



# **Minnesota Overlay and Guide to the 2015 Enterprise Green Communities Criteria™**

*April 2019*



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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.”

This policy was actualized through application of the Enterprise Green Communities Criteria (EGCC) developed by the Enterprise Community Partners, Inc. and adapted to meet Minnesotan’s needs and conditions through an overlay (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 a lot of time and resources adapting EGCC to meet needs of Minnesotans via the MN Overlay and Guide. Minnesota Housing’s experience developing tens of thousands of units of affordable housing continues to inform our 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 2015 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 2015 EGCC and clarifications at the [Enterprise Green Communities](#) website.

If a newer version of this document is released after the initial selection of financing for a project, the development team may use the EGCC version and MN Overlay and Guide version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.

## 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 percent 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 as defined above.
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.

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

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

For the purpose of complying with this overlay, all Adaptive Reuse projects must follow either Substantial Rehabilitation or Moderate Rehabilitation Mandatory/selected Optional Criteria requirements. New improvement work as part of an Adaptive Reuse project must follow our *Rental Housing Design/Construction Standards* Chapter 2 General Occupancy New Construction Minimum Standards requirements. Adaptive Reuse projects are not considered New Construction projects.

### Chapter 3 – Acronyms and Abbreviations

<b>DU</b>	Dwelling Unit
<b>EGCC</b>	Enterprise Green Communities Criteria (2015 version unless noted otherwise)
<b>HTC</b>	Housing Tax Credits
<b>Impact Fund</b>	Minnesota Housing’s Single Family Community Homeownership Impact Fund
<b>MF</b>	Multifamily
<b>MN Overlay</b>	Minnesota Overlay to the Enterprise Green Communities Criteria
<b>Mod</b>	Moderate
<b>NSP</b>	Neighborhood Stabilization Program (Single Family)
<b>Rehab</b>	Rehabilitation
<b>RLP</b>	Rehabilitation Loan Program (Single Family)
<b>SF</b>	Single Family
<b>Sub</b>	Substantial

## **Chapter 4 – Certification by Enterprise Green Communities or Other Third-party Green Certification Programs**

Enterprise certification is **not required** for projects receiving 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 Enterprise certification, Minnesota Housing must be notified in writing of this intent.



## Chapter 5 – How to Use This Document

This MN Overlay 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 [2015 Enterprise Green Communities Criteria](#). The items listed in this MN Overlay modify or replace the corresponding item in the 2015 EGCC.

The 2015 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	EGCC Certification
MF New Construction	Yes	Yes, at least 35	Not required
MF Substantial Rehab	Yes <sup>1, 2</sup>	Yes, at least 30	Not required
MF Moderate Rehab	Yes <sup>1,2</sup> Refer to Table 6.02	Yes, at least 30	Not required
Adaptive Reuse	Yes <sup>1,2,3</sup>	Yes, at least 30	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.

### 6.02 Multifamily Minimum Mandatory Criteria for MF Moderate Rehab

Not all Mandatory Criteria are required for MF Moderate Rehab projects. Minimum Mandatory Criteria for MF Moderate Rehab must be per Table 6.02.

**Table 6.02 Minimum Mandatory Criteria for MF Mod Rehab**

Criteria No.	2015 EGCC	Moderate Rehab
1.1a	Goal Setting	Mandatory
1.1b	Criteria Documentation	Mandatory
3.1	Environmental Remediation	Mandatory
3.4	Landscaping	Mandatory if in scope of work
3.5a	Efficient Irrigation and Water Reuse	Mandatory if in scope of work
5.1c or 5.1d	Building Performance	Mandatory
5.3	Sizing of Heating and Cooling Equipment	Mandatory if in scope of work
5.4	ENERGY STAR Appliances	Mandatory if in scope of work

Criteria No.	2015 EGCC	Moderate Rehab
5.5	Lighting	Mandatory if in scope of work
6.1	Low/ No VOC Paints, Coatings and Primers	Mandatory if in scope of work
6.2	Low/ No VOC Adhesives and Sealants	Mandatory if in scope of work
6.6	Composite Wood Products that Emit Low/ No Formaldehyde	Mandatory if in scope of work
6.7a	Environmentally Preferable Flooring	Mandatory if in scope of work
6.8	Mold Prevention: Surfaces	Mandatory
6.9	Mold Prevention: Tub and Shower Enclosures	Mandatory if in scope of work
6.12	Construction Waste Management	Mandatory
7.1	Ventilation	Mandatory
7.2	Clothes Dryer Exhaust	Mandatory
7.3	Combustions Safety	Mandatory
7.5	Vapor Retarder Strategies	Mandatory if in scope of work
7.6	Water Drainage	Mandatory if in scope of work
7.7	Mold Prevention: Water Heaters	Mandatory
7.8	Radon Mitigation	Refer to Minnesota Housing Environmental Standards Radon Requirements
7.9	Garage Isolation	Mandatory
7.10	Integrated Pest Management	Mandatory
7.12	Active Design: Promoting Physical Activity within the Building	Mandatory
7.15	Reduce Lead Hazards	Refer to Minnesota Housing Environmental Standards for Lead Hazards
8.1	Building Maintenance Manual	Mandatory
8.2	Emergency Management Manual	Mandatory
8.3	Resident Manual	Mandatory
8.4	Resident and Property Staff Orientation	Mandatory

### 6.03 Multifamily Submittals and Documentation

Submittals and documentation for MF projects must be per 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 format must be submitted for all projects.	Yes	Yes	Yes
Minnesota Housing Waiver Request form	Yes <sup>1</sup>		

