Minnesota Overlay and Guide to the 2020 Enterprise Green Communities Criteria™

April 2022

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Chapter 1 – Overview

Minnesota Housing formally adopted a sustainable housing policy in February 2007 as follows: "Minnesota Housing encourages sustainable, healthy housing that optimizes the use of cost effective durable building materials and systems and that minimizes the consumption of natural resources both during construction or rehabilitation and in the long term maintenance and operation. We encourage optimizing the use of renewable resources and energy, minimizing damages and impact to the environment, and maximizing the use of natural amenities such as solar, wind, climate, and orientation of the development."

In Minnesota Housing's 2020-2022 Strategic Plan, sustainable housing that utilizes both energy efficiency and clean energy solutions is outlined as a key strategic priority. Sustainable housing "plays a key role in mitigating climate change, improving Minnesota's environment, reducing utility bills for residents, and providing a healthier place to live." As such, Minnesota Housing is actively working to promote the development and rehabilitation of sustainable and resilient homes.

This policy and strategic priority are actualized through application of the Enterprise Green Communities Criteria (EGCC) developed by Enterprise Community Partners, Inc. and adapted to meet Minnesotan's needs and conditions through this Minnesota Overlay and Guide to the 2020 Enterprise Green Communities Criteria (MN Overlay and Guide). EGCC was selected as the basis for Minnesota Housing's sustainable housing policy primarily due to influence from its funding partners and to it being the only national green building program focused entirely on affordable housing at the time. Since adoption, Minnesota Housing has invested time and resources adapting EGCC to meet the needs of Minnesotans via the MN Overlay and Guide. Minnesota Housing's experience developing tens of thousands of units of housing that are affordable continues to inform its decisions and implement changes as the industry of sustainable housing evolves.

Unless specifically noted otherwise, all projects receiving a Housing Tax Credit (HTC) allocation or other capital improvement funding from Minnesota Housing must meet all requirements of the 2020 Enterprise Green Communities Criteria (EGCC) as amended by this MN Overlay and Guide.

This MN Overlay and Guide is subject to periodic revisions and updates. The last revised date is posted on the cover page of this document.

EGCC is also subject to periodic revisions and updates. Development teams should verify they are working with the most current version of Enterprise's documents adopted by Minnesota Housing including, but not limited to, criteria, addendums, workbooks, etc. Find the latest versions of 2020 EGCC and clarifications at the Enterprise Green Communities website.

Upon approval by Minnesota Housing, if a newer version of this document is released after the initial selection of financing for a project, the development team may use the EGCC version and MN Overlay and Guide version current at the time of selection.

The 2020 version of EGCC is first adopted for use in this 2022 version of the MN Overlay and Guide.

Chapter 2 – Project and Rehabilitation Type

2.01 Definitions of Project Type as set by Funding Source

Multifamily (MF) is defined as any project or Dwelling Unit (DU) where the occupant(s) are renters and do not own the property. Multifamily projects may include single family homes, duplexes, townhomes, buildings with elevators, multi-storied buildings, etc., and are generally administered by Minnesota Housing's Multifamily division. Contact Minnesota Housing's staff architects for clarifications, if needed.

Single Family (SF) is defined as single family homes, duplexes and townhomes where the occupant owns the dwelling and the project is administered through Minnesota Housing's Single Family division.

2.02 Definitions of Rehabilitation (Rehab) Type

Substantial Rehabilitation (or "Gut" Rehab) is defined as a project:

1. That includes the replacement and/or improvements of at least two major systems of the building, including its envelope. Major building systems include roof structures, wall or floor structures, foundations, plumbing, heating ventilating and air conditioning (HVAC) and electrical systems. The building envelope is defined as the air barrier and thermal barrier separating exterior from interior space.
2. Or, where the Work Area exceeds 50% of the Aggregate Area of the building per the 2015 Minnesota Conservation Code for Existing Buildings, Section 505 Level 3 Alteration.

Moderate Rehabilitation is defined as a project:

1. That does not fall into Substantial Rehabilitation.
2. Or, where the work is limited to the 2015 Minnesota Conservation Code for Existing Buildings definition of Section 502 Repairs, Section 503 Level 1 Alteration or Section 504 Level 2 Alteration.

Limited Scope Rehabilitation status may be considered by Minnesota Housing based upon the cost, funding source, number of DUs, number of stories, or other reasons.

Minnesota Housing will have sole discretion in determining and approving Substantial Rehabilitation, Moderate Rehabilitation, or Limited Scope Rehabilitation. All projects must be considered Substantial Rehabilitation or Moderate Rehabilitation at the time of application. Limited Scope Rehabilitation status may only be considered after funding is awarded.

Adaptive Reuse refers to the process of reusing an existing building for a purpose other than which it was originally built or designed for.

For the purpose of complying with this overlay, all Adaptive Reuse projects must follow either Substantial Rehabilitation or Moderate Rehabilitation Mandatory/selected Optional points criteria requirements. New improvement work as part of an Adaptive Reuse project must follow Minnesota Housing's *Rental Housing Design/Construction Standards (RHD/CS),* Chapter 2 – General Occupancy New Construction Minimum Standards requirements. The RHD/CS can be found on the Minnesota Housing Building Standards webpage. Adaptive Reuse projects are not considered new construction projects.

Additions and New Construction as Part of a Rehabilitation (Rehab) Project
If an existing development on one contiguous site includes rehab and a new addition or detached new building, the project need only submit one Intended Methods Worksheet. All applicable new construction, substantial rehab, and moderate mandatory criteria requirements must be included for applicable areas.

Total optional points must only meet the rehab optional point threshold of 35.

New Construction Mandatory Location + Neighborhood Fabric Criteria 2.2, 2.3, 2.5, and 2.6 are not required.

Additions with dwelling units and with the following conditions must meet new construction requirements:

1. Includes its own self-supporting HVAC system, and
2. Includes its own envelope that can be separated from the existing portion of the building.

For developments with new common area detached buildings that are part of a rehab project, the new building must meet building energy performance standards with submittals by an energy rater or professional engineer as follows:

1. Provide an energy model showing performance 15% better than current building code or equal to the ENERGY STAR Energy Rating Index (ERI) Target for single family homes or multifamily new construction. The least restrictive of the 15% approach or ERI Target may be used.
2. Include an as-designed energy model, field testing, blower door, and as-built energy model at post-construction.
3. Follow the ENERGY STAR Prescriptive approach and the field verification that goes with it.
4. Or, if approved by Minnesota Housing, a hybrid approach with some level of air leakage testing and HVAC efficiency standards outlined in the Prescriptive Pathway of this overlay for Criteria 5.1b may be used.

All new addition work must follow Minnesota Housing's *Rental Housing Design/Construction Standards (RHD/CS),* Chapter 2 – General Occupancy New Construction Minimum Standards requirements. The RHD/CS can be found on the Minnesota Housing Building Standards webpage.

Chapter 3 – Acronyms and Abbreviations

AFUE	Annual Fuel Utilization Efficiency
COP	Coefficient of Performance
DU	Dwelling Unit
PaEER	Energy Efficiency Ratio
EF	Energy Factor
EGCC	Enterprise Green Communities Criteria (2020 version unless noted otherwise)
HSPF	Heating Seasonal Performance Factor
HTC	Housing Tax Credits
HVAC	Heating, Ventilating, and Air Conditioning
Impact Fund	Minnesota Housing's Single Family Community Homeownership Impact Fund
MF	Multifamily
MN Overlay	Minnesota Overlay to the Enterprise Green Communities Criteria
Mod	Moderate
NSP	Neighborhood Stabilization Program (Single Family)
Rehab	Rehabilitation
RLP	Rehabilitation Loan Program (Single Family)
SF	Single Family
SEER	Seasonal Energy Efficiency Ratio
Sub	Substantial
tCO2e	Metric tons of carbon dioxide equivalent
UEF	Uniform Energy Factor

Chapter 4 – Certification Programs and Enhanced Sustainability

4.01 Enterprise Green Communities Criteria

Enterprise Green Communities Criteria (EGCC) certification is **not required** for projects receiving Housing Tax Credits (HTC) or other Minnesota Housing funding.

If the development team is required by others to certify their project or if the team voluntarily decides to pursue EGCC certification, Minnesota Housing must be notified in writing of this intent.

All Multifamily funded projects must meet required Mandatory criteria and minimum Optional points criteria based upon construction type:

1. New Construction (NC) = 40 Optional points.
2. Substantial/ Moderate/ Gut Rehab (aka Rehab) and Adaptive Reuse (AR) = 35 Optional points.

4.02 Multifamily Enhanced Sustainability

Through our annual Consolidated Request for Proposals (RFP) process, the Multifamily Housing Tax Credit and Deferred Projects Self-Scoring Worksheet offers selection points for projects with Enhanced Sustainability. To receive these selection points, applicants must meet the following requirements:

Building Characteristics – Enhanced Sustainability Requirements

1. Applicants can select Tier 1, Tier 2, Tier 3 individually; or a combination of Tier 1 and 3 or Tier 2 and 3 for selection points as follows for a maximum of 5 selection points.
    a. Tier 1 = 1 Selection Point (Tier 2 not eligible if selecting Tier 1)
    b. Tier 2 = 2 Selection Points (Tier 1 not eligible if selecting Tier 2
    c. Tier 3 = 3 Selection Points
    d. Tier 1 + Tier 3 = 4 Selection Points
    e. Tier 2 + Tier 3 = 5 Selection Points
2. Enhanced Sustainability Tier Requirements
    a. **Tier 1**: Project includes at least two times the minimum number of Optional points criteria (New Construction = 40 x 2 = 80. Rehabilitation and Adaptive Reuse = 35 x 2 = 70) in addition to required Mandatory criteria.
    b. **Tier 2**: 2 Project includes at three times the minimum Optional criteria (New Construction = 40 x 3 = 120. Rehabilitation and Adaptive Reuse = 35 x 3 = 105) in addition to required Mandatory criteria.
    c. **Tier 3**: Project conforms to at least one of the following alternative building Performance Pathways:

i. Pathway 1. Minnesota B3 Sustainable Buildings 2030 (SB 2030) Standard (applicable to New Construction and Rehabilitation).

