



Multifamily (Rental Housing)

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

2025 – 2026 Multifamily Consolidated Request for Proposals

2026 – 2027 Housing Tax Credit Funding Round

Last Updated: April 2025



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Contents

- Chapter 1 – Overview 1
- Chapter 2 – Project and Rehabilitation Type..... 3
 - 2.01 Definitions of Project Type as Set by Funding Source 3
 - 2.02 Rehabilitation (Rehab) Types..... 3
- Chapter 3 – Certification Programs and Enhanced Sustainability 6
 - 3.01 Enterprise Green Communities Criteria™ 6
 - 3.02 ENERGY STAR Certification 6
 - 3.03 Enhanced Sustainability 6
- Chapter 4 – How to Use This Document..... 10
- Chapter 5 – Multifamily Funded Project Requirements..... 11
 - 5.01 Multifamily Minimum Criteria 11
 - 5.02 Minimum Mandatory Criteria for MF Moderate Rehab Projects..... 11
 - 5.03 Multifamily Submittals and Documentation 12
 - 5.04 Multifamily Intended Methods Worksheet Instructions..... 12
 - 5.05 Multifamily Enhanced Sustainability 14
- Chapter 6 – Multifamily (MF) MN Overlay to Enterprise Green Communities Criteria™ 15
 - 6.01 Category 1: Integrative Design..... 15
 - 6.02 Category 2: Location + Neighborhood Fabric 17
 - 6.03 Category 3: Site Improvements 21
 - 6.04 Category 4: Water Conservation 22
 - 6.05 Category 5: Energy Efficiency 23
 - 6.06 Category 6: Materials..... 33
 - 6.07 Category 7: Healthy Living Environment 37
 - 6.08 Category 8: Operation, Maintenance, and Resident Engagement..... 40

Chapter 7 – Other Information	42
7.01 Exemptions and Waivers	42
7.02 Conflicting Requirements	42
7.03 Combined New Construction and Rehabilitation Projects	42
7.04 Energy Raters and Energy Auditors	42
7.05 Resources and Links	43
Appendix A – Abbreviations, Acronyms, Terms, and Definitions	44
Appendix B – Legal Addendum	52
1.01 Conflict and Control	52
1.02 Fraud	52
1.03 Misuse of Funds	52
1.04 Conflict of Interest	52
1.05 Assistance to Employees and Affiliated Parties	55
1.06 Suspension	56
1.07 Disclosure and Reporting	56
1.08 Electronic Signatures	56
1.09 Fair Housing Policy	57
1.10 Minnesota Government Data Practices	58
1.11 Prevailing Wage	58

Chapter 1 – Overview

All chapters in this overlay are applicable to funding and housing tax credits allocated/awarded through Minnesota Housing’s Multifamily Division.

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 [2024-2027 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 Multifamily (Rental) Minnesota Overlay and Guide to the 2020 Enterprise Green Communities Criteria™ (MF MN Overlay). 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 MF MN Overlay. 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/award and/or other capital improvement funding from Minnesota Housing must meet all requirements of the 2020 EGCC™ as amended by this MF MN Overlay.

This MF MN Overlay 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 in writing, 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 MF MN Overlay 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. This Multifamily (Rental) MN Overlay **is not** applicable to Single Family funded projects.

2.02 Rehabilitation (Rehab) Types

A. Substantial Rehabilitation

Substantial Rehabilitation is defined as a project:

1. Where the work area exceeds 50% of the Aggregate Area of the building defined per the 2020 Minnesota Conservation Code for Existing Buildings, Section 604 Level 3 Alteration.
2. Gut rehabilitation meeting the definition noted above must be considered Substantial Rehab.

B. Moderate Rehabilitation

Moderate Rehabilitation is defined as a project:

1. That does not fall under the definition for Substantial Rehabilitation.
2. Or, where the work is limited to the 2020 Minnesota Conservation Code for Existing Buildings definition of Chapter 4 Repairs, Section 6023 Level 1 Alteration or Section 603 Level 2 Alteration.

C. Limited Scope Rehabilitation

Limited Scope Rehabilitation status may be considered by Minnesota Housing based upon the cost, funding source, number of Dwelling Units (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.

D. Adaptive Reuse

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

To comply with this MF MN 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 (RHDCS), Chapter 2 – General Occupancy New Construction Minimum Standards requirements. The RHDCS can be found on Minnesota Housing's [Building Standards](#) webpage. Adaptive Reuse projects are not considered new construction projects.

E. Additions and New Construction as Part of a Rehabilitation 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 rehab 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 (ES) 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 MF MN Overlay for Criteria 5.1b may be used.

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

Chapter 3 – Certification Programs and Enhanced Sustainability

3.01 Enterprise Green Communities Criteria™

Enterprise Green Communities Criteria™ (EGCC™) 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 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 (aka Rehab) and Adaptive Reuse (AR) = 35 Optional points.

3.02 ENERGY STAR Certification

ENERGY STAR certification is required for all new construction projects (including HTC only projects) regardless of whether Minnesota Housing's Self-Scoring Worksheet Enhanced Sustainability selection criterion points are awarded.

New to the April 2025 release of this MF MN Overlay, the following more rigorous versions of ENERGY STAR are required for all MF funded projects:

- Version 3.2 of the ENERGY STAR Certified Homes program
- Version 1.2 of the ENERGY STAR Multifamily New Construction program

3.03 Enhanced Sustainability

Through Minnesota Housing's Self-Scoring Worksheet selection points are offered for projects with Enhanced Sustainability.

Applicants can select Tier 1, Tier 2, Tier 3 or Tier 4; or a combination of Tiers 1 and 3, Tiers 2 and 3, Tiers 1 and 4 or Tiers 2 and 4 for a maximum of 12 points. Note all buildings in the project with residential units, regardless, if claiming or not claiming point(s) for enhanced sustainability, must be certified through the ENERGY STAR Residential New Construction Program using ENERGY STAR Multifamily New Construction (MFNC), ENERGY STAR Manufactured Homes and/or ENERGY STAR Certified Homes as applicable.

Tier point totals are summarized as follows:

1. Tier 1 = 2 Selection Points (Tier 2 not eligible if selecting Tier 1)
2. Tier 2 = 4 Selection Points (Tier 1 not eligible if selecting Tier 2)

3. Tier 3 = 6 Selection Points
4. Tier 4 = 8 Selection Points
5. Tier 1 + Tier 3 = 8 Selection Points
6. Tier 2 + Tier 3 = 10 Selection Points
7. Tier 1 + Tier 4 = 10 Selection Points
8. Tier 2 + Tier 4 = 12 Selection Points

To receive these selection points, applicants must meet the requirements in the Self-Scoring Worksheet and the following requirements:

1. **Tier 1:** Project includes at least two times the minimum number of Optional points criteria (New Construction = $40 \times 2 = 80$. Rehabilitation and Adaptive Reuse = $35 \times 2 = 70$) in addition to required Mandatory criteria.
2. **Tier 2:** Project includes at three times the minimum Optional criteria (New Construction = $40 \times 3 = 120$. Rehabilitation and Adaptive Reuse = $35 \times 3 = 105$) in addition to required Mandatory criteria.
3. **Tier 3:** Project conforms to at least one of the following alternative building Performance Pathways:
 - a. Pathway 1. Minnesota B3 Sustainable Buildings 2030 (SB 2030) Energy Standard (applicable to New Construction and Rehabilitation). This does not include the full Minnesota B3 Guidelines, only the SB 2030 Energy Standard.
 - i. Compliance with SB 2030 Energy Standard is achieved by a combination of on-site renewable energy generation and energy efficiency. Projects meeting SB 2030 Energy Standard 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. If Renewable Energy Certificates are required for compliance, they must be an up front, lump sum cost identified in the underwriting workbook development/soft costs.
 - b. Pathway 2. Department of Energy Zero Energy Ready Home (DOE ZERH) program (New Construction Only):
 - i. Criteria 5.2b Near Zero Certification
 1. Certify the project through Department of Energy (DOE) Zero Energy Ready Home (ZERH)
 - ii. Criteria 5.4 Zero Energy
 1. Criteria Requirements Option 1. Certify through DOE ZERH.
 - c. Pathway 3. 2020™/MF MN Overlay to Criteria 5.1b Performance pathway.
 - i. Follow the Performance Pathway per this MF MN Overlay to Criteria 5.1b
4. **Tier 4:** Passive House, Zero Energy Petal, Zero Carbon Petal, or Living Building Challenge
 - a. Criteria 5.2b Near Zero Certification
 - i. Passive House Institute (PHI) Classic, or Passive House Institute US (PHIUS).

b. Criteria 5.4 Zero Energy

- i. 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.