Documentation Requirement	Initial Application	Loan Commitment / Closing	End of Construction
Criteria 5.1 (a, b, c, and d) HERS Performance or Prescriptive Method Energy Goals; Energy Model; or letter explaining compliance with Prescriptive Method		Yes <sup>2</sup>	
Criteria 5.1 (a, b, c, and d) HERS Certificate; Post-build Energy Report; Energy Report Form; or Thermal Enclosure Inspection Checklist			Yes <sup>2</sup>

**Table 6.03 Footnotes:**

1. Only required if applicable.
2. Refer to performance or prescriptive path within Criteria 5.1 (a, b, c, or d) 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 Intended Methods Worksheet 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.
3. Indicate “Construction Type.”
4. For each Criteria, 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.
5. For each Optional Criteria selected, indicate number of optional points under the “Selected Optional Points” (OP) column.
6. For each applicable and selected Criteria, provide an explanation under the “How Will Criteria Be or How Was Criteria Implemented? And where in the plans, specifications, or other place will compliance be or was compliance documented?” column.
7. 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.
8. 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.”

For each submittal phase, save the Intended Methods Worksheet as a PDF and send to Minnesota Housing.

## 6.05 Multifamily Overlay to Criteria

The following revisions, additions, and/or clarifications to the 2015 EGCC must be applied to Minnesota Housing funded projects including those receiving Housing Tax Credits (HTC) only allocations:

### Category 1: Integrative Design

#### Criteria 1.2a: Resident Health and Wellbeing: Design for Health

(Mandatory for New Construction; 2 optional points for Substantial Rehab and Moderate Rehab)

**REVISE:** The Mandatory requirements to only include New Construction. Two optional points are available for Substantial and Moderate Rehab projects.

**RESOURCES:** Refer to the Minnesota Department of Health’s Environmental [Public Health Data Portal](#) for information to help complete the requirements for this Criterion.

### Category 2: Location + Neighborhood Fabric

#### Category 2: Guidance for New Construction Projects

**OMIT:** Reference to New Construction projects earning Criteria 2.8 or earning 8 optional points from Category 2. Optional points under Category 2 are not required for any projects.

**CLARIFICATION:** Only New Construction projects are required to meet all Category 2 Mandatory Criteria.

#### Criteria 2.1: Sensitive Site Protection.

(Mandatory)

**DELETE:** Provision 1. “Land within 100’ of wetland, including isolated wetlands or streams...”

**CLARIFICATION:** Setbacks for wetlands shall be per local and regional watershed requirements, ordinances, etc.

**Criteria 2.9: Improving Connectivity to the Community**

(Optional/4 max points)

**DELETE:** The “Improving Access” and “Incentivize Biking Mobility” sections and replace with the following:

**Improving Access**

*Auto*

- Include car-share services (parking) on the property. *[1 point]*

**Incentivize Biking Mobility**

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

**Criteria 2.12: Access to Fresh, Local Foods**

(Optional/6 points)

**REVISE:** Option 3: Proximity to Farmers Market (6 points). Omit the “grown within 400 miles of the project site, or from within the same state” limit for items sold. There must be no limit for distance from where items are grown.

**Category 3: Site Improvements**

**Criteria 3.1: Environmental Remediation**

(Mandatory for all projects)

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

**REQUIREMENTS**

All Multifamily projects must follow Minnesota Housing’s Multifamily (MF) [Environmental Standards](#).

**Criteria 3.3: Low-Impact Development**

(Mandatory for all projects located on a Greenfield)

**DELETE:** REQUIREMENTS fourth bullet item regarding Rural/Tribal/Small Towns.

**CLARIFICATION:** Curb and gutter must be provided per the Minnesota Housing Rental Housing Design/Construction Standards.

**Category 4: Water Conservation**

**Criteria 4.1: Water Conserving Fixtures**

(Mandatory for New Construction and Substantial Rehab; Optional/6 points for Moderate Rehab)

**REVISE:** The Mandatory/Optional Requirements.

1. Mandatory for New Construction and Substantial Rehab: No Overlay. Provide new water-conserving fixtures as per Criteria. No optional points.
2. Up to 5 optional points available for Moderate Rehab/Acquisition.
  - a. All Toilets = 1 point
  - b. All Urinals = 1 point
  - c. All Showerheads = 1 point
  - d. All Kitchen Faucets = 1 point
  - e. All Lavatory Faucets = 1 point

**Criteria 4.6: Access to Potable Water during Emergencies**  
(Optional)

**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 5.1 (a, b, c, & d)**

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.

**General Notes applicable to Multifamily Criteria 5.1 (a & b) New Construction**

Until recently, multifamily new construction projects seeking ENERGY STAR certification had to either participate in the Certified Homes program or the Multifamily High Rise (MFHR) program. To better serve the multifamily sector, the Environmental Protection Agency (EPA) developed the ENERGY STAR Multifamily New Construction (MFNC) program to serve all new construction multifamily buildings. The new program combines technical requirements from both Certified Homes and MFHR programs. The ENERGY STAR MFNC program became available January 2019 and allows three options to achieving the Performance Target: Energy Rate Index (ERI), ASHRAE 90.1, and a Prescriptive Path. The new program utilizes a similar Certified Homes checklist-style for its program documents.

**EPA's Implementation Timeline:**

- January 2019 – ENERGY STAR MFNC Program available for eligible projects
- Eligible projects may also continue following the Certified Homes or Multifamily High Rise programs.
- January 1, 2021 – ENERGY STARS MFNC Program required for eligible projects
- Eligible multifamily projects permitted on or after this date are only able to earn ENERGY STAR certification under the ENERGY STAR Multifamily New Construction Program.