1. Compliance with SB 2030 Standard is achieved by a combination of on-site renewable energy generation and energy efficiency. Projects meeting SB 2030 are evaluated for compliance during design, during construction, and for a period of 10 years of occupancy. Compliance will be monitored through the B3-MSBG Tracking Tool.

ii. Pathway 2. 2020 EGCC Certification Plus Standards (New Construction Only):

1. Criteria 5.2b Near Zero Certification

a. Certify the project through Department of Energy (DOE) Zero Energy Ready Home (ZERH), Passive House Institute (PHI) Classic, or Passive House Institute US (PHIUS).

2. Criteria 5.4 Zero Energy

a. Criteria Requirements Option 1. Certify through DOE ZERH.

b. Criteria Requirements Option 2. Certify through PHIUS+ Source Zero, PHI Plus, PHI Premium, International Living Future Institute's Zero Energy Petal, Zero Carbon Petal, or Living Building Challenge.

iii. Pathway 3. 2020 EGCC/ MN Overlay to Criteria 5.1b Performance pathway.

1. Follow the Performance Pathway per this MN Overlay to Criteria 5.1b

3. Other Enhanced Sustainability Requirements and Information

a. Additional Information for all Tiers

i. If claiming and receiving Enhanced Sustainability selection points, EGCC certification is not required. However, certification through applicable program is required under Tier 3 Pathways 1 and 2.

ii. Compliance with all tiers will be demonstrated through the Multifamily Intended Methods Worksheet (MF IMW). All "How Will Criteria Be Implemented" (HWCBI) columns for Mandatory criteria and Optional points criteria must be completed to clearly explain how the project will meet selected Tier requirements.

iii. If optional criteria points are not awarded/ validated at application review, thus resulting in omission or reduction of Enhanced Sustainability selection points, required optional criteria points shall be the minimum threshold based upon selection points validated or the minimum

threshold of 30 for rehab or 35 for new construction, whichever is greater.

b. Additional Information for Tiers 1 and 2

   i. At application, the Multifamily Intended Methods Worksheet (MF IMW) must reconcile with the point total requirements claimed for Tier 1 or Tier 2.

   ii. For compliance with Optional points criteria totals under Tier 1 and Tier 2, it is acceptable to revise Optional points criteria selections after application, however the minimum threshold for each tier must be satisfied at loan commitment/ loan closing and at time of construction close-out submittals.

c. Additional Information for Tier 3

   i. The MF IMW must reconcile with requirements of Tier 3 if claimed.

   ii. The Pathway selected at application under Tier 3 may be changed to another pathway within Tier 3.

   iii. If claiming Tier 3 Pathway 1 or 2, proof of certification through B3, DOE ZERH, PHI, PHIUS, etc. is not required at application.

   iv. If claiming and receiving selection points for Tier 3, Pathway 1 or 2, Mandatory Criteria 5.1a (ENERGY STAR Multifamily New Construction) is not required.

   v. If claiming Tier 3, Pathway 3, a HERS model is not required at application. If the project is selected for funding, registration, proof of certification, and/ or a HERS model will be required before loan commitment/ closing and at construction close-out. Refer to the criteria and this Overlay for other applicable requirements.

Chapter 5 – How to Use This Document

This MN Overlay and Guide applies to all Multifamily (MF) and Single Family (SF) New Construction, Substantial/Gut Rehab, and Moderate Rehab projects requesting and receiving Minnesota Housing financing. It is designed to be used in conjunction with the 2020 Enterprise Green Communities Criteria. The items listed in this MN Overlay modify or replace the corresponding item in the 2020 EGCC.

The 2020 EGCC and this MN Overlay are applied in different ways.

1. The EGCC is applied based on the structure type (Single Family, Low-rise Multifamily, and Mid/High-rise Multifamily).
2. It is also based on Minnesota Housing's definition of MF and SF funded projects.
    a. **Multifamily funded projects** must meet the requirements outlined in **Chapter 6** of this MN Overlay.
    b. **Single Family funded projects** must meet the requirements outlined in **Chapter 7** of this MN Overlay.

Chapter 6 – Multifamily Funded Project Requirements

6.01 Multifamily Minimum Criteria

Mandatory criteria and Optional (points) criteria are required for Minnesota Housing funded MF projects must be per Table 6.01.

Table 6.01 Mandatory and Optional Criteria

Construction Type	Required Mandatory Criteria	Required Optional (points) Criteria	Certification
MF New Construction	Yes	Yes, at least 40	EGCC not required[4]
MF Substantial Rehab	Yes [1,2]	Yes, at least 35	EGCC not required
MF Moderate Rehab	Yes [1,2]	Yes, at least 35	EGCC not required
MF Adaptive Reuse	Yes [1,2,3]	Yes, at least 35	EGCC not required
Rehab with an addition or new detached building	Yes[1,2,5]	Yes at least 35	EGCC not required

Table 6.01 Footnotes:

1. Any improvements made at the time of construction are required to comply with the corresponding Mandatory criteria, except when the criteria specifically denote "New Construction only." For example, compliance is required for new finishes, replacement of equipment, building components, mechanical systems, electrical systems, assembly of components, and other if replacement is in the project's scope of work.
2. Existing equipment, plumbing fixtures, and/or appliances that remain (not improved) are exempt from meeting New Construction requirements.
3. Adaptive Reuse projects must follow either Substantial Rehab or Moderate Rehab Mandatory and selected Optional criteria requirements.
4. If claiming and receiving enhanced sustainability RFP selection points Tier 3, Pathway 2 certification under applicable program is required.
5. New Construction Mandatory *Location + Neighborhood Fabric* Criteria 2.2, 2.3, 2.5, and 2.6 are not required.

6.02 Multifamily Minimum Mandatory Criteria for MF Rehab Projects

Not all Mandatory criteria are required for MF Moderate Rehab projects. Mandatory criteria for MF Rehab projects are embedded within the applicable MN Overlay criteria/ EGCC criteria.

6.03 Multifamily Submittals and Documentation

Submittals and documentation for MF projects must be in conformance with Table 6.03. All items indicated as "Yes" must be submitted to Minnesota Housing at the Initial Application, Loan Commitment/Closing, and/or at End of Construction as indicated.

Table 6.03 Multifamily Submittals and Documentation

Documentation Requirement	Initial Application	Loan Commitment / Closing	End of Construction
Intended Methods Worksheet in an electronic Excel or PDF format must be submitted for all projects	Yes	Yes	Yes
Minnesota Housing Waiver Request form	Yes[1]		
Criteria 5.1a and 5.1b: ENERGY STAR Performance or Prescriptive Method Energy Goals; Energy Model; or letter explaining compliance with Prescriptive Method.		Yes[2]	
Criteria 5.1a and 5.1b: ENERGY STAR Certificate; Post-build Energy Report.			Yes[2]
Enhanced Sustainability – Tier 3 Program Certification		Yes	Yes

Table 6.03 Footnotes:

1. Only required if applicable.
2. Refer to performance or prescriptive path within Criteria 5.1b for applicable energy performance.

6.04 Multifamily Intended Methods Worksheet Instructions

For the **Initial Application Phase**, all MF developments seeking funding from Minnesota Housing must download the current Multifamily Intended Methods Worksheet (MF IMW) that can be found on the Minnesota Housing Building Standards webpage and complete as follows:

1. Provide project information (Project Name, Location, etc.).
2. Indicate the "Application" Submittal Phase on the top right of the first page of the MF IMW.
3. Indicate "Construction Type." For additions or new buildings part of a rehab project, indicate all applicable construction types.
4. Indicate "Yes" or "No" for "Rural/ Tribal/ or Small Town". Refer to Appendix A of the 2020 EGCC for criteria to classify as a Rural/ Tribal/ or Small Town.
5. For each criterion, check either "Yes," "No," "Not Applicable" (N/A), or "Waiver Request" (WR) under the "Intent to Comply" (Column D). All applicable Mandatory criteria must be included.

6. For each Optional criterion selected, indicate the number of Optional points under the "Selected Optional Points" (OP) (Column D).
7. For each applicable and selected criterion, provide an explanation under the *"How Will Criteria Be Implemented? And where in the plans, specifications, or other place will compliance be compliance documented?"* (Column E).
8. If a waiver is being requested, it must be included on a separate Minnesota Housing Waiver Request form available on the Minnesota Housing Building Standards webpage.
9. The borrower/developer/owner and the architect of record/borrower's architect must sign and date the "Intent to Comply Certification – Initial Application Phase."

For the **Loan Commitment/Loan Closing Phase**, all MF developments must:

1. Indicate the "Loan Commitment/Loan Closing" Submittal Phase on the top right of the first page.
2. Update the "Date Last Updated."
3. Update, revise, and correct changes based upon the final Minnesota Housing approved set of construction documents and construction contract.
4. The borrower/developer/owner, architect of record/borrower's architect, and general contractor must sign and date the "Contract Document Compliance Certification – Loan Commitment/Closing Phase."

For the **End of Construction/Construction Close-out phase**, all MF developments must:

1. Indicate the "End of Construction/Construction Close-out" Submittal Phase on the top right of the first page.
2. Update the "Date Last Updated."
3. Update, revise, and correct any as-built changes.
4. The borrower/developer/owner, architect of record/borrower's architect, and general contractor must sign and date the "Compliance Certification – End of Construction/Construction Close-out Phase."
5. Attach post-construction energy models or Enhanced Sustainability – Tier 3 Program Certification if applicable.

For each submittal phase, save the Intended Methods Worksheet as a PDF and upload to the Minnesota Housing Multifamily Customer Portal and relevant checklist.

6.05 Multifamily Enhanced Sustainability

Projects claiming Enhanced Sustainability selection points through the Consolidated RFP Multifamily Housing Tax Credit Self-Scoring Worksheet and Deferred Loan Priority Checklist, must clearly indicate and reconcile applicable Optional points on the Intended Methods

Worksheet (IMW). Failure to do so at Application may result in selection points being reduced or denied. If selection points are awarded for Enhanced Sustainability, the project must incorporate the required number of Optional points criteria through and until construction completion.