A. Other Enhanced Sustainability Requirements and Information

Additional information for all tiers:

1. If claiming and receiving Enhanced Sustainability selection points, EGCC™ certification is not required; however, certification through applicable programs is required under Tier 3 Pathways 1 and 2.
2. Compliance with all tiers will be demonstrated through the Multifamily Intended Methods Worksheet (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.
3. 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 35 for rehab or 40 for new construction, whichever is greater.

Additional information for Tier 1 and Tier 2:

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

Additional information for Tier 3 and Tier 4:

1. The IMW must reconcile with requirements of Tier 3 or Tier 4 if claimed.
2. The Pathway selected at application under Tier 3 or Tier 4 may be changed to another pathway within same Tier.
3. If claiming Tier 3 Pathway 1 or 2, or Tier 4 – proof of certification through B3, DOE ZERH, PHI, PHIUS, etc. is not required at application.
4. If claiming and receiving selection points for Tier 3 (Pathway 1 or 2) or Tier 4 for New Construction projects, ENERGY STAR certification is required.
5. 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 MF MN Overlay for other applicable requirements.

Chapter 4 – How to Use This Document

This MF MN Overlay applies to all Multifamily (MF) New Construction, Substantial 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 MF MN Overlay modify or replace the corresponding item in the 2020 EGCC™.

Exceptions:

1. Projects approved by Minnesota Housing as Limited Scope Rehabilitation may use the Sustainability Requirements for Limited Scope Rehabilitation Projects Agreement and Certification form. This form is available on our [Building Standards](#) webpage.
2. Projects receiving General Obligation (GO) Bonds must follow the Minnesota State Sustainability Guidelines, aka B3/SB2030.
3. Some funding sources such as the Publicly Owned Housing Program (POHP) may be subject to B3/SB2030 or other sustainability requirements. See the program guide for special funding source requirements.

The 2020 EGCC™ and this MF 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 this MF MN Overlay (unless exceptions noted above apply).
 - b. **Single Family funded projects** are not applicable to this Multifamily (MF) MN Overlay and must meet the requirements outlined in the Single Family (SF) MN Overlay.

Chapter 5 – Multifamily Funded Project Requirements

5.01 Multifamily Minimum Criteria

Mandatory criteria and optional (points) criteria are required for Minnesota Housing funded MF projects must be per Table 1.

Table 1: 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/ES is required ¹
MF Substantial	Yes ^{2,3}	Yes, at least 35	EGCC™ not required
MF Moderate Rehab	Yes ^{2,3}	Yes, at least 35	EGCC™ not required
MF Adaptive Reuse	Yes ^{2,3,4}	Yes, at least 35	EGCC™ not required
Rehab with an addition or new detached building	Yes ^{2,3,5}	Yes, at least 35	EGCC™ not required

5.02 Minimum Mandatory Criteria for MF Moderate Rehab Projects

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

¹ If claiming and receiving Minnesota Housing’s Multifamily Consolidated Request for Proposals (RFP) Enhanced Sustainability selection points Tier 3 – Pathway 2 or Tier 4, certification under the applicable program is required. ENERGY STAR certification is required for all new construction projects regardless of enhanced sustainability selection.

² 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.

³ Existing equipment, plumbing fixtures, and/or appliances that remain (not improved) are exempt from meeting New Construction requirements.

⁴ Adaptive Reuse projects must follow either Substantial Rehab or Moderate Rehab Mandatory and selected Optional criteria requirements.

⁵ New Construction Mandatory Location + Neighborhood Fabric Criteria 2.2, 2.3, 2.5, and 2.6 are not required.

5.03 Multifamily Submittals and Documentation

Submittals and documentation for MF projects must conform with Table 2. 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 2: 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 ⁶		
Criteria 5.1a and 5.1b: ENERGY STAR Performance or Prescriptive Method Energy Goals; Energy Model; or letter explaining compliance with Prescriptive Method.		Yes ⁷	Yes ⁸
Criteria 5.1a: ENERGY STAR Certificate			Yes ⁸
Criteria 5.1b: Post-build Energy Report or proof of compliance as requested			Yes ⁷
Enhanced Sustainability – Tier 3, Pathway 1 Proof of B3 Compliance		Yes	Yes ⁸
Enhanced Sustainability – Tier 3 Pathway 2 and Tier 4; Energy Model		Yes	Yes ⁸

5.04 Multifamily Intended Methods Worksheet Instructions

Each building within a development must have its own separate Intended Methods Worksheet (IMW) for each phase indicated below.

Exception: If there are multiple buildings on one contiguous site and the buildings are of the same construction type, same building type (walk-up apartment, elevator-equipped apartment, townhome, etc.), same number of stories, then only one IMW is required for the development.

⁶ Only required if applicable.

⁷ Refer to performance or prescriptive path within Criteria 5.1b for applicable energy performance.

⁸ ENERGY STAR certification is required for all New Construction projects.

A. Initial Application Phase

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 Minnesota Housing's [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 Minnesota Housing's [Building Standards](#) webpage.
9. The Owner and the Architect must sign and date the "Intent to Comply Certification – Initial Application Phase."

B. Loan Commitment/Loan Closing 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."

C. End of Construction/Construction Close-Out 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 or Tier 4 Program Certification if applicable.

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

5.05 Multifamily Enhanced Sustainability

Projects claiming Enhanced Sustainability selection points through the Multifamily Consolidated RFP 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.

Chapter 6 – Multifamily (MF) MN Overlay to Enterprise Green Communities 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.

6.01 Category 1: Integrative Design

A. 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 an Appendix B on the [2020 Enterprise Green Communities Criteria](#) webpage.

B. 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 MF 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 attend.

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.

C. Criteria 1.8 Education on Actionable Solutions for Healthier Material Selection

(Optional 4 points)

NEW ADDED CRITERIA

RATIONALE

Building materials often use harmful chemicals during their manufacture, installation, use, or disposal with significant impacts on the health of people and the environment. Understanding these impacts and considering materials early in the design process increases the success of project teams' efforts to select healthier products, reducing the use of harmful chemicals. By undergoing healthier materials education, project teams will gain understanding of how to identify the impacts of the products they use and how to select healthier materials. It will also prepare teams to pursue the Optional Healthy Materials Selection points in Criterion 6.4.

REQUIREMENTS

Attend Training

- Attend in-person training, live online training, or recorded online training by Habitable on actionable solutions for healthier materials selection. At a minimum, the architect must attend.
- Proof of attendance will be confirmed via a certificate from Habitable prior to loan commitment/loan closing.

Expand Awareness

- To further expand awareness, include reference to Habitable's Informed™ in project specifications in Section 01 81 13 Sustainable Design Requirements. Example language:
 - Entities working on this project are expected to become familiar with [Habitable's Informed™](#) material health research and information.

RESOURCES

- Minnesota Baseline Report: Advancing Health and Equity through Better Building Products. To support Minnesota’s affordable housing sector to improve human health and equity, Habitable (formerly Healthy Building Network) assessed the types of building products currently used in housing development and how those products affect the planet. The purpose of this report is to build awareness around the current state of products used, to then support engagement to co-design a strategy for improvement with local leaders. See [A Path to Healthier Affordable Housing in Minnesota](#).
- [Habitable’s Informed™](#) materials modeling will help you quickly and confidently choose better building product types. The intuitive red-to-green color ranking compiles decades of comprehensive research about the health impacts of chemicals throughout the product life cycle.

6.02 Category 2: Location + Neighborhood Fabric

A. 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.

ADD: As a resource to RESOURCES

- [State of Minnesota Flood Maps](#)

B. 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 2.

C. 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”

D. 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. To receive this point, provide exterior bike rack(s) to accommodate bikes for 10% of the number of Dwelling Units with a minimum of six bikes. [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]

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

E. 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. Potential points are divided into orientation and glazing/shading.

