

CITY COUNCIL CONFERENCE MINUTES

June 8, 2021

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Executive Conference room on the 8th day of June, 2021, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Bierman, Foreman, Hall, Holman, Nash, Peacock, Petrone, Mayor Clark

ABSENT:

None

Item 1, being:

DISCUSSION REGARDING ESTABLISHING A VISITABILITY PILOT PROGRAM FOR NEW CONSTRUCTION OF ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES WITH LESS THAN FOUR UNITS.

Mr. Greg Clark, Development Services Manager, said the Norman Visitability Code establishes minimum regulations for the design, installation, and construction of single-family homes or other dwellings with less than four units by providing reasonable criteria for visitability for persons with disabilities or seniors aging in place. A visitable dwelling offers a few specific features making a home easier for mobility-impaired people to live in and visit while an assessable building allows a person with a physical disability to get to, enter, and use a site, facility, building, or element. The Code is a mix of accessibility and visitability concepts using Fair Housing Act (FHA) language.

Mr. Clark said it is important to distinguish that the concepts of accessibility and visitability are different as they relate to single-family dwellings. Visitability standards focus around creating a dwelling whose features are welcoming and accommodating to accessible visitors while also creating a living space that is less challenging for individuals who are aging in place, but may not have defined accessible needs. Accessible standards for a dwelling go beyond the basic needs and include most all aspects of living, cooking, cleaning, and maintaining the dwelling. An example of an accessible kitchen would be that it requires cooking appliances be installed with considerations for how the owner/occupant will use them with regard to heights, reach ranges, etc. Visitability standards would not be as concerned with cooking appliances, but would require food preparation areas be dimensioned so individuals could access and use the areas for dining and other activities.

A visitable dwelling unit has a no step entry and a compliant entry path is required; routes throughout the home must be 36-inches wide with doors typically 31.75-inches wide; the bathroom toilet and sink are required to have backing and clearances at the toilet; the kitchen must include a sink, cooking appliance, and refrigerator and paths to these areas are typically 40-inches wide; a living room or similar room must be on a compliant route that is at least 70 square feet in area; and receptacle outlets and lighting controls must be installed between 15-inches and 48-inches from the floor.

Item 1, continued:

An accessible dwelling unit has a no-step entry and a compliant entry path is required; routes throughout the home must be 36 inches wide with doors typically 31.75 inches wide; the bathroom toilet, sink, and bath/shower must have backing installed with proper clearance for all of them; the kitchen must have proper widths, reachable ranges, low counter heights with clear spaces for the sink and all appliances; all the living space on the accessible floor level has to be compliant including sleeping rooms, laundry rooms, games rooms, etc.; and outlets, lighting controls, switches, environmental controls, electrical panel boards, security controls, etc., must be installed at a compliant height and reach distance.

Mr. Clark said from January through April 2019, the Citizen Ad Hoc Committee for Accessible Housing met, discussed, and drafted the Norman Visibility Code. In May 2019, the draft language was presented to the Community Planning and Transportation Committee (CPTC) with the request that the document be compared to the current building codes and practices, as well as other visibility codes. He said the document is scheduled to be discussed during Council's annual Retreat.

Currently, the adopted code for dwellings for the State of Oklahoma and the City of Norman are the 2015 International Residential Code (IRC). The IRC referenced the Standard International Construction Code (ICC) for accessible considerations. A section that was added deals with creating a minimum standard for dwelling units to comply with in order to be visitable.

After careful consideration, Staff believes the best course to start an incentive based program would be to implement a Pilot Program with incentives being credited to new One and Two Family Dwellings and Townhouses with less than four units. The Pilot Program awards credits when compliance is achieved using the ICC Standard for visitable units. The standards is already adopted and enforced for commercial buildings in Norman and throughout the State. The standard is updated nationally on a regular basis and is written to keep up with other building codes. By starting a Pilot Program, Staff can collect data about the program's effectiveness and learn from it in looking forward for a permanent solution. To create a larger data pool, Staff recommends the initial program last two years. This will also allow time for builders to become educated about the incentive program and the details it would take to comply with the code.

The proposed source of the credit would be the building permit fee, which is \$0.14 cents per square foot of project area (all areas under the roof). For reference, a 2,000 square foot home (living space) with a two-car garage (roughly 400 square feet) would have a building permit fee of \$336. A home enrolled in the program would either meet all of the standard and be eligible for the credit or it would not meet the standard and would not be eligible. A home that complies with the program would receive 100% credit of the building permit fee. In no instance would a credit be issued in excess of the total building permit fee if an applicant was to participate in other incentive programs.

Councilmembers said they would like to move forward with a pilot project.

Item 1, continued:

Items submitted for the record

1. Memorandum dated June 8, 2021, from Greg Clark, Development Services Manager, to City Council, with draft resolution and Attachment: Excerpt from International Construction Code (ICC) A117.1-2009 – Accessible and Usable Buildings and Facilities
2. PowerPoint presentation entitled, “Visitability Pilot Program,” dated June 8, 2021

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Item 2, being:

DISCUSSION REGARDING ESTABLISHING PROCEDURES ALLOWING BUILDING PERMIT FEES CHARGED PURSUANT TO SECTION T-510(1)(D) OF THE NORMAN CITY CODE TO BE ADJUSTED AND SATISFIED AS AN INCENTIVE FOR RESIDENTIAL HOMES ACHIEVING CERTAIN HOME ENERGY RATING SYSTEM (HERS) ENERGY RATING INDEX (ERI) SCORES.

