

HOUSING INDUSTRY NEWS

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Cities of Corcoran, Dayton sued over building permit fees

Housing First Minnesota sues over \$5 million building permit overcollection

The long-simmering debate over building permit fee surpluses has boiled over, with Housing First Minnesota filing separate civil lawsuits against the Minnesota cities of Corcoran and Dayton for alleged overcollection of building permit revenue.

The lawsuits follow administrative challenges to both cities' fee schedules by Housing First Minnesota, which speaks for more than 1,000 housing industry firms in the state and their homebuyers. The administrative challenge brought the debate to the Minnesota Department of Labor's State Board of Appeals, which declined to take up the issue, saying it was not the proper venue for the challenge and that Housing First Minnesota lacked standing. With that ruling in hand, Housing First Minnesota went to the courts to seek justice for Minnesota homebuyers.

The subject of building permit fees has also been a topic at the state Capitol, with legislation on the topic considered, but not passed, in the two previous sessions.

"Any city engaging in this practice of gouging new residents through building permits is adding to the state's housing problems," said David Siegel, executive director of Housing First Minnesota, in a statement. "At a time when Minnesota is facing a crisis in housing inventory and affordability, illegal housing costs must be addressed. All housing stakeholders, including local governments, should be working to reduce barriers to homeownership."

In its required annual disclosures, the city of Dayton has reported more than \$1.3 million in

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Substantive zoning reforms were not included in the final budget deal, dashing housing advocates' hopes for lifting roadblocks to homeownership.

Legislature and governor fall short on meaningful zoning reforms

The housing discussion at the state Capitol featured the most substantive legislative conversation on zoning policy in recent history. Originating in the Minnesota Senate and packaged as SF 915, chief author Sen. Rich Draheim (R-Madison Lake) spearheaded a powerful initiative to address housing affordability roadblocks, an effort that advanced the issue but ultimately fell short of passage.

SF 915 featured several provisions to increase homeownership access and housing affordability. Leading the proposals was a provision that would have prevented local governments from forcing builders and developers into private development contracts, called planned

unit developments (PUD). The measure also banned local governments from imposing requirements that conflict with the Minnesota Building Code. And finally, the bill contained a proposal to ban mandates for aesthetic upgrades, which can significantly add to the cost of new housing.

In advocating for the bill, Draheim focused on the goal of increasing homeownership opportunities.

"Homeownership should be the end goal. For people that desire to own a home we should have a pathway for them. What can we do to get more housing units of all shapes and sizes? We put together a bill that tries to overcome some of the housing

gaps that we have in Minnesota," Draheim said.

"Owning your own home has been proven to lead to more successful outcomes, including kids doing better in school, better mental and physical health, more community involvement and greater generational wealth. These are all things we strive for and homeownership is such an important piece of it," he said. "I'm excited this bipartisan legislation will help to pave the way for homeownership to many Minnesotans by removing barriers and encouraging more diversity in the housing stock."

The bill met strong opposition from local government interest groups who favored the current process versus what

they called a one-size-fits-all approach in SF 915, a characterization with which housing advocates strongly disagreed.

Key provisions of SF 915 were folded into the Omnibus Housing Finance and Policy bill. The measure made its way through the complicated committee process and onto the Senate floor, where it passed with tri-partisan support in a 39-27 vote. Despite this, the key provisions were ultimately dropped in end-of-session conference committee negotiations.

Efforts to harmonize the Senate version of the Omnibus Housing bill with the House version proved to be elusive.

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Legislature dismisses impact fee proposals

The legislature considered two impact fee proposals during the 2021 session and rejected both. The first was a proposal to create a new street impact fee. The second would have expanded park dedication fee authority to redevelopments in cities of the first class. Discussion on both proposals revealed a sharp divide in perspectives on the relationship between the growing regulatory footprint and housing costs.

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Legislature holds line on new homeowner costs

As the housing industry knows well, our inventory and affordability challenges have grown over the past 18 months. There is a lot driving these challenges but given the price pressures impacting homeowners, there is simply no room for additional costs that aren't essential.

The legislature appeared to understand this as they reviewed several new proposals that would result in cost increases for new homeowners.

The simple reality that homeowners pay for all the new home construction and remodeling fees and regulations, has not always been understood at the Capitol over the years. But if 2021 is any indicator, things might be changing.

In this session, government groups advocated for the creation of a new impact fee for future, off-site transportation projects and pressed for expansion of park dedication

fee authority for redevelopment in cities of the first class.

The legislative discussion was important and insightful. Proponents of these measures cited the pressures facing local governments who are managing growing and changing cities. Countering that message was opposition to these creation of new, additional fees on top of the dozens that are already taken in the development process.

When the dust settled, the legislature elected not to move forward with the new and expanded fees. This is a victory for housing affordability at a time when new regulatory costs can simply not be absorbed.

In the bigger picture, I was pleased to see a housing debate that prioritized homeownership access and affordability as a balance when considering the role of regulatory fees and requirements. There is a lot of work to do as we modernize housing for the next



Todd Polifka
2021 President, Housing First Minnesota

generation, and prioritizing the homeowner bodes well for making better policies.

Onward,
Todd Polifka

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Housing First Minnesota is the voice for homebuilders, remodelers and all who are dedicated to building safe, durable homes at a price Minnesotans can afford.

Housing First Minnesota is dedicated to advancing the American dream of homeownership for Minnesotans and is the leading resource for housing-related issues in Minnesota. This advocacy work has never been more important. The housing industry remains under intense regulatory and political pressures that impact Minnesota homeowners' ability to buy, build, and remodel their dream home. Housing First Minnesota supports reasonable policies, regulations and protections, but our call for affordability for families is a voice that must be heard.

Learn more at HousingFirstMN.org.

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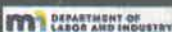
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Across the country, there is much talk about housing

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There is a strong desire for homeownership across this country, but the lack of supply is preventing too many Americans from achieving that dream.”

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Additional inventory is the solution to all that ails us at this moment.”

RYAN GORMAN
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“

Ultimately, less-stringent zoning rules, better funding to recruit and train construction workers, and pro-housing policy will help prevent a large number of Americans from being permanently excluded from homeownership.”

ALI WOLF
ZONDA

“

Soaring home prices can be an opportunity to take on the entrenched interests that make it so difficult to roll back land-use, zoning and permit-related regulations, freeing up land and making it easier and less costly to build houses. More houses mean lower prices.”

MICHAEL R. STRAIN
AMERICAN ENTERPRISE INSTITUTE

“

The goal should be to reduce regulations across the board, so builders can more easily respond to market demand by building whatever consumers want to buy.”

STEVEN GREENHUT
R STREET INSTITUTE

“

Basically, housing scarcity is a force multiplier for other problems. This makes perfect sense if you think of the housing market as a complex system. In a system of interconnected parts, when you break one thing, other things tend to start to break as well.”