6.06 Multifamily Overlay to Criteria

The following revisions, additions, and/or clarifications to the 2020 EGCC must be applied to Minnesota Housing funded projects including those receiving Housing Tax Credits (HTC) only allocations:

Category 1: Integrative Design

Criteria 1.1: Integrative Design: Project Priorities Survey

(Optional for all/ 2 points)

REVISE: The Mandatory requirement to read as Optional. (2) Optional points are available for all project types.

REQUIREMENTS
To receive these Optional points criteria, submit to Minnesota Housing a Project Priority Survey. This survey is available as a downloadable, editable, PDF document available on the Minnesota Housing Building Standards webpage.

Criteria 1.4: Integrative Design: Construction Management

(Mandatory)

DELETE: The REQUIREMENTS in their entirety and replace with the following:

REQUIREMENTS
Conduct a pre-construction meeting with all subcontractors whose work is critical to meeting the sustainability requirement in attendance.

The agenda must include the following:

1. Clear statement of Minnesota Housing's Sustainability Policy, including the applicable year of the MN Overlay and Enterprise Green Communities Criteria (EGCC).
2. Discussion and explanation of requirements for all Mandatory criteria and selected Optional points criteria. Circulate to all in attendance a copy of the most current approved Intended Methods Worksheet.
3. A detailed discussion of Building Performance requirements for compliance with Criteria 5.1a and 5.1B. Explain field verification requirements, timelines, and any coordination required by the HERS Rater, field tester, professional engineer, etc.

Although not required, the energy consultant (HERS Rater or professional engineer) is encouraged to be in attendance.

4. Discuss air sealing requirements.
5. Discuss, list, and tentatively schedule any training, education, field mock-ups, inspections, etc. required to properly complete all sustainable requirements

The meeting must be memorialized with minutes by the architect of record, general contractor, owner/ developer, or other qualified entity in attendance. Include a sign-in sheet or clearly list who was in attendance. Include date, time, and location of the meeting. Minnesota Housing must be copied on the final, approved minutes.

Category 2: Location + Neighborhood Fabric

Criteria 2.1: Sensitive Site Protection
(Mandatory)

REVISE: REQUIREMENTS

Number 2. Conserve and protect aquatic ecosystems. New Construction.

Omit reference to "Do not Build within 100 feet of any of the wetland or deep-water habitats identified in the Ecological Resource Protection Zone (ERPZ)". Setbacks from wetland or deep-water habitats must be per state regulations and local/ regional watershed requirements, ordinances, etc.

Criteria 2.6: Preservation of and Access to Open Space
(Mandatory for New Construction Rural/ Tribal/ Small Town)

ADD: An exception to REQUIREMENTS

Exception: New construction projects on a property zoned for "Zero Lot Line" setbacks are not required to meet these criteria if they cannot comply with either Requirements Option 1 or Option 2.

Criteria 2.8: Access to Transit
(Optional for all/ 2, 6, or 8 points based upon construction type)

REVISE: To be Optional for all project types.

REVISE: The "New Construction not in Rural/ Tribal/ Small Town Locations" REQUIREMENTS to read:

Optional (changed from Mandatory): Locate projects within a 0.5-mile walk distance of public transit services (bus, rail, and/or ferry) that combined constitute at least 45 or more transit rides per weekday and include some type of weekend service [2 points]

Optional: Locate the project along dedicated bike trails or lanes (Class I, II, IV) that lead to high-quality transit services (100 or more trips per day) within 3 miles. [2 points]

CLARIFICATION: The revisions noted above omit Mandatory requirements for this criterion and allows up to 4 optional points under "New Construction not in Rural/ Tribal/ Small Town Locations"

Criteria 2.9: Improving Connectivity to the Community
(Optional for all/ 3 points max)

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS
Improve access to community amenities by incentivizing bike mobility by selecting one or both of the following strategies:

- Provide outdoor bicycle racks that are accessible for visitors and residents. *[1 point]*
- Provide secure, lockable, sheltered, and accessible bicycle storage. Provide at least one bicycle parking space for every residential unit. Post signage directing residents to bicycle parking areas. *[2 points]*

NOTE: Owner provided bicycles, equipment, share programs/ services, memberships, transportation passes, etc. are omitted and not eligible for points under these criteria.

Criteria 2.10: Passive Solar Heating/ Cooling
(Optional for all/ 5 points max)

DELETE: All REQUIREMENTS and replace as follows:

REQUIREMENTS
Design and build project with passive solar design, orientation, and shading that meets the following guidelines. **NOTE:** Potential points are divided into orientation and glazing/ shading.

Project Type	Potential Points	Requirements
New Construction Stand-alone building	2 3 5	Meets only Building Orientation guidelines Meets only Glazing and Shading guidelines Meets all guidelines
New Construction Projects with multiple buildings	2 3 5	100% of the dwelling units meet Building Orientation 100% of the dwelling units meet Glazing and Shading guidelines

Project Type	Potential Points	Requirements
		100% of the dwelling units meet all guidelines
Rehabs Moderate or Substantial	3 2	All new windows must comply with the glazing type guidelines, by Climate Zone All south-facing elevations must comply with shading guideline by Climate Zone

Criteria 2.15a: Access to Broadband: Broadband Ready
(Mandatory for all)

DELETE: All REQUIREMENTS and replace with modified text as follows:

REQUIREMENTS
Broadband must be provided per Minnesota Housing's Rental Housing Design/ Construction Standards.

Criteria 2.15b: Access to Broadband: Connectivity
(Mandatory for all)

DELETE: REQUIREMENTS and replace with modified text as follows:

REQUIREMENTS
Broadband must be provided per Minnesota Housing's Rental Housing Design/ Construction Standards.

Criteria 2.16a: Electric Vehicle Charging Ready – NEW CRITERIA VIA MN OVERLAY
(Optional for all/ 2 points)
(Only one criterion, 2.16a or 2.16b, can be claimed, not both)

REQUIREMENTS
For projects that include new or renovated parking areas as part of the project, provide Electric Vehicle Supply Equipment (EVSE) infrastructure to permit future electric vehicle charge stations based on the number of parking spaces.

To receive (2) Optional points, provide EVSE infrastructure as follows:

- If the project includes 2 to 5 parking spaces, EVSE infrastructure must be provided for at least 1 space.
- If the project includes 6 to 49 parking spaces, EVSE infrastructure must be provided for at least 20% of the parking spaces.
- If the project includes 50 or more parking spaces, EVSE infrastructure must be provided for 10 spaces plus additional spaces equal to 10% of the number spaces

over 50. EVSE infrastructure shall be sufficient to support "Level 2" or higher charging technology.

EVSE infrastructure shall consist of:

- Dedicated space for future electrical distribution equipment to support EVSE.
- Raceway (conduit) or equivalent distribution capacity of at least 1 inch in diameter, connecting each future EVSE parking space.

EVSE parking space to dedicated electrical distribution location.

- Accessible parking spaces should be given consideration when determining access to charging equipment.
- One DC-fast charging EVSE (including full installation of the equipment) can be used in place of five Level 2 EVSE-ready spaces. If used to replace Level 2 EVSE spaces, this DC-fast charging option should be installed at visitor or non-resident designated parking areas, if such areas are included in the project.

Criteria 2.16b: Electric Vehicle Charging – NEW CRITERIA VIA MN OVERLAY

(Optional for all/ 4 points)
(Only one criterion, 2.16a or 2.16b can be claimed, not both)

REQUIREMENTS
For projects that include new or renovated parking areas as part of the project, provide Electric Vehicle Charge Stations (EVCS) based on the number of parking spaces. To receive (4) Optional points, provide EVCS as follows:

- If the project includes 2 to 5 parking spaces, EVCS must be provided for at least one space.
- If the project includes 6- to 49 parking spaces, EVCS must be provided for at least 20% of the parking spaces.
- If the project includes 50 or more parking spaces, EVCS must be provided for 10 spaces plus additional spaces equal to 10% of the number of long-term spaces above of 50. ECCS must be comprised of "Level 2" or higher charging technology.
- Accessible parking spaces should be given consideration when determining access to charging equipment.
- Full installation of one DC-fast charging EVCS can be used in place of five Level 2 EVCS. If used to replace Level 2 EVCS, this DC-fast charging option should be installed in visitor or non-resident designated parking areas, if such areas are included in the project.

Category 3: Site Improvements

Criteria 3.1: Environmental Remediation

(Mandatory for all projects)

DELETE: All REQUIREMENTS and replace with modified text as follows:

REQUIREMENTS
All Multifamily projects must follow Minnesota Housing's Multifamily (MF) Environmental Standards.

Criteria 3.4: Surface Stormwater Management
(Mandatory for all where applicable)

REVISE: The REQUIREMENTS to read as follows:
Surface Stormwater Management shall be required per local/ regional watershed district requirements or other municipality ordinances/ requirements. If there are no such requirements, follow the criteria requirements as written in the 2020 Enterprise Green Communities Criteria.

Category 4: Water Conservation

Criteria 4.1: Water Conserving Fixtures
(Mandatory for New Construction and Substantial Rehab/Gut Rehab)
(Mandatory for Moderate Rehab for new plumbing fixtures included in work scope)

REVISE: The REQUIREMENTS to allow two pathways for compliance.

1. Performance Pathway: 20% reduction per criteria
2. Prescriptive Pathway (WaterSense-labeled recommended but not required):
    a. All Toilets = 1.28 gpf or less, including dual-flush toilets and pressure-assist toilets
    b. All Urinals = 0.5 gpf or less
    c. All Showerheads = 2.0 gpm or less
    d. All Kitchen Faucets = 2.0 gpm or less
    e. All Lavatory Faucets = 1.5 gpm or less

CLARIFICATION: The REQUIREMENTS for water supply pressure shall include the following: Water supply pressure may exceed 60 psi if a Minnesota licensed professional engineer using accepted engineering practice determines a larger pressure is needed to ensure overall plumbing system performance.

Criteria 4.3: Water Quality
(Mandatory for Substantial and Gut Rehab built before 1986 only)
(Moderate Rehab Optional 5 points)

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS
Test water from dwelling unit faucets for water quality and remediate as indicated below. For testing bottles and instructions, contact an EPA approved lab. Find certified labs near you via MDH Environmental Laboratory Accreditation Program or by calling the Safe Drinking Water Hotline at 1.800.426.4791 for the address and phone number of your state laboratory certification officer to find labs near you.