**Minnesota Housing's Implementation Timeline:**

- Required for 2020 Consolidated RFP applications/ 2021 Tax Credits.
- Allowed now with prior approval from Minnesota Housing.

### Criteria 5.1a: Building Performance Standard: New Construction Energy Star for HOMES

**REVISE: Applicability project types to read:**

(Mandatory for New Construction: Single family homes, attached homes, MF buildings four DU or fewer, MF buildings with three stories or fewer, and MF buildings four and five stories where DU occupy 80% or more of the occupiable square footage)

**ADD:** The following CLARIFICATION

There must not be an identity of interest between the HERS Rater/Provider and the Contractor.

### Criteria 5.1b: Building Performance Standard: New Construction ASHRAE 90.1/ENERGY STAR Multifamily High Rise (MFHR)

**REVISE: Applicability project types to read:**

(Mandatory for New Construction: MF buildings with four or more stories)

(Exception: New Construction MF buildings four and five stories with or without central heating, cooling, and/ or water heating may certify through ENERGY STAR for Homes or through Energy Star MFHR. Under this option, DUs must make up at least 80% of the occupiable square footage. If using ENERGY STAR for Homes certification, follow Criteria 5.1a)

**ADD:** The following CLARIFICATION

Buildings with or without heated garages must meet ES MFHR Mandatory Requirements with an energy performance at least 15 percent better than ASHRAE 90.1-(applicable MFHR version).

All buildings under this Criterion **must** use a Performance Pathway with Energy Model as described herein that best matches their building type. ES MFHR **does not** have a Prescriptive Method for ASHRAE 90.1-2010. Refer to the EPA's [Energy Star](#) website for ES MFHR approved energy model software.

**MODIFY:** The current Criteria REQUIREMENTS to read:

Buildings four stories or more must follow one of the following three Compliance Methods:

- 1. Compliance Method One. Buildings four stories or more WITH heated garages** are not eligible for ES MFHR Certification or EGGC Certification; therefore, these buildings must submit the following directly to Minnesota Housing:

- **Step 1: Prebuild**

- Follow the ES MFHR performance path and submit a Preliminary Enterprise Green Communities *Energy Performance Report Form*, or other Minnesota Housing approved report completed by an Energy Design professional. The report must demonstrate that the project is designed to the standards of Energy Star MFHR performance pathway and will perform at least 15 percent better than ASHRAE 90.1-(applicable MFHR version).

- At a minimum the report should include:

- General Information



- Building Modeled Energy Consumption
    - Building Modeled Costs
    - Energy Improvements
    - Minnesota Housing strongly encourages that the report include a process to determine cost effective energy reduction methods. Measures (or bundles) with a payback of 10 years or fewer must be selected and included in the final building design.
  - **Step 2: During Construction**
    - For verification of targeted energy results, follow the *LEED for Homes Multifamily Midrise Alternative Compliance Path*, which includes:
      - *Energy and Atmosphere Prerequisite 1 – LEED for Homes Multifamily Mid-Rise*
        - Limit Duct Air Leakage
        - Fundamental Commissioning of Central HVAC Systems
        - Construction Document Specifications
    - *LEED for Homes Multi-Family Mid-Rise Thermal Enclosure Inspection Checklist*
  - **Step 3: Post-build**
    - Follow the ES MFHR performance path and submit a revised post-construction Enterprise Green Communities *Energy Performance Report Form*, or other Minnesota Housing approved report completed by an Energy Design professional. The report must demonstrate that the project has achieved a performance level at least 15 percent better than ASHRAE 90.1-(applicable MFHR version).
    - Provide a letter confirming that the LEED for Homes Multifamily Midrise Alternative Compliance Path protocols were followed, signed by a design professional of the project team. Include performance percentage better than ASHRAE 90.1-(applicable MFHR version), duct leakage results, commissioning report results, etc.
    - Provide a completed copy of the *LEED for Homes Multi-Family Mid-Rise Thermal Enclosure Inspection Checklist*.
- 2. Compliance Method Two. Buildings four stories or more WITHOUT heated garages** may be eligible for ES MFHR Certification and EGCC Certification; therefore, compliance with 5.1b must be demonstrated via one of the following pathways:
- **Pathway 1: ES MFHR Certification**
    - Under this pathway, Minnesota Housing must be notified of intent to certify through ES MFHR at the Application Phase. ES MFHR must be engaged and proof of registration with ES MFHR must be provided. Submit compliance

demonstrated with an ES MFHR Certification Certificate after construction completion.

- **Pathway 2: EGCC Certification**
    - Under this pathway, Minnesota Housing must be notified of intent to certify through EGGC at the Application Phase. EGCC must be engaged and compliance demonstrated with an EGCC Certification after construction completion.
  - **Pathway 3: Minnesota Housing Submission**
    - Under this pathway, neither ES MFHR nor EGCC are engaged and the project will not be certified. Instead, the project must follow the submission requirements to Minnesota Housing noted in the “Buildings Four Stories or more **WITH** Heated Garages” of this Criteria overlay (above). If the utility provider has an energy assistance efficiency program based upon an energy model, said model may be used to demonstrate compliance with this requirement (if approved by Minnesota Housing).
3. **Compliance Method Three. Buildings with four and five stories, WITH or WITHOUT heated garages**, (regardless of whether or not all units have their own heating, cooling and hot water heating systems separate from other units), may choose to comply with Criterion 5.1a and meet the requirements of ENERGY STAR for Homes (current applicable version in Minnesota).