Table 3: Glazing, Shading and Building Orientation Table

Project Type	Potential Points	Requirements
New Construction Stand-Alone building	2	Meets only building orientation guidelines
New Construction Stand-Alone building	3	Meets only glazing and shading guidelines
New Construction Stand-Alone building	5	Meets all guidelines
New Construction Projects with multiple buildings	2	100% of the Dwelling Units meet building orientation
New Construction Projects with multiple buildings	3	100% of the Dwelling Units meet glazing and shading guidelines
New Construction Projects with multiple buildings	5	100% of the Dwelling Units meet all guidelines
Rehabs Moderate or Substantial	3	All new windows must comply with the glazing type guidelines, by climate zone
Rehabs Moderate or Substantial	2	All south-facing elevations must comply with shading guideline by climate zone

CLARIFICATION: For Building Orientation, orient the building to be within 15 degrees of true south. In this situation, the building will be oriented along an east-west axis with the longest wall facing south.

F. 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.

G. 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.

H. Criteria 2.16a: Electric Vehicle Charging Ready

(Optional for all/2 points)

(Only one criterion, 2.16a or 2.16b, can be claimed, not both)

NEW ADDED CRITERIA

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 direct current (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.

I. Criteria 2.16b: Electric Vehicle Charging

(Optional for all/8 points)

(Only one criterion, 2.16a or 2.16b can be claimed, not both)

NEW ADDED CRITERIA

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 50. EVCS must be comprised of “Level 2” or higher charging technology.
- Accessible parking spaces should be considered 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.

6.03 Category 3: Site Improvements

A. 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 the Multifamily (MF) Environmental Standards available on Minnesota Housing’s [Building Standards](#) webpage.

B. 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™.

C. Criteria 3.5: Surface Stormwater Management

(6, 8, or 10 Optional Points)

CLARIFICATION: REQUIREMENTS Revise the first sentence to read:

Through on-site infiltration, evapotranspiration, and rainwater harvesting, treat or retain the maximum precipitation volume possible beyond the requirements of Criterion 3.4 precipitation on-site.

The whole site with the boundary of the American Land Title Association (ALTA) survey must be included in the percentile calculations.

6.04 Category 4: Water Conservation

A. Criteria 4.1: Water Conserving Fixtures

(Mandatory for New Construction and Substantial Rehab/Gut Rehab)

(Moderate Rehab Optional 5 points maximum 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.

B. 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.

C. 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.

6.05 Category 5: Energy Efficiency

A. General Notes Applicable to Multifamily Criteria 5.1a and 5.1b

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.

B. Criteria 5.1a: Building Performance Standards

(Mandatory for all new construction)

(No Optional points available)

ADD: To REQUIREMENTS

New to the April 2025 release of this MF MN Overlay, the following more rigorous versions of ENERGY STAR are required for all MF funded projects:

- **Version 3.2** of the ENERGY STAR Certified Homes program

- **Version 1.2** of the ENERGY STAR Multifamily New Construction program

ADD: To REQUIREMENTS

CLARIFICATIONS

Applicable ENERGY STAR (ES) certification (ES Multifamily New Construction, ES Manufactured Homes, and/or ES Certified Homes as relevant) is required for compliance with Criteria 5.1a.

ES certification is required for new construction projects regardless of whether Enhanced Sustainability Tier 3 or Tier 4 RFP selection points were awarded.

ADD: To REQUIREMENTS

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

REVISE/CLARIFICATION:

REQUIREMENTS

Projected operating energy use intensity (EUI) for the project in kBTU/ft²/yr as well as projected operating emissions intensity for the project in tCO₂e/ft²/y are a MANDATORY requirement; however, the breakdown by bedroom is not required. kBTU/bedroom/yr and tCO₂e/bedroom/yr are not required.

ADD: to the RESOURCES the following:

- [Functional Testing Agent Directory | ENERGY STAR](#)
- [ASHRAE Path Energy Modeler Directory | About ENERGY STAR | ENERGY STAR](#)

C. 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.

CLARIFICATION:

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

REVISE: To include the following three 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, similar to 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.

MN Sustainability Guidelines B3- SB2030 Pathway

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

CLARIFICATION:

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. Ductless Air Conditioning: 14 SEER2
 - ii. Ducted Air Conditioning (Split System and Packaged): 13.3 SEER2

- iii. Energy Star for through -wall AC
 - iv. Heat pump (refer to Heating Equipment)
 - b. Heating Equipment
 - i. 95 AFUE gas furnace (non-rooftop)
 - ii. 90 AFUE for gas rooftop equipment
 - iii. 85 AFUE oil furnace
 - iv. 95 AFUE gas boiler
 - v. 86 AFUE oil boiler
 - vi. 85 AFUE steam boilers and other non-condensing boilers
 - vii. Heat pump:
 - Ductless (HSPF2/SEER2): 8.2/16
 - Ducted Split System (HSPF2/SEER2): 7.8/15.2
 - Ducted Single Package System (HSPF2/SEER2): 7.7/15.2
 - c. Water Heater Heater/Domestic Hot Water (DHW)
 - i. Gas:
 - 0.90 UEF or 90% Et
 - ii. Electric:
 - Dwelling Units: 1.49 UEF or 2.0 COP
 - Common Space: 0.93 UEF or 1.0 COP or $SL \leq 0.29 + 26$
 - 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.kitc
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 Multifamily Minnesota Overlay) 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]

1. 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 12-year payback, said efficiency level(s) may be waived by Minnesota Housing. Energy Use Intensity (EUI) must be calculated based on gross square foot and site (not source) energy use.
2. To receive points for using this Performance Pathway, using the Energy Rater Index (ERI) pathway, one of the following RESNET'S Home Energy Rating System (HERS) index threshold must be achieved regardless of moderate, substantial, or gut rehabilitation:
 - a. A HERS index score of 80 or less for properties built in or after 1980
 - b. A HERS index score of 100 or less for properties built before 1980
 - c. A post-rehab HERS Score at least 15% (15 index points) less than the pre-rehab HERS index score

NOTE: The reference to RESNET (HERS) is based upon the 2020 Enterprise Green Communities Criteria™ 5.1b – Energy Rating Index (ERI) Option. Other ENERGY STAR approved ERI standards may be used if approved by Minnesota Housing.

3. To receive points for using the Performance Pathway, using the ASHRAE Option, follow the Criteria 5.1b by being equivalent or better than ASHRAE 90.1-2013.

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 as well as projected operating building emissions intensity for the project in tCO₂e/ft²/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.

D. 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]

E. Criteria 5.2b: Moving to Zero Energy: Near Zero Certification

(Optional for all/15 or 20 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:

- Option 1: 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]
- Option 2: Certify the project through the Department of Energy (DOE) Zero Energy Ready Home (ZERH). Compliance confirmed with certificate. [15 points]
- Option 3: 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. [20 points]
- Option 4: For Rehabilitation/Adaptive Reuse projects: Certify the projects through Phius REVIVE 2024 (or most current version) [20 points].

CLARIFICATION: Projects following Criteria 5.2b are exempt from and not required to show compliance with 5.1a.; however, ENERGY STAR certification and criteria compliance is required for Criteria 5.1a.

F. 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.

CLARIFICATION: Criteria 5.3a Optional points are not available if claiming Criteria 5.3b Optional points

G. Criteria 5.3b: Moving to Zero Energy: Renewable Energy

(Optional for all/10 points max)

CLARIFICATION: Criteria 5.3b Optional points are not available if claiming Criteria 5.3a Optional points

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

Option 1

Table 4: Percentage of Total Project Energy Consumption Provided by Renewable Energy

Project Type	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	-

Project Type	10%	25%	40%	55%	70%
Four-Story or More Buildings	5 points	8 points	10 points	-	-

Or

Option 2

Table 5: Percentage of Total Project Energy Consumption Provided by Renewable Energy

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

H. Criteria 5.4: Achieving Zero Energy

(Optional for 25 points max)

ADD: Under Option 2: For Rehabilitation/Adaptive Reuse Projects: Phius ZERO REVIVE 2021 (or must current version).

