710	2019
City of Lakeland Shores	10,557	5,011	0	15,568					10,844	4,724	2019
City of Lakeville	2,052,678	720,265	728,699	3,501,642					2,218,513	1,283,129	2019
City of Lauderdale	24,420	9,193	4,940	38,553					41,536	-2,983	2019
City of LeCenter	29,609	4,301	0	33,910					23,737	10,173	2019
City of Lester Prairie	19,123	9,891	1,541	30,555					21,092	9,463	2019
City of LeSueur	58,213	16,023	0	74,236					112,458	-38,222	2019
City of Lexington	18,560	59,032	86,006	163,598					174,789	-11,191	2019
City of Lilydale	9,700	58	2,612	12,370					9,908	2,462	2019
City of Lindstrom	15,157	0	0	15,157					14,014	1,143	2019
City of Lino Lakes	412,691	198,309	183,371	794,371					605,787	188,584	2019
City of Litchfield	128,756	0	0	128,756					0	128,756	2019
City of Little Canada	201,477	77,403	132,455	411,335					324,747	86,588	2019
City of Little Falls	171,908	103,520	33,029	308,457					253,904	54,553	2019
City of Long Lake	50,919	28,958	13,197	93,074					41,291	51,783	2019
City of Long Prairie	36,958	0	0	36,958					29,092	7,866	2019
City of Lonsdale	124,089	72,729	0	196,818					184,083	12,735	2019
City of Loretto	8,057	3,065	570	11,692					5,517	6,175	2019
City of Luverne	59,479	0	12,220	71,699					98,882	-27,183	2019
City of Madison Lake	13,757	5,864	12,868	32,489					22,590	9,899	2019
City of Mahtomedi	254,516	75,978	0	330,494					380,513	-50,019	2019
City of Mankato	760,228	342,802	0	1,103,030					1,280,735	-177,705	2019
City of Mantorville	20,882	0	0	20,882					11,465	9,417	2019
City of Maple Grove	1,736,487	921,337	1,169,188	3,827,012					3,995,749	-168,737	2019
City of Maple Lake	21,484	13,082	17,894	52,460					35,111	17,349	2019
City of Maple Plain	230,665	69,686	0	300,351					12,996	287,355	2019
City of Maplewood	556,722	233,038	371,044	1,160,804					1,374,700	-213,896	2019
City of Marshall	216,249	62,496	6,447	285,192					502,094	-216,902	2019
City of Mayer	52,380	28,592	17,165	98,137					44,876	53,261	2019
City of Medford	2,331	0	0	2,331					0	2,331	2019
City of Medicine Lake	6,743	100	5,103	11,946					15,878	-3,932	2019
City of Medina	318,136	184,713	63,472	566,321					573,166	-6,845	2019
City of Melrose	50,479	14,913	19,150	84,542					71,918	12,624	2019
City of Mendota	2,857	1,857	2,685	7,399					5,918	1,481	2019
City of Mendota Heights	258,462	66,322	82,731	407,515					281,496	126,019	2019
City of Milaca	43,917	16,732	4,397	65,046					47,911	17,135	2019
City of Minneapolis	15,454,850	5,185,752	9,275,815	29,916,417					16,953,960	12,962,457	2019
City of Minnetonka	2,590,659	9,723	1,738,896	4,339,278					2,496,447	1,842,831	2019
City of Minnetonka Beach	45,811	26,232	8,294	80,337					58,897	21,440	2019
City of Minnetrista	607,846	309,210	0	917,056					364,273	552,783	2019
City of Montevideo	43,996	16,142	3,748	63,886					120,742	-56,856	2019
City of Montgomery	43,097	19,588	140,000	202,685					51,558	151,127	2019
City of Monticello	392,140	129,090	60,536	581,766					324,072	257,694	2019
City of Montrose	79,459	44,869	8,635	132,963					66,482	66,481	2019
City of Moorhead	462,091	60,169	40,128	562,388					599,789	-37,401	2019
City of Moose Lake	18,966	7,764	1,243	27,973					25,650	2,323	2019
City of Mora	63,991	23,333	90	87,414					92,059	-4,645	2019
City of Morris	37,458	11,073	2,750	51,281					35,000	16,281	2019
City of Mound	153,506	73,886	36,240	263,632					431,051	-167,419	2019
City of Mounds View	140,854	53,843	0	194,697					295,584	-100,887	2019
City of Mountain Iron	12,849	7,187	0	20,036					1,075	18,961	2019
City of Mountain Lake	10,108	0	0	10,108					5,158	4,950	2019
City of New Brighton	347,021	123,144	82,545	552,710					531,562	21,148	2019
City of New Germany	4,953	2,053	583	7,589					1,610	5,979	2019
City of New Hope	150,228	67,813	234,226	452,267					657,130	-204,863	2019
City of New London	30,570	447	1,849	32,866					38,025	-5,159	2019
City of New Prague	94,003	49,174	159,645	302,822					259,948	42,874	2019
City of New Ulm	200,297	96,392	9,099	305,788					280,780	25,008	2019
City of Newport	813,594	122,413	12,074	948,081					236,139	711,942	2019
City of Nicollet	5,315	1,469	500	7,284					0	7,284	2019
City of North Branch	204,588	89,769	45,648	340,005					457,203	-117,198	2019
City of North Mankato	252,661	22,536	9,793	284,990					407,264	-122,274	2019
City of North Oaks	274,983	112,447	68,112	455,542					285,478	170,064	2019