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Flood-proof construction, other states act on GFCI, lead paint rule unfinished, Plumbing Code books ready

Following a failed legislative push to make housing prices more competitive in Minnesota's border cities by reducing required frost depths to match neighboring state requirements, the Minnesota Department of Labor and Industry (DLI) has formed a Technical Advisory Group (TAG) to look into frost depth requirements in certain regions of the state.

According to DLI, the TAG's purpose is "reviewing information, scientific studies and other materials related to frost depth to determine if there has been changes to conditions that necessitate a further review of the minimum footing depths required for frost protection."

TAG members include Dan Kelsey and Greg Metz, DLI staff; Ezra Ballinger, geotechnical engineer; Mark Hallan and Kurt Sandman, structural engineers; Don Dabbert, Jr. and Kurt Welker, homebuilders; and Jack Nyberg, building official.

Flood-resistant design TAG

Since late June, a seven-member TAG has been reviewing changes to Minnesota Rule 1335, related to flood-resistant design for both residential and commercial construction. Meetings are scheduled through August.

TAG members include Greg Metz and Chris Rosival, DLI; Andrea Crabtree Naves, municipal engineer; Vincent DiGiorno, architect; Christian Faste, building official;

Dan Korf, engineer design; and Ceil Strauss, state floodplain manager.

2020 National Electrical Code questioned in other states

In states across the nation, questions are being asked about provisions in the 2020 National Electrical Code (NEC). Several states have found deficiencies with the 2020 NEC, notably section 210.8(F) which requires a GFCI on air conditioner condenser connections.

Iowa and Massachusetts amended their electric codes to correct or remove the section. South Dakota omitted the section when adopting the 2020 NEC. Texas and Washington delayed the enforcement of 210.8(F) until 2023.

Since the entire nation relies on the same supply chain, other states are likely to be forced to address section 210.8(F).

Lead paint rule

The Minnesota Department of Health (MDH) is continuing work on its own version of the Environmental Protection Agency's (EPA) lead paint rule. The state's version of the Renovation, Repair and Painting (RRP) rule released in May is the latest of the proposed regulations for remodeling or renovations, yet may not be the final version of the rule.

According to Housing First Minnesota's Nicholas Erickson, who is leading the



The new plumbing code goes into effect on Dec. 17.

industry's efforts on the rule, the state has moderated its approach from lead abatement to lead remediation.

"While MDH has moved much closer to the current EPA rule, it is likely that the clerical and paperwork requirements will still be considerably more than in the current rule," said Erickson. "Implementing costly and unnecessary RRP rules will drive remodeling projects underground. We've presented several suggestions during this process to bring balance and common sense to this effort."

The final version of Minnesota's RRP rule is expected later this year, with stakeholder

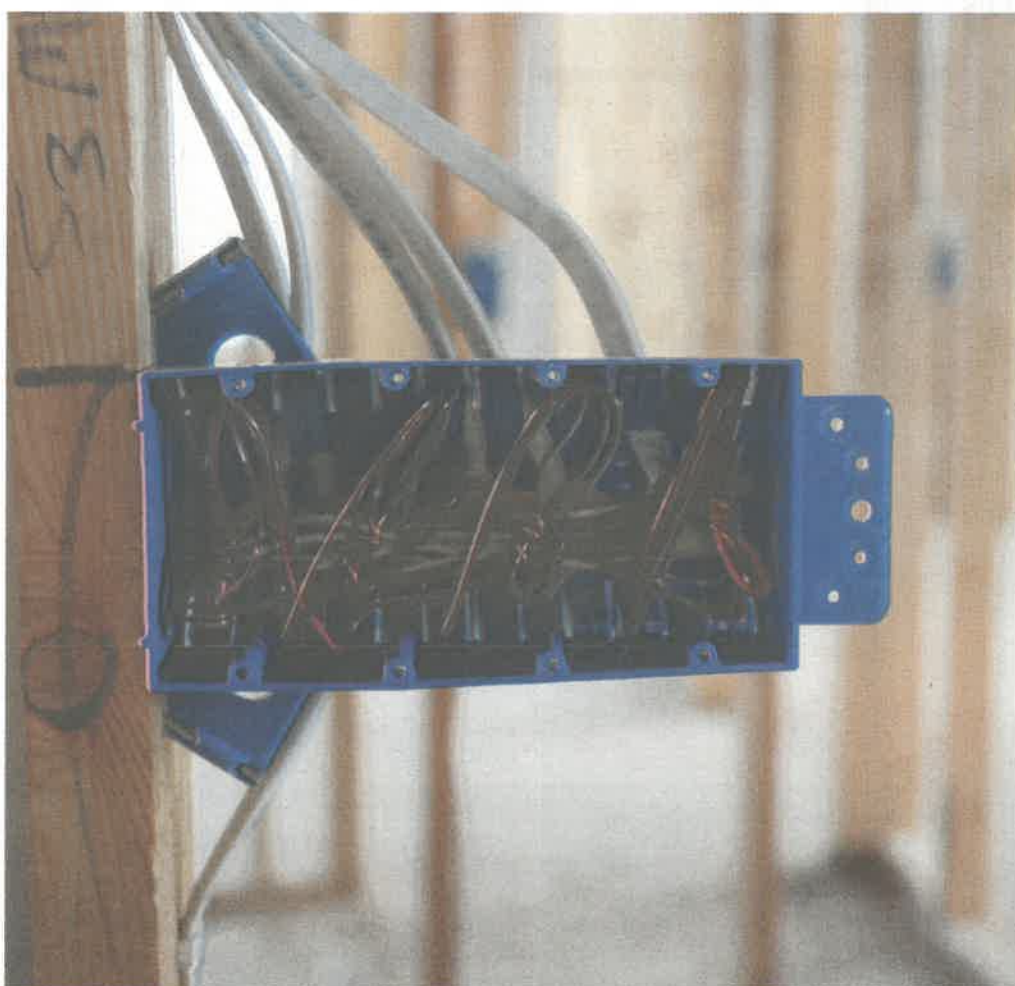
engagement resuming once the proposed final version is released.

Plumbing Code

DLI announced that new codebooks for the 2020 Minnesota Plumbing Code are available for purchase.

The new plumbing code goes into effect on Dec. 17.

The new plumbing code books can be purchased at [IAPMmembership.org/store/2020-minnesota-plumbing-code/1126](https://iapmmembership.org/store/2020-minnesota-plumbing-code/1126)



The Minnesota Court of Appeals ruled in favor of the Minnesota Board of Electricity on July 19.

Court denies challenge to Electrical Code

2020 National Electrical Code remains state's Electrical Code

Despite acknowledging that the Board of Electricity could have done a better job in its adoption process, the Minnesota Court of Appeals ruled in favor of the Minnesota Board of Electricity on July 19. In its decision, the court found that the board followed proper procedure when it adopted the 2020 National Electrical Code (NEC) last year.