**EGCC Certification Exception:** For projects seeking EGCC Certification, use the Alternative Compliance Pathway for Criteria 5.1b.

#### **Heated Underground Garages Prerequisites**

New Construction properties with heated underground garages (including heated garage above grade with conditioned space above) must include the following prerequisites strategies:

- Insulate the ceiling of the garage/floor of first level to meet floor surface temperature of space above per ASHRAE 55-2004
- Reduce garage temperature set point to 45 degrees Fahrenheit
- Other applicable code requirements

#### **RECOMMENDATIONS**

**ADD:** The following:

The following are suggested strategies for optimizing building performance for all types of buildings with heated garages:

- Where possible, design the ramp entrance/exit such that exterior ice melting systems are not required
- Exceed code required control of garage lighting with occupancy sensors
- Separately meter the garage heating, lighting, and snowmelt systems
- Variable Speed MUA/exhaust fans combined with staged control based on a number of CO sensors activated

- Sensible heat recovery from miscellaneous building systems

### **General Notes Applicable to Multifamily Criteria 5.1c and 5.1d**

Development teams are encouraged to complete a walk-through audit when developing application budgets in order ensure required energy efficiency; ventilation and combustion safety requirements can meet Criteria requirements.

### **Criteria 5.1c: 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. **Substantial and Gut Rehab:** No Overlay. Projects must meet the requirements of the Criteria as written.
2. **Moderate Rehab** projects must meet the requirements of the Performance Pathway or the Prescriptive Pathway as follows:
  - a) **Performance Pathway for three stories or fewer:**
    - i. No overlay. Demonstrate HERS Index of 85.
    - ii. Or, achieve a Home Energy Rating System (HERS) Index of 100 or less with pre-1980s exception noted in overlay.
  - b) **Prescriptive Pathway:**
    - i. When using this Prescriptive Pathway, demonstrating energy performance in terms of a HERS index is not required.
    - ii. If mechanical equipment is being replaced, it must meet the minimum efficiency levels:
      - o Cooling Equipment (Where Provided)
        - 13 SEER AC
        - ENERGY STAR for thru-wall AC
        - Heat pump (Refer to Heating Equipment)
      - o Heating Equipment
        - 95 AFUE ENERGY STAR gas furnace (non-roof top)
        - 90 AFUE for gas roof top equipment
        - 85 AFUE ENERGY STAR oil furnace
        - 90 AFUE ENERGY STAR gas boiler
        - 86 AFUE ENERGY STAR oil burner
        - 85 AFUE steam boilers and other non-condensing boilers
        - Heat pump:

- Zone 6. 9.5 HSPF/ 15 SEER/ 12 EER air-source w/ electric or dual-fuel backup
    - Zone 7. 3.6 COP/ 17.1 EER ground-sourced w/ electric or dual-fuel backup
  - Water Heater Heater/ Domestic Hot Water (DHW)
    - Gas: 30 Gal = 0.63 EF; 40 Gal = 0.61 EF; 50 Gal = 0.59 EF, 60 Gal = 0.57 EF, 70 Gal = 0.55 EF; and 80 Gal = 0.53 EF.
    - Electric: 30 Gal = 0.94 EF; 40 Gal = 0.93 EF; 50 Gal = 0.92 EF, 60 Gal = 0.91 EF, 70 Gal = 0.90 EF; and 80 Gal = 0.89 EF.
    - Oil: 30 Gal = 0.55 EF; 40 Gal = 0.53 EF; 50 Gal = 0.51 EF, 60 Gal = 0.49 EF, 70 Gal = 0.47 EF; and 80 Gal = 0.45 EF.
- iii. To comply with Criterion 5.1c using this pathway, disclose to Minnesota Housing (prior to Loan Commitment) that this is the pathway the project team is pursuing as well as information regarding impacts to scope of work.
- iv. Under this pathway, properties must meet the following prescriptive pathway standards, as applicable:
  - Pitched-roof attics with enough space to allow access must meet the following insulation and attic bypass air sealing requirements:
    - 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.
    - Follow the *BPI Building Analyst Standards (refer to Technical Resources in Chapter 8)* when checking insulation levels. Use Typical Insulation R0Value (page 7), which assumes the following:
      - R3.7/inch for blown cellulose
      - R3.0/inch for un-faced, unmarked batt insulation
  - Insulate attics to a minimum code R-Value of R49 as follows:
    - In electronically-heated properties with existing insulation less than R39.
    - In gas-heated properties with existing insulation less than R30.
    - Additional insulation and air sealing is not required in existing attics with insulation at or above these thresholds
  - 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.

- Verify any new attic bypass air sealing with post-construction visual inspection, infrared scan, and blower door test to ensure proper air sealing. Testing must be as follows:
  - Test one in four (1:4) upper level units after air sealing is complete.
  - If any tests fail, all upper level units must be tested.
  - The test must consist of an infrared camera scan performed with the unit depressurized to 25 pascals with respect to the outdoors.
  - The cubic feet per minute (CFM) 25 does not need to be recorded.
  - Any failures must be reported to Minnesota Housing and re-tested once correction has been completed.
- A failure is any bypass that is not “Essentially Stopped.”
- v. HVAC must meet the following post-construction requirements:
  - Ductwork carrying conditioned air in pitched roof attics with enough space to allow access must comply with the following requirements:
    - Insulate and air seal return and supply ductwork in compliance with ASHRAE 90.1-2010, or to a minimum R-Value of R8. Confirm air sealing with duct leakage testing showing less than 8 CFM to the outside 100 sq. ft. of conditioned space.
    - HVAC ductwork serving only common space, use only the common space to determine leakage.
    - Insulate and air seal exhaust ductwork.
- vi. Exterior walls with a wall cavity of 3.5” or greater, AND with no existing insulation:
  - Insulate walls to capacity. Insulation voids must be less than 5 percent of insulated area or the voids must be corrected. Verify insulation installation with infrared camera.
  - Occupied buildings with masonry at all exterior walls are excluded from this requirement.