City of North St. Paul	347,432	134,774	0	482,206					41,566	440,640	2019
City of Northfield	238,037	106,221	94,038	438,296					569,822	-131,526	2019
City of Norwood Young America	40,337	21,997	67,092	129,426					32,491	96,935	2019
City of Nowthen	104,894	43,996	756	149,646					124,211	25,435	2019
City of Oak Grove	162,939	86,852	35,047	284,838					236,529	48,309	2019
City of Oak Park Heights	60,937	17,007	1,230	79,174					231,464	-152,290	2019
City of Oakdale	432,746	101,196	134,837	668,779					430,215	238,564	2019
City of Ogilvie	1,910	0	0	1,910					0	1,910	2019
City of Olivia	9,719	28,411	1,577	39,707					5,400	34,307	2019
City of Orono	543,204	328,356	136,822	1,008,382					180,146	828,236	2019
City of Oronoco	21,070	7,995	2,282	31,347					21,052	10,295	2019
City of Ortonville	7,181	0	0	7,181					6,769	412	2019
City of Otsego	938,924	380,546	214,980	1,534,450					459,048	1,075,402	2019
City of Owatonna	303,279	157,301	1,020	461,600					490,721	-29,121	2019
City of Park Rapids	63,184	31,831	0	95,015					97,181	-2,166	2019
City of Paynesville	23,825	1,501	0	25,326					38,104	-12,778	2019
City of Perham	66,766	21,518	0	88,284					45,729	42,555	2019
City of Pierz	18,387	8,859	4,054	31,300					45,865	-14,565	2019
City of Pillager	8,583	5,229	1,682	15,494					13,944	1,550	2019
City of Pine City	81,959	42,996	81,694	206,649					0	206,649	2019
City of Pine Island	25,995	8,681	3,486	38,162					8,681	29,481	2019
City of Pine Springs	7,001	0	0	7,001					55,651	-48,650	2019
City of Pipestone	19,237	0	1,725	20,962					89,452	-68,490	2019
City of Plainview	18,233	5,318	630	24,181					21,947	2,234	2019
City of Plato	8,371	4,813	10	13,194					10,534	2,660	2019
City of Plymouth	2,186,152	1,026,916	1,229,873	4,442,941					2,697,340	1,745,601	2019
City of Princeton	81,958	43,260	0	125,218					31,962	93,256	2019
City of Prior Lake	746,713	382,837	149,838	1,279,388					1,022,005	257,383	2019
City of Proctor	10,531	1,500	0	12,031					9,685	2,346	2019
City of Ramsey	577,644	241,565	222,143	1,041,352					1,642,072	-600,720	2019
City of Red Wing	251,634	80,872	49,701	382,207					421,878	-39,671	2019
City of Redwood Falls	163,988	79,387	100	243,475					97,009	146,466	2019
City of Rice	31,568	20,438	6,631	58,637					50,809	7,828	2019
City of Rice Lake	34,146	0	0	34,146					33,590	556	2019
City of Richfield	724,223	390,307	600,389	1,714,919					1,294,134	420,785	2019
City of Robbinsdale	215,247	97,483	80,841	393,571					296,720	96,851	2019
City of Rochester	1,648,123	883,316	1,574,077	4,105,516					4,998,611	-893,095	2019
