



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/15/2022

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 202 Definitions- Sidewalk, public

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
IBC Section 201 Definitions: Sidewalk, public

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Sidewalk, public . A sidewalk located in the public right-of-way and a sidewalk from a public entrance to the public right-of-way or passenger loading zone, or parking made available to the public.

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.
Yes, Minnesota Rule 4715, the Minnesota Plumbing Code, Section 1101.2.

Need and Reason

1. Why is the proposed code change needed?
There has been confusion regarding the interpretation of what is a public sidewalk as implied in the building code section 3201.4 and the prohibition of storm water roof drainage onto a public sidewalk being interpreted as all sidewalks.
2. Why is the proposed code change a reasonable solution?
Minnesota Rule 1305 only regulates roof discharge onto sidewalks in the public way. Minnesota does have seasons where roof discharge may freeze and create ice when coming into contact with the ground or sidewalks. The plumbing code strict interpretation would apply to all sidewalks that could be potentially used by the public, even if only during emergency situations. Since the building code does not address multiple hazards occurring simultaneously even when likely, such as earthquake and fire, it is reasonable to not regulate discharge onto sidewalks only intended for emergency means of egress or general maintenance. Furthermore, because of the potential icing condition, it is reasonable to be more restrictive than the model building code and prohibit storm water discharge onto both sidewalks in the public way and sidewalks used as a means to enter a building.
3. What other considerations should the TAG consider?
None.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
Since the prohibition of discharging roof storm water onto secondary sidewalks will be removed, the overall cost of construction should decrease.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, building owners.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Roof discharge for primary and secondary roof drainage systems will continue to need to be piped to approved discharge locations at increased expense to construction.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/11/2022, revised 07/24/2024

Email address: Greg.Metz@state.mn.us

Model Code: IBC 2024

Telephone number: 651-284-5884

Code or Rule Section: 202 Definitions

Firm/Association affiliation, if any: DLI/CCLD

Ambulatory Care Facility

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

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? List Rule part(s).
- add new language that is not found in the model code book or in Minnesota Rule.
202 Definitions- Ambulatory Care Facility

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

[BG] Ambulatory Care Facility. “Ambulatory care facility” means buildings or portions of buildings used to provide medical, surgical, psychiatric, nursing, or similar care no less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided. For the purposes of this code, federally certified end-stage renal disease facilities (kidney dialysis facilities) located on the level of exit discharge shall not be considered ambulatory care facilities. An ambulatory care facility shall be considered as “freestanding out-patient surgical center.”

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?
To clarify when ambulatory care facilities are defined as “state licensed facilities” in accordance with Minnesota Statute 326B.103, Subd. 13.
2. Why is the proposed code change a reasonable solution?
MN DLI/CCLD has jurisdiction over other state licensed facilities where care recipients are rendered incapable of self-preservation. Clarifying this definition will ensure the life-safety of care recipients who receive care in municipalities that do not enforce the Minnesota State Building Code.
3. What other considerations should the TAG consider?
Consider if all ambulatory care facilities that are located outside of an I-2 occupancy of a hospital should be interpreted as a “freestanding outpatient surgical center.” Would lead to better uniformity and clarity of responsibility.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
No cost change. This is a clarifying modification to an addendum to positively link Minnesota Statute 326B definitions with the rules to unify enforcement.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, health care providers in the outpatient surgical business.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None. The cost of plan review and inspections is paid for through plan review and permitting fees which are scaled to the value of the work being performed.
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Not adopting the amendment to the definition will perpetuate confusion as to whether certain ambulatory care facilities are under DLI/CCLD jurisdiction or not. Projects where people will be rendered incapable of self-preservation will be constructed without public safety verification.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

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CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: C. Scott Anderson

Date: 4/14/24

Email address: c.scott.anderson@minneapolismn.gov

Model Code: 2024 IBC

Telephone number: 612-246-7303

Code or Rule Section: 1305

Firm/Association affiliation, if any: City of Minneapolis

Topic of proposal: Definition: Restricted entrance

Code or rule section to be changed: IBC Section 202 Definitions

Intended for Technical Advisory Group ("TAG"):

General Information

Yes **No**

- | | | |
|--|-------------------------------------|-------------------------------------|
| A. Is the proposed change unique to the State of Minnesota? | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input 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.
202 Definitions: Restricted Entrance

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 ~~strike through~~ words proposed for deletion. Include the entire code (sub) section or rule subpart that contains your proposed changes.
RESTRICTED ENTRANCE. An entrance that is made available for common use on a controlled basis, but not public use, and that is not a service entrance. A controlled basis is where entry access is verified by security personnel and entry is limited to authorized occupants and excludes their guests or companions.

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.)
With the current definition of restricted entrances, there is a misinterpretation that locking a door and requiring a card or key for access makes the entrance a restricted entrance. With the requirement for automatic doors added to the codes for all public entrances, this becoming even more of an issues for hotels and office buildings.
The following is from the guidance for the US Access Board.
Restricted Entrances [§206.4.7] If entrances are restricted to certain occupants on a controlled basis, at least one must comply in addition to public entrances required to be accessible. This applies to those entrances where entry access is verified by security personnel and is strictly limited to certain occupants, but no one else, including guests or companions of authorized individuals. All other types of entrances, excluding service entrances, are considered “public entrances” under the Standards, including employee-only entrances requiring keys or access cards or codes but that lack the level of security of restricted entrances

2. Why is the proposed code change a reasonable solution?
This addition to the definition reduced confusion and clarifies code requirement

3. What other factors should the TAG consider?
None

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain and provide estimates if possible.
This is an editorial change and should not impact the cost of construction.