- vii. Equipment or systems must meet the following post-construction requirements:
  - o Hot Water Boiler space Heating System: Install outdoor air reset controls to automatically adjust supply water temperature.
  - o Exposed Boiler Pipes: Must be insulated in compliance with ASHRAE 90.1-2010
  - o 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.
  - o Forced air system tune-ups: Confirm completion within the past two years if any forced air units are to remain in the building.
  - o 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.
  - o 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.

**Criteria 5.1d: Building Performance Standard**

(Mandatory for Substantial Rehab and Moderate Rehab: MF buildings with four or five stories wherein each DU does not have its own heating, cooling and hot water system; MF buildings with six or more stories)

**MODIFY:** REQUIREMENTS to add the following text:

**Multifamily (MF)**

1. Substantial/Gut Rehab: Must meet the requirements of the Criteria with no Overlay.
2. Moderate Rehab projects must meet the requirements of this Criteria through one of the following pathways:
  - a. **Performance Pathway:** No Overlay. Follow the Criteria as written by demonstrating energy performance equivalent to ASHRAE 90.1-2010 through energy modeling.
  - b. Or, **Prescriptive Pathway:** Follow the Prescriptive Pathway identified for Criteria 5.1c in this overlay.

**Criteria 5.5: Lighting**

(Mandatory for New Construction, and applicable Rehab projects)

**MODIFY:** The REQUIREMENTS to only be applicable to “any new” light fixtures. At Moderate Rehab, only fixtures included in the proposed scope of work must meet this Criterion.

**Category 6: Materials**

**Criteria 6.7a: Environmentally Preferable Flooring**

(Mandatory at New Construction and Rehab if project scope includes provisions for flooring)

**MODIFY:** The REQUIREMENTS to allow carpet at rooms with floors that are in direct contact with the foundation slabs (aka Ground-Connected Concrete Slabs) as follows:

For all New Construction, Substantial Rehab and Moderate Rehab projects, at least one of the following Exceptions to the “Prohibited Locations” must apply:

1. Ground-Connected Concrete Slabs: Approved carpet may be installed on ground-connected concrete slabs if there is evidence of a properly installed vapor barrier present beneath the concrete slab where the carpet is installed. This exception is allowed at non-basement locations where the finish grade is lower than all sides of the concrete slab; or
2. Basements: Approved carpet tile (not adhered to the floor) may be installed on below grade (full or partial basements) ground-connected concrete slabs if there is a functioning drain tile system that is connected to a functioning sump pump or gravity fed outlet; or
3. Capillary Break and Vapor Barrier Assembly: If approved by Minnesota Housing, carpet may be installed at ground-connected (concrete slab on grade) floors if a properly installed capillary break and vapor barrier assembly is provided between the (concrete) slab and the carpet. Products made up of a dimpled, heavy-duty plastic membrane may be considered; or
4. Poly-film Test or Relative Humidity (RH) Test confirms limited moisture or no vapor is present: If approved by Minnesota Housing, carpet may be installed at ground connected floors if a third party test confirms acceptable moisture conditions. The following tests and procedures may be used:
  - a. ASTM D4263 Test Method of Indicating Moisture in Concrete by the Plastic Sheet Method is conducted on the existing, untreated concrete subfloor with no evidence of vapor. This test may also be used after the installation of a moisture control system if approved by Minnesota Housing.
  - b. ASTM F2170 which uses test probes to measure the relative humidity and moisture content in concrete slabs to determine if excess moisture is present.
  - c. In order to meet the conditions of the Poly-film or Relative Humidity Test, Carpet Tile must be used. Roll or Sheet products are not allowed.
  - d. Test results must also meet manufacturers specified product installation requirements.
  - e. Either test method must be provided by a third party, independent testing agency with the results sent to Minnesota Housing.
  - f. Notes:
    - i. Approved carpet or carpet tile must meet the Carpet and Rug Institute’s Green Label or Green Label Plus certification for carpet, pad and carpet adhesives.
    - ii. Avoid carpet pads or adhered carpet at ground-connected floors.
    - iii. The exceptions noted here do not apply if there is a history of flooding, foundation seepage, leaking or moisture within an existing basement or ground-connected concrete slab.

**Criteria 6.12: Construction Waste Management**

(Mandatory and optional for New Construction, Substantial Rehab and Moderate Rehab)

**CLARIFICATION:** This requirement is Mandatory and it allows of optional points. All projects regardless of scope of work must meet the Mandatory and the optional point requirements.

## Category 7: Healthy Living Environment

### Criteria 7.1: Ventilation

**MODIFY Applicability to read:**

(Mandatory for all projects including New Construction, Substantial Rehab, and Moderate Rehab. No optional points.)