I. Criteria 5.5: Moving to Zero Carbon: Electrification

(Mandatory for New Construction/20 points max)

CLARIFICATION: 5.5a and 5.5b have been deleted and are now combined into the following Criterion 5.5: Moving to Zero Carbon: Electrification.

DELETE: All REQUIREMENTS from both 5.5a and 5.5b and replace with the following:

REQUIREMENTS FOR NEW CONSTRUCTION

A Project is required to utilize electricity for the following components throughout the project: space cooling, clothes drying, and equipment for cooking (including but not limited to ranges, cooktops, stoves, ovens).

A project is required to, although using a combustion fuel source, ensure 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 all components, including space heating and water heating.

A project is eligible for points when utilizing electricity for the following components throughout the project [12 points max]:

Table 6: New Construction Electrification Requirements

Component Type	Potential Points	Requirements
Space Heating	Mandatory	Space heating electric ready
Space Heating	7	Electric space heating

Component Type	Potential Points	Requirements
Space Cooling	Mandatory	Electric space cooling
Water Heating	Mandatory	Water heating electric ready
Water Heating	5	Electric water heating
Clothes Drying	Mandatory	Electric clothes drying
Equipment for cooking (including, but not limited to ranges, cooktops, stoves, ovens)	Mandatory	Electric equipment for cooking

REQUIREMENTS FOR REHABILITATION

A project is eligible for points when either (1) although using a combustion fuel source, 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 components throughout the project OR (2) utilizes electricity for the following components throughout the project [20 points max]:

Potential points are divided into electric ready and electric. A project may not claim points for both electric and electric ready for the same component type.

Table 7: Rehabilitation Electrification Requirements

Component Type	Potential Points	Requirements
Space Heating	5	Space heating electric ready
Space Heating	7	Electric space heating
Space Cooling	1	Space cooling electric ready
Space Cooling	2	Electric space cooling
Water Heating	4	Water heating electric ready
Water Heating	5	Electric water heating
Clothes Drying	2	Clothes Drying electric ready
Clothes Drying	3	Electric clothes drying
Equipment for cooking (including, but not limited to ranges, cooktops, stoves, ovens)	2	Equipment for cooking electric ready
Equipment for cooking (including, but not limited to ranges, cooktops, stoves, ovens)	3	Electric equipment for cooking

J. Criteria 5.5a: Moving to Zero Carbon: All-Electric Ready

DELETE: All REQUIREMENTS and refer to new 5.5: Moving to Zero Carbon: Electrification criterion.

K. Criteria 5.5b: Moving to Zero Carbon: All Electric

DELETE: All REQUIREMENTS and refer to new 5.5: Moving to Zero Carbon: Electrification criterion.

L. 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.

6.06 Category 6: Materials

A. Criteria 6.4: Healthy Material Selection

(Mandatory and 15 Optional points maximum)

ADD the following CLARIFICATION:

CLARIFICATION

The mandatory product specifications remain mandatory for all projects. Based on consultations with subject matter experts, the optional specifications have been adjusted to first benchmark current material use and then reward the use of materials that are healthier throughout their life cycle by selecting safer product types.

MODIFY the RATIONAL as follows:

Building materials often use harmful chemicals during their manufacture, installation, use, or disposal with significant impacts on the health of people and the environment. Considering materials early in the design process builds an understanding of potential impacts and increases the success of project teams' efforts to select healthier products, reducing the use of harmful chemicals.

In many cases the most impactful change you can make is to shift to a different type of product that is healthier across the entire life cycle. Considering life cycle chemical impacts is key to understanding the health equity and environmental justice implications of materials. These considerations help to highlight inherent, unavoidable chemical impacts that will keep a particular type of product from ever being truly optimized for human health.

A grocery store analogy can be used to explain this “product type” approach. The idea to shop the perimeter at grocery stores is a simple way of communicating that reducing our consumption of the worst food products, such as highly processed or sugar-heavy foods (usually found in the center aisles), and preferring vegetables, fruits, and whole grains (found at the perimeter) will set you on the right path towards healthy eating. Even without knowing the latest updates on ingredients or additives, if you are in the candy or junk food aisle of the grocery store, it doesn’t really matter which candy you choose or what the nutrition label says, it’s probably not a healthy option. The almonds in that candy bar may be certified organic, but we all know it’s not a very healthy option, right? On the other hand if you are in the vegetable aisle, no matter what fresh veggie you choose, it will likely be a great choice. This concept helps people look beyond shiny marketing and labeling of specific products to give them the agency to make healthier choices without having to be professional nutritionists. The same is true of a product type approach to healthier building material selection.

Teams will conduct an early screening of product types using Informed™ which will establish a performance benchmark and identify opportunities for healthier material selection. Teams can pursue additional points by making healthier material selections and sharing information about the specific healthier products used.

MODIFY the REQUIREMENTS as follows:

REQUIREMENTS

All items in the “MANDATORY” column of the criteria are required as a minimum threshold.

DELETE the Optional and Recommendations columns and replace with:

OPTIONAL POINTS

Option 1: Healthy Materials Benchmarking (5 Optional Points)

- During the conceptual or schematic design phase, use Informed™ to benchmark the material health performance of your project. Review a minimum of 5 categories in Informed™, identifying where product types you plan to use fall in the material health ranking and opportunities to use healthier product types.
- Prior to loan closing/commitment, submit the completed Informed™ Assessment form: Pre-assessment. See templates below.

Option 2: Healthier Material Selection (Maximum 10 Optional Points)

- Use Healthier Product Types:
 - 4 points each for:
 - Flooring - Absence of red-ranked product types throughout the project
 - Insulation - Absence of red-ranked product types throughout the project (excluding exterior below grade applications)
 - Paint - Absence of red-ranked product types in the project
 - 2 points each for:
 - Flooring - Using one product ranked yellow or green
 - Insulation - Using one board insulation product ranked yellow or green
 - Paint - Using one paint product ranked yellow or green
 - Other - Any other category in Informed (besides, flooring, insulation, and paint) - Using no red-ranked product types
 - Prior to loan closing/commitment, submit an Informed™ Assessment form: Post-Assessment showing the products used to meet the above criteria, including specific manufacturer and product name; and their Informed rankings.
- Additional Reporting on Healthier Product Selection (2 points)
 - Include additional information on the healthier products for which points are claimed above: location (where they are used in the project/building); how much of each material was used (e.g. sq ft for flooring, gallons for paint); cost; and short narrative about experience with the product, e.g. any barriers or challenges you faced in identifying and selecting these safer materials.
 - Prior to loan closing/commitment, submit within Informed™ Assessment form: Post-Assessment.

MODIFY the RECOMMENDATIONS as follows:

Investigate red ranked product types in Informed, and as a critical first move—step up from red. For additional improvement, prefer product types ranked yellow and green.

MODIFY the Resources as follows:

- Informed™ materials modeling will help you quickly and confidently choose better building product types. The intuitive red-to-green color ranking compiles decades of comprehensive research about the health impacts of chemicals throughout the product life cycle.
- Review the product guidance on [Informed™](#). Start selecting product types and then compile your results in the [Project Assessment](#) form. We recommend exploring a few categories to understand the material health impacts of product decisions.
- Minnesota Baseline Report: Advancing Health and Equity through Better Building Products. To support Minnesota’s affordable housing sector to improve human health and equity, Habitable (formerly Healthy Building Network) assessed the types of building products

currently used in housing development and how those products affect the planet. The purpose of this report is to build awareness around the current state of products used, to then support engagement to co-design a strategy for improvement with local leaders. See [A Path to Healthier Affordable Housing in Minnesota](#).

ADD Templates as follows:

- [Informed™ Assessment](#) form
- [Information Request Email Template - Paint](#)

B. 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

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.

C. 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:

- Provide at each Dwelling Unit 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.).

6.07 Category 7: Healthy Living Environment

A. 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 the environmental standards for Radon Mitigation on Minnesota Housing's [Building Standards](#) webpage.

B. 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 [Building Standards](#) webpage under Environmental Standards. Also refer to the Design and Construction Standards Supplement for Federally Funded Projects found in Chapter 7 of Minnesota Housing's Rental Housing Design/Construction Standards available on Minnesota Housing's [Building Standards](#) webpage.