City of Rock Creek	8,126	5,044	0	13,170					11,138	2,032	2019
City of Rogers	683,093	473,533	227,346	1,383,972					1,055,339	328,633	2019
City of Rollingstone	2,194	1,123	251	3,568					4,691	-1,123	2019
City of Roseau	15,203	4,301	0	19,504					19,660	-156	2019
City of Rosemount	685,535	227,630	269,786	1,182,951					922,719	260,232	2019
City of Roseville	1,287,650	582,532	566,315	2,436,497					842,995	1,593,502	2019
City of Rush City	0	0	1,342,780	1,342,780					0	1,342,780	2019
City of Rushford	5,495	2,498	98	8,091					0	8,091	2019
City of Sandstone	15,667	4,933	1,053	21,653					21,491	162	2019
City of Sartell	183,643	76,573	119,620	379,836					611,234	-231,398	2019
City of Sauk Centre	48,358	10,970	0	59,328					43,461	15,867	2019
City of Sauk Rapids	197,911	102,588	61,480	361,979					325,747	36,232	2019
City of Savage	1,039,603	475,649	243,309	1,758,561					1,543,514	215,047	2019
City of Shafer	25,185	12,308	225	37,718					27,964	9,754	2019
City of Shakopee	1,762,337	969,580	1,577,185	4,309,102					1,086,561	3,222,541	2019
City of Shoreview	770,399	189,698	222,069	1,182,166					1,114,102	68,064	2019
City of Shorewood	348,626	130,579	11,045	490,250					243,911	246,339	2019
City of Silver Bay	9,565	4,982	100	14,647					5,230	9,417	2019
City of Silver Lake	8,249	3,764	567	12,580					11,731	849	2019
City of South St. Paul	129,879	41,848	125,334	297,061					378,006	-80,945	2019
City of Spicer	14,075	2,126	862	17,063					14,209	2,854	2019
City of Spring Lake Pk.	141,590	79,463	30,979	252,032					297,148	-45,116	2019
City of St. Anthony	92,355	33,048	56,927	182,330					250,971	-68,641	2019
City of St. Bonifacius	14,209	5,740	4,434	24,383					6,200	18,183	2019
City of St. Charles	24,607	17,941	27,180	69,728					25,510	44,218	2019
City of St. Cloud	653,056	249,508	308,996	1,211,560					1,644,258	-432,698	2019
City of St. Francis	376,034	214,955	35,185	626,174					621,683	4,491	2019
City of St. Louis Park	1,592,755	1,112,910	1,232,094	3,937,759					2,880,662	1,057,097	2019
City of St. Marys Point	3,095	2,161	882	6,138					2,164	3,974	2019
City of St. Michael	539,529	244,929	4,105	788,563					735,561	53,002	2019
City of St. Paul	5,349,058	2,098,808	4,065,753	11,513,619					9,978,469	1,535,150	2019
City of St. Peter	68,391	21,087	55,440	144,918					244,763	-99,845	2019
City of Stacy	43,941	19,306	100	63,347					63,782	-435	2019
City of Staples	56,835	22,558	0	79,393					78,855	538	2019
City of Stephen	195	0	0	195					0	195	2019
City of Stewart	4,414	2,296	720	7,430					1,625	5,805	2019
City of Stillwater	370,218	180,298	56,976	607,492					838,140	-230,648	2019