**MODIFY:** REQUIREMENTS to include the following added paragraph:

Abandoned Ventilation System: If an abandoned mechanical ventilation system exists, it must be investigated and re-commissioned with educational systems developed at the time of rehabilitation. The process must include:

- a. Identify cause of failure by determining if it was:
  - i. Mechanical malfunction – system broken
  - ii. Human error – maintenance failure, override, or system shut-off
- b. Identify response
  - i. Restore, replace, repair, and/ or re-commission systems(s)
  - ii. Require manuals and education for management and maintenance staff
  - iii. Include tenant education in resident manual and orientation (Criteria item 8.3 and 8.4)

**EXCEPTIONS:**

1. If approved by Minnesota Housing, existing, operable, functioning bath fans and kitchen fans for Moderate Rehab may be permitted to remain in place for compliance with these Criteria.
2. For Moderate Rehab, all existing buildings with no common area ventilation are exempt from providing a new whole-house or new common area ventilation system.

### Criteria 7.3: Combustion Equipment

(Mandatory for projects with combustion equipment)

Moderate Rehab: If combustion equipment is located in individual DUs, the following must apply:

**ADD:** The following must replace 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 CO levels to 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:** The existing third paragraph and replace with the following new paragraph:

CO alarms must be installed at all New Construction, Substantial Rehab, and Moderate Rehab properties as required to meet Minnesota state statute. Refer to the *Minnesota Housing Rental Housing Design/Construction Standards*.

#### **Criteria 7.4: Elimination of Combustion within the Conditioned Space**

(Applicable for New Construction and Rehab)

**CLARIFICATION:** To the REQUIREMENTS for Option 1 and Option 2:

Option 1 [9 points] applicable to New Construction and to Rehab if existing gas equipment is replaced with electric equipment.

Option 2 ([11 points] is not applicable if providing new power-vented or closed (sealed) combustion equipment in lieu of natural draft combustion equipment.

#### **Criteria 7.8: Radon Mitigation**

(Mandatory for all projects)

**DELETE:** All REQUIREMENTS and replace with the following:

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

#### **Criteria 7.14: Interior and Outdoor Activity Spaces for Children and Adults**

(Optional/7 points)

**MODIFY:** To allow optional points if existing, older, worn equipment is replaced as part of the work scope.

#### **Criteria 7.15: 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 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.

## **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 Emergency Management Manual and will not review or approve it.

### **Criteria 8.5: Project Data Collection and Monitoring System: 100 Percent Owner Paid Utility Accounts, 15 Percent Tenant Paid Utility Accounts**

(Optional/No points)

**OMIT:** This Mandatory Criteria. It may be included as an Optional Criteria item; however, no points are available. To claim optional points under Criteria 8.6, the requirements of Criteria 8.5 must be met.

## Chapter 7 – Single Family Funded Project Requirements

### 7.01 Single Family Minimum Criteria

Mandatory Criteria and Optional (points) Criteria are required for Minnesota Housing funded SF projects must be per Table 7.01.

**Table 7.01 Mandatory and Optional Criteria**

Construction Type	Required Mandatory Criteria	Required Optional (points) Criteria	Certification
SF New Construction	Yes	No <sup>4</sup>	Encouraged, but not required
SF (All Acquisition/ Rehab)	Yes <sup>1,2,3,</sup> Refer to Table 7.02	No	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.
4. Although not required, 35 optional points are strongly encouraged. To effectively identify and encourage sustainability, a technical assistance (TA) meeting must be conducted with the Owner, General Contractor (if selected), and a Minnesota Housing staff architect via teleconference or via face-to-face meeting if identified by Minnesota Housing as useful for the project. This TA meeting must take place after selection/award of funding, yet prior to finalized bidding and construction to affectively incorporate strategies, where applicable.

### 7.02 Minimum Mandatory Criteria for SF Moderate Rehab

Not all Mandatory Criteria are required for SF Moderate Rehab projects. Minimum Mandatory Criteria for SF Moderate Rehab must be per Table 7.02.

**Table 7.02 Minimum Mandatory Criteria for SF Mod Rehab**

Criteria No.	2015 EGCC	Moderate Rehab
1.1a	Goal Setting	Mandatory
1.1b	Criteria Documentation	Mandatory
3.1	Environmental Remediation	Mandatory
3.4	Landscaping	Mandatory if in scope of work
3.5a	Efficient Irrigation and Water Reuse	Mandatory if in scope of work
5.1c	Building Performance	Mandatory
5.3	Sizing of Heating and Cooling Equipment	Mandatory if in scope of work
5.4	ENERGY STAR Appliances	Mandatory if in scope of work
5.5	Lighting	Mandatory if in scope of work

Criteria No.	2015 EGCC	Moderate Rehab
6.1	Low/ No VOC Paints, Coatings and Primers	Mandatory if in scope of work
6.2	Low/ No VOC Adhesives and Sealants	Mandatory if in scope of work
6.6	Composite Wood Products that Emit Low/ No Formaldehyde	Mandatory if in scope of work
6.7a	Environmentally Preferable Flooring	Mandatory if in scope of work
6.8	Mold Prevention: Surfaces	Mandatory if in scope of work
6.9	Mold Prevention: Tub and Shower Enclosures	Mandatory if in scope of work
6.12	Construction Waste Management	Mandatory
7.3	Combustions Safety	Mandatory
7.5	Vapor Retarder Strategies	Mandatory if in scope of work
7.6	Water Drainage	Mandatory if in scope of work
7.8	Radon Mitigation	Refer to Minnesota Housing Environmental Standards Radon Requirements
7.9	Garage Isolation	Mandatory
7.15	Reduce Lead Hazards	Refer to Minnesota Housing Environmental Standards for Lead Hazards
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
Impact Fund 2015 Enterprise Green Communities Criteria Checklist			
Intended Methods Worksheet (Single Family version) in an electronic Excel format, OR documented commitment to Certify through Enterprise.	Yes	File <sup>1</sup>	
Enterprise Waiver Request	Yes <sup>2</sup>		
Energy Efficiency Improvement Plan (SF Criterion 5.1b)	File <sup>1,2</sup>		
Blower Door Test	File <sup>1,2</sup>	File <sup>1,2</sup>	
Energy Star Thermal Enclosure System Checklist	File <sup>1,2</sup>		
HERS Rating Report/ Energy Model Energy Star for Homes	File <sup>1,2</sup>		