C. Criteria 7.7: Ventilation

(Mandatory: New Construction and Substantial Rehab)

(Optional 24 points max: Moderate Rehab)

(Optional 12 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 (12 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. [12 Optional points]

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 Criteria 7.11, 7.12, and 7.13 are optional and may be selected individually or in combination.

D. 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.

E. Criteria 7.14: Climate Resilient Construction

(Optional for all/17 points max)

NEW ADDED CRITERIA

REQUIREMENTS

Projects must follow FORTIFIED building requirements to make new and existing buildings stronger against severe weather. Projects must receive FORTIFIED Multifamily or FORTIFIED Home Designation by the Insurance Institute for Business & Home Safety. Projects must submit the certification documentation prior to loan closing/loan commitment showing compliance with one of the following Levels:

- FORTIFIED ROOF: 5 optional points
- FORTIFIED SILVER: 10 optional points
- FORTIFIED GOLD: 15 optional points

Projects following the Hail Supplement set forth in section 2.4.2 of the FORTIFIED Multifamily Wind Standards may receive an additional 2 optional points in combination with the points listed above for a maximum of 17 points:

- Hail Supplement and FORTIFIED ROOF: 7 optional points
- Hail Supplement and FORTIFIED SILVER: 12 optional points
- Hail Supplement and FORTIFIED GOLD: 17 optional points

RESOURCES

- [FORTIFIED Multifamily and FORTIFIED Home building requirements](#)
- [FORTIFIED Multifamily Wind Standards](#)

An overview of the FORTIFIED levels are as follows:

- FORTIFIED ROOF: Keeps wind and water out and roof-mounted equipment on
- FORTIFIED SILVER: Adds additional protection to vulnerable components, including parapets, doors and windows.
- FORTIFIED GOLD: Requires that the entire structure is tied together forming a continuous load path
- Hail Supplement: The hail hazard requirements are an optional supplement to reduce a commercial building's exposure under FORTIFIED Multifamily.

6.08 Category 8: Operation, Maintenance, and Resident Engagement

A. 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.

B. Criteria 8.5: Energy and Water Data Collection and Monitoring

(Mandatory for all, except Low Income Housing Tax Credit [LIHTC] only projects)

(Optional 5 points)

DELETE: All REQUIREMENTS and replace with the following:

REQUIREMENTS (Mandatory for all, except Low Income Housing Tax Credit [LIHTC] only projects)

Collect and report owner paid energy and water utility consumption and cost data for five 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 duration of that period.

Mandatory Method: Properties with Owner-Paid Utility Bills: Collect and report the owner-paid portion of the property's energy and water utility consumption and cost data. Benchmarking information to be made accessible through the ENERGY STAR Portfolio Manager® tool shall include the following, at minimum:

- a. Address
- b. Owner
- c. Total floor area, expressed in square feet
- d. Owner-paid utility (energy and water) consumption

REQUIREMENTS (Optional for All, 5 points)

Optional Method: Aggregated, Whole-Property Utility Data: Regardless of the split of owner-paid and tenant-paid utility bills across the property, the property owner shall request and submit aggregated whole-property utility data (tenant and common area loads) from the utility provider(s) and use this whole-property aggregation as the source for tracking owner paid utility data. Benchmarking information to be made accessible through the ENERGY STAR Portfolio Manager® tool shall include the following, at minimum:

- a. Address
- b. Owner
- c. Total floor area, expressed in square feet
- d. Energy use intensity
- e. Greenhouse gas emissions
- f. ENERGY STAR performance score, comparing the building's energy use with that of peer buildings
- g. Total water consumption

Chapter 7 – Other Information

7.01 Exemptions and Waivers

Compliance with specific criterion may be waived if the criterion 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.

7.02 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.

7.03 Combined New Construction and Rehabilitation Projects

Refer to Chapter 2 (Project and Rehabilitation Type) of this document for more information.

7.04 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, general contractor/contractor, or any other entity with an identity of interest.

A. CLARIFICATION: Energy Rater vs. Energy 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.

7.05 Resources and Links

A. Technical Assistance

- Minnesota Housing’s staff architects may be contacted through the [Building Standards](#) webpage
- [Enterprise Green Communities](#)

B. Contractor Directories

- [ENERGY STAR Multifamily New Construction Trained Raters](#)
- [RESNET Rater Search by State](#)
- ENERGY STAR certified HVAC contractors: [ACCA](#) and [Advanced Energy Minnesota Department of Health Radon Mitigation Contractors](#)

C. 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](#)
- [RESNET](#)
- [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

Appendix A – Abbreviations, Acronyms, Terms, and Definitions

Abbreviations, acronyms, terms, and definitions noted here are for interpretation and applicability of all Minnesota Housing [Building Standards](#) (guides, standards, overlays, templates, and forms).

Table 7: Abbreviations, Acronyms, Terms, and Definitions

Term	Definition
20YCE	Twenty-Year Capital Expenditure
AC	Air conditioning
Accessibility Analysis and Survey	A Minnesota Housing required report documenting an existing property’s compliance with applicable accessibility codes and regulations based upon a site inspection and review of existing as-built plans in conjunction with new plans. Applicability and other requirements are based on funding sources.
Adaptive Reuse	Refers to the process of reusing an old site or building for a purpose other than which it was originally built or designed.
A&E	This is an abbreviation for Architect and Consulting Engineer.
AFCI	Arc-fault circuit-interrupter
AFUE	Annual Fuel Utilization Efficiency
Americans with Disabilities Act	42 U.S.C. 12131-12189
Architect	The Architect of Record and professional entity contracted with the Owner to provide architectural services. It is also the entity responsible for signing (sealing) documents per Minnesota Administrative Rules 1800.4200 .
Bath and Bathroom	A room within a dwelling unit where a water closet and lavatory sink are included. It may or may not include either (or both) bathtub and shower.
Bedroom	A Sleeping Area within a Dwelling Unit with all walls continuous to the ceiling, a closet, and a door.
Broadband Infrastructure	Cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure – including wireless infrastructure with a minimum broadband speed of 25 Mbps download and 3 Mbps upload (if receiving federal assistance, speed will be mandated by the U.S. Department of Housing and Urban Development).
Building Standards	Minnesota Housing’s minimum design standards applicable to projects funded by Minnesota Housing. Visit the Building Standards on Minnesota Housing’s webpage to view all Building Standards and documents. They include, but are not limited to: <ul style="list-style-type: none"> A. Rental Housing Design/Construction Standards and Guides B. Architect’s Guide C. Contractor’s Guide D. Sustainability

Term	Definition
	<p>E. Environmental Standards</p> <p>F. Forms and Templates</p>
CFM	Cubic Feet per Minute
CFR	Code of Federal Regulations
CNA	Capital Needs Assessment
COP	Coefficient of Performance
Construction Documents	<p>Also know, as the “Contract Documents”, they are the written documents that define the roles, responsibilities, and work under the construction contract, and are legally-binding under the Owner-Architect Agreement and the Owner-Contractor Agreement. They include drawings (plans), project manual (specifications), addenda, change orders, and formal revisions thereof.</p>
Consulting Engineer	<p>A Consulting Engineer is a professional licensed in Minnesota who provides expertise and leadership in engineering disciplines that include civil, structural, sanitary, environmental, mechanical, electrical, geotechnical, chemical, industrial and agricultural engineering. The Consulting Engineer’s scope of work is included in the Architect’s basic services included in the Owner-Architect Agreement.</p>
Contractor	The single prime general contractor.
Correction Order	<p>A formal directive may be issued by Minnesota Housing if at any time during the construction of a project, the Contractor has failed to perform the work under the contract documents in accordance with the construction documents or has failed to utilize materials in accordance with the construction documents.</p>
CO	Carbon Monoxide
Covered Multifamily Dwellings	As defined at 24 CFR §100.201
Critical Need(s)	Property condition deficiencies that if left unattended will likely jeopardize the property’s federal assistance.
Design/Build MEP	<p>Design, construction, and procurement process whereas the applicable mechanical, electrical, and plumbing (MEP) subcontractor designs and builds their scope of work. The design work must be by a master electrician, master plumber, professional engineer licensed in Minnesota, or other entity allowed to do so per state statute.</p>
Rental Housing Design/Construction Standards	Minnesota Housing’s Rental Housing Design and Construction Standards (RHDCS)
Dwelling Unit	<p>A Dwelling Unit (DU) is a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping (separated Bedroom or Bedrooms), eating, cooking (full kitchen) and sanitation (3/4 or full bath).</p>
EER	Energy Efficiency Ratio