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.
No cost change

3. If there is a cost increase, who will bear the costs? This can include government units, businesses, and individuals.
NA
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?
Architects, Contractors, Developers, Building Owners, Contractors, Building Officials
2. Can you think of other means or methods to achieve the purpose of the proposed code change? What might someone opposed to this code change suggest instead? Please explain what the alternatives are and why your proposed change is the preferred method or means to achieve the desired result.
No
3. What are the probable costs or consequences of not adopting the code change, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Not adopting this change will perpetuate the current misinterpretation of the code requirements resulting in structures that are out of compliance with both state accessibility codes and federal regulations.
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.
This change was adopted by the ICC egress committee at the April 2024 Code Action Hearings by a vote of 14-0 and is unlikely to be overturned at the final action hearings and voting. Regardless of the ICC actions this is a significant improvement to the current code language.

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CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 1/24/2023

Email address: greg.metz@state.mn.us

Model Code: IBC 2024

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

Table 302.2 Care Facilities

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
MBC Table 302.2 Care Facilities

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Type of Licensed Facility		Number or Type of Care Recipients	IBC Occupancy Classification
<u>Clinical Care Facility</u>	<u>Nursing and Medical Care for < 24 hours</u>	<u>Care recipients are capable of self-preservation. Includes skilled medical care, emergency care, surgery, or obstetrics.</u>	<u>B</u>
Ambulatory Care Facility	Nursing and Medical Care for < 24 hours	<u>Care recipients may be rendered incapable of self-preservation. Includes skilled medical care, emergency care, surgery, obstetrics, or patient stabilization for psychiatric detox.</u> surgical, psychiatric, nursing or similar care. <i>(highlighted changes made to match definition, after discussion with Greg Metz and MDH – not reviewed by TAG)</i>	B

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

- Why is the proposed code change needed?
Clinical care facilities are not currently directly addressed except for those defined as Ambulatory Care Facilities. Ambulatory Care Facilities include patients who are rendered incapable of self-preservation, typically by anesthesia.
- Why is the proposed code change a reasonable solution?
It clarifies that there are some types of clinical care facilities that get classified as a B occupancy, but don't need to follow all of the building code criteria of an Ambulatory Care Facility because they don't render care recipients incapable of self-preservation, like natural birthing centers.
- What other considerations should the TAG consider?
None

Cost/Benefit Analysis

- Will the proposed code change increase or decrease costs? Please explain.
No cost change.
- If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A

3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, building owners.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
Continued confusion over whether care facilities providing services less than 24 hours need to provide for all of the requirements listed for Ambulatory Care Facilities.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/19/2022

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 305.2.1 Group E day care in Places of Religious Worship

Code or rule section to be changed: MR 1305

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
MBC 305.2.1 Group E, day care within places of religious worship.

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

305.2.1 Group E, day care within places of religious worship. Rooms and spaces within places of religious worship providing such day care during religious functions shall be classified as part of the primary occupancy. Rooms and spaces within places of religious worship providing day care during periods when religious functions are not occurring shall be classified as occupancy group I-4 or group E.

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?
To clarify the model code language that the exception for day care only applies when the building is occupied in other portions (presumably by parents) for religious functions. If the day care is run as a business during the week, the occupancy exemption does not apply.
2. Why is the proposed code change a reasonable solution?
It merely clarifies the existing code language to enhance uniformity.
3. What other considerations should the TAG consider?
None

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
No cost change.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, religious organizations that own buildings and run day care.

2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?

None

3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?

No

4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.

5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?

None.

6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?

Continued non-uniformity in enforcement of Section 305.2.1 and confusion upon the parts of designers, building officials and building owners as to how this provision is to be applied.

7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.

No

8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can be considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/26/2022

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 308.5.1 Classification as Group E

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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).
IBC Section 308.5.1 Classification as Group E.

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

308.5.1 Classification as Group E. Day care and day services uses ~~shall~~may be classified as Group E occupancies subject to sections 308.5.1.1 through 308.5.1.3.

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?
The reclassification of Group I-4 daycare or day services to Group E is not always advantageous. Typically Group I-4 has greater safety criteria and building owners constructing these facilities should have the option to maintain the higher construction standard if they chose. The change from “shall” to “may” can eliminate an occupancy separation.
2. Why is the proposed code change a reasonable solution?
Allowing the higher standard of care for construction to remain as an option only enhances end-user safety and allows designers greater flexibility in design.
3. What other considerations should the TAG consider?
None.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
There should be no cost change because the rewording takes a mandate and makes it an option.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, schools, places of worship, daycare facilities.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None

3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Care facilities may be required to include occupancy separations where they would rather have a more open plan.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/26/2022 revised after TAG discussion
7/24/2024

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 308.5.1.2 Adult Day Services as Group E

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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).
IBC Section 308.5.1.2 Adult Day Services as Group E.