Mr. Clark said on November 16, 2017, and March 29, 2018, Staff presented the Community Planning and Transportation Committee (CPTC) information regarding incentive programs for incentivizing ecologically friendly (green) building practices to gather feedback on potential incentive areas for future program development. Council identified incentivizing optional “green building codes” as a secondary destination short-term goal during the August 2017 Retreat.

Staff met with local builders and stakeholders to discuss potential incentives, specifically in the area of green residential construction. The CPTC recommended that areas for green building incentives could more specifically begin by focusing on areas of homes utilizing Home Energy Rating System (HERS/Energy Rating Index (ERI) for energy efficiency.

In March, Staff presented additional information to the CPTC related to HERS/ERI rating processes and suggested a pilot program for an incentive program for HERS/ERI-rated new single-family home construction. HERS/ERI scores can be lowered through efficient architectural design, optimal home orientation, reduced air leakage and intrusion, installation of high-energy efficiency appliances and heating, ventilating and cooling equipment, and other methods. The CPTC recommended the presentation move forward to full Council for consideration and a six-month pilot program be established.

The pilot program provides an incentive for new single-family residential home construction through an adjustment of the building permit fee based on the final HERS/ERI index rating of the home. A percentage of the building permit fee is charged based on the home’s final score. After discussion with the Legal Department, it appears that allowing HERS/ERI home performance to satisfy all or a portion of the Building Permit Review Fee following construction of the rated home is preferable to paying, rebating, or reimbursing previously paid fees. The portions of the fee subject to the performance incentive are limited to purely regulatory costs; exercise of the City’s discretion determining the amount of the fee ultimately imposed promotes clarity in procedure and uniformity in administration of the incentive.

Item 2, continued:

The building permit fee for a single-family home is based on a fee of \$0.14 cents per square foot of the structure. The pilot program charges a percentage of that building permit fee based on specified HERS/ERI scores. Additional fee adjustments are included for homes achieving scores lower than the minimum HERS/ERI score determined for the adjusted fee. The current pilot program allows for a 50% building permit fee adjustment for a home achieving a HERS/ERI rating of 65, with an additional 5% fee reduction for each point below 65. The actual monetary amount of the waiver varies based on the square footage of the structure. The permit review fee could potentially be adjusted to zero if the home achieves a HERS/ERI score of 55 (additional 5% per point times 10 points below 65).

During the period of July 1, 2018, and March 31, 2021, 482 applications for single-family homes were applied to the program. From July 1, 2018, through March 31, 2021, 1,340 single-family homes applied for building permits, which translates to approximately 35% of single-family homes taking advantage of the HERS/ERI program. Overall, 67 of the 482 applications withdrew from the HERS program, but these withdrawals were not associated with the City process. When an applicant withdraws from the process, permit fees are paid at the time of the Certificate of Occupancy (CO) issuance.

During the period of July 1, 2018, and March 31, 2021, 284 homes received a CO and of those 284 applications receiving CO, 157 paid a percentage of fees, ranging from \$5 to \$282. The other 127 applications received full benefit of the HERS/ERI program, meaning they met the HERS/ERI score of 55 or less and paid the City zero dollars in permit fees. The average permit fee not paid to the City is \$312 per permit whose calculation is based on the average 2,500 square foot home. Overall, the HERS/ERI program resulted in a reduction of almost \$90,000 in building permit fees paid to the City.

Staff recommends continuing the HERS/ERI program, but lowering the benchmark to 51 or better. The program's inception was in 2018, and will continue through June of 2021 at a minimum. The benchmark originally set in 2018 was reflective of awarding a home that was built in excess of the 2012 code, which was two code cycles prior. If the City continues the program, Staff recommends the benchmark update to 51 to be consistent with the more recent International Energy Conservation Code (IECC) for an ERI of 51. If the program is extended, Staff recommends monies be delegated to perform evaluation of the program's success, which could be accomplished by sampling a number of homes that were not in the program to compare their outcomes to homes in the program.

Mr. Clark highlighted how the program benchmark currently works with HERS/ERI score of 65 as well as the proposed score change of 51 as follows:

CURRENT HERS/ERI PROGRAM WITH A 65 BENCHMARK		PROPOSED HERS/ERI PROGRAM WITH A 51 BENCHMARK	
55 or less	Builder pays no permit fee	41 or less	Builder pays no permit fees
56	Pays 5% of permit fees	42	Pays 5% of permit fees
57	Pays 10% of permit fees	43	Pays 10% of permit fees
58	Pays 15% of permit fees	44	Pays 15% of permit fees
59	Pays 20% of permit fees	45	Pays 20% of permit fees
60	Pays 25% of permit fees	46	Pays 25% of permit fees
61	Pays 30% of permit fees	47	Pays 30% of permit fees
62	Pays 35% of permit fees	48	Pays 35% of permit fees
63	Pays 40% of permit fees	49	Pays 40% of permit fees
64	Pays 45% of permit fees	50	Pays 45% of permit fees
65	Pays 50% of permit fees	51	Pays 50% of permit fees

Councilmembers thanked Staff for the presentation and supported extending the pilot program as recommended by Staff.

Items submitted for the record

1. Memorandum dated June 6, 2021, from Brenda Wolf, Permit Services Supervisor, and Greg Clark, Development Services Manager, to City Council, with draft resolution
2. PowerPoint presentation entitled, “Home Energy Rating System (HERS) Energy Rating Index (ERI) Pilot Program,” dated June 8, 2021

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The meeting was adjourned at 6:15 p.m.

ATTEST:

City Clerk

Mayor