- Test water from the primary drinking water faucet of each dwelling unit for the presence of lead. If any results are over 0 ppb, install NSF/ANSI 58 or NSF/ANSI 53 filters in all units and replace these over time per manufacturer's instructions. Results must be submitted and will be reviewed by Minnesota Housing staff.
- If lead faucet testing produces any results above 10 ppb, Minnesota Housing may require additional remediation such as, but not limited to, replacing lead service lines and replacing all fixtures with NSF 61 certified fixtures. If required, provide a remediation plan per applicable state or federal requirements and submit the plan to Minnesota Housing for approval.

Criteria 4.7: Access to Potable Water during Emergencies

OMIT: This criterion in its entirety.
Minnesota Housing will not accept this criterion for Optional points.

Category 5: Energy Efficiency

General Notes applicable to Multifamily Criteria 5.1a and b

It is acceptable to use one pathway for the Initial Application Phase and switch to another pathway after funds are awarded. In that event, the work scope must be re-evaluated and redefined based upon the recommendations and findings of the pathway used. Changes in scope are subject to approval by Minnesota Housing.

Criteria 5.1a: Building Performance Standards

(Mandatory for all new construction) (No Optional points available)

REVISE REQUIREMENTS: Add the following ENERGY STAR (ES) certification exception:

ENERGY STAR Certification is not required.
However, compliance with ENERGY STAR requirements is required and must be demonstrated to Minnesota Housing by submitting:

1. An "as-designed" energy model (with description of systems and assemblies reconciled with the contract documents) before loan commitment/ loan closing.
2. An "as-built" energy model post construction.

Minnesota Housing reserves the right to request and receive additional information, including but not limited to, Rater Design Review Checklist, Rater Field Checklist, HVAC Design Report, ENERGY STAR Multifamily Workbook, HVAC Functional Testing Checklist, ASHRAE Path Calculator, Model Input/ Output Reports or Model Files, Photo Documentation, or any other verification materials.

CLARIFICATION: Projects following "Criteria 5.2b Moving to Zero Energy: Near Zero Certification" or other Enhanced Sustainability Tier 3, Pathway 1 or 2 certifications are exempt from and not required to show compliance with Criteria 5.1a.

ADD: to REQUIREMENTS

Projects required to follow SB2030 by other funders/ funding sources or for Enhanced Sustainability Tier 3, Pathway 1 must provide a "Phase Summary Report" from the Center for Sustainable Building Research (CSBR) to confirm compliance prior to loan closing/ loan commitment.

ADD: to the RESOURCES the following:

Functional Testing Agent Directory | About ENERGY STAR | ENERGY STAR
ASHRAE Path Energy Modeler Directory | About ENERGY STAR | ENERGY STAR

Criteria 5.1b: Building Performance Standard

CLARIFICATION: Development teams are encouraged to complete a walk-through audit when developing application budgets in order make sure required energy efficiency, ventilation, and combustion safety requirements can meet criteria requirements.

REVISE: to include the following two pathways and allowing Optional points:

Prescriptive Pathway
(Mandatory for Substantial Rehab, Moderate Rehab, and Adaptive Reuse projects)

Performance Pathway
(Mandatory if receiving Tier 3, Pathway 3 Enhanced Sustainability RFP selection points)
(Optional points for Substantial Rehab, Moderate Rehab, and Adaptive Reuse projects/ 7 points)

Alternative Pathway
(Alternate Mandatory for Substantial Rehab, Moderate Rehab, and Adaptive Reuse projects)

With prior approval from Minnesota Housing, and at Minnesota Housing's sole discretion, an energy audit, like Xcel Energy's Energy Design Assistance (EDA) program, may be considered in lieu of the Prescriptive Pathway or Performance Pathway. The energy audit must include pre-construction field verification, energy modeling, as-designed report, and final as-built report, etc. If approved, the selected bundle must reconcile with the final approved drawings and specifications.

Energy Use and Building Emissions Intensity (EU&BEI)
(Optional 5 points, available for projects following any pathway)
(Max total Optional points if following the Prescriptive Pathway is EU&BEI 5 points)
(Max total Optional points if receiving Performance Pathway Optional 7 points + EU&BEI 5 points = 12)

MODIFY: REQUIREMENTS to provide Prescriptive Pathway, Performance Pathway, and Optional points for Energy Use and Building Emissions Intensity (EU&BEI) as follows:

Prescriptive Pathway
(Mandatory for Substantial Rehab, Moderate Rehab and Adaptive Reuse)

1. Demonstrating energy performance in terms of a HERS index is not required.
2. If mechanical equipment is being replaced, it must meet the minimum efficiency levels:
    a. Cooling Equipment (where provided)
        i. 13 SEER AC
        ii. ENERGY STAR for through-wall AC
        iii. Heat pump (refer to Heating Equipment)
    b. Heating Equipment
        i. 95 AFUE ENERGY STAR gas furnace (non-rooftop)
        ii. 90 AFUE for gas rooftop equipment
        iii. 85 AFUE ENERGY STAR oil furnace
        iv. 90 AFUE ENERGY STAR gas boiler
        v. 86 AFUE ENERGY STAR oil boiler
        vi. 85 AFUE steam boilers and other non-condensing boilers
        vii. Heat pump:
            - Zone 6. 9.5 HSPF/ 15 SEER/ 12 SEER air-source w/ electric or dual-fuel backup

- Zone 7. 3.6 COP/ 17.1 EER ground-sourced w/ electric or dual-fuel backup

c. Water Heater Heater/ Domestic Hot Water (DHW)

i. Gas:
- ≤ 55 Gal = 0.67 EF (0.64 UEF for medium and 0.68 UEF for high-draw)
- > 55 Gal = 0.77 Gal (0.78 UEF for medium and 0.80 UEF for high-draw)

ii. Electric:
- ≤ 55 Gal = 0.95 EF
- > 55 Gal = 2.0 EF or UEF

iii. Oil:
- 30 Gal = 0.64 EF; 40 Gal = 0.62 EF; 50 Gal = 0.60 EF; 60 Gal = 0.58 EF, 70 Gal = 0.56 EF; 80 Gal = 0.54 EF.

3. Under this pathway, properties must meet the following prescriptive pathway standards, as applicable:

a. Pitched-roof attics with enough space to allow access must meet the following insulation and attic bypass air sealing requirements:

i. Conduct third-party verification of existing insulation levels. Verification must be performed by an individual certified by the Building Performance Institute (BPI), an individual certified by RESNET, a licensed architect, a licensed professional engineer, or other qualified individual approved by Minnesota Housing.

ii. Follow the *BPI Building Analyst Standards (refer to Technical Resources in Chapter 8 of this Overlay and Guide)* when checking insulation levels. Use Typical Insulation R-Value (page 7), which assumes the following:

- R-3.7/inch for blown cellulose
- R-3.0/inch for un-faced, unmarked batt insulation

b. Insulate attics to a minimum code R-Value of R-49 as follows:

i. In electronically heated properties with existing insulation less than R-39.

ii. In gas-heated properties with existing insulation less than R-30.

iii. Additional insulation and air sealing are not required in existing attics with insulation at or above these thresholds

c. Conduct attic bypass air sealing when insulation is required to be added. Bypass is defined as any building air leakage pathway between conditioned and unconditioned areas. Attic bypass locations include, but are not limited to, chimney chases, combustion/soil stack chases, open wall tops, dropped ceilings, open plumbing walls, beneath knee walls, around ductwork, electrical work, and attic access points. Attic bypasses must be sealed in such a manner that the movement of air is "Essentially Stopped." "Essentially Stopped" means that air leakage will not be detected by an infrared scan when the house (or DU) is depressurized at 25 pascals. Materials used for bypass sealing are determined by the size and location of the bypass. These materials include high quality caulking (with 20-year life span), polyethylene rod stock, spray foam, gypsum board, sheet metal, extruded polystyrene insulation, and densely packed insulation.

   i. Verify any new attic bypass air sealing with post-construction visual inspection, infrared scan, and blower door test to make sure proper air sealing. Testing must be as follows:

   ii. Test one in four (1:4) upper level units after air sealing is complete.

   iii. If any tests fail, all upper level units must be tested.

   iv. The test must consist of an infrared camera scan performed with the unit depressurized to 25 pascals with respect to the outdoors.

   v. The cubic feet per minute (CFM) 25 does not need to be recorded.

   vi. Any failures must be reported to Minnesota Housing and re-tested once correction has been completed.

d. A failure is any bypass that is not "Essentially Stopped."

4. HVAC must meet the following post-construction requirements:

   a. Ductwork carrying conditioned air in pitched roof attics with enough space to allow access must comply with the following requirements:

      i. Insulate and air seal return and supply ductwork in compliance with ASHRAE 90.1-2010, or to a minimum R-Value of R-8. Confirm air sealing with duct leakage testing showing less than 8 CFM to the outside 100 sq. ft. of conditioned space.

      ii. HVAC ductwork serving only common space, use only the common space to determine leakage.

      iii. Insulate and air seal exhaust ductwork.

5. Exterior walls with a wall cavity of 3.5” or greater AND with no existing insulation:
    a. Insulate walls to capacity. Insulation voids must be less than 5% of insulated area or the voids must be corrected. Verify insulation installation with infrared camera.
    b. Occupied buildings with masonry at all exterior walls are excluded from this requirement.
6. Equipment or systems must meet the following post-construction requirements:
    a. Hot Water Boiler Space Heating System: Install outdoor air reset controls to automatically adjust supply water temperature.
    b. Exposed Boiler Pipes: Must be insulated in compliance with ASHRAE 90.1-2010
    c. Domestic hot water boiler and space heating boiler system tune-ups: Confirm completion within the past five years if any boiler units are to remain in the building.
    d. Forced air system tune-ups: Confirm completion within the past two years if any forced air units are to remain in the building.
    e. New air handlers: Air conditioners, furnaces, and other models with air handlers installed as part of the scope of work must have Electrically Commutated Motors (ECMs), if available.
    f. Provide insulated covers for existing or new through-wall air conditioner (AC) sleeves. The covers must fit the AC sleeves and AC units properly and seal tightly to the wall.