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

308.5.1.2 Adult day service centers serving both persons capable and persons not capable of self preservation. Adult day service centers shall may be classified as Group E where all of the following conditions are met:

- a. ~~At least one person served but not more than~~ Up to 50 percent of persons served require verbal or physical assistance with self-preservation under emergency conditions.
- b. All rooms and spaces used to care for adults shall be on a level of exit discharge and all means of egress from care rooms shall discharge directly to grade with no intervening stairs, elevators, or places of rescue assistance along the means of egress. The exit discharge shall have no intervening stairs or areas of rescue assistance and shall lead to the public way or safe dispersal area in accordance with the exception to section 1028.5. ~~The rooms in which the adults are cared for are located on the level of exit discharge serving such rooms, with all exits discharging directly to grade without intervening stairs. Each exit discharge shall provide an accessible route, without stairs, to the public way or safe dispersal area in accordance with the exception to section 1028.5.~~
- c. The day services center is protected with an automatic fire alarm system consisting of automatic smoke detection in all corridors and at the top of all stairways, and automatic detection in boiler and furnace rooms, kitchens, storage rooms, custodial closets, laundry and soiled linen rooms and other hazardous areas.

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?
 - a. There need not be at least one person that requires limited assistance in order for this reclassification to occur.
 - b. Limited assistance is added because the term was added in the previous code cycle to the model building code as a descriptor for I-1 Condition 2 which is a very similar care recipient type that may require adult day services.
 - c. Language is changed regarding the means of egress to clarify that elevators, lifts, or areas of rescue assistance are not to be part of the means of egress. The means of egress should be walking surfaces or ramps only, with no other impediment to egress. Egress must be to grade from the care spaces, but need not be directly from the care spaces themselves, but may proceed through corridors or intervening rooms.
2. Why is the proposed code change a reasonable solution?
The code change clarifies the requirement without materially changing the requirement.
3. What other considerations should the TAG consider?
None.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
There should be no cost change because the rewording clarifies the condition required for reclassification rather than introducing a material change.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, schools, places of worship, daycare facilities.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Adult day service facilities could be designed with lifts or elevators to convey care recipients from one level to another, not a full story, or means of egress could include areas of rescue assistance. Scenarios inhibit egress which is counter to the intent of the amendment.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz, Ryan Rehn, Britt McAdamis

Date: 7/15/2022, revised 7/17/2024, revised after TAG discussion 7/24/2024

Email address: greg.metz@state.mn.us

Model Code: IBC 2024

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 308.5.1.3 Child Day Care

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
IBC Section 308.5.1.3 Child day care.

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

308.5.1.3 Child day care. A child day care facility ~~shall~~ may be classified as a Group E occupancy where all of the following conditions apply:

- a. The facility provides care for more than five but not more than 100 children 2 ½ years or less of age.
- b. The rooms in which the children 2 ½ years or less of age are cared for are located on the level of exit discharge serving such rooms.
- c. Each room providing day care to children 2 ½ years or less of age, has an exit door directly to the exterior, and the means of egress shall not include stairs.

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?

There has been confusion regarding the exit discharge requirements for daycare rooms. Level of exit discharge does not mean that the exit discharge is at or near finished grade, but merely that a door passes through an exterior wall. Level of exit discharge is defined as a story where exits end and exit discharge begins. Requiring the day care to be located on the level of exit discharge does not guarantee that exit doors from care providing spaces discharge to grade where a walk-out basement condition exists. The intent of the section is that there is free and uninhibited egress from care providing spaces. If the means of egress is from the underground side of a walk-out basement condition or significantly above grade, there may be stairs to negotiate with day care children, slowing egress.

A pointer was added to make it clear that only the rooms where the children 2 ½ years or less of age are cared for or occupied would need to comply with these provisions.

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

The requirement is already in code. A Minnesota amendment negates the condition for existing buildings, but should be required for daycare even in existing buildings because the classification as an E occupancy eliminates the requirement for a sprinkler system for facilities under 12,000 square feet.

3. What other considerations should the TAG consider?

None.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.

There should be no cost change because the condition is already required by IBC 1009.1. Including the language here is a clarification for uniformity.

2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.

N/A

3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.

No

4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, schools, places of worship, daycare facilities.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Daycare facilities without protective sprinkler systems located above or below grade where children do not have ease of access to safety in emergency conditions like fire.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

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CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz, Britt McAdamis, Ryan Rehn Date: 7/18/2022 updated 7/17/2024

Email address: greg.metz@state.mn.us

Model Code: IBC 2024

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 310.4.2 Lodging House

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

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

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).
IBC Section 310.4.2 Lodging house

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

(2024 IBC) 310.4.2 Lodging houses. *Owner* -occupied *lodging houses* Lodging houses with five or fewer *guest rooms* shall be constructed in accordance with this code or the *International Residential Code*, ~~provided that facilities constructed using the *International Residential Code* are protected by an automatic sprinkler system is installed in accordance with Section P2904 of the *International Residential Code*.~~

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.

Need and Reason

1. Why is the proposed code change needed?

It is necessary to delete the last sentence as automatic residential fire sprinklers are addressed for lodging houses under the Minnesota Rule part 1309.0313 and automatic sprinkler systems for lodging houses are addressed under Minnesota Rule part 1305.0903.

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

The change should proceed in conjunction with consistency in sprinkler requirements between the Minnesota Residential Code and Minnesota Building Code.

3. What other considerations should the TAG consider?

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.

Proposed change will clarify and potentially decrease costs for a building.

2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.

N/A

3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.

No

4. 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? 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?

Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, building owners/ home owners.

2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Continued confusion over requirements specific to using Minnesota Residential Code scoped buildings verses using Minnesota Building Code requirements for transient use.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

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CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/18/2022

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 202 Definitions: Assisted Living

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
MBC 201 Definitions: Assisted Living

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Assisted living. Facilities that provide custodial care to residents and some residents may require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

Assisted living with dementia care. Facilities that provide custodial care to residents including residents with cognitive disorders. Some residents are incapable of self-preservation because they are incapable of responding to an emergency situation to complete building evacuation with only limited verbal or limited physical assistance.