Housing First Minnesota appealed the December 2020 ruling of an administrative law judge, saying the rulemaking process used by the board was incomplete. The challenge was filed on procedural grounds regarding how the code was adopted and was not directed at any specific provision adopted by the board.

The Court stated in its opinion, "The board could have better supported its position that failing to adopt the 2020 NEC would cause Minnesota to fall behind in terms of electrical methodology and technology standards. The board could have provided examples of the 2020 NEC's updated methods and technology, for instance, and 'Although the board's Statement of Need and Reasonableness (SONAR) could have included more detail, it adequately addresses each of the considerations set forth by section.'"

The published decision sets the legal standard going forward that any errors and omissions in the SONAR must be deliberate in order to invalidate a rule.

Housing First Minnesota has not yet stated if it will appeal the decision.

Editor's Note: The plaintiff in the case, Housing First Minnesota, is the publisher of Housing Industry News.

Minnesota combats unlicensed contractors in national crackdown

The Minnesota Department of Labor and Industry (DLI) recently took part in a multi-state, coordinated enforcement campaign to combat unlicensed contractors. From June 7-25, eight states of the National Association of State Contractors Licensing Agencies (NASCLA) participated.

In Minnesota, DLI investigators identified 56 unlicensed contractors during the June effort, with 28 cases being investigated for possible enforcement action. In total, this national effort identified nearly 600 unlicensed contractors operating in these eight states.

"The goal of this operation was to elevate consumer protection and deter illegal construction practices. The shared commitment of our state members brought awareness to unlicensed activity and spotlighted the contractor state licensing and registration agencies nationally," said Angie Whitaker, executive director of NASCLA.

According to a statement from DLI, the agency discovered an unlicensed contractor who posted TikTok videos of himself performing work that requires licensure. "DLI had already ordered this contractor to cease and desist from unlicensed activity and fined him earlier this year, so he now faces heavier fines and possible criminal prosecution," wrote DLI.

Online marketing is popular with unlicensed

contractors. In addition to TikTok, homeowners using unlicensed contractors found their contractors on websites such as Home Advisor, Neighborhood, Thumbtack, Facebook and Craigslist.

This enforcement effort coordinated through NASCLA is only one part of DLI's efforts to combat unlicensed contractors.

"Minnesota homeowners are able to obtain compensation from the Contractor Recovery Fund if they suffer a loss as a result of a contractor's failure to perform," said DLI Commissioner Roslyn Robertson, "but only if the contractor they hire is licensed."

"Minnesota homeowners are able to obtain compensation ... but only if the contractor they hire is licensed."

Roslyn Robertson, DEPARTMENT OF LABOR AND INDUSTRY COMMISSIONER

Aside from Minnesota, the states of Arizona, California, Florida, Mississippi, North Carolina, Nevada and Texas participated in the effort.

Housing omnibus bill signed into law

As part of the two-year state budget, the legislature and Gov. Walz came to an agreement on a housing omnibus bill during the first 2021 special session. While each chamber had passed their version of a housing omnibus bill in April, the final deal looked quite a bit different from each of those. The House voted 72-59 and the Senate 66-0 in support of the revised bill.

These provisions were included in the \$125.6 million housing omnibus bill:

- Provides \$100 million in housing infrastructure bonds and designates \$18.33 million of it for single-family homes and \$15 million for manufactured home park acquisition, improvement and infrastructure.
- Allows federally recognized American Indian Tribes in Minnesota and Tribal housing corporations to be eligible for housing grants in a natural disaster area.
- Allocates \$3.25 million over the biennium to the Workforce Homeownership Program for the development of workforce and affordable homeownership projects across Minnesota.
- \$1 million into the homeownership assistance fund and \$1 million to establish a local housing trust fund.
- Increases the income limitation under the definition of "persons and families of low and moderate income" to 115% of the greater of state median income, or area or county median income.
- Requires leases to have prorated rent when a lease ends before the last day of the month.
- Continues to fund the Homeownership Education, Counseling and Training (HECAT) Program, which helps to prioritize decreasing the homeownership gap between white households and households of color.

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Eviction moratorium off-ramp begins

After more than a year of a statewide eviction moratorium and lengthy legislative discussion, the legislature and Gov. Walz finally came to an agreement to end the order. Starting on June 30, landlords were allowed to once again give notice of lease terminations to households that have violated the lease or tenants that are behind on rent but refuse to apply for resources available to help them catch up. Starting on August 13, tenants can once again be evicted if they have not paid their rent and are not eligible for rental assistance.

“Ending the Governor’s Emergency Powers and the Eviction Moratorium has been the top priority for the Senate, and this bill is the key piece of our agenda to recover from the COVID pandemic,” said Senate Majority Leader Paul Gazelka (R-East Gull Lake). “This balanced approach includes support for housing providers and connects those who need financial help with resources available. It was absolutely unfair and wrong for the governor to expect housing providers to bear this financial burden for so long and I’m glad we’re finally making them whole.”

Tenants and landlords can learn more at RentHelpMN.org. All lease termination and eviction protections will be lifted on June 1, 2022.

Legislature and governor fall short on meaningful zoning reforms

Where the Senate focused on lifting barriers to homeownership, the House version emphasized state funding for a host of affordable housing programs.

“All throughout session we saw two vastly different strategies in approaching Minnesota’s housing issues,” said Mark Foster, director of legislative and political affairs at Housing First Minnesota. “The Senate advanced bills focused on expanding the overall supply of housing and advancing homeownership opportunities for more Minnesotans. Meanwhile, the House spent its time advancing funding for a handful of housing programs, as well as proposals for additional park and street impact fees that would actually raise the price of housing.”

As the clock wound down on the regular legislative session, the housing provisions were carried into a June special session where a final accord

was reached on the budget and substantive zoning issues were removed as part of the final budget deal, dashing housing advocates’ hopes for lifting roadblocks as part of a focused effort on homeownership.

“Despite our state’s already acute and worsening housing inventory and affordability crises, the legislature and our governor failed to enact any meaningful reform to address the regulatory roadblocks, which are pushing homeownership out of reach for far too many Minnesotans,” said David Siegel, executive director of Housing First Minnesota. “Our housing crisis will only be solved when the legislature and governor fully address these roadblocks. Exclusionary zoning practices that have taken Minnesota to record-high home prices and the largest homeownership equity gap in the country between white and Black Minnesotans must be undone.”

Twin Cities voters to receive rent control questions

When Minneapolis and St. Paul residents head to the polls this November they will face questions about whether to enact rent control and if so, how to do it.

Despite a dismal track record across the country and counter to advice from its city attorney, the Minneapolis City Council voted 10-2 to advance the questions that would lead to rent control policies.

The first question on the ballot, if approved, would allow residents to draft a rent control ordinance to be approved by the City Council and/or voters. The second, if

approved, would allow the City Council to approve an ordinance. Both the Charter Commission and the city’s legal counsel encouraged this second question to include a subsequent question to Minneapolis voters to be compliant with state law. Mayor Jacob Frey vetoed the resident drafting ordinance, but the underlying rent control policy will go before the voters this fall.