Performance Pathway
(Mandatory Performance Pathway if receiving Tier 3, Pathway 3 Enhanced Sustainability RFP selection points)
(Optional points for Performance Pathway per criteria for Substantial Rehab, Moderate Rehab, and Adaptive Reuse projects) *[7 optional points]*

To receive 7 Optional points, provide a performance pathway (in lieu of the Prescriptive Pathway) by following the ERI or ASHRAE pathway described in the criteria. All requirements (except Energy Use Intensity projections) in the criteria must be met to claim these Optional points. Upon approval by Minnesota Housing, if scope of work requires improvements that do not allow a 10-year payback, said efficiency level(s) may be waived. Energy Use Intensity (EUI) must be calculated based on gross square foot and site (not source) energy use.

Energy Use and Building Emissions Intensity
(Optional points, available only for projects following the Prescriptive or Performance Pathway) *[5 optional points]*

To receive 5 Optional points, in addition to the Mandatory or other Optional requirements noted above, provide projected operating EUI of the project in kBTU/ ft2/ year and kBTU/ bedroom/ year as well as projected operating building emissions intensity for the project in tCO2e/ ft2/ year and tC02e/ bedroom/ year. Include results for these figures with and without the project's production of on-site energy generation (if applicable). Include the source of these figures for your project (ERI model, ASHRAE model, other). If a more precise figure is not available, use the national database average source energy conversion factors from ASHRAE standard 105 for converting energy use intensity to emissions intensity. If following the ERI pathway, provide the average, best, and worst per dwelling unit statistics for the project.

If claiming these Optional points, provide this information at the construction close-out phase based upon "as-built" verification.

CLARIFICATION: Projects following Criteria 5.2b are exempt from and not required to show compliance with Criteria 5.1b.

Criteria 5.2a: Moving to Zero Energy: Additional Reductions in Energy Use
(Optional 6-14 points)

MODIFY: REQUIREMENTS to boost Optional points as follows.

If following ERI path for 5.1a or 5.1b compliance:
HERS score at least five points lower than required *[6 points]*
AND each additional two-point decrease in HERS score *[1 point] [up to 8 points]*
Combined Total *[14 points max]*

If following ASHRAE path for 5.1a or 5.1b compliance:
5% greater efficiency than required *[6 points]*
AND each additional 1% greater efficiency *[1 point] [up to 8 points]*
Combined Total *[14 points max]*

Criteria 5.2b: Moving to Zero Energy: Near Zero Certification
(Optional for all/ 15 or 18 points)
(Either this Criteria 5.2b or Criteria 5.4 is Mandatory if receiving Tier 3, Pathway 1 or 2 Enhanced Sustainability RFP selection points)

DELETE: All REQUIREMENTS and replace in their entirety as follows:

REQUIREMENTS

Certify the project in a program that requires advanced levels of building performance per one of the following programs:

- Follow the Minnesota B3 Sustainable Building 2030 (SB 2030) Energy Standard. All requirements must be met and documented through the SB 2030 tracking tool *[15 points]*
- Certify the project through the Department of Energy (DOE) Zero Energy Ready Home (ZERH). Compliance confirmed with certificate. *[15 points]*
- Certify the project through the Passive House Institute (PHI) Classic or Passive House Institute U.S. (PHIUS). Version of PHIUS shall be relevant to the project's construction type and permit date. Compliance confirmed with certificate. *[18 points]*

CLARIFICATION: Projects following Criteria 5.2b are exempt from and not required to show compliance with Criteria 5.1a or 5.1b.

Criteria 5.3a: Moving to Zero Energy: Photovoltaic/ Solar Hot Water Ready
(Optional for all/ 6 points)

MODIFY: Criteria to boost Optional points from 3 up to 6.

All requirements in the criteria must be met to claim points.

Criteria 5.3b: Moving to Zero Energy: Renewable Energy
(Optional for all/ 10 points max)

MODIFY: Options 1 and 2 to boost Optional points as follows:

Option 1

Percentage of Total Project Energy Consumption Provided by Renewable Energy

	10%	25%	40%	55%	70%
Single Story Buildings and Single-Family Homes	-	-	5 points	8 points	10 points
Two- and Three-story Buildings	-	5 points	8 points	10 points	-
Four-story or More Buildings	5 points	8 points	10 points	-	-

OR

Option 2

Percentage of common area meter energy consumption provided by renewable energy.

	60%	70%	80%	90%	100%
Any multifamily project	2 points	3 points	4 points	5 points	6 points

Criteria 5.5a: Moving to Zero Carbon: All-electric Ready.
(Optional for all/10 points max)

DELETE: All REQUIREMENTS and replace with the following to boost total Optional points:

REQUIREMENTS
A project, although using a combustion fuel source, is eligible for points when the building has adequate electric service and has been designed and wired to allow for a seamless switch to electricity as a fuel source for the following uses throughout the project. *[2 points per use]*:

- Space heating *[2 points]*
- Space cooling *[2 points]*
- Water heating *[2 points]*
- Clothes drying *[2 points]*
- Equipment for cooking (including, but not limited to ranges, cooktops, stoves, ovens) *[2 points]*

Criteria 5.8: Lighting
(Mandatory for New Construction and applicable Rehab/ Adaptive Reuse projects)

MODIFY and CLARIFY: the REQUIREMENTS as follows:
Energy-efficient lighting shall be defined as LED light fixtures or light fixtures with LED bulbs.

New Construction: Must meet all requirements in the criteria. No overlay.

Moderate Rehab, Substantial Rehab, and Adaptive Reuse projects with new lighting and/ or new controls in the scope of work must comply with the requirements in the criterion.
Example: If a rehab/ reuse project includes new light fixtures but no new controls; the occupancy sensors, motion sensors, integrative PV cells, photosensors, or astronomic time-clock controls are not required.

Category 6: Materials

Criteria 6.4: Healthy Material Selection
(Mandatory)

DELETE: Optional 15 points maximum

CLARIFICATION: The mandatory product specifications remain mandatory for all projects. Based on consultations with subject matter experts, the optional specifications may be both difficult to achieve and difficult to monitor and confirm compliance. Therefore, although projects may still comply with the optional product specifications, no Optional points will be available for this criterion.

Criteria 6.7: Regional Material and Volumetric Modular Prefabricated Construction
(Optional 4 points max or 10 points]

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS

Option 1. *[4 points max]*

Use products that were extracted, processed, and manufactured within 500 miles of the project for a minimum of 90%, based on weight or on cost, of the amount of the product category installed in the project. Building product categories that can qualify for these points include the following *[every two compliant products can qualify for 1 point]:*

- Framing materials
- Exterior materials (e.g., siding, masonry, roofing)
- Flooring materials
- Concrete/ cement and aggregate material
- Drywall/ interior sheathing materials

NOTE: *Mechanical, electrical, and plumbing components cannot be included in this calculation.*

Option 2. *[10 points]*

Projects that use Volumetric Modular (VM) prefabricated for all dwelling units are eligible for 10 Optional points. If selecting VM prefabbed, other regional material, Optional points are not allowed nor are materials used for VM required to be extracted, processed, or manufactured from within 500 miles of the VM factory or project site.

ADD: Rational for Option 2 – Volumetric Modular Prefabrication.

VM prefabrication is an off-site method of construction that allows for greater performance in the construction process, resulting in less material waste.

Criteria 6.11: Recycling Storage
(Optional for all/ 2 points)

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS

At covered, multifamily buildings:

Provide at each story an area for separate bins for the collection of trash and recycling. Two trash chutes (one for trash and one other for recycling) with access at each level will meet this requirement.

Or, provide separate bins in each unit with at least one common collection point inside each building.

At single family homes and townhomes, each dwelling unit shall be provided with separate bins for the collection of trash and recycling. Or, provide curbside recycling for each dwelling unit.

Collected materials should include, at a minimum, paper, cardboard, glass, metals, and plastics.

Regardless of building type, provide bins for the separation of trash and recycling at all community rooms and tenant occupied common space (laundry rooms, lobbies, etc.).

Category 7: Healthy Living Environment

Criteria 7.1: Radon Mitigation
(Mandatory for all projects)

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS

Radon Mitigation for all MF New Construction, Substantial Rehab, and Moderate Rehab properties must follow Minnesota Housing's Environmental Standards for Radon Mitigation.

Criteria 7.2: Reduce Lead Hazards in Pre-1978 buildings
(Mandatory for all rehab)

DELETE: All REQUIREMENTS and RECOMMENDATIONS sub-items and replace with the following text:

REQUIREMENTS

For MF rehabilitation, refer to the Minnesota Housing Lead-Based Paint Policy on Minnesota Housing's website under Environmental Standards. Also refer to the *Design and Construction Standards Supplement for Federally Funded Projects* found in Chapter 9 of Minnesota Housing's Rental Housing Design/Construction Standards available on the Minnesota Housing Building Standards webpage.

Criteria 7.6: Smoke-Free Policy
(Optional 10 points)

DELETE: all REQUIREMENTS and RECOMMENDATIONS sub-items and replace with the following text:

REQUIREMENTS
Implement and enforce a no-smoking policy in all common and individual living areas (dwelling units), and within a 25-foot perimeter around the exterior of all residential projects. The no-smoking restrictions apply to all owners, tenants, guests, and service people. The use of e-cigarettes is prohibited wherever smoking is prohibited.

Criteria 7.7: Ventilation
(Mandatory: New Construction and Substantial Rehab)
(Optional 18 points max: Moderate Rehab)
(Optional 6 points: New Construction)

ADD/ CLARIFICATION: Replace the REQUIREMENTS as followings:

REQUIREMENTS (Mandatory: NC and SR)

For each dwelling unit, in full accordance with ASHRAE 62.2-2010, install:

- A local mechanical exhaust system in each bathroom
- A local mechanical exhaust system in each kitchen
- A whole-house mechanical ventilation system

For each multifamily building of four stories or more, in full accordance with ASHRAE 62.1-2020 install a mechanical ventilation system for all hallways and common space.