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.
Yes, MBC section 308.2 including subsections, section 308.3 including subsections, section 310.4 and 310.5.

Need and Reason

1. Why is the proposed code change needed?
There has been confusion regarding the interpretation of what the building code requires for assisted living and assisted living with dementia care. Since the last code cycle, MDH now licenses assisted living and assisted living with dementia care. There are multiple occupancies under which assisted living and assisted living with dementia care could be classified and classification is unclear because the parameters of assisted living are also unclear. Providing definitions will enhance clarity and appropriate applications of the code.
2. Why is the proposed code change a reasonable solution?
The proposed definitions support interpretations by the Minnesota Department of Health regarding the make-up of residents in these types of facilities. Adding these definitions into the building code will support uniformity across state requirements.
3. What other considerations should the TAG consider?
When fire suppression sprinkling should be required, and what the population threshold is for requiring a smoke barrier and refuge areas.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
No cost change. DLI/CCLD and MDH have been espousing that assisted living shall be classified as I-1 Condition 2 and assisted living with dementia care shall be classified as I-2 Condition 1 since the adoption of the 2020 Minnesota Building Code.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, long-term care providers, elderly citizens and their families.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.

5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Continued confusion over requirements specific to using Minnesota Residential Code scoped buildings verses using Minnesota Building Code requirements for use as an assisted living facility.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Britt McAdamis, Ryan Rehn

Date: 7/15/2024

Email address: britt.mcadamis@state.mn.us

Model Code: IBC 2024

Telephone number: 651-284-5276

Code or Rule Section: 302.2 Care Facilities

Firm/Association affiliation, if any: DLI/CCLD

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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).
1305.0302

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).
1305.0302

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Housing with Services Establishment	Housing with Services Establishment Housing with Services Establishment Providing Assisted Living Services	1— 5 adult residents c 80 percent 55 years of age or older unless registered under MN Statutes, Section 144D.025	R-3 dwelling unit
	Housing with Services Establishment Housing with Services Establishment Providing Assisted Living Services	6— 16 adult residents c 80 percent 55 years of age or older unless registered under MN Statutes, Section 144D.025	R-4 Condition 2
	Housing with Services Establishment Housing with Services Establishment Providing Assisted Living Services	> 16 adult residents c 80 percent 55 years of age or older unless registered under MN Statutes, Section 144D.025	I-1 Condition 2
Assisted Living Facilities and Assisted Living Facilities with Dementia Care	Assisted Living Facility	5 or fewer residents; some of whom may require limited verbal or physical assistance to respond to an emergency	R-3
	Assisted Living Facility	6 to 16 residents; some of whom may require limited verbal or physical assistance to respond to an emergency	R-4 Condition 2
	Assisted Living Facility	More than 16 residents; some of whom may require limited verbal or physical assistance to respond to an emergency	I-1 Condition 2
	Assisted Living Facility with Dementia Care	5 or fewer residents; some of whom are incapable of self preservation	R-3
	Assisted Living Facility with Dementia Care	More than 5 residents; some of whom are incapable of self preservation	I-2 Condition 1

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.
202, 308, 310

Need and Reason

- Why is the proposed code change needed?
Since the last code cycle, MDH now licenses assisted living and assisted living with dementia care, Housing with services is no longer a type of licensed facility. There has been confusion regarding the interpretation of what the building code requires for assisted living and assisted living with dementia care. There are multiple occupancies under which assisted living and assisted living with dementia care could be classified and classification is unclear because the parameters of assisted living are also unclear. Updating the table will enhance clarity and appropriate applications of the code.
- Why is the proposed code change a reasonable solution?
The proposed occupancy classifications support interpretations by the Minnesota Department of Health regarding the make-up of residents in these types of facilities and align with the application of the Life Safety Code by MDH. Updating the table in the building code will support uniformity across state requirements.

3. What other considerations should the TAG consider?
None.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
No cost change. DLI/CCLD and MDH have been espousing that assisted living shall be classified as I-1 Condition 2 and assisted living with dementia care shall be classified as I-2 Condition 1 since the adoption of the 2020 Minnesota Building Code.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, long-term care providers, care recipients and their families.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?

7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.

No

8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.

Minnesota Department of Public Safety State Fire Marshal Division

24CCP_117

Fire Code Change Proposal Form

(Submit via email to: fire.code@state.mn.us)

***Please complete all sections. Incomplete forms may be returned for additional information.*

Author/requestor: [Forrest Williams, Supervisor \(SFM\)](#)

Date: [5/3/2024](#)

Email address: forrest.williams@state.mn.us

Telephone number: [651-769-7784](#)

Organization/Association/Agency, if any: [State Fire Marshal – Department of Public Safety](#)

Code or rule section to be changed (include code or rule title and edition year): [MR 7511.0202, Table 202.1 and MR 1305.0302, Table 302.2](#)

Is the subject matter of the proposed change also regulated by the Minnesota Building Code?

YES: NO: UNKNOWN:

***If yes, a [building code change proposal](#) must also be completed and submitted to the Minnesota Department of Labor and Industry – Construction Codes and Licensing Division.*

General Information

Yes No

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

Proposed Language

1. The proposed code change is meant to:

Change language contained the model code book? If so, list section(s).



Minnesota Department of Public Safety State Fire Marshal Division

Change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

MR 7511.0202, Table 202.1 and MR 1305.0302, Table 302.2

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Revise Table 202.1, child care classified as Group E, to read as follows:

> 5 but ≤ 100 children ≤ 2.5 years of age ~~and each room at, and with, an exit at the level of exit discharge~~ with each care room on the LED and each care room having an exit directly to the exterior.