City of Sunfish Lake	56,645	25,779	2,009	84,433					72,702	11,731	2019
City of Thf. River Falls	39,310	18,346	0	57,656					145,884	-88,228	2019
City of Tonka Bay	69,746	28,034	1,527	99,307					60,901	38,406	2019
City of Tracy	21,435	1,925	85	23,445					45,218	-21,773	2019
City of Truman	5,713	0	0	5,713					3,500	2,213	2019
City of Two Harbors	54,307	0	0	54,307					12,480	41,827	2019
City of Vadnais Heights	497,440	0	0	497,440					510,717	-13,277	2019
City of Victoria	506,464	346,523	89,773	942,760					453,034	489,726	2019
City of Virginia	76,497	27,248	0	103,745					155,000	-51,255	2019
City of Wabasha	16,313	9,781	3,121	29,215					15,039	14,176	2019
City of Waconia	392,321	204,805	76,547	673,673					399,255	274,418	2019
City of Waite Park	59,404	38,545	24,222	122,171					271,215	-149,044	2019
City of Walker	19,965	4,429	0	24,394					50,597	-26,203	2019
City of Wanamingo	20,223	7,818	0	28,041					28,041	0	2019
City of Warren	9,824	1,718	609	12,151					9,450	2,701	2019
City of Waseca	119,378	66,376	51,111	236,865					130,807	106,058	2019
City of Watertown	138,476	34,053	14,976	187,505					80,775	106,730	2019
City of Waverly	52,188	25,978	7,619	85,785					57,569	28,216	2019
City of Wayzata	300,491	145,083	134,242	579,816					423,675	156,141	2019
City of Wells	4,103	1,605	0	5,708					14,970	-9,262	2019
City of West St. Paul	461,890	66,106	671	528,667					427,817	100,850	2019
City of White Bear Lake	398,272	140,936	174,024	713,232					794,153	-80,921	2019
City of Willmar	309,109	118,096	0	427,205					296,500	130,705	2019
City of Windom	57,964	15,238	0	73,202					72,979	223	2019
City of Winona	717,725	0	0	717,725					559,332	158,393	2019
City of Winsted	8,753	11,203	369	20,325					10,502	9,823	2019
City of Winthrop	11,328	8,215	0	19,543					71,712	-52,169	2019
City of Woodbury	2,538,110	1,026,460	917,769	4,482,339					1,811,516	2,670,823	2019
City of Woodland	37,753	21,098	35,819	94,670					102,376	-7,706	2019
City of Worthington	190,892	124,080	6,572	321,544					0	321,544	2019
City of Wyoming	153,902	80,470	39,702	274,074					172,820	101,254	2019
City of Zimmerman	148,493	71,630	31,212	251,335					85,622	165,713	2019
City of Zumbrota	37,233	13,923	9,308	60,464					60,464	0	2019
Corinna Township	77,160	43,817	0	120,977					92,192	28,785	2019
Denmark Township	43,421	20,806	15,429	79,656					22,621	57,035	2019
Douglas Township	6,342	3,242	355	9,939					10,053	-114	2019
Dover Township	2,550	1,658	0	4,208					2,206	2,002	2019
Elmira Township	2,412	1,666	0	4,078					1,622	2,456	2019
Empire Township	118,788	69,521	6,041	194,350					89,091	105,259	2019
Eureka Township	11,686	7,417	8,498	27,601					27,902	-301	2019
Freeborn County	41,770	23,888	3,760	69,418					104,359	-34,941	2019
Goodhue County	240,777	106,455	0	347,232					373,906	-26,674	2019
Greenbush Township	13,709	7,078	1,369	22,156					17,916	4,240	2019
Haverhill Township	13,555	8,810	0	22,365					9,886	12,479	2019
High Forest Township	11,540	7,509	0	19,049					8,509	10,540	2019
Isanti County	39,452,913	0	59,400	39,512,313					428,618	39,083,695	2019
Kalmar Township	23,560	14,136	0	37,696					14,239	23,457	2019
Kandiyohi County	109,098	70,914	10,194	190,206					260,542	-70,336	2019
Lent Township	4,197,343	2,032,659	644,400	6,874,402					4,506,408	2,367,994	2019
LeSauk Township	26,347	9,970	3,153	39,470					8,903	30,567	2019
Linwood Township	86,680	26,887	2,090	115,657					156,211	-40,554	2019
Lynden Township	18,829	10,302	0	29,131					24,673	4,458	2019
Marshan Township	8,172	3,532	0	11,704					10,070	1,634	2019
May Township	83,595	0	0	83,595					40,557	43,038	2019
Meeker County	63,705	39,583	0	103,288					0	103,288	2019
Middleville Township	7,098	1,709	0	8,807					6,006	2,801	2019
Mille Lacs County	94,488	42,810	1,560	138,858					190,483	-51,625	2019
New Haven Township	8,735	4,455	0	13,190					15,479	-2,289	2019
Olmsted County	104,963	56,141	66,800	227,904					369,661	-141,757	2019
Orion Township	2,456	1,523	0	3,979					2,317	1,662	2019
Paxton Township	4,244	2,215	405	6,864					6,036	828	2019
Pleasant Grove Township	6,741	4,179	0	10,920					4,919	6,001	2019
Princeton Township	14,534	6,911	2,620	24,065					11,488	12,577	2019
Randolph Township	126,232	12,870	1,567	140,669					0	140,669	2019
Ravenna Township	16,291	7,341	4,988	28,620					360	28,260	2019
Rochester Township	36,995	21,979	0	58,974					28,747	30,227	2019
Rock Dell Township	6,825	4,472	0	11,297					7,235	4,062	2019
Royalton Township	4,248	906	101	5,255					2,344	2,911	2019
Saint Paul Regional Water Svcs	212,539	0	0	212,539					273,908	-61,369	2019
Salem Township	9,071	6,254	0	15,325					7,833	7,492	2019
Scott County	672,140	364,630	114,122	1,150,892					942,348	208,544	2019
Sherburne County	389,260	276,168	96,064	761,492					623,137	138,355	2019
Stearns County	0	0	0	0					0	0	2019
Steele County	101,860	57,879	0	159,739					204,941	-45,202	2019