REQUIREMENTS (12 Optional points max: Moderate Rehab)

For each dwelling unit, in full accordance with ASHRAE 62.2-2010, install:

- A local mechanical exhaust system in each bathroom *[3 Optional points]*
- A local mechanical exhaust system in each kitchen *[3 Optional points]*
- A whole-house mechanical ventilation system *[3 Optional points]*

For each multifamily building of four stories or more, in full accordance with ASHRAE 62.1-2020 install a mechanical ventilation system for all hallways and common space. *[3 Optional points]*

REQUIREMENTS (6 Optional points for all)

In addition to the Mandatory requirements and Optional points listed in the criteria, Optional points are available for projects with an energy recovery-based, whole-house

ventilation system or balanced, dedicated ventilation air system (DOAS) system at all dwelling units and fully conditioned common areas. *[6 Optional points]*

Category 7 Healthy Living Environment

OMIT: "III. PROMOTING HEALTH THROUGH DESIGN (Criteria 7.11-7.13)"
Under Compliance, omit "All projects must comply with at least one of Criterion 7.11, 7.12, or 7.13" and the other compliance requirements.

CLARIFICATION: All three Criterion 7.11, 7.12, and 7.13 are optional and may be selected individually or in combination.

Criteria 7.12: Beyond ADA: Universal Design
(Optional for all/ 8 points)

ADD: A sixth option under REQUIREMENTS as follows:

Option 6
Minnesota Housing's Universal Design
Projects that claim and receive Consolidated RFP Universal Design Selection points may claim 8 Optional criteria points. Compliance will be demonstrated through Minnesota Housing's Universal Design Worksheet.

Category 8: Operation, Maintenance, and Resident Engagement

Criteria 8.2: Emergency Management Manual
(Mandatory for all Multifamily Buildings)

CLARIFICATION: Although this is required for all multifamily buildings, Minnesota Housing accepts no responsibility for the contents of the Emergency Management Manual and will not review or approve it.

Criteria 8.5: Energy and Water Data Collection and Monitoring
(Mandatory for all, except Low Income Tax Credit [LIHTC] only funded projects)

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS
Collect and report owner paid energy and water utility consumption and cost data for two years starting from the earliest June 1 after the first certificate of substantial completion. Data must be uploaded and tracked in the ENERGY STAR Portfolio Manager® online tool annually, with view access granted to Minnesota Housing for the two-year time period. One of the following methods may be used for gathering data:
Method A: Aggregated, Whole-Property Utility Data

Regardless of the split of owner-paid and tenant-paid utility bills across the property, the property owner requests aggregated whole-property utility data from the utility provider(s) and uses this whole-property aggregation as the source for tracking owner paid utility data.

Method B: Properties with Owner-Paid Utility Bills

The property owner pays for a portion of the property's utility bills and uses these bills as the source for tracking owner paid utility data.

Chapter 7 – Single Family Funded Project Requirements

7.01 Single Family Minimum Criteria

Mandatory criteria are required for Minnesota Housing funded SF projects per Table 7.01. No Optional criteria are required.

Table 7.01 Mandatory and Optional Criteria

Construction Type	Required Mandatory Criteria	Required Optional (points) Criteria	Certification
SF New Construction	Yes	No[4]	Encouraged, but not required
SF (All Acquisition/ Rehab)	Yes [1,2, 3,] Refer to Table 7.02	No[5]	Encouraged, but not required

Table 7.01 Footnotes:

1. Any improvements made at the time of construction are required to comply with the corresponding Mandatory criteria, except when the criteria specifically denote "New Construction only." For example, compliance is required for new finishes, replacement of equipment, building components, mechanical systems, electrical systems, assembly of components, and other if replacement is in the project's scope of work.
2. Existing equipment, plumbing fixtures, and/or appliances that remain (not improved) are exempt from meeting New Construction requirements.
3. For SF Acquisition/Rehab under the NSP and RLP programs, refer to the applicable program procedural manual for rehab requirements.

7.02 Minimum Mandatory Criteria for SF Acquisition/ Rehab

Not all Mandatory criteria are required for SF Acquisition/ Rehab projects. Minimum Mandatory criteria for SF Acquisition/ Rehab must be per Table 7.02.

Table 7.02 Minimum Mandatory Criteria for SF Mod Rehab

Criteria No.	2020 EGCC	Moderate Rehab
1.2	Charrettes and Coordination	Mandatory
1.3	Documentation	Mandatory
2.15a	Access to Broadband: Broadband Ready	Mandatory
3.1	Environmental Remediation	Mandatory
3.3	Ecosystem Services/ Landscape	Mandatory if in scope of work
3.6	Efficient Irrigation and Water Reuse	Mandatory if in scope of work
4.1	Water-Conserving Fixtures	Mandatory if in scope of work

Criteria No.	2020 EGCC	Moderate Rehab
4.3	Water Quality	Mandatory
5.1b	Building Performance	Mandatory
5.6	Sizing of Heating and Cooling Equipment	Mandatory if in scope of work
5.7	ENERGY STAR Appliances	Mandatory if in scope of work
5.8	Lighting	Mandatory if in scope of work
6.4	Healthier Material Selection	Mandatory if in scope of work
6.6	Bath, Kitchen, Laundry Surfaces	Mandatory if in scope of work
6.8	Managing Moisture: Foundations	Mandatory if applicable
6.9	Managing Moisture: Roofing and Wall Systems	Mandatory if applicable
6.10	Construction Waste Management	Mandatory
7.1	Radon Mitigation	Mandatory
7.2	Reduce Lead Hazards in Pre-1978 Buildings	Mandatory
7.3	Combustion Equipment	Mandatory if in scope of work
7.4	Garage Isolation	Mandatory
7.5	Integrated Pest Management	Mandatory
7.7	Ventilation	Mandatory if in scope of work
8.3	Resident Manual	Mandatory
8.4	Resident (and Property Staff) Orientation	Mandatory

7.03 Single Family Submittals and Documentation

Submittals and documentation for SF projects must be per Table 7.03. All items indicated as "Yes" must be submitted to Minnesota Housing at the preconstruction phase or at the end of construction phase, as indicated.

Table 7.03 Single Family Submittals and Documentation

Documentation Requirement	Impact Fund	Impact Fund End of Construction	Non-Impact Fund/ Other Programs
Intended Methods Worksheet (Single Family version) in an electronic Excel format, OR documented commitment to Certify through Enterprise.	File[1]	File[1]	
Enterprise Waiver Request	Yes[2]		
Energy Efficiency Improvement Plan (SF Criterion 5.1b)	File[1,2]		
Blower Door Test	File[1,2]	File[1,2]	
ENERGY STAR Rater Field Checklist	File[1,2]		

Documentation Requirement	Impact Fund	Impact Fund End of Construction	Non-Impact Fund/ Other Programs
Energy Rating Report/ Energy Model ENERGY STAR for Homes	File[1,2]		
Energy Rating Certificate		File[1,3]	
Refer to applicable Single Family program procedural manual			Yes

Table 7.03 Footnotes:

1. Documents must not be submitted unless requested by Minnesota Housing. The administrator must retain this document in the project file for compliance.
2. Only required if applicable.
3. Single Family New Construction and Single Family Substantial Acquisition/Rehab only.

For projects voluntarily seeking certification through Enterprise, documentation of registration on Enterprise's web portal, including compliance of all Mandatory items and Optional points achieved, and documentation of final Enterprise certification, may be used in lieu of the SF Intended Methods Worksheet.

7.04 Single Family Intended Methods Instructions

For projects voluntarily seeking certification through Enterprise, the following instructions **do not** apply. These instructions are only for projects completing the SF Intended Methods Worksheet for Minnesota Housing approval.

1. **Impact Fund Initial Application Phase**. Not required.
2. For the **Impact Fund Pre-construction Phase**, all SF developments seeking funding from Minnesota Housing should download the most recent Intended Methods Worksheet (Single Family Version) on the Minnesota Housing Building Standards webpage.
    a. Provide project information (Project Name, Location, etc.).
    b. Indicate "Construction Type" on the top right of the first page.
    c. For each Criterion, check either "Yes," "No," "Not Applicable" (N/A), or "Waiver Request" (WR) under the "Intent to Comply" columns. All applicable Mandatory criteria must be included.
    d. For each applicable, Mandatory criterion, provide an explanation under the "How Will Criteria Be Implemented?" column. Also include where each criteria item is documented by listing draw sheet number, specifications section number, or other.
    e. If a waiver is being requested, it must be included on a separate Waiver Request Form available on Minnesota Housing Building Standards webpage.
    f. The borrower/developer/owner and the architect of record/borrower's architect must sign and date the "Initial Application Phase" certification.

g. Keep the SF Intended Methods Worksheet in the project file.

3. At the **End of Construction/Construction Close-out Phase**, all SF developments must:
   a. Update the "Date Last Updated."
   b. Update, revise and correct any as-built changes.
   c. The borrower/developer/owner, architect of record/borrower's architect, and general contractor must sign and date the "End of Construction/ Construction Close-out Phase" certification.

7.05 Single Family Overlay to Criteria

Mandatory criteria are required for Minnesota Housing funded SF projects per Table 7.01. Optional criteria are not required.

The following revisions, additions, and/or clarifications to the 2020 EGCC must be applied to Minnesota Housing funded projects including those receiving Housing Tax Credits (HTC) only allocations:

Category 1: Integrative Design

Criteria 1.1 Project Priorities Survey

OMIT: From Mandatory. This is an Optional criterion, no points.

Criteria 1.4: Construction Management

OMIT: From Mandatory. This is an Optional criterion, no points.

Category 2: Location + Neighborhood Fabric

Criteria 2.2 Connections to Existing Developments and Infrastructure

OMIT: From Mandatory. This is an Optional criterion, no points.

Criteria 2.3 Compact Development
(Mandatory for New Construction)

DELETE: REQUIREMENTS and replace with modified text as follows:
Each SF project must be built to, at a minimum, the lesser of the residential density (dwelling units/ acre) of the census block group in which the project is located, or the density disclosed in the Impact Fund Administrator's Application for Funds. If no density is disclosed in the Impact Fund Administrator's Application for Funds, then each SF project must be built, at a minimum, to the residential density (dwelling units/acre) of the census block group in which the project is located. To find the density of census block group, type

the project address into the Center for Neighborhood Technology "Residential Density of a Location" calculator found at http://apps.cnt.org/residential-density.