On the other side of the river, St. Paul voters will be asked whether the city should have the authority to limit landlords’ ability to raise rents by no more than 3% per year. This question will appear after more than 10,000 signatories petitioned for the question.

“Rent control has been studied thoroughly and economists agree this policy does not create the outcomes it seeks,” said Cecil Smith, president and CEO of the Minnesota Multi Housing Association. “Cities looking to

implement it should reject it because the studies show it will harm the housing market and reduce future investments in the community. I trust that the voters in Minneapolis and St. Paul will reject this destructive policy.”

During the 2021 legislative session, the Senate passed a rent control ban, citing it as an infringement on personal property.

“One of the building blocks of our country was on property rights,” said Sen. Rich Draheim (R-Madison Lake), chair of the Housing Committee. “My grandpa, who immigrated from Germany, literally got chased off their farm by the government and they came to the United States. Why? For the path of owning property.”

The Senate’s bill did not become law, as it failed to be included in the final housing omnibus bill. Currently, no other Minnesota cities have any form of rent control in place.

The eviction moratorium is ending

Know your rights. Mark these dates. Learn what you can do to stay in your home.



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You could be evicted if you qualify for rental assistance but refuse to apply.



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All lease termination and eviction protections are lifted except for eligible renters with pending COVID-19 rental assistance applications.



All lease termination and eviction protections are lifted.

Know your rights and responsibilities



15-day notice

Between now and Oct. 12, property owners must give tenants a 15-day notice before they file an eviction for nonpayment.



Apply for help

You might be eligible for rental assistance. Go to RentHelpMN.org or call 211.



Refuse to apply?

Tenants who are behind on rent and eligible for help but refuse to apply can be evicted starting June 30.



Have legal questions?

Visit LawHelpMN.org for additional information and legal resources.

Housing First Minnesota awards 23 legislators with Housing Leadership Award

Following the end of the 2021 legislative session and first special session, Housing First Minnesota, the state's leading homebuilders association, has named 23 Minnesota state legislators as recipients of the 2021 Housing Leadership Award.

"With inventory at an all-time low, affordability at its worst in decades and the widest homeownership gap in the country, Minnesota's housing market is at a pivot point," said David Siegel, executive director of Housing First Minnesota. "These leaders recognize the need to legalize starter homes by addressing the way we zone and permit new housing. The Housing Leadership Award recognizes legislators who worked to promote housing affordability and homeownership during the 2021 legislative session and special session."

Numerous transformative housing policy provisions were discussed and advanced through the Senate housing committee. Unfortunately, nearly all major housing priorities that were included in the Senate's version of the housing bill, including the removal of exclusionary zoning practices, failed to make it through final negotiations.

"Despite our state's already acute and worsening housing inventory and affordability crises, the legislature and Gov. Walz failed to enact any meaningful reform to address the regulatory roadblocks which are pushing homeownership out of reach for far too many Minnesotans. We must see more serious action taken during next year's legislative session," said Siegel.

Minnesota Pollution Control Agency commissioner resigns

Laura Bishop, commissioner of the Minnesota Pollution Control Agency (MPCA) since 2019, resigned on July 6 just ahead of a confirmation vote by the Minnesota Senate. Bishop's resignation followed contentious discussions around new vehicle emission standards, reducing chemicals in food packaging and water quality rules in recent months.

Rather than await her fate, Bishop submitted a resignation letter to Gov. Walz.

"The MPCA Commissioner is a job that never wins a popularity contest, yet, in my view, is one of the most important roles in the Cabinet," Bishop wrote to Walz. "For many, the agency can never go far enough in our protections, while at the same time, a segment of the Republican caucus will always believe the agency goes too far."

Walz temporarily named MPCA Deputy Commissioner Peter Tester to fill the role.



Laura Bishop, the commissioner of MPCA, resigned July 6 ahead of a confirmation vote by the Minnesota Senate.

2021 HOUSING LEADERSHIP AWARD RECIPIENTS

Representative Kurt Daudt	Representative Steve Drazkowski	Representative Steve Elkins	Representative Pat Garofalo	Representative Barb Haley
Representative Jerry Hertaus	Representative Tony Jurgens	Representative Jon Koznick	Representative Eric Lucero	Representative Shane Mekeland
Representative Jim Nash	Representative Anne Neu Brindley	Representative Bjorn Olson	Representative Duane Quam	Representative Zack Stephenson
Representative Tama Theis	Representative Ryan Winkler	Senator Rich Draheim	Senator Zach Duckworth	Senator Kari Dzedzic
Senator Paul Gazelka	Senator Mark Koran	Senator Julie Rosen		

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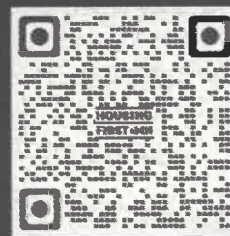
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Cities of Corcoran, Dayton sued over building permit fees

surplus building permit fees for the years 2015, 2018 and 2019. The city did not file required reports in 2016 or 2017. The city of Corcoran reported more than \$880,000 in surplus building permit fees between 2018 and 2019.

This is not the first lawsuit over permit fees, nor the first time the city of Dayton has been sued over its housing policies.

In 2005, Housing First Minnesota, then known as Builders Association of the Twin Cities, sued the cities of Shakopee and Elk River over their building permit fees. Both cases were settled and never went to trial.

As for the city of Dayton, it was sued by Housing First Minnesota in 2019 over a street impact fee program the city enacted following the *Harstad v. Woodbury* lawsuit. Housing First Minnesota argued the impact fee program was in direct conflict with the *Harstad* ruling, and Hennepin County Judge Susan M. Robiner agreed, issuing a summary judgment against the city of Dayton, noting the program was “illegal, null, void and unenforceable.”

According to the Minnesota Building Code’s Adoption Guide, building permit fees may not be used to raise money for a city, county or township’s general fund or any other special project in the city. Rather, the funds collected are to be used solely for building code inspection-related services, including staffing, transportation, public education, training, tools and equipment.

“There is no dispute regarding the need for inspections to ensure safety and durability in homes, however, that process cannot become a profit center for local governments,” said Siegel.

A court date has not been set and neither city had filed its own brief before Housing Industry News went to press.

Editor’s Note: The plaintiff in the case, Housing First Minnesota, is the publisher of Housing Industry News.

New home lot supply hits a new low

The surge in demand for new homes has the development of new vacant lots struggling to keep up. According to Zonda, lot inventory across the country remains “significantly undersupplied.” Zonda’s New Home Lot Supply Index (LSI) hit a new low in the first quarter of 2021.

“Without additional lot development in the near future, the lack of supply will limit builders’ ability to meet consumer demand. We are already seeing that in the more attainable price points.”