Term	Definition
EF	Energy Factor
Efficiency Unit (SRO or Studio)	A single room (or resident) occupant unit providing complete, independent living facilities, including living, sleeping, and eating. Includes provisions for in-unit sanitation (bathroom) and kitchen facilities (refrigerator, sink, and range). May include a Sleeping Area but does not include a Bedroom. Also known as a single resident occupant (SRO) or studio.
EGCC™	Enterprise Green Communities Criteria (current applicable version unless noted otherwise)
Electrical Subcontractor	A subcontractor (to the Contractor) who performs electrical installation of above-ground and below-ground electrical work as required by an electrician licensed in Minnesota.
Electric Vehicle Supply Equipment	Also known as charging stations or charging docks. Electric Vehicle Supply Equipment (EVSE)'s are devices that provide electric power to a battery-operated vehicle and use that to recharge the vehicle's batteries.
ENERGY STAR (ES)	A U.S. Environmental Protection Agency program that helps save money, reduces financial risk from rising energy costs, and protects our climate through energy efficiency. ENERGY STAR labeled/qualified designation may include windows, doors, plumbing fixtures, lighting, and appliances. ENERGY STAR certified buildings follow either the New Homes program or Multifamily New Construction (ES MFNC) program.
Enhanced Sustainability	A building characteristic offered in the Consolidated Request for Proposal (RFP) Self-Scoring Worksheet for projects with enhanced sustainability features as defined in the Self-Scoring Worksheet.
ESAs	Environmental Site Assessments
ERA	Energy Rebate Analysis
Effectuated Remaining Life (ERL)	The number of years a building component may function as originally intended. It's established by subtracting the age of the component from the Expected Useful Life.
Expected Useful Life (EUL)	The number of years, based upon industry standards for which a building component is expected to function as originally intended.
Federal Housing Administration	The Federal Housing Administration (FHA) provides mortgage insurance on single-family, multifamily, manufactured home, and hospital loans made by FHA-approved lenders throughout the United States and its territories.
Full (Bath)	A bathroom with lavatory sink, water closet, and tub with or without a shower head.
GFCI	Ground-fault circuit-interrupter
Green Capital Needs Assessment	A physical needs assessment which integrates sustainable retrofits into capital improvement, modernization, and the financial planning process.

Term	Definition
HERS Rater	A Residential Energy Services Network (RESNET) certified individual required for ENERGY STAR certification program.
HOME	HOME Investment Partnerships Program
HSPF	Heating Seasonal Performance Factor
HTC	Housing Tax Credits also known as Low Income Housing Tax Credits
HUD	The United States Department of Housing and Urban Development
HVAC	Heating, ventilating and air conditioning system
ICC/ANSI A117.1	International Code Council/American National Standards Institute A117.1 is a nationally recognized standard of technical requirements for making buildings accessible.
Impact Fund	Minnesota Housing's Single Family Community Homeownership Impact Fund
IMW	Intended Methods Worksheet. A Minnesota Housing Microsoft Excel spreadsheet used to document compliance with the Minnesota Overlay and Guide to the Enterprise Green Communities Criteria. This may be found at Minnesota Housing's Building Standards webpage.
IRS	Internal Revenue Service
KCMA	Kitchen Cabinet Manufacturers Association
Life-Threatening Items	In relation to the Uniform Physical Conditions Standards, Life-Threatening Items are deficiencies which call for immediate attention or remedy.
Limited Scope	A rehabilitation work scope considered by Minnesota Housing to be limited and not considered substantial or moderate rehabilitation based upon the cost, funding source, and number of Dwelling Units, number of Stories, or other purpose.
Mandatory Criteria	Enterprise Green Communities Criteria (as amended by the MN Overlay and Guide) which are required based upon construction type and other project characteristics.
Mbps	Megabits per second
Mechanical Subcontractor	A subcontractor (to the Contractor) who performs mechanical installation and engages in the business of heating, air conditioning, ventilation, refrigeration and associated sheet metal work.
Minnesota Housing	The Minnesota Housing Finance Agency
MN Overlay	Minnesota Overlay and Guide to the Enterprise Green Communities Criteria. Minnesota Housing's amendment to the Enterprise Green Communities Criteria (current applicable version unless noted otherwise).
Moderate (Mod) Rehabilitation (Rehab)	Refer to Chapter 3 of Rental Housing Design/Construction Standards for full definition and applicability.
MF	Multifamily

Term	Definition
Multifamily Accelerated Process (MAP)	A system that establishes national standards for approved lenders to prepare, process and submit loan applications for FHA/HUD multifamily construction financing. By using MAP processing, borrowers and lenders can save significant time during the loan application processing.
Multifamily Consolidated Request for Proposals	Minnesota Housing’s competitive funding round, offered once per year, which provides a means of "one stop shopping" by consolidating and coordinating multiple multifamily housing funding resources into one application process. It deploys significant capital funds and is the primary mechanism that Minnesota Housing uses to award and allocate federal and state resources.
NSPIRE	National Standards for Physical Inspection of Real Estate
Notice To Proceed	The official letter from Minnesota Housing authorizing onsite construction work to start after construction loan closing or end loan commitment.
NHTF	National Housing Trust Fund Program
NO2	Nitrogen Dioxide
NSP	Neighborhood Stabilization Program (Single Family)
Optional (Criteria Points)	Enterprise Green Communities Criteria (as amended by the MN Overlay and Guide) which are selected by a project team for the purpose of meeting minimum optional criteria point thresholds.
Owner	Also referred to as applicant/developer/borrower and is the same entity for the purpose of reference in this guide. The Owner is the party with whom the Architect of Record and Contractor enters a contract.
Owner-Architect Agreement	The agreement for architecture and engineering services which identify or describe initial information, responsibilities of the parties, terms and conditions, scope of services, special conditions, and compensation. The agreement must be one of the American Institute of Architects (AIA) B-Series agreements approved in the Minnesota Housing Architect’s Guide or other Minnesota Housing approved agreement.
Owner-Contractor Agreement	The American Institute of Architects (AIA) A101-2017 Stipulated Sum Agreement, or another industry standard form of agreement approved by Minnesota Housing for construction services. It is a legal document that sets the scope and terms of work for a construction project which includes start and completion dates, cost of labor and materials, contents of the work, dispute resolution, procedures for scope modification and other conditions.
Plumbing Subcontractor	A subcontractor (to the Contractor) who performs above-ground and below-ground plumbing installation for a construction project as required by a plumber licensed in Minnesota.
PNA	Physical Needs Assessment. An assessment similar to a Capital Needs Assessment, however a PNA is typically completed on Minnesota Housing