TABLE 202.1
CARE FACILITY CLASSIFICATIONS

TYPE OF LICENSED FACILITY		NUMBER OR TYPE OF RECIPIENTS	IBC OCCUPANCY CLASSIFICATION
Child care (Day care)	Family child care home	10 occupants maximum with ≤ 6 below school age ¹	R-3 Dwelling unit
	Group child care home < 24 hours per day	11–14 occupants maximum	R-3 Dwelling unit
	Child care center < 24 hours per day	> 5 but ≤ 100 children ≤ 2.5 years of age and each room at, and with, an exit at the level of exit discharge	E
	Child care center < 24 hours per day	More than 5 children > 2.5 years of age	E
	Child care center < 24 hours per day	More than 5 children ≤ 2.5 years of age and not classified E	I-4



Updated July 2022

Minnesota Department of Public Safety State Fire Marshal Division

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.
[MR 1305.0302, Table 302.2](#)

Need and Reason

1. Why is the proposed code change needed?
This revision is needed to clarify the intent of the definitional summary. Without this change, it's not clear that that each care room is required to have a direct exit to the exterior. As currently written without the 'direct' qualifier, the language could be interpreted to mean that each room used for care only need to have access (direct or indirect) to an exterior exit on the level of exit discharge. This table only serves as a summary of the Group E and I-4 child care occupancy classification definitions, and this change more accurately reflects the definitions.
2. Why is the proposed code change a reasonable solution?
It's reasonable because it serves to clarify the criteria of the occupancy definitions. It doesn't create a change to the current provisions.
3. Is there additional data or information that should be considered?
This proposal has been made because SFM did have to abate an issue where a local code official approved a non-conforming egress design for a Group E child care occupancy serving children under 2.5 years of age.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
[No change in costs – clarification only.](#)
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
[N/A](#)
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
[No change – clarification only.](#)
4. 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? 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](#)



Minnesota Department of Public Safety State Fire Marshal Division

Regulatory Analysis

1. What parties or segments of industry are affected by this proposed code change?
Fire and building code officials, design professionals, child care center owners and operators.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
N/A
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
None
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
By not adopting the proposed revision, code officials and design professionals may continue to misinterpret and misapply these provisions resulting in non-conforming egress systems for younger children who require assistance and additional time to evacuate during emergencies.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.
N/A

***Please complete all sections. Incomplete forms may be returned for additional information.*



Updated July 2022

Minnesota Department of Public Safety State Fire Marshal Division



Updated July 2022



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Jerry Norman

Date: 7/17/2024

Email address: gnorman@rochestermn.gov

Model Code: 2024 IBC

Telephone number: 507-328-2622

Code or Rule Section: 306.2

Firm/Association affiliation, if any: City of Rochester

Topic of proposal: Occupancy classification

Code or rule section to be changed: IBC Sec 306.2

Intended for Technical Advisory Group ("TAG"):

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

Proposed Language

1. The proposed code change is meant to:

change language contained in the model code book? If so, list section(s).
IBC Section 306.2 Moderate-hazard factory industrial, F-1.

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 ~~strike through~~ words proposed for deletion. Include the entire code (sub) section or rule subpart that contains your proposed changes.

Water/sewer treatment facilities or portions thereof that involves use, processing or storage of materials that constitute a physical or *health hazard* not classified as a group H occupancy

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.
Yes. IBC sec. 903.2.4

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.)

In the previous model code edition (2018 IBC) a water or sewer facility was not listed under any specific occupancy group. This allowed the building official to classify the facility into those groups that were appropriate based on the level of hazard present depending on which stage the water or wastewater was at in the treatment process and the chemicals present. The majority of the steps in the wastewater treatment process does not employ hazardous materials and the process piping and contents are typically non-combustible. Those stages in the process would be more appropriately classified as a low hazard group F-2 occupancy. The F-2 occupancy classification would not require an approved sprinkler system. The F-1 occupancy classification would most likely require a sprinkler system.

2. Why is the proposed code change a reasonable solution?
It reduces cost and allows the building/fire official to utilize their skill and training to determine when sprinkler protection is appropriate and where it is not.
3. What other factors should the TAG consider?
The proposed amendment is in keeping with the intent of MN Statute 326B.101 in providing reasonable safeguards while lowering construction cost:
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.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain and provide estimates if possible.
It will lower the cost as sprinkler protection most likely will not be required "throughout" the facility.
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.
NA

3. If there is a cost increase, who will bear the costs? This can include government units, businesses, and individuals.
NA
4. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
Enforcement cost will decrease as there will be less building area to review/inspect for sprinkler design and installation.
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?
Architects, engineers, code officials.
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.

The only other option that could be done is to revert back to the language of the 2018 IBC and DELETE water/sewer treatment facilities from the list of F-1 occupancies.

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 are a lot of variables that are associated with this mainly the different square footages of the buildings. The installation of sprinklers typically run between \$3 to \$5 per square foot for initial cost. There is also a monthly monitoring cost and an annual testing cost.

4. Are you aware of any federal or state regulation or requirement related to this proposed code change? If so, please list the federal or state regulation or requirement and your assessment of any differences between the proposed code change and the federal regulation or requirement.
No

***Note: The information you provide in this code change proposal form is considered Public Data and used by the TAG to consider your proposed modification to the code. Any code change proposal form submitted to DLI may be reviewed at public TAG meetings and used by department staff and the Office

of Administrative Hearings to justify the need and reasonableness of any proposed rule draft subject to administrative review and is available to the public.