Documentation Requirement	Impact Fund	Impact Fund End of Construction	Non-Impact Fund/ Other Programs
Home Energy Rating Certificate		File <sup>1,3</sup>	
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 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 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 and selected 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. Borrower/Developer/Owner and the Architect of Record/Borrower’s Architect must sign and date the “Initial Application Phase” certification.
  - g. Submit the Intended Methods Worksheet to Minnesota Housing as a PDF.
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

The following revisions, additions, and/or clarifications to the 2015 EGCC must be applied to Minnesota Housing funded projects including those receiving Housing Tax Credits (HTC) only allocations:

### Category 1: Integrative Design

#### Criteria 1.2a Resident Health and Well-Being: Design for Health

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

#### Criteria 1.3a Resilient Communities: Design for Resilience

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

### Category 2: Location + Neighborhood Fabric

#### Category 2: Guidance for New Construction Projects

**OMIT:** Reference to New Construction projects earning Criteria 2.8 or earning 8 optional points from Category 2. Optional points under Category 2 are not required for any projects.

**CLARIFICATION:** Only New Construction projects are required to meet all Category 2 Mandatory Criteria.

#### Criteria 2.1: Sensitive Site Protection.

**DELETE:** Provision 1. “Land within 100’ of wetland, including isolated wetlands or streams...”

**CLARIFICATION:** Setbacks for wetlands shall be per local and regional watershed requirements, ordinances, etc.

#### Criteria 2.3 Compact Development

**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>.

Any acreage maintained as open space per Criteria 2.6 and 2.7 may be deducted from total project acreage in terms of determining project 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

**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 Criteria, no points.

## 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.

## Category 5: Energy Efficiency

### Criteria 5.1c: 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 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-roof top)
    - ii. 90 AFUE for gas roof top equipment
    - iii. 85 AFUE ENERGY STAR oil furnace
    - iv. 90 AFUE ENERGY STAR gas boiler
    - v. 86 AFUE ENERGY STAR oil burner
    - vi. 85 AFUE steam boilers and other non-condensing boilers
    - vii. Heat pump:
      - Zone 6. 9.5 HSPF/ 15 SEER/ 12 EER air-source w/ electric or dual-fuel backup
      - Zone 7. 3.6 COP/ 17.1 EER ground-sourced w/ electric or dual-fuel backup
    - viii. Water Heater Heater/ Domestic Hot Water (DHW)
      - Gas: 30 Gal = 0.63 EF; 40 Gal = 0.61 EF; 50 Gal = 0.59 EF, 60 Gal = 0.57 EF, 70 Gal = 0.55 EF; and 80 Gal = 0.53 EF.
      - Electric: 30 Gal = 0.94 EF; 40 Gal = 0.93 EF; 50 Gal = 0.92 EF, 60 Gal = 0.91 EF, 70 Gal = 0.90 EF; and 80 Gal = 0.89 EF.
      - Oil: 30 Gal = 0.55 EF; 40 Gal = 0.53 EF; 50 Gal = 0.51 EF, 60 Gal = 0.49 EF, 70 Gal = 0.47 EF; and 80 Gal = 0.45 EF.



**MODIFY:** RATIONALE to add the following text:

Utility cost for low-income families can account for 19.5 percent of household budget (EPA national average 2001). The intent is to maximize 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 ensure the health and safety of residents. Check with local utility for rebates or programs that may help offset the cost of weatherization and new system/component.

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

### **Criteria 5.5: Lighting**

(Mandatory for New Construction, and applicable Rehab projects)

**MODIFY:** The REQUIREMENTS will only be applicable to “any new” light fixtures. At Moderate Rehab, only fixtures included in the proposed scope of work must meet this Criterion.

## **Category 6: Materials**

### **Criteria 6.7a: Environmentally Preferable Flooring**

(Mandatory at New Construction and Rehab if project scope includes provisions for flooring)

**MODIFY:** The REQUIREMENTS to allow carpet at rooms with floors that are in direct contact with the foundation slabs (aka Ground-Connected Concrete Slabs) as follows:

For all New Construction, Acquisition/Rehab projects, at least one of the following exceptions to the “Prohibited Locations” must apply:

1. Ground-Connected Concrete Slabs: Approved carpet may be installed on ground-connected concrete slabs if there is evidence of a properly installed vapor barrier present beneath the concrete slab where the carpet is installed. This exception is allowed at non-basement locations where the finish grade is lower than all sides of the concrete slab; or
2. Basements: Approved carpet tile (not adhered to the floor) may be installed on below grade (full or partial basements) ground-connected concrete slabs if there is a functioning drain tile system that is connected to a functioning sump pump or gravity fed outlet; or
3. Capillary Break and Vapor Barrier Assembly: If approved by Minnesota Housing, carpet may be installed at ground-connected (concrete slab on grade) floors if a properly installed capillary break and vapor barrier assembly is provided between the (concrete) slab and the carpet. Products made up of a dimpled, heavy-duty plastic membrane may be considered; or
4. Poly-film Test or Relative Humidity (RH) Test confirms limited moisture or no vapor is present: If approved by Minnesota Housing, carpet may be installed at ground connected floors if third party test results confirm acceptable moisture conditions. One test used to confirm acceptable moisture conditions for flooring is ASTM D4263 Test Method of Indicating Moisture in Concrete by the Plastic Sheet Method and is conducted on the existing, untreated concrete subfloor with no evidence of vapor in the results. This test may also be used after the installation of a moisture control system if approved by Minnesota

Housing. If the Poly-film test is successful with no vapor present, carpet tile may be specified.