Danielle Leach,
MIDWEST REGIONAL DIRECTOR
AT ZONDA

The LSI dropped 24.2% year-over-year as builders are buying finished vacant lots as quickly as they are available.

“The race to acquire lots is on as builders continue working to

quickly get more homes on the ground. Competition for lots is fierce, but demand is showing no signs of letting up, which is encouraging more building,” said Ali Wolf, chief economist at Zonda.

Zonda’s ranking of significantly undersupplied lot availability has the Twin Cities as one of the most undersupplied markets. According to Zonda’s data, based on the volume of annual starts ending 2Q2021, there are currently 13.6 months of vacant developed lot supply in the Twin Cities market (11,694 lots).

Builders in the Twin Cities are burning through lot supply faster than they are replenishing it,” said Danielle Leach, the midwest regional director at Zonda. “Without additional lot development in the near future, the lack of supply will limit builders’ ability to meet consumer demand. We are already seeing that in the more attainable price points.”

Washington County currently has the most vacant developed lots with 1,468 lot available, followed by Hennepin with 1,388 lots, and Anoka with 1,284 lots.

COUNTY	VDL INVENTORY
WASHINGTON	1468
HENNEPIN	1388
ANOKA	1284
WRIGHT	1277
DAKOTA	1257
ST. CROIX	1133
SHERBURNE	940
CARVER	837
SCOTT	666
CHISAGO	538
PIERCE	436
ISANTI	386
RAMSEY	84

Shortage of land limits builders’ ability to meet demand, particularly at lower price points.



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Legislature dismisses impact fee proposals

Street impact fee

The street impact fee legislation emerged in the Minnesota House as HF 527 (Masin, DFL-Eagan), and it elicited strong opposition from the outset. At the core of the dispute was local government's push for new funding tools pitted against opposition from those concerned about housing affordability and the lack of homeowner protections in the proposal.

"Homeowners average 7-10 years in their house before they move on. This new tax could sit in a fund longer than they even live in the home," stated Rep. Jim Nash (R-Waconia). "Development pays for itself. It already does."

Nash's comments reflected concerns raised by opponents to the new fee regarding where the funds would be utilized and when future projects might occur.

Testimony from housing industry experts focused on the nature of impact fees, where costs are passed on to homeowners as part of their home price regardless of how and when the local governments spend the dollars.

"If anybody thinks that the homeowner is not going to pay for this and the developer is, they're wrong. All of our expenses when we develop land have to be passed on to the homeowner," stated David Werschay, a St. Cloud-based homebuilder and owner of Werschay Homes. "This doesn't help with any sort of affordable housing at all."

The affordability crisis emerged as critical in the committee discussion, where opposition

testimony highlighted concerns that the new revenue tools sought by local governments would drive a substantial increase in housing costs.

"This proposes a significant challenge to getting more Minnesotans into homeownership," said Matt Spellman, director of political affairs for the Minnesota Realtors®. "The lack of inventory is holding the market back. We encourage the legislature to resist imposing higher costs for new construction, which in turn results in upward pressure on the cost of existing properties."

The measure's chief author, Rep. Sandra Masin (DFL-Eagan), remained focused on the needs of local governments in finding revenue streams to fund road projects.

"As far as I know, cities are not for-profit entities. Somebody has to pay for the roads. You can do assessments. I can tell you doing assessments, it's not a fun activity at all," Masin stated.

Rep. Jon Koznick (R-Lakeville), who represents fast-growing Lakeville, was not persuaded.

"Cities already have multiple options to fund street improvements," Koznick said.

Impact fees for more park money

Rep. Liz Boldon (DFL-Rochester) authored HF 1350, legislation that would expand park dedication fee authority to the cities of the first class for redevelopment. The current park dedication authority is written for the subdivision

process, which is traditionally utilized in new housing or commercial developments.

While introducing the bill, Boldon noted the importance of parks as a driving force behind the impact fee expansion.

"The city of Rochester came to me with this idea which I supported knowing how important parks are in our communities. And I certainly value them and have used them for a long time with my family. We have seen over the course of the last year how important parks have been in our communities. This provision for parkland dedication fees allows for those fees to be collected for redevelopment," Boldon said.

The nature of collecting a park impact fee on redeveloped land created confusion as the measure moved through the legislative process.

Rep. Duane Quam (R-Rochester) argued against the bill in its current form.

"I'm not against the idea of parks and funding them, but I'm against the out-of-control local control. This language isn't ready for prime time," Quam said.

There is some precedent for cities of the first class to gain park dedication authority in redevelopment projects. Minneapolis and St. Paul have had the authority for several years, which emerged as part of the discussion on HF 1350.

Rep. Eric Lucero (R-Dayton) referenced existing redevelopment authority and his concerns about cities requiring park fees from redevelopments where a park system already exists.

"The city of Minneapolis has been double-dipping on redevelopment with park dedication fees," Lucero said. "And now we want to take this



Legislation was proposed during the 2021 session that would expand park dedication fee authority.


terrible idea of allowing the city of Minneapolis to double-dip and expand that out to more cities of the first class?"

Final legislative action

After substantial discussion on the proposals, the legislature did not bring either of the impact fee measures up for a final vote, ending their prospects for passage in 2021.

Quam summarized the impact fee debate in a floor speech late in the session.

"The issue of affordability; we continually hear in this chamber: housing affordability," he said. "This would increase costs and make housing less affordable."