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



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/19/2022, revised 07/24/2024

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 308.2 Institutional group I-1

Code or rule section to be changed: MR 1305

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
MBC 308.2 Institutional Group I-1.

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 ~~strikeout~~ words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

308.2 Institutional Group I-1. This occupancy shall include buildings, structures, or portions thereof for more than 16 persons capable of self-preservation who reside on a 24-hour basis in a supervised environment and receive custodial care services.

Examples of this include the following:

- Alcohol and drug centers
- Assisted living (Condition 2)
- Boarding care homes
- Chemical dependency and Mental health treatment programs – Residential (Condition 2)
- Congregate care facilities
- Convalescent facilities
- Group homes
- Halfway houses
- ~~Housing with services establishment~~
- Patient recovery facilities (transient)
- Residential board and care facilities
- Social rehabilitation facilities
- Supervised living facilities Class A-2 (Condition 1)

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?
 - a. To clarify that all assisted living (not including dementia care) will be classified as Condition 2 because with a population of 16 or more care recipients needing at least custodial care it is highly likely that there will be some residents that require limited assistance.
 - b. “Chemical dependency and Mental health treatment programs” are added as they are included in the care facilities table 302.2.
 - c. “Housing with services” as a facility type has been eliminated from the Minnesota Department of Health licensing list and is no longer defined in Minnesota.
 - d. Transient patient recovery facilities is added for clarification because I-1 occupancies are not specific to transient or non-transient use, and the I-1 occupancy allows for some level of custodial care to be provided in the context of patient recovery, even if the care provider is a relative or guardian. The intent is to capture patient release from hospitals into adjacent “hotel-like” facilities where they are in close proximity to the hospital/outpatient surgical center for easy access to services and potential monitoring but not admitted as patients.
 - e. To clarify that Supervised living facilities Class A are by licensing requirements capable of self preservation and are appropriately classified as Condition 1.
2. Why is the proposed code change a reasonable solution?

It clarifies the existing code language for I-1 occupancies which are intended for some level of non-medical patient care from a non-specific source. The additional criteria for an I-1 occupancy is mandatory sprinkling which adds significantly to the safety of the facility. If some users may need limited assistance with self-preservation, then the Condition 2 is

appropriate. The I-1C2 designation initiates installation of a smoke barrier for greater defend-in-place strategies for those needing assistance with self-preservation.

3. What other considerations should the TAG consider?

The mixed occupancy separated or non-separated use of an existing hotel with separation by floor would allow I-1C1 up to four stories in a sprinkled wood building and I-1C2 up to 3 stories in a sprinkled wood building. R1 could be up to 4 stories.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.

Minor increase in cost. The addition of a smoke barrier for I-1C2 occupancies in residential construction essentially adds the cost of cross-corridor doors with smoke detection. The cost is approximately \$1,500 per story. For a four story building, this amounts to a total added cost of approximately \$6,000.

2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.

The increased cost is offset by the added benefit of building compartmentalization for fire and smoke, increasing in defend-in-place fire survival strategies for the vulnerable.

3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.

No

4. 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? 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?

Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, medical care providers for surgical recovery and outpatient surgery, patients.

2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?

None

3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?

No

4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.

5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Surgical and hospital patients continuing to be released to nearby hotels for recovery with family members providing custodial care in buildings not designed for concentrated numbers of vulnerable people.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/19/2022

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 308.2.4 Institutional group I-1; Five or fewer persons receiving custodial care

Code or rule section to be changed: MR 1305

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
MBC 308.2.4 Institutional Group I-1; Five or fewer persons receiving custodial care.

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 ~~strikeout~~ words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

308.2.4 Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving custodial care within a single-family home, two-family home, or townhome shall be classified as Group R-3.

Exception: A community residential setting as defined by Minnesota Statute 245D.01, with five or fewer persons receiving custodial care within a dwelling unit may be classified as Group IRC-1 if the facility is a single-family home and provided with custodial care physically present within the dwelling unit twenty four hours each day.

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?
To correct a potential code problem that could classify an R-2 apartment as an R-3 occupancy which only allows up to two dwelling units within a building if custodial care is provided within the facility.
2. Why is the proposed code change a reasonable solution?
It merely clarifies the existing code language to enhance uniformity. The interpretation that assisted living is Condition 2 is consistent with Minnesota Department of Health licensing criteria.
3. What other considerations should the TAG consider?
Minnesota Department of Health licensing criteria for assisted living and assisted living with dementia care.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
No cost change.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, long-term care providers of assisted living services, elderly public.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Continued non-uniformity in building code enforcement. Significant conflicts between newly constructed work and licensing requirements for assisted living.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 7/26/2022, revised 07/24/2024

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 308.3 Institutional group I-2

Code or rule section to be changed: MR 1305

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
MBC 308.3 Institutional Group I-2.

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 ~~strikeout~~ words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

308.3 Institutional Group I-2. This occupancy shall include buildings, structures, or portions thereof used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. Examples of this include the following:

Assisted living with dementia care (Condition 1)

Foster care facilities

Detoxification facilities

Hospitals

Nursing Homes

Psychiatric hospitals

Supervised living facilities Class B (Condition 1)

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?

To clarify that all assisted living with dementia care will be classified as Condition 1 because the degenerative nature of dementia diseases ensures that there will be some residents that require more than just limited assistance with self-preservation and the additional safety measures afforded by the I-2 C1 classification provide that level of safety for similar people groups such as nursing homes and foster care facilities.