Stillwater Township	43,605	15,272	2,486	61,363					65,311	-3,948	2019
Stockholm Township	6,579	1,951	0	8,530					6,351	2,179	2019
Thomson Township	38,435	16,649	7,080	62,164					84,681	-22,517	2019
Vermillion Township	12,222	7,298	570	20,090					18,803	1,287	2019
Viola Township	2,102	1,240	0	3,342					1,898	1,444	2019
Wabasha County	55,759	25,507	0	81,266					62,818	18,448	2019
Wakefield Township	52,407	150	3,821	56,378					42,901	13,477	2019
Watab Township	4,165	17,850	36,679	58,694					51,206	7,488	2019
Waterford Township	5,661	3,309	500	9,470					8,755	715	2019
West Lakeland Township	17,275	83,232	4,258	104,765					78,383	26,382	2019
White Bear Township	199,409	25,914	42,950	268,273					208,180	60,093	2019
Wright County	391,109	217,198	0	608,307					535,310	72,997	2019
Totals:	\$152,034,942	\$43,423,824	\$44,926,239	\$240,385,005	\$0	\$0	\$0	\$0	\$150,043,612	\$90,341,393	



April 26, 2024

Dear State Building Inspector Metz and Building Code Administrative Technical Advisory Members,

The Builders Association of Minnesota (BAM), a statewide business association representing nearly 1,100 home builders, remodelers, developers, and other industry professionals, is writing to express our strong support for the code changes suggested by Housing First on zoning clarification and permit fees.

Affordability: A Critical Issue

We believe these changes can significantly impact housing affordability in Minnesota. With so many families struggling to find a place to call home, addressing affordability is critical.

Proposal 1: Clarifying Building Code vs. Zoning Authority (1300.0120)

The first proposal aims to clearly define the difference between building code regulations and local zoning ordinances. This will bring much-needed clarity and fairness to housing projects across the state. By establishing a uniform understanding of these laws for both builders and public employees, disputes will be minimized. Ultimately, this proposal strengthens the state building code and promotes consistent, cost-effective construction practices.

Supporting Logic:

- **Building Code Authority (MN Stat. 326B.121 Subd. 2(c)):** Focuses on building components and structural elements, ensuring public safety through factors like structural integrity, fire protection, and emergency access. It also promotes uniform standards to keep construction costs lower (MN Stat. 326B.101).
- **Zoning Ordinance Limitations:** Cannot contradict building code regulations for components and systems.

Reasoning for Support:

- Aligns with the state's legislative intent for uniform building codes.
- Prevents arbitrary local restrictions (e.g., garage size, siding materials) that could unfairly delay projects during code review.

Proposal 2: Building Permit Fee Reform (1300.0160)

The second proposal addresses concerns regarding building permit fees. BAM strongly believes that a clear understanding of fee structures would benefit everyone involved. Having the Department of Labor and Industry (DOLI) clearly define permissible fees would eliminate local disagreements and expedite the home-building process.

Key Points of the Proposal:

- Clarifies Permit Fees: Defines the purpose and limitations of building permit fees.
- State Guidance as a Rule: Formalizes state guidance on permit fees as a rule, promoting consistency across the state.
- Protects Against Excessive Fees: Prevents permit fees from exceeding the costs associated with building code administration, as highlighted in Sheetz v. El Dorado.
- Addresses Revenue Concerns: Responds to concerns about excessive permit revenue generation.

By implementing these changes, we can ensure that building permits remain a tool for safety, not a source of additional revenue for local governments.

Conclusion

Members of the Building Code Administrative TAG and Mr. Metz, we believe you have a unique opportunity to address many of the concerns facing the home building industry. We strongly support DOLI leading this statewide effort to promote affordable and efficient home construction. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Grace Keliher
Executive Vice President Builders Association of Minnesota
161 Rondo Ave. Suite 817
St. Paul, MN 55103
grace@bamn.org
(612) 501-3017

April 26, 2024

Dear State Building Inspector Metz and Building Code Administrative TAG,

My name is John McGuine and I own J&M Consulting. My business is in Rochester, Minnesota and I am a member of Rochester Area Builders.