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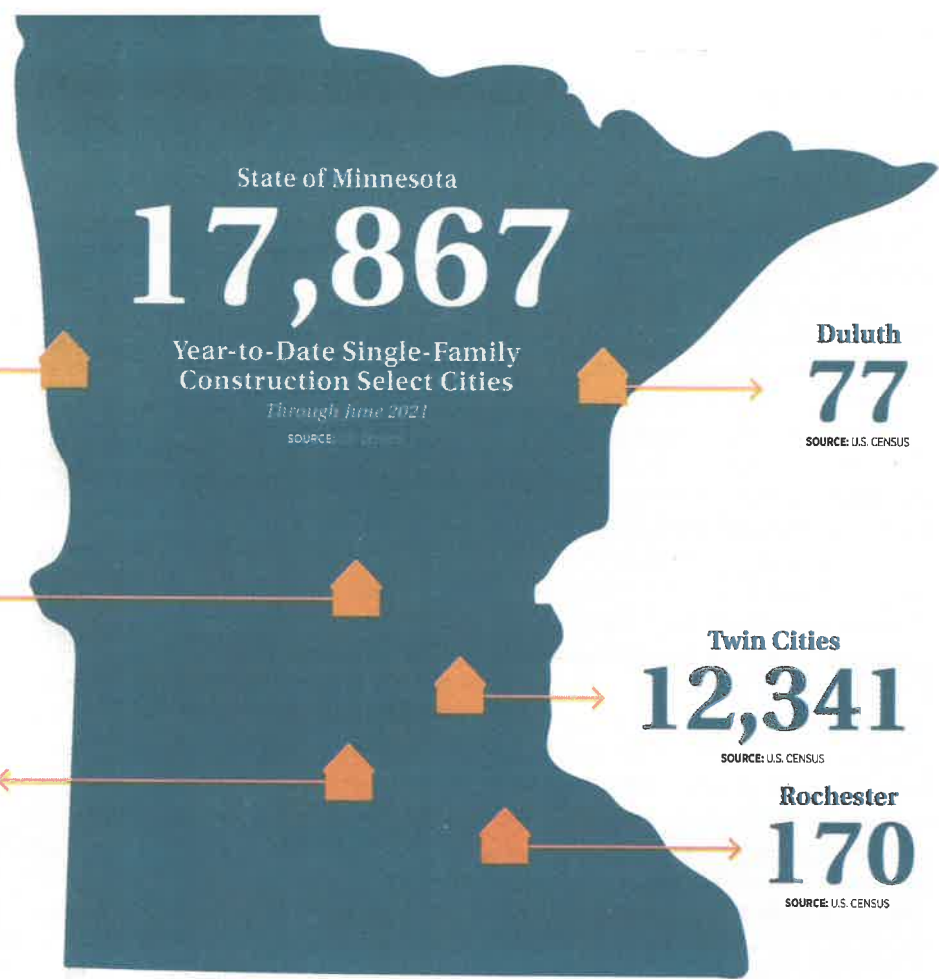
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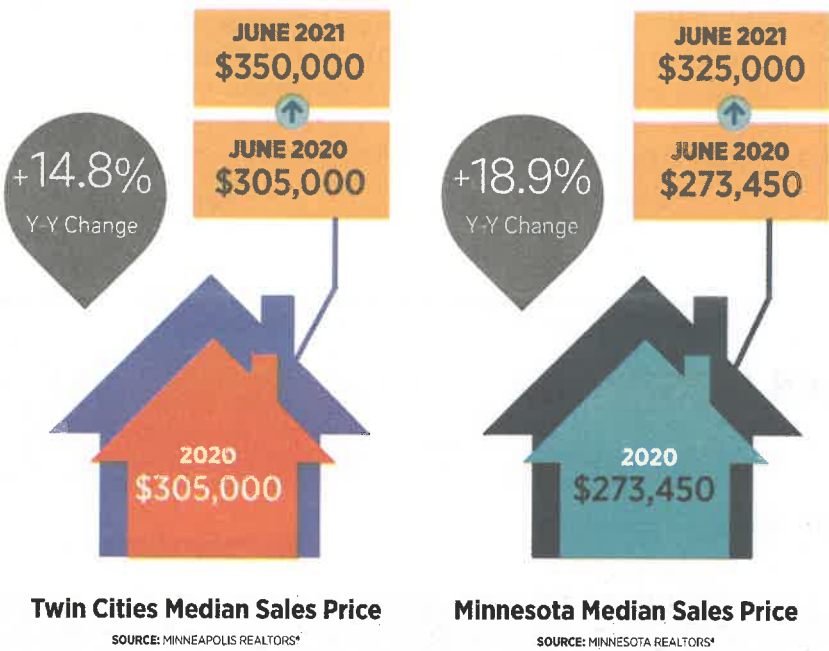
Housing market report

Minnesota's housing market frenzy continues into summer months

Homebuilders in the Twin Cities are struggling to keep pace with the ever-increasing demand for new housing as first-time homebuyers continue to enter the homeownership market. The Twin Cities metro area recorded a year-over-year 63% increase in single-family permits in June. However, material shortages, regulatory fees and labor issues are making it harder than ever to build homes at an affordable price.

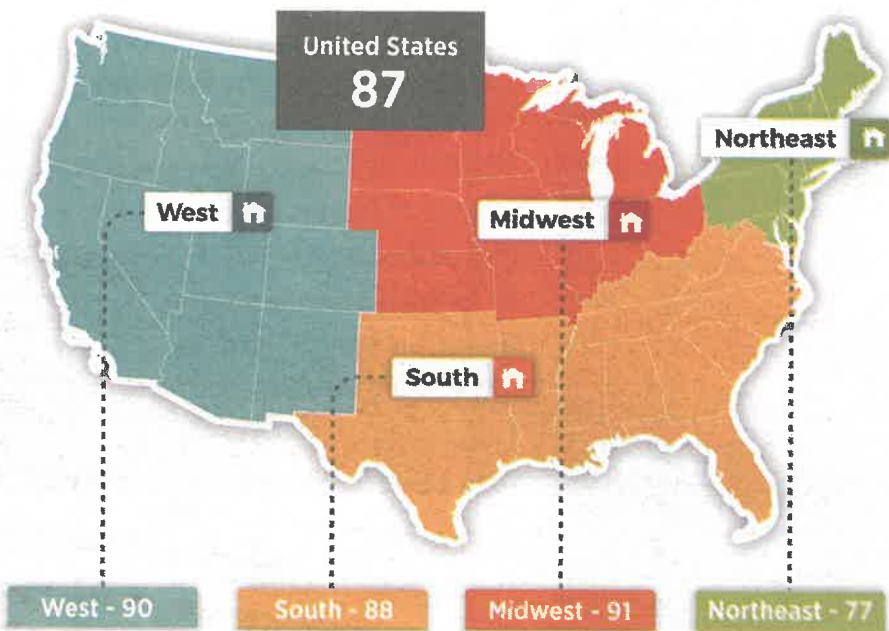


SOURCE: U.S. CENSUS. HOUSING FIRST MINNESOTA COLLECTED THE ABOVE PERMIT INFORMATION FROM AVAILABLE PUBLIC RESOURCES.



Twin Cities Median Sales Price
 SOURCE: MINNEAPOLIS REALTORS*

Minnesota Median Sales Price
 SOURCE: MINNESOTA REALTORS*



Regional Remodeling Market Indices, 2021 Q2

SOURCE: NAHB

The Overall Remodeling Market Index is calculated by averaging the Current Marketing Index and the Future Market Indicators Index. Any number over 50 indicates that more remodelers view remodeling market conditions as higher than the previous quarter. Results are seasonally adjusted.

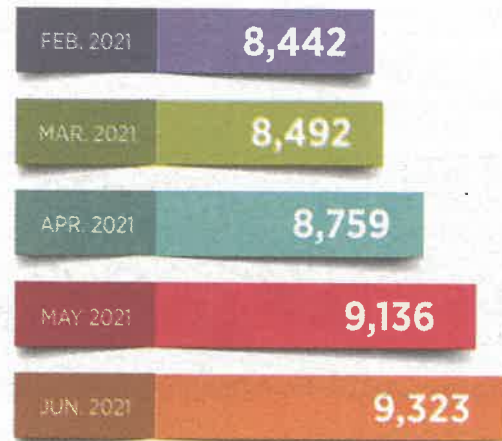
Minnesota Construction Employment Past 5 Months

SOURCE: DEED



Twin Cities Construction Employment Past 5 Months

SOURCE: DEED



Employment Update

Minnesota's unemployment increased to 4.4% in June, according to the Minnesota Department of Employment and Economic Development (DEED). This is compared to the May unemployment rate of 3.7%.