To clarify that supervised living facilities class B based on the licensing and the self preservation capabilities of the residents, they are to be classified as Condition 1.

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

It clarifies the existing code language regarding occupancy groups and self-preservation capacity to enhance uniformity. The interpretation that assisted living with dementia care is Occupancy Group I-2 Condition 1 is consistent with Minnesota Department of Health licensing criteria. This change to the building code will much more closely align the building code with existing MDH construction requirements for licensing assisted living with dementia care.

3. What other considerations should the TAG consider?

Minnesota Department of Health licensing criteria for assisted living with dementia care.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.

No cost change. This interpretation is already being communicated and is essentially required for licensing by the Minnesota Department of Health.

2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.

N/A

3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.

No

4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, long-term care providers of assisted living services, frail elderly public.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.

5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Continued non-uniformity in building code enforcement. Significant conflicts between newly constructed work and MDH licensing requirements for assisted living with dementia care.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 8/16/2022, revised 07/24/2024

Email address: greg.metz@state.mn.us

Model Code: IBC 2018

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 310.5 Residential Group R-4

Code or rule section to be changed: MR 1305

Intended for Technical Advisory Group ("TAG"): IBC and IBC/IFC Coordination

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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).
IBC Section 310.5 Residential Group R-4

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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

310.5 Residential Group R-4. This occupancy shall include buildings, structures, or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. This group shall include the following:

Alcohol and drug centers

Assisted living (Condition 2) (not assisted living with dementia care)

Boarding care homes

Chemical dependency and Mental health treatment programs – Residential (Condition 2)

Congregate care facilities

Group homes

Halfway houses

~~Housing with services establishment (including those that provide assisted living services)~~

Residential board and care facilities

Residential hospice with 12 or fewer occupants

Social rehabilitation facilities

Supervised living facilities Class A-2 (Condition 1)

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?
 - a. Clarification that assisted living with dementia care is not R-4
 - b. Addition of chemical dependency from care facilities table 302.2.
 - c. Deletion of Housing with services because that licensing type no longer exists.
 - d. Addition of supervised living facilities class A from care facilities table 302.2.
2. Why is the proposed code change a reasonable solution?

The code change clarifies the parameters of the R-4 designation. Some dementia care patients are not capable of self-preservation, even with limited assistance. Since dementia care is degenerative, most dementia care residents will become incapable of self-preservation. The R-4 occupancy requires some capacity for self-preservation.

Additional changes to incorporate the facilities listed in table 302.2.
3. What other considerations should the TAG consider?

Classification of Assisted Living with Dementia Care licensed facilities as Occupancy Classification I-2.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.

There should be no cost change because the additional wording clarifies the condition required for classification rather than introducing a material change.

2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, home owners with care facilities, foster care facilities.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Continued confusion over R-3 occupancy application.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can be considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 8/15/2022

Email address: greg.metz@state.mn.us

Model Code: IBC 2024

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 903.2.8 Group R Sprinkling Scoping –
Exception 3

Code or rule section to be changed: MR 1305

General Information

Yes **No**

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

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).
MBC 903.2.8 Group R, Exception 3
- 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 ~~strikeout~~ words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

903.2.8 Group R. An automatic sprinkler system shall be installed throughout all buildings with a Group R fire area in accordance with Section 903.3.

Exceptions:

~~3. An automatic fire sprinkler system shall not be required if additions or alterations are made to existing Group R-3 or R-4 buildings or a portion thereof that do not have an automatic sprinkler system installed, unless required by a Minnesota license.~~

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?
The current language allows an infinite number of additions to an existing Group R-3 or R-4 building without sprinkling. There are no limits to the size of a Group R-3 building and no limits to the number of guest rooms/ bedrooms. Group R-4 are care facilities for residents receiving custodial care. The language in this section is more specific than the allowable area limits of Table 506.2 which would require sprinkling typically at 12,250 square feet (7000sf x 1.75 increase for frontage). Because the language of this section is more specific, it would allow buildings of any size in Group R4 if the overage is by addition.
2. Why is the proposed code change a reasonable solution?
Because an existing building is defined as one that has a legal building permit. An R-3 or R-4 building constructed last year could be added on to this year, exceed the allowable area requirements and not be required to be sprinkled. The Minnesota Conservation Code for Existing Buildings already creates conditions whereby sprinkling can be avoided with the equivalent of occupancy separations in many cases. It is reasonable to allow Minnesota Rule 1311 to govern these conditions rather than rely on a specific carve-out amendment for R-3 and R-4.
3. What other considerations should the TAG consider?
None.

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
The proposed code will not increase construction costs because the inadvertent condition created by the current amendment has not been leveraged.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, building owners.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.

5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
Any existing R-3 or R-4 building could be expanded to any size without requiring a sprinkler system.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.



CODE CHANGE PROPOSAL FORM

(Must be submitted electronically)

Author/requestor: Greg Metz

Date: 8/15/2022, revised 07/24/2024

Email address: greg.metz@state.mn.us

Model Code: IBC 2024

Telephone number: 651-284-5884

Code or Rule Section:

Firm/Association affiliation, if any: DLI/CCLD

IBC 903.2.8 Group R Sprinkling Scoping

Code or rule section to be changed: MR 1305

General Information

Yes **No**

- A. Is the proposed change unique to the State of Minnesota? Yes No
- B. Is the proposed change required due to climatic conditions of Minnesota? Yes No
- C. Will the proposed change encourage more uniform enforcement? Yes No
- D. Will the proposed change remedy a problem? Yes No
- E. Does the proposal delete a current Minnesota Rule, chapter amendment? Yes No
- F. Would this proposed change be appropriate through the ICC code development process? Yes No

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.
MBC 903.2.8 Group R

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 ~~strikeout~~ words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

903.2.8 Group R. An automatic sprinkler system shall be installed throughout all buildings with a Group R fire area in accordance with Section 903.3.