SF projects in Rural/ Tribal/ Small Towns that do not have zoning requirements, must be built to, at a minimum, the lesser of five units per acre or the density disclosed in the Impact Fund Administrator's Application for Funds. If no density is disclosed in the Impact Fund Administrator's Application for Funds, then each SF project must be built to, at a minimum, five units per acre.

Criteria 2.5 Proximity to Services and Community Resources

OMIT: From Mandatory. This is an Optional Criterion, no points.

Criteria 2.6 Preservation of and Access to Open Space for Rural/Tribal/Small Towns

OMIT: From Mandatory. This is an Optional criterion, no points.

Criteria 2.8 Access to Transit

OMIT: From Mandatory. This is an Optional criterion, no points.

Criteria 2.15a: Access to Broadband: Broadband Ready

OMIT: From Mandatory. This is an Optional criterion, no points.

DELETE: All REQUIREMENTS.

ADD: The following RECOMMEDATION
If internet access is available, consider providing conduit or cabling within the dwelling unit from an access point to locations where a router will most likely be installed.

Category 3: Site Improvements

Criteria 3.1: Environmental Remediation
(Mandatory for all projects)

DELETE: REQUIREMENTS and replace with modified text as follows:

Single Family (SF)

1. All SF projects must conduct a Phase I Environmental Site Assessment (ESA) if any or all of the following conditions apply:
    a. Sites with five or more units where there has been a change in land use from industrial, commercial, institutional, or agricultural to residential;
    b. For New Construction, where each individual residence/DU is not connected to a city water supply;

c. For rehab, where the unit is neither connected to city water supply or an existing active well;

d. Where required as a condition of acquisition/purchase.

2. Exception: Developments of five or more new units on previous residential land uses are exempt from the conducting a Phase I ESA.

Criteria 3.4: Surface Stormwater Management

(Mandatory for New Construction Projects and Rehab projects if land disturbed is > 5,000 square feet)

REVISE: The REQUIREMENTS to read as follows:
Surface Stormwater Management shall be required per local/ regional watershed district requirements or other municipality ordinances/ requirements. If there are no such requirements, follow the criteria requirements.

Category 4: Water

Criteria 4.1: Water-Conserving Fixtures

(Mandatory for New Construction and Substantial Rehab.

(Mandatory for Moderate Rehab for new plumbing fixtures included in work scope)

REVISE: The Requirements to allow two pathways for compliance.

1. The Performance Pathway: 20% reduction per criteria

2. Prescriptive Pathway (WaterSense-labeled recommended but not required):

    a. All Toilets = 1.28 gpf or less, including dual-flush toilets and pressure-assisted toilets
    b. All Urinals = 0.5 gpf or less
    c. All Showerheads = 2.0 gpm or less
    d. All Kitchen Faucets = 2.0 gpm or less
    e. All Lavatory Faucets = 1.5 gpm or less

Criteria 4.3: Water Quality
(Mandatory for Substantial and Gut Rehab built before 1986 only)

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS
Test water from dwelling unit faucets for water quality and remediate as indicated below. For testing bottles and instructions, contact an EPA approved lab. Find certified labs near you via MDH Environmental Laboratory Accreditation Program or by calling the Safe Drinking Water Hotline at 1.800.426.4791 for the address and phone number of your state laboratory certification officer to find labs near you.

- Test water from the primary drinking water faucet of each dwelling unit for the presence of lead. If any results are over 0 ppb, install NSF/ANSI 58 or NSF/ANSI 53 filters in all units and replace these over time per manufacturer's instructions. Results must be submitted and will be reviewed by Minnesota Housing staff.
- If lead faucet testing produces any results above 10 ppb, Minnesota Housing may require additional remediation such as, but not limited to, replacing lead service lines and replacing all fixtures with NSF 61 certified fixtures. If required, provide a remediation plan per applicable state or federal requirements to Minnesota Housing for approval.

Category 5: Energy Efficiency

Criteria 5.1b: Building Performance Standard

(Mandatory for Substantial Rehab and Moderate Rehab: SF detached and attached homes; MF buildings with four DUs or fewer; MF buildings with three stories or fewer; MF buildings with up to five stories, where each DU has its own heating, cooling, and hot water system)

MODIFY: REQUIREMENTS to add the following text:

1. For all Acquisition/Substantial Rehab and Acquisition/Moderate Rehab, create and implement an Energy Efficiency Improvement Plan containing the following:
   a. Generate a list of prioritized cost-effective improvements for the entire building(s) based upon the sampling data from an energy audit. The Minnesota Weatherization Field Guide SWS-Aligned Edition (Chapter 2.1.1) is a resource for assessing existing buildings and their energy infiltration weaknesses.
   b. Implement those improvements into the work scope that provide a cost benefit and good return on investment. Consult Minnesota Housing for guidance, if needed, for an acceptable return on investment pay-back period (10 years or less return on investment recommended).
   c. Cost benefit analysis can be performed by using established software or through a manual assessment.
   d. At the end of construction, provide a post-renovation inspection and conduct a blower door test to confirm infiltration improvements.
2. If mechanical equipment is being replaced, it must meet the minimum efficiency levels:
   a. Cooling Equipment (where provided)
      i. 13 SEER AC
      ii. ENERGY STAR for wall sleeve AC units
      iii. Heat pump (refer to Heating Equipment)

b. Heating Equipment
   i. 95 AFUE ENERGY STAR gas furnace (non-rooftop)
   ii. 90 AFUE for gas rooftop equipment
   iii. 85 AFUE ENERGY STAR oil furnace
   iv. 90 AFUE ENERGY STAR gas boiler
   v. 86 AFUE ENERGY STAR oil boiler
   vi. 85 AFUE steam boilers and other non-condensing boilers
   vii. Heat pump:
      a. Zone 6. 9.5 HSPF/ 15 SEER/ 12 SEER air-source w/ electric or dual-fuel backup
      b. Zone 7. 3.6 COP/ 17.1 EER ground-sourced w/ electric or dual-fuel backup

c. Water Heater Heater/ Domestic Hot Water (DHW)
   i. Gas:
      a. ≤55 Gal = 0.67 EF (0.64 UEF for medium and 0.68 UEF for high-draw)
      b. >55 Gal = 0.77 Gal (0.78 UEF for medium and 0.80 UEF for high-draw)
   ii. Electric:
      a. ≤ 55 Gal = 0.95 EF
      b. > 55 Gal = 2.0 EF or UEF
   iii. Oil:
      a. 30 Gal = 0.64 EF; 40 Gal = 0.62 EF; 50 Gal = 0.60 EF; 60 Gal = 0.58 EF, 70 Gal = 0.56 EF; 80 Gal = 0.54 EF.

MODIFY: RATIONALE to add the following text:

Utility cost for low-income families can account for 19.5% of household budget (EPA national average 2001). The intent is to maximize the financial benefit of energy efficiency and weatherization efforts in moderate renovation projects without adverse impact on home durability, indoor air quality, and existing mechanical equipment. Working with an energy auditor or weatherization expert (SF) on a plan tailored to the specific conditions of each home/unit will help maximize energy savings and help ensure the health and safety of residents. Check with local utility companies for rebates or programs that may help offset the cost of weatherization and new systems/components.

Resources and Links: Refer to Chapter 8 of this MN Overlay and Guide.

Category 7: Healthy Living Environment

Criteria 7.1: Radon Mitigation
(Mandatory for all projects)

DELETE: All REQUIREMENTS and replace with the following:

NOTE: All radon tests must be performed by a Minnesota Department of Health (MDH) licensed radon professional.

1. New Construction. At a minimum, install a **Passive** sub-slab depressurization system as noted in the criteria and as required by the Minnesota State Building Code for single family New Construction. Although not required, we encourage an **Active** system to meet the Minnesota Department of Health Gold Standard for New Construction.
2. Rehab (without envelope improvement). Radon testing must be conducted in accordance with item number 4, Testing (as noted below). If the radon testing results in a reading of 4 pCi/L or more, a mitigation system must be installed in accordance with item number 5. Radon Mitigation (as noted below). Mitigation is recommended for readings between 2 – 4 pCi/L.
3. Rehab (with envelope improvements). Radon testing must be conducted in accordance with item number 4, Testing (as noted below). If the radon testing results in a reading of 4 pCi/L or more a mitigation system must be installed in accordance with item number 5. Mitigation is recommended for readings between 2 – 4 pCi/L. Radon Mitigation (as noted below).
    a. When to Test:
        i. Prior to construction. Early detection of the presence of radon above the EPA recommendations action level of 4 pCi/L could result in a more cost-effective rehab if the work scope identifies and addresses mitigation measures early in the development of the project; or,
        ii. After construction. Rather than testing prior to construction, it's acceptable to include a Passive system in the scope of work without testing. After construction is complete, but before occupancy, test for radon and activate the system if needed.
4. Testing. The lowest livable level must be tested when the project is complete (and prior to occupancy) following the ANSI-AARST testing protocol using a continuous radon monitor or simultaneous testing using two short-term test devices that are approved by the American Association of Radon Scientist and Technologist (AARST) National Radon Proficiency Program (NRPP); or National Radon Safety Board (NRSB). Testing must always be conducted in the lowest livable level and by devices approved by the AARST-NRPP. All testing must conform to the MDH Radon Licensing rules.

5. Radon Mitigation. In homes where a radon mitigation system is installed, the mitigation system must meet the following requirements:
    a. The system must be installed by a nationally certified radon contractor or radon mitigation service provider listed on the Minnesota Department of Health's website. Mitigation work must meet the requirements of the ANSI/ AARST soil gas Mitigation Standards for Existing Homes, SGM-SF 2017 standard. The mitigation system must conform to the MDU Licensing rules and be installed by an MDH licensed radon mitigation contractor.
    b. Where mitigation is performed, a post-test must be provided to verify that radon levels are below 4 pCi/L.
    c. Test results must be provided to the homeowner along with supplemental information on radon as specified in ANSI-AARST SGM-SF 2017, Section 10.3.
6. Exterior System. An exterior Radon Mitigation system is not allowed.

Resources and Links: Refer to Chapter 8 of this Overlay and Guide.