However, the national unemployment rate also increased from 5.5% in March to 6.1% in June. Construction in Minnesota recorded a 2% employment increase, or 2,724 jobs, since June 2020.

Multifamily builder confidence sees gains



The MPI increased eight points in the first quarter of 2021 from the previous quarter.

Multifamily builders and developers reported an increase in confidence in the first quarter of 2021. According to the results from the Multifamily Market Survey (MMS) released by the National Association of Home Builders (NAHB), the Multifamily Production Index (MPI), which measures developer and builder feelings about current conditions in the multifamily market on a scale from 0 to 100, increased eight points from the previous quarter. This marks the first time in seven quarters that the MPI has been over 50.

"We continue to see strong demand for rental housing, especially in the suburbs," said Justin MacDonald, chairman of NAHB's Multifamily Council and president and CEO of The MacDonald Companies in Kerrville, Texas. "But an increase in building material prices and difficulties obtaining approvals remain significant headwinds for the industry."

The overall MPI is a weighted average of three key elements of the multifamily housing market: construction of low-rent units—apartments that are supported by low-income tax credits or other government subsidy programs; market-rate rental units—apartments that are built to be rented at the price the market will hold; and for-sale units—condominiums. All three of these sections saw increases this quarter.

The component measuring low-rent units increased four points to 46, the component measuring market-rate rental units rose 6 points to 54 and the component measuring for-sale units improved 13 points to 52.

The Multifamily Occupancy Index (MOI), which measures the multifamily housing industry's reading of vacancies in existing apartments, was reported at 59 in 2021's first quarter which indicates property managers are reporting increased occupancy.

"The MPI reversed trend and rose strongly in the second quarter of last year, one quarter before a similar turn-around in the multifamily housing starts data," said Robert Dietz, NAHB economist. "Since then, multifamily starts have mirrored the MPI. The surge that we saw in the MPI for the first quarter of 2021 coincides with a similar surge in multifamily starts to a seasonally adjusted annual rate of more than 450,000 units."

The MMS is based on a quarterly survey of NAHB multifamily builders and property managers. The survey is designed to monitor market conditions for multifamily production (starts) and multifamily rental occupancy in the current versus preceding quarter as well as in the next six months.

The desire for homeownership grows despite challenging market

A new report by the National Association of Home Builders (NAHB) shows more people are planning to buy in the near future and more of those homebuyers are first-time buyers. NAHB's Housing Trends Report for the second quarter of 2021 reveals that after hitting a series low of 10% in the first quarter of 2020, 17% of prospective homebuyers are planning to buy a home in the next 12 months.

Of those prospective buyers in the survey, 64% are first-time homebuyers, which is the highest share in the survey's history. Millennials made up the largest share of the respondents who were planning to buy in the near future, at 29% of the prospective buyer pool, up from 19% just a year ago.

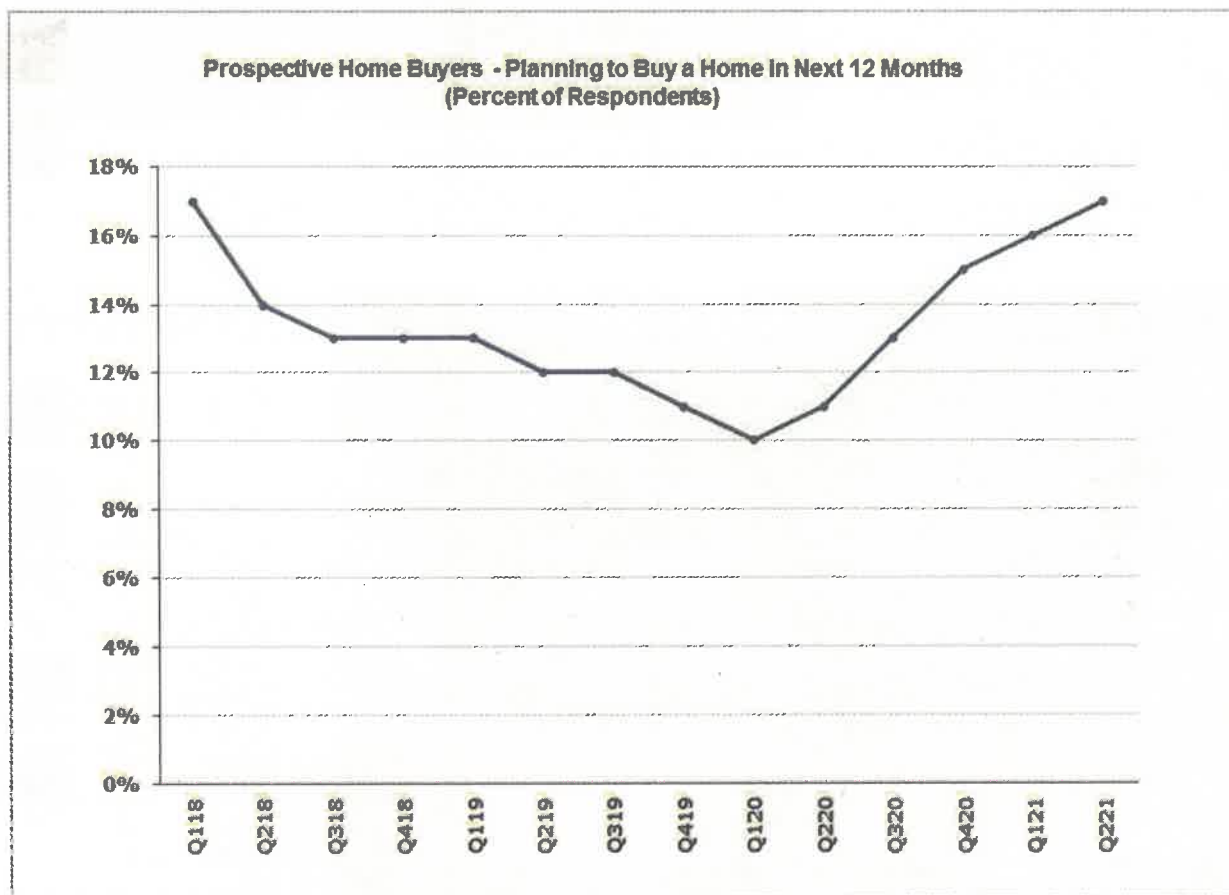
"The value of homeownership has never been greater as evidenced by the increase in active buyers this year," said Chuck Fowke, NAHB chairman and a custom homebuilder from Tampa, Florida. "Homebuilders are eager to meet this demand but are hamstrung by high lumber costs. Policymakers must seek out solutions to resolve the lumber price problem to help more families achieve the American dream."