Term	Definition
	Physical Needs Assessment Template (PNAT) and 20YCE forms. Refer to Chapter 3 of RHDCS for full description.
PNAT	Minnesota Housing Physical Needs Assessment Template (PNAT). A Minnesota Housing template available on our Building Standards webpage.
Portal	Minnesota Housing’s multifamily customer portal that uses the Salesforce cloud-based platform.
Predictive Cost Model	A Minnesota Housing developed software tool used to compare a project’s proposed costs with the expected costs based upon Minnesota Housing’s experience with similar projects and industry-wide standards. The model considers the following project specific attributes: activity type (new construction vs. rehabilitation), building type, unit sizes, gross square foot, amount of non-residential space, location, year built, garage type, and acquisition type (land or structure).
Preservation	Funding priority and policy focused on preserving properties with existing federal assistance (project based rental assistance or operating subsidies).
Project-Based Rental Assistance (PBRA)	A project-based rental assistance contract that applies to a specific property and is only available to qualified households while they live in an assisted unit in the property. If a household moves from the property or to a unit within the property that is not covered by the PBRA, the rental assistance does not move with them. PBRA generally requires a household to pay 30% of their adjusted income toward the rent payment, and the remainder is subsidized by the rental assistance program. PBRA may come from the U.S. Department of Housing and Urban Development under a Section 8 contract or project-based Section 8 vouchers, from USDA Rural Development’s Multifamily Housing Rental Assistance program, or from a state or local government rental assistance program.
Property Standards	Refer to 24 CFR Part 93, Subpart G, §93.301 (if receiving NHTF funding) and/or 24 CFR Part 92, Subpart F, §92.251 (if receiving HOME funding), including part (a) New construction projects and part (b) Rehabilitation projects.
Qualified Rehabilitation Specialist	A non-licensed professional (or entity) with at least five years of experience providing physical needs assessments and preparing project work scopes for multifamily housing rehab projects.
REAC	Real Estate Assessment Center
Rehab	Rehabilitation
Rental Housing Design/Construction Standards	Minnesota Housing’s design and construction standards applicable to multifamily rental housing developments.
RHDCS	Rental Housing Design/Construction Standards
Rural Development (RD)	A mission area within the United States Department of Agriculture which runs programs intended to improve the economy and quality of life in rural parts of the United States. RD promotes economic development by

Term	Definition
	supporting loans to businesses through banks, credit unions and community-managed lending pools.
SEER	Seasonal Energy Efficiency Ratio
Senior Unit(s) and Senior Housing	Dwelling units or housing developments intended for occupancy by seniors aged 55 or older.
SF	Single Family
Sleeping Area	An area used for sleeping which does not meet the definition of a Bedroom.
Sleeping Unit	Also known as congregate living or dormitory. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation (bathroom) or kitchen facilities but not both.
Staff Architect	Minnesota Housing Staff Architect responsible for the review of funding applications, review of due diligence submittals, providing construction loan administration, and other duties to help ensure the project is following Minnesota Housing’s Building Standards.
Story(ies)	Also known as level or floor. That portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above.
Substantial (Sub) Rehabilitation	Refer to Chapter 3 of Rental Housing Design/Construction Standards for full definition and applicability.
Supportive Housing	A type of multifamily housing property where supportive services are provided on-site for households with a history of homelessness and barriers to accessing and maintaining housing, thereby improving housing stability, employment, health, and many other qualities of life factors. Supportive Housing design features are applicable to all Dwelling Units in 100% Supportive Housing properties or to the fixed/non-floating Supportive Housing units in partially supportive properties.
Sustainable Building Guidelines	State building guidelines that apply to projects receiving Minnesota Housing Publicly Owned Housing Program general obligation bond proceeds.
Sustainable Housing and Sustainable Housing Standards	Minnesota Housing standards for new construction and rehabilitation that requires compliance with the Enterprise Green Communities Criteria and current version of the MN Overlay and Guide to the Enterprise Green Communities Criteria.
Tenant-Based Rental Assistance (TBRA)	Is provided to qualified households who can use the rental assistance in the private market. However, the rent must be at or below the payment standard for the program and the housing must meet program habitability standards. TBRA generally requires a household to pay 30% of their adjusted income toward the rent payment and the remainder is subsidized by the rental assistance program, although some programs allow participants to pay up to 40% of their adjusted income toward rent. TBRA may be administered by a local housing authority under the U.S.

Term	Definition
	Department of Housing and Urban Development’s Section 8 voucher program or by an administrator of a state or local program. A household may move from one property to another with their TBRA if the new property meets habitability standards and rent requirements; some TBRA programs may allow a household to “port” their TBRA to a unit located in a different county or state and some may limit the location of where the assistance can be used.
tCO2e	Metric tons of carbon dioxide equivalent
Townhome	A dwelling unit meeting the definition of a Townhome in the Minnesota Residential Code Chapter 2 – Definitions.
Type A Unit(s)	Dwelling Units or Sleeping Units which meet the Type A Unit requirements of the Minnesota Accessibility Code.
Type B Unit(s)	Dwelling Units or Sleeping Units which meet the Type B Accessible unit requirements of the Minnesota Accessibility Code.
UEF	Uniform Energy Factor
Universal Design	As defined in the Multifamily Self-Scoring Worksheet.
UPCS	HUD’s Uniform Physical Condition Standards
USDA	The United States Department of Agriculture
Vision/Hearing Impaired Unit	A dwelling unit designed to be adaptable for the installation of future communication features.
Visitability	Designs that allow persons with mobility impairments to enter a residence and comfortably stay for a duration. See Minnesota Statute 462A.34 Visitability Requirement for dwelling units required to meet Visitability.

Appendix B – Legal Addendum

1.01 Conflict and Control

In the event of any conflict between the terms of this Addendum and the document to which it is attached, the terms of this Addendum will govern and control.

1.02 Fraud

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

Any person or entity (including its employees and affiliates) that enters into a contract 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 communication channels described in section 1.07.

1.03 Misuse of Funds

A contracting party that receives funding from Minnesota Housing 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 recipient to pay for those activities, goods or services. Regardless of the Minnesota Housing program or funding source, the recipient must use Minnesota Housing funds as agreed, and the recipient 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 recipient; or (2) a recipient cannot provide adequate documentation to establish that Minnesota Housing funds were used in accordance with the terms and conditions of the contract.

Any recipient (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 communication channels described in section 1.07.

1.04 Conflict of Interest

A conflict of interest – Actual, Potential or Appearance of a Conflict of Interest – 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 Conflict of Interest or Appearance of a Conflict of Interest exists even if no unethical, improper or illegal act results from it.

- **Actual Conflict of Interest:** An Actual Conflict of Interest occurs when a person’s decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.
- **Potential Conflict of Interest:** A Potential Conflict of Interest may exist if a person has a relationship, affiliation or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations or interests.
- **Appearance of a Conflict of Interest:** The Appearance of a Conflict of Interest means any situation that would cause a reasonable person, with knowledge of the relevant facts, to question whether another person’s personal interest, affiliation or relationship inappropriately influenced that person’s action, even though there may be no Actual Conflict of Interest.

A conflict of interest includes 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 Partner, Family Member, Relative, Friend, Business or other Outside Interest with which they are involved. Such terms are defined below.

- **Business:** Any company, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit-making activities.
- **Family Member:** A person’s current and former spouse; children, parents, and siblings; current and former children-in-law, parents-in-law, and siblings-in-law; current and former stepchildren and stepparents; grandchildren and grandparents; and members of the person’s household.
- **Friend:** A person with whom the individual has an ongoing personal social relationship. “Friend” does not generally include a person with whom the relationship is primarily professional or primarily based on the person being a current or former colleague. “Friend” does not include mere acquaintances (that is, interactions are coincidental or relatively superficial). Social media friendships, connections, or links, by themselves, do not constitute friendship.
- **Outside Interest:** An Outside Interest may occur when an individual, their Family Member or their Partner has a connection to an organization via employment (current or prospective), has a financial interest or is an active participant.
- **Partner:** A person’s romantic and domestic partners and outside Business partners.
- **Relative:** Uncle or aunt; first or second cousin; godparent; godchild; other person related by blood, marriage or legal action with whom the individual has a close personal relationship.

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 a contract with Minnesota Housing must avoid and immediately disclose to Minnesota Housing any and all conflicts of interest through one of the communication channels described in section 1.07.

1.04.1 Federal Conflict of Interest Requirements

State and federal conflict of interest requirements differ, and Minnesota Housing business partners must comply with all requirements.

Minnesota Housing administers various programs using federal funds. Minnesota Housing requires that each of its external business partners (for example, administrators, borrowers, contractors, grantees or subrecipients) complies with all applicable federal conflict of interest standards. Specifically, no external business partner's employee, agent or consultant may participate in the selection, award or administration of a contract supported by a federal award if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the business partner's employee, agent, consultant or any member of their immediate family, their partners, or an organization which employs or is about to employ any of these parties, has a financial or other interest in, or obtains a tangible personal benefit from, a firm considered for a contract. External business partner's employees, agents and consultants may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts supported by a federal award. Minnesota Housing will not consider it a violation of this policy if the external business partner's employee, agent or consultant receives an unsolicited item of nominal value.