Another acceptable test method is ASTM F2170 which uses test probes to measure the relative humidity and moisture content in concrete slabs to determine if excess moisture is present. This test is more commonly accepted by flooring installers and if results meet manufacturers specified product installation requirements, carpet may be installed.

Regardless of the test method used, tests shall be performed by an independent third-party testing agency with the results sent to Minnesota Housing.

Notes:

- “Approved carpet or carpet tile” must meet the Carpet and Rug Institute’s Green Label or Green Label Plus certification for carpet, pad, and carpet adhesives.
- Avoid carpet pads or adhered carpet at ground-connected floors.
- The exceptions noted here do not apply if there is a history of flooding, foundation seepage, leaking or moisture within an existing basement or ground-connected concrete slab.

**Criteria 6.12: Construction Waste Management**

(Mandatory and optional for New Construction, Substantial Rehab and Moderate Rehab)

**CLARIFICATION:** This requirement is Mandatory and it allows optional points. All projects regardless of scope of work must meet the Mandatory requirement.

**Category 7: Healthy Living Environment**

**Criteria 7.3: Combustion Equipment**

(Mandatory for projects with combustion equipment)

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

**ADD:** The following must replace 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 CO levels to 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:** The existing third paragraph and replace with the following new paragraph:

CO alarms must be installed at all New Construction and Acquisition/Rehab properties as required to meet Minnesota state statute.

#### **Criteria 7.7: Mold Prevention: Water Heaters**

**OMIT:** From Mandatory. This must be an Optional Criteria, no points

#### **Criteria 7.8: Radon Mitigation**

(Mandatory for all projects)

**DELETE:** All REQUIREMENTS and replace with the following:

**NOTE:** All Radon Testing/ Measurements must be provided by a person certified by the National Radon Proficiency Program (NRPP) or the National Radon Safety Board (NRSB). And after January 1, 2019, 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).
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. 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 conducted after January 1, 2019 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. After January 1, 2019, 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 7.12: Active Design: Promoting Physical Activity Within the Building**

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

#### **Criteria 7.15: 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).

### **Category 8: Operation, Maintenance, and Resident Engagement**

#### **Criteria 8.5: Project Data Collection and Monitoring System: 100 Percent Owner Paid Utility Accounts, 15 Percent Tenant Paid Utility Accounts**

(Optional/No points)

**OMIT:** This Mandatory Criteria. It may be included as an Optional Criteria item; however, no points are available. To claim optional points under Criteria 8.6, the requirements of Criteria 8.5 must be met.

## Chapter 8 – Other Information

### 8.01 Exemptions and Waivers

Compliance with specific Criteria may be waived if the Borrower/Developer/Owner and Architect of Record/Borrower's Architect can demonstrate that the Criteria creates a tangible hardship or is inadvisable for a specific project. 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

Where a single project/site includes a new building and a rehab building, a separate Intended Methods Worksheet must be provided for each construction type. Under this condition, the following applies:

1. The optional points are limited to a minimum of 30 for each.
2. For non-residential New Construction buildings (i.e., community buildings), compliance with Criteria 5.1a must have an "As-Designed" HERS Index equal to or less than the "Energy Star HERS Index of Referenced Design Home" with Size Adjustment Factor.

### 8.04 Energy Raters and Auditors

If an Energy Star 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, contractor, or any other entity with an identity of interest.

**Clarification: Rater vs. Auditor.** An Energy Rater or HERS Rater is a RESNET Certified individual. The Department of Energy's ENERGY STAR programs require an Energy Rater/HERS Rater to be RESNET Certified. 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 an energy audit and create an 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](#)
- [RESNET Home Energy Raters](#)

- 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 & 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 ensure 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 DU or services or facilities;
- engage in any conduct relating to the provision of housing that otherwise make unavailable or denies the rental of a DU;
- 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 DU.

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 Disclosure**

The recipient must report all known or suspected instances of fraud in connection with the awarding or receipt of Minnesota Housing funds to Minnesota Housing’s Chief Risk Officer as soon as evidence of fraud is discovered by the recipient. “Fraud” means an intentional deception made for personal gain or to damage another.

### **10.02 Suspension**

By entering into any agreement with Minnesota Housing, accepting any award of funds from Minnesota Housing, or otherwise conducting any business with Minnesota Housing, a party represents that the party or any principal of the party, has not been suspended from doing business with Minnesota Housing pursuant to the Minnesota Housing Finance Agency Board of Directors Participant Suspension Policy. A principal is defined as: (a) an officer, director, owner, partner, principal investigator, or other person within an organization or entity doing business with Minnesota Housing with management or supervisory responsibilities; or (b) a consultant or other person, who: (1) is in a position to handle Minnesota Housing funds; (2) is in a position to influence or control the use of those funds; or (3) occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to be performed under contract with Minnesota Housing. A party must contact Minnesota Housing for a list of all suspended individuals and organizations.