It is critical to me that housing becomes more affordable across the State. Too many families in Minnesota dream of owning a home but cannot afford to own one. These proposed changes below would make housing more affordable.

I support clarifying building regulations in 1300.0120.

This proposal aims to clearly define the difference between building code regulations and local zoning ordinances in 1300.0120. This will bring much-needed clarity and fairness to housing projects. By establishing a clear distinction, disputes can be limited, and a uniform understanding can be achieved. Ultimately, the proposal will strengthen the state building code and will encourage consistent, cost-effective construction practices.

This change showcases the importance of statewide uniform building codes and prevents arbitrary local restrictions that might otherwise delay projects during the code review process. Examples of what has been impacted by local restrictions could be limitations on garage size or specific siding materials.

I support the changes to the Fees language 1300.0160.

This second proposal addresses concerns regarding building permit fees. Having a clear definition of what can and cannot be charged in a fee would eliminate local disagreements and expedite the home-building process.

Addressing concerns about excessive permit revenue costs generation by local entities. By implementing this language, I believe we can ensure that building permits remain a tool for ensuring safety, not a source of additional revenue.

Mr. Metz and Building Code Administrative Technical Advisory Group, I strongly support DOLI taking the lead on this statewide effort to reform the home-building process. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

**John McGuine
President Builders Association of Minnesota**



Address:
43093 Birch Lake Rd
Melrose, MN 56352

320-293-4101
courtney@wensmanncontractors.com
wensmanncontractors.com

Dear Minnesota Building Code Technical Advisory Group Members,

I am writing to ask for common sense and following the law when it comes to revisiting the State's Building Code.

As a Central Minnesota home builder, I work hard every day to provide affordable housing solutions for my clients. It is getting more difficult by the day, thanks to increases in the costs of numerous expense inputs, including overall inflation, materials delays and shortages, interest rate hikes, labor costs, and more. One of the biggest expense drivers are the fees and regulatory costs just to get started building on a property.

Regulatory requirements, including various mandates for minimum lot sizes, density and aesthetic standards, are used to keep us from building the affordable workforce housing we need. Our State Building Code is there to create "uniform construction standards," in part, so communities cannot impose special requirements to exclude more affordable housing options.

The law also requires that permit fees must be uniformly "fair, reasonable and proportionate," but they are not. The Department of Labor and Industry has a responsibility to make sure that is what is happening. If DLI cannot or fails to do that, then the State Legislature must be allowed to do its part.

Minnesotans cannot wait any longer while legislators and bureaucrats add to the challenges and costs of building more, and more affordable, housing. We are way behind, and we need your help. Please limit exclusionary zoning policies, and make sure permit fees are uniformly fair, reasonable and proportionate.

I appreciate your attention to these important matters, and your service to the State of Minnesota as you consider changes to our State Building Code. Thank you.

Sincerely,

Greg Wensman



May 13, 2024

Dear Minnesota Building Code Administrative TAG,

The Central Minnesota Builders Association (CMBA), on behalf of our more than 300 member developers, builders, contractors and affiliates, supports the **two code changes presented by Housing First Minnesota** as they would bring about significant cost savings and strengthen the building code without having any negative impact on health, efficiency, safety, durability or general welfare.

1300.0120: Zoning and Building Code Clarification

This proposal clarifies where the building code ends and zoning begins. Minnesota Rules 1300.0030 say:

- “The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.”
- MN State Law is clear, the building code is the authority over building components and structural items: Minnesota Statute 326B.121 Subd. 2(c): “A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code.”
- Adoption of this language not only strengthens the code but also aligns with the legislative intent of the code to adopt uniform provisions to lower construction costs: Minnesota State Building Code 326B.101: “The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.”
- If our association submitted local zoning provisions as amendments in the upcoming IRC TAG, such as garage square footage or a ban on vinyl siding, they would be tossed-out as arbitrary.

1300.0160: Permit Fees

- This language provides needed clarification of the subject of building permit fees.
- Affirming state guidance as a rule is a simple and necessary change.
- The recent *Sheetz v. El Dorado* ruling should be affirmed in the State Building Code
- The Department has not taken action on the building permit question and its own database now shows more than \$250 million in excess building permit revenue in recent years.
- Permits should never be used as a profit center and this proposal provides adequate protections.

Feel free to contact me with any questions or concerns. Thank you for your attention to these

changes. Sincerely yours,

A handwritten signature in blue ink that reads "Wanda Schroeder".

Wanda Schroeder
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Cc: CMBA Board
Housing First MN