In addition, no external business's partner employees, agents or consultants "who exercise or have exercised any functions or responsibilities with respect to activities assisted with" funds from HOME Investment Partnerships (HOME), HOME American Rescue Plan (HOME ARP), Housing Opportunities for Persons with AIDS (HOPWA) or National Housing Trust Fund (NHTF) "or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from" a HOME, HOME ARP, HOPWA or NHTF-assisted activity "or have a financial interest in any contract, subcontract, or agreement with respect to the" HOME, HOME ARP, HOPWA or NHTF-assisted activity "or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a

stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.”⁹ Violation of federal conflict of interest requirements by business partners, agents or consultants will result in appropriate actions by Minnesota Housing, including the potential termination of the relationship and additional contractual or other remedies. Violation of federal conflict of interest requirements may need to be reported to the federal government in appropriate circumstances.

Any person or entity (including its employees and affiliates) that enters into an agreement with Minnesota Housing relating to federal funds must avoid and immediately disclose to Minnesota Housing any and all conflicts of interest through one of the communication channels described in section 1.07.

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

1.05 Assistance to Employees and Affiliated Parties

Any party entering into a contract with Minnesota Housing for the purpose of receiving an award or benefit in the form of a loan, grant, combination of loan and grant or other funding is restricted in issuing a loan, grant, combination of loan and grant or other funding to a recipient (“Affiliated Assistance”) who is also: (1) a director, officer, agent, consultant, employee or Family Member of an employee of the contracting party; (2) an elected or appointed official of the State of Minnesota; or (3) an employee of Minnesota Housing, unless each of the following provisions are met:

- The recipient meets all eligibility criteria for the program;
- The assistance does not result in a violation of the contracting party’s internal conflict of interest policy, if applicable;
- The assistance does not result in a conflict of interest as outlined in section 1.04;
- The assistance is awarded utilizing the same costs, terms and conditions as compared to a similarly situated unaffiliated recipient and the recipient receives no special consideration or access as compared to a similarly situated unaffiliated recipient; and
- The assistance is processed, underwritten and/or approved by staff/managers who are independent of the recipient and independent of any Family Member of the recipient. Family Member is defined in section 1.04.

A contracting party need not disclose Affiliated Assistance to Minnesota Housing. However, the contracting party must document and certify, prior to the award, that the Affiliated Assistance meets

⁹ See generally, HOME: [24 CFR 92.356](#); including any revisions by the Appendix to the HOME-ARP Notice as amended; HOPWA: [24 CFR 574.625](#); NHTF: [24 CFR 93.353](#). In limited circumstances, a conflict of interest could be waived via an exception request, in writing. For further information, see federal regulations at: HOME: [24 CFR 92.356](#); HOPWA: [24 CFR 574.625](#); NHTF: [24 CFR 93.353](#).

each of the provisions outlined above. This documentation must be included in the Affiliated Assistance file and must be made available to Minnesota Housing upon request. Affiliated Assistance that does not meet each of the provisions outlined above will be considered a violation of Minnesota Housing conflict of interest standards and must be reported by the contracting party through one of the communication channels outlined in section 1.07.

1.06 Suspension

By entering into any contract 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 contract) has not been suspended from doing business with Minnesota Housing. Please refer to Minnesota Housing’s website for a list of [suspended individuals and organizations](#) (Go to mnhousing.gov, scroll to the bottom of the screen and select Report Wrongdoing, then select Suspensions from the menu).

1.07 Disclosure and Reporting

Minnesota Housing promotes a “speak-up, see something, say something” culture whereby internal staff must immediately report instances of fraud, misuse of funds, conflicts of interest or other concerns without fear of retaliation through one of the communication channels listed below. External business partners (for example, administrators, grantees or borrowers) and the general public are strongly encouraged to report instances of fraud, misuse of funds, conflicts of interest or other concerns without fear of retaliation using these same communication channels.

- Minnesota Housing’s Chief Risk Officer at 651.296.7608 or 800.657.3769 or by email at MHFA.ReportWrongdoing@state.mn.us;
- Any member Minnesota Housing’s [Servant Leadership Team](#), as denoted on Minnesota Housing’s current organizational chart (Go to mnhousing.gov, scroll to the bottom of the screen and select About Us, select Servant Leadership Team); or
- [Report Wrongdoing or Concerns \(mnhousing.gov\)](#) (Go to mnhousing.gov, scroll to the bottom of the screen and select Report Wrongdoing).

1.08 Electronic Signatures

Minnesota Housing will use and accept e-signatures on eligible program documents subject to all requirements set forth by state and federal law and consistent with Minnesota Housing policies and procedures. The use of e-signatures for eligible program documents is voluntary. Questions regarding which documents Minnesota Housing permits to be e-signed should be directed to Minnesota Housing staff.

1.09 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 Title VI of the Civil Rights Act of 1968; the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendment Act of 1988; and the Minnesota Human Rights Act. Housing providers and other entities involved in real estate related transactions 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. Housing providers and other entities involved in real-estate related transactions must comply with all non-discrimination requirements related to the provision of credit, as well as access to services.

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 the making or purchasing of loans for purchasing, constructing or improving a dwelling, or in the terms and conditions of real-estate related transactions;
- Discriminate in the brokering or appraisal of residential property;
- Discriminate in terms, conditions or privileges of the rental of a dwelling unit or services or facilities;
- Discriminate in the extension of personal or commercial credit or in the requirements for obtaining credit;
- Engage in any conduct relating to the provision of housing that otherwise make 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;
- Refuse to grant a reasonable accommodation or a reasonable modification to a person with a disability;
- 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 those in the business of buying and selling dwellings to make reasonable accommodations and to allow persons with disabilities to make reasonable modifications.

Under certain circumstances, 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.

1.10 Minnesota Government Data Practices

Minnesota Housing, and any party entering into a contract with Minnesota Housing, must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by Minnesota Housing under the contract, and as it applies to all data created, collected, received, stored, used, maintained or disseminated by the contracting party under the contract. The civil remedies of Minnesota Statutes Section 13.08 apply to the release of the data referred to in this section by either the contracting party or Minnesota Housing. If the contracting party receives a request to release the data referred to in this section, the contracting party must notify Minnesota Housing. Minnesota Housing will give the contracting party instructions concerning the release of the data to the requesting party before the data is released. The contracting party's response to the request shall comply with applicable law.

1.11 Prevailing Wage

Under certain circumstances, awards of Minnesota Housing funds may trigger state prevailing wage requirements under [Minnesota Statutes Chapter 177](#) or [Minnesota Statutes Section 116J.871](#). In broad terms, Minnesota Statutes Chapter 177 applies to an award of \$25,000 or greater for housing that is publicly owned. Minnesota Statutes Section 116J.871 applies to awards for non-publicly owned housing that meet the following conditions: (1) new housing construction (not rehabilitation of existing housing); (2) a single entity receives from Minnesota Housing \$200,000 or more of grant proceeds or \$500,000 of loan proceeds; or (3) allocations or awards of low-income housing tax credits, for which tax credits are used for multifamily housing projects consisting of more than ten units.

Minnesota Statutes Section 116J.871 sets out several exceptions to the applicability of prevailing wage including (1) rehabilitation of existing housing; (2) new housing construction in which total financial assistance at a single project site is less than \$100,000; and (3) financial assistance for the new construction of fully detached single-family affordable homeownership units for which the financial assistance covers no more than ten fully detached single-family affordable homeownership units.

Entities receiving funding from Minnesota Housing as described in this section shall notify all employers on the project of the recordkeeping and reporting requirements in Minnesota Statutes Section 177.30, paragraph (a), clauses (6) and (7). Each employer shall submit the required information to Minnesota Housing.

Questions related to submission of required information to Minnesota Housing may be directed to: mhfa.prevailingwage@state.mn.us.

All questions regarding state prevailing wages and compliance requirements should be directed to the Minnesota Department of Labor and Industry as follows:

Division of Labor Standards and Apprenticeship
State Program Administrator
443 Lafayette Road N, St. Paul, MN 55155
651.284.5091 or dli.prevwage@state.mn.us

If a contractor or subcontractor fails to adhere to prevailing wage laws, then that contractor or subcontractor could face civil and/or criminal liability.