Exceptions:

2. A Group R-3 ~~dwelling unit~~ with less than 4,500 square feet (418.1 m²) of building area, excluding garages, unless the Group R-3 ~~dwelling unit~~ contains a state-licensed care facility that is required to be provided with an automatic sprinkler system as a condition of the license.
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?
The term dwelling unit is removed for clarity so as to not imply this exception only applies to those R-3 occupancies identified with the 'dwelling unit' terminology in the care facilities table 302.2 and referenced in Section 310.1, but to be applicable all R-3 occupancies.
2. Why is the proposed code change a reasonable solution?
The intent of the current Minnesota amendment is to limit buildings containing an R-3 occupancy to 4,500 square feet without a sprinkler system. The proposed would clarify to apply to all R-3 occupancies.
3. What other considerations should the TAG consider?

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
No
4. 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? 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?
Architects, Engineers, Construction Contractors, Building Officials and Inspectors, Fire Officials, building owners.

2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

The proposed change is the lowest impact option with the potential to produce desired results.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None.
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

***Note: Incomplete forms may be returned to the submitter with instruction to complete the form. Only completed forms can considered by the TAG.

Minnesota Department of Public Safety State Fire Marshal Division

24CCP_75

Fire Code Change Proposal Form

(Submit via email to: fire.code@state.mn.us)

***Please complete all sections. Incomplete forms may be returned for additional information.*

Author/requestor: [Forrest Williams, Supervisor \(SFM\)](#)

Date: [4-30-2024](#)

Email address: forrest.williams@state.mn.us

Telephone number: [651-769-7784](#)

Organization/Association/Agency, if any: [DPS – State Fire Marshal](#)

Code or rule section to be changed (include code or rule title and edition year): [2024 IFC/IBC Section 903.2.6](#)

Is the subject matter of the proposed change also regulated by the Minnesota Building Code?
YES: NO: UNKNOWN:

***If yes, a [building code change proposal](#) must also be completed and submitted to the Minnesota Department of Labor and Industry – Construction Codes and Licensing Division.*

General Information

Yes No

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

Proposed Language

1. The proposed code change is meant to:

- Change language contained the model code book? If so, list section(s).



Minnesota Department of Public Safety State Fire Marshal Division

2024 IFC/IBC Section 903.2.6

- 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 words proposed to be deleted. Include the entire code (sub) section or rule subpart that contains your proposed changes.

903.2.6 Group I.

An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

Exceptions:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1, Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior *exit door*.
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge*, including the level of exit discharge, and all floors below the *level of exit discharge* other than areas classified as an open parking garage.



Updated July 2022

Minnesota Department of Public Safety State Fire Marshal Division

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?
This proposed change is a clarification due to an apparent oversight in the existing language. The obvious intent of this section is for the floor level containing the Group I-4 day care occupancy, and all floor levels below including the level of exit discharge (LED), to be sprinkler-protected. However, the paragraph as written can be interpreted to exclude the level of exit discharge from sprinkler protection, as the phrase "...all floors *between* the level of care and the level of exit discharge" appears to exclude the LED, as the LED is not a 'between' level in this context. However, it's illogical for all floor levels below the level containing the I-4 occupancy to be sprinklered except for the LED, as the LED is the story providing access to the building's exit discharges. A fire occurring on a non-sprinklered LED would then have the potential to obstruct egress from all upper floor levels.
2. Why is the proposed code change a reasonable solution?
This change is reasonable because it simply clarifies intent, eliminates the potential for misapplication that could result in a life-safety hazard, and makes no substantive changes.
3. Is there additional data or information that should be considered?
No

Cost/Benefit Analysis

1. Will the proposed code change increase or decrease costs? Please explain.
No change in costs – clarification only.
2. If there is an increased cost, will this cost be offset by a safety or other benefit? Please explain.
N/A
3. Are there any enforcement or compliance cost increases or decreases with the proposed code change? Please explain.
None
4. 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? 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



Minnesota Department of Public Safety State Fire Marshal Division

Regulatory Analysis

1. What parties or segments of industry are affected by this proposed code change?
Fire and building code officials, design professionals, construction industries, property owners and operators.
2. What are the probable costs to the agency and to any other State agencies of implementing and enforcing of the proposed rule? Is there an anticipated effect on state revenues?
None
3. Are there less costly intrusive methods for achieving the purpose of the proposed rule?
No
4. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
No. Seeking a change via the model code process is not practical as it would take at least 6 years before that change could be adopted under MN Rules.
5. What are the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals?
None
6. What are the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals?
The consequences of not adopting the proposed rule is the potential for misapplication and misinterpretation of this section by design professionals and code officials, which could allow for a design that poses a fire and life-safety hazard to building occupants.
7. Are you aware of any federal regulation or federal requirement related to this proposed code change? If so, please list the federal regulation or requirement and your assessment of any differences between the proposed rule and the federal regulation or requirement.
No
8. Please include an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.
N/A

***Please complete all sections. Incomplete forms may be returned for additional information.*



Updated July 2022