Criteria 7.2: Reduce Lead Hazards in Pre-1978 buildings
(Mandatory for all rehab)

DELETE: REQUIREMENTS and RECOMMENDATIONS sub-items and replace with the following text:

REQUIREMENTS
For SF rehabilitation, refer to the Minnesota Housing *Lead Based Paint Guidebook* (for Applicable Homes Division Programs. It can be found at https://www.mnhousing.gov/sites/np/impactfund under "Forms and Income Limits)

Criteria 7.3: Combustion Equipment
(Mandatory for projects with combustion equipment included in scope of work)

SF Acquisition/Rehab: If combustion equipment is located within individual DUs, the following must apply:

ADD: The following replaces the second paragraph under "REQUIREMENTS."

If combustion equipment is located in individual DUs and if modifications are made to properties that may negatively affect the safe operation of in-unit, existing natural draft combustion equipment (such as building envelope, kitchen exhaust, bath exhaust, etc.), the work scope must include:

1. Replacement of all existing in-unit space and water heating natural draft combustion equipment with new power-vented or closed (sealed) combustion equipment; or
2. If existing natural draft combustion equipment will remain, the development team must provide a combustion action plan with post-construction testing and a

remediation plan in the event testing reveals unsafe carbon oxide levels to help ensure combustion safety. Pre-construction testing using a sampling of units is recommended to help guide the work scope.

a. Combustion Safety Requirements/ Testing Protocols must be per:

   i. RESNET Guidelines for Combustion Safety and Developing Work Orders; or

   ii. BPI Combustion Safety Test Procedure for Vented Appliances.

DELETE: "*If there are any combustion appliances in the conditioned space, install one hard-wired carbon monoxide (CO) alarm with battery backup function for each sleeping zone, placed per National Fire Protection Association (NFPA) 72*."

REPLACE WITH: Carbon monoxide (CO) alarms must be installed at all New Construction and Acquisition/Rehab properties as required to meet Minnesota state statute.

Criteria 7.6: Smoke-free Policy

OMIT: From Mandatory. This is an Optional criterion, no points.

Category 8: Operation, Maintenance, and Resident Engagement

Criteria 8.5: Energy and Water Data Collection and Monitoring

OMIT: From Mandatory. This is an Optional criterion, no points.

Chapter 8 – Other Information

8.01 Exemptions and Waivers

Compliance with specific criteria may be waived if the criteria creates a tangible hardship or is inadvisable for a specific project. Any waivers will be at the sole discretion of Minnesota Housing. Alternate means of meeting specific criteria intent will also be considered, if applicable. Waiver requests should be submitted to Minnesota Housing on a Waiver Request form, which can be found on the Building Standards webpage.

8.02 Conflicting Requirements

The most restrictive requirement applies when requirements outlined in this document conflict with other local, state, or federal requirements (codes, ordinances, regulations, standards, etc.). Such conflicts should be coordinated with the local building official, zoning administrator, fire marshal, or other entity with jurisdiction in said area.

8.03 Combined New Construction and Rehab

Refer to Chapter 2 of this overlay.

8.04 Energy Raters and Energy Auditors

If an Energy Rater, field inspector, or energy auditor is required, such individual or entity must be a third-party provider and cannot be associated with the architect, design engineer, borrower, owner, borrower, general contractor/contractor, or any other entity with an identity of interest.

Clarification: Rater vs. Auditor.

An Energy Rater is the person(s) completing the third-party verification required for ENERGY STAR certification. The Energy Rater must:

1. Be a Certified Rater, Approved Inspector, as defined by ANSI/ RESNET/ IECC Standard 301, or an equivalent designation as determined by the HCO or MRO, and
2. Have attended and successfully completed an EPA-recognized training class

An energy auditor is not necessarily a certified rater but does have experience in energy auditing. An energy auditor cannot provide services for ENERGY STAR, but they can do a single family energy audit and create a single family energy efficiency improvement plan.

8.05 Resources and Links

Technical Assistance:

- Minnesota Housing documents and staff architect contact information
- Enterprise Green Communities

Contractor Directories:

- Energy Rater in Minnesota
- Rating Providers - RESNET
- ENERGY STAR certified HVAC contractors: ACCA and Advanced Energy
- Minnesota Department of Health Radon Mitigation Contractors

Technical Resources:

- AARST-ANSI Radon Measurement and Mitigation EPA Protocols
- Building Performance Institute (BPI)
- Minnesota Building Performance Association website for finding Minnesota raters and auditors
- Minnesota Weatherization Field Guide SWS-Aligned Edition
- Radon in Minnesota Homes
- Radon Technical Assistance:

  Minnesota Department of Health
  Indoor Environments and Radiation Section, Indoor Air Unit
  PO Box 64975
  St. Paul, MN 55164-0975
  Phone: 651.201.4601 or 800.798.9050
  Fax: 651.201.4606/TTY: 651.201.5797
- RESNET

Chapter 9 – Fair Housing Policy

It is the policy of Minnesota Housing to affirmatively further fair housing in all its programs so that individuals of similar income levels have equal access to Minnesota Housing programs, regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, familial status, gender identity or sexual orientation.

Minnesota Housing's fair housing policy incorporates the requirements of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendment Act of 1988, as well as the Minnesota Human Rights Act. Housing providers are expected to comply with the applicable statutes, regulations, and related policy guidance. Housing providers should make sure that admissions, occupancy, marketing and operating procedures comply with non-discrimination requirements.

In part, the Fair Housing Act and the Minnesota Human Rights Act make it unlawful, because of protected class status, to:

- Discriminate in the selection/acceptance of applicants in the rental of housing units;
- Discriminate in terms, conditions or privileges of the rental of a dwelling unit or services or facilities;
- Engage in any conduct relating to the provision of housing that otherwise makes unavailable or denies the rental of a dwelling unit;
- Make, print or publish (or cause to make, print or publish) notices, statements or advertisements that indicate preferences or limitations based on protected class status;
- Represent a dwelling is not available when it is in fact available;
- Deny access to, or membership or participation in, associations or other services, organizations or facilities relating to the business of renting a dwelling or discriminate in the terms or conditions of membership or participation; or
- Engage in harassment or quid pro quo negotiations related to the rental of a dwelling unit.

Minnesota Housing has a commitment to affirmatively further fair housing for individuals with disabilities by promoting the accessibility requirements set out in the Fair Housing Act, which establish design and construction mandates for covered multifamily dwellings and requires housing providers to make reasonable accommodations and to allow persons with disabilities to make reasonable modifications.

Applicants will be required to submit an Affirmative Fair Housing Marketing Plan at the time of application, to update the plan regularly and to use affirmative fair housing marketing practices in soliciting renters, determining eligibility and concluding all transactions.

As a condition of funding through Minnesota Housing, housing providers are not permitted to refuse to lease a unit to, or discriminate against, a prospective resident solely because the prospective resident has a housing choice voucher or other form of tenant-based rental assistance.

Chapter 10 – Fraud Disclosure and Suspension

10.01 Fraud

Fraud is any intentionally deceptive action made for personal gain or to damage another.

Any person or entity (including its employees and affiliates) that enters into an agreement with Minnesota Housing and witnesses, discovers evidence of, receives a report from another source, or has other reasonable basis to suspect that fraud or embezzlement has occurred must immediately make a report through one of the ways described in section 10.05.

10.02 Misuse of Funds

A loan or grant agreement is a legal contract between Minnesota Housing and the borrower or grantee. The borrower or grantee promises to use the funds to engage in certain activities or procure certain goods or services while Minnesota Housing agrees to provide funds to the borrower or grantee to pay for those activities, goods or services. Regardless of the Minnesota Housing program or funding source, the borrower or grantee must use Minnesota Housing funds as agreed, and the borrower or grantee must maintain appropriate documentation to prove that funds were used for the intended purpose(s).

A misuse of funds shall be deemed to have occurred when: (1) Minnesota Housing funds are not used as agreed by a borrower or grantee; or (2) A borrower or grantee cannot provide adequate documentation to establish that Minnesota Housing funds were used in accordance with the terms and conditions of the loan or grant agreement.

Any borrower or grantee (including its employees and affiliates) of Minnesota Housing funds that discovers evidence, receives a report from another source, or has other reasonable basis to suspect that a misuse of funds has occurred must immediately make a report through one of the ways described in section 10.05.

10.03 Conflict of Interest

A conflict of interest, actual, potential, or perceived, occurs when a person has an actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A potential or perceived conflict of interest exists even if no unethical, improper or illegal act results from it.

An individual conflict of interest is any situation in which one’s judgment, actions or non-action could be interpreted to be influenced by something that would benefit them directly or through indirect gain to a friend, relative, acquaintance or business or organization with which they are involved.

Organizational conflicts of interest occur when:

- A contracting party is unable or potentially unable to render impartial assistance or advice to Minnesota Housing due to competing duties or loyalties
- A contracting party's objectivity in carrying out the award is or might be otherwise impaired due to competing duties or loyalties
- A contracting party has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors

Once made aware of a conflict of interest, Minnesota Housing will make a determination before disbursing any further funds or processing an award. Determinations could include:

- Revising the contracting party's responsibilities to mitigate the conflict
- Allowing the contracting party to create firewalls that mitigate the conflict
- Asking the contracting party to submit an organizational conflict of interest mitigation plan
- Terminating the contracting party's participation

Any person or entity (including its employees and affiliates) that enters into an agreement with Minnesota Housing must avoid and immediately disclose to Minnesota Housing any and all actual, perceived or potential conflicts of interest through one of the ways described in section 10.05.

A contracting party should review its contract agreement and request for proposals (RFP) material, if applicable, for further requirements.

10.04 Suspension

By entering into any agreement with Minnesota Housing, a contracting party represents that the contracting party (including its employees or affiliates that will have direct control over the subject of the agreement) has not been suspended from doing business with Minnesota Housing. Refer to Minnesota Housing's website for a list of suspended individuals and organizations.

10.05 Disclosure and Reporting

Minnesota Housing promotes a "speak-up, see something, say something" culture whereby internal staff, external business partners (e.g., grantees, borrowers) and the general public are encouraged to report instances of fraud, misuse of funds, conflicts of interest, or other concerns without fear of retaliation. You may report wrongdoing or other concerns by contacting:

- Minnesota Housing's chief risk officer
- Any member of Minnesota Housing's Servant Leadership Team

- EthicsPoint, the Minnesota Housing hotline reporting service vendor