According to NAHB, soaring lumber prices have tripled over the past 12 months and have caused the price of an average new single-family home to increase by \$35,872.

These prospective buyers are not naive to how challenging the current housing market is right now. Buyers affordability expectations have worsened since the end of 2020, with 71% of homebuyers reporting that they could afford less than half of the homes on the market.

Homebuyers also say that their time spent searching has grown in the past few months, with 66% of those actively searching reporting that the purchase process has taken longer than three months.

While "being outbid by other offers" grew steadily as a primary roadblock for long-time searchers, unfortunately even finding a home they can afford to bid on was the most common



According to NAHB's Housing Trends Report for the second quarter of 2021, 17% of prospective homebuyers are planning to buy a home in the next 12 months.

reason active buyers couldn't pull the trigger, with 39% of buyers citing this reason.

Despite these challenges, only 20% of prospective buyers plan to give up their home search until next year, with the majority

of buyers saying they will either expand their search to find a home or continue looking for the "right" home in preferred location—a testament to the overall desire for homeownership and the benefits that come with it.

Local builder improves homes within the community

This summer, Creative Homes employees were excited to continue their ongoing charitable work at their annual project day with Hearts and Hammers, a Twin Cities nonprofit that restores and preserves the exterior of deteriorating homes.

Nick Hackworthy, president and CEO of Creative Homes, has been involved with Hearts and Hammers since his childhood and developed a passion for the organization. Hackworthy wanted to continue his involvement when he established Creative Homes.

Every year, Creative Homes employees team up with their trade partners and families to spend a day together working to make the exterior of a home weatherproof, safe, refreshed and beautiful. The homeowners are senior citizens, low-income families, veterans or disabled individuals in our metro community. The volunteer work done by Hearts and Hammers often allows them to remain in their homes and continue living independently.

Hearts and Hammers manages the project from beginning to end, alleviating any stress for the homeowners while still making them feel like they're a part of the process. The homeowner gets to pick the paint color and explain the work they want to be completed before watching the work get underway. Creative Homes employees painted, landscaped, cleaned the yard and assisted with exterior home repairs knowing their hard work would make a lasting impact on both the homeowners and the community they live in.

"We believe everyone deserves to have a safe and well-maintained home, and we are honored to use our expertise to help make that happen," said Hackworthy. "Overall, it is a fun event that we look forward to each year! It's always fun to bring everyone together and spend the day doing something good for others."



The Creative Homes team volunteered their service for the day to help Hearts and Hammers a Twin Cities nonprofit that restores deteriorating homes.



Creative Homes employees painted, landscaped, cleaned the yard, and assisted with exterior home repairs.



Vujovich designed and remodeled a deck to give a family's son the flexibility to exit the home through the front door or the back door

Vujovich transforms home to create accessible spaces

When it comes to its relationships with clients, Twin Cities' remodeling company Vujovich Design Build prides itself on creating meaningful, long-lasting connections with the people for which they build and remodel. This rings true in their volunteer work as well. Six-year-old Levi Dahl was born with a severe case of Arthrogryposis Multiplex Congenita, causing him to suffer multiple joint contractures throughout his body. Dahl's mobility is limited; he's only capable of moving his head and few fingers, so he uses a powered wheelchair to get around.

Vujovich first connected with the Dahl family several years ago through a National Association of the Remodeling Industry (NARI) Cares project and partnered with about 20 other companies to transform the Dahl's home, particularly the family gathering spaces, to be accessible. The project included reframing the new floor height, moving all electrical and replacing windows and doors to meet code. The spaces were then finished with an updated trim package, new tile, new light fixtures and a fireplace. The new raised floors now tie into the rest of the main-floor areas allowing easier access to the dining room.

This year, Vujovich partnered with the family again. Vujovich designed and remodeled the family's deck and added a ramp. Now Dahl has the flexibility to exit the home through the front door or the back door, and he has a direct ramp into the backyard.

"We can't even begin to thank you enough for how you continue to provide our family with adaptations that enhance our family's daily life," said the family. "If Levi's smile is any indication, he is beyond thrilled with his new ramp and the increased freedoms this gives him."



Seven family recovery apartment units are being converted for Avivo to provide safe, stable housing where mothers can live with their children as they go through recovery.

Apartment renovations for women in recovery near the finish line

Despite setbacks and delays stemming from the global pandemic, seven Minneapolis apartment units are ready or nearly ready to become safe, stable housing where mothers can live with their children as they go through recovery at Avivo.

The Housing First Minnesota Foundation began renovating an apartment building owned by Avivo at the start of 2020 by taking on one of the basement units. With the help of build partners Mega Remodel and Cardinal Homebuilders, that unit was finished in late March.

“The apartment was being lived in when we came on board, but it was at the point that it no longer could be. So, we walked the unit a couple times and we knew it was going

to be a big project, but we had no idea,” said Meg Jaeger of Mega Remodel.

A year after completing that first unit, renovations started on the remaining six apartment units. Plekkenpol Builders, The Kingdom Builders and John Kraemer & Sons took on these remaining units.

“Those units were all stripped down to the studs and the floors were ripped up. All the windows needed to be replaced,” said Paul LeGrand of Plekkenpol Builders. “We were really attached to the cause. Who hasn’t been touched by addiction in some way? Whether it’s yourself, a family member or a neighbor, we are all impacted by it.”

The apartments were all converted to better suit the women who will be living in them with additional bedrooms and more functional spaces for families.

“It’s a whole different type of project than just remodeling for a client. In this case, when you know the women who are living here are already fighting a big battle, and we get to be a part of making their lives a little bit easier, that’s been the most rewarding,” said Jaeger.

This is the second apartment building the Housing First Minnesota Foundation has renovated for Avivo. This partnership has helped Avivo provide critical housing for women who are going through treatment.



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Pulte raises a new record on the course

Golfers hit the course for a good cause during the 11th annual Pulte Homes Charity Golf Tournament at Dwan Golf Course in Bloomington this July. This year their charitable golf tournament raised over \$33,000, a new record.

The money raised will support the Housing First Minnesota Foundation in its efforts to build housing for homeless Minnesotans.



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A quick recap of housing news and development updates



SOURCE: MN HOUSING FINANCE AGENCY

1

Rental assistance slow to get out the door

The federal government has sent hundreds of millions of dollars to the State of Minnesota to assist renters that are behind on their payments. As of the end of July, less than \$27 million in assistance had been sent to Minnesotans, despite having nearly \$200 million in applications. These numbers are updated frequently on the dashboard on www.mnhousing.gov.



SOURCE: STAR TRIBUNE

2

Public housing high-rises required to add sprinklers

In November 2019, five people lost their lives in a fire in the Cedar High apartments in Minneapolis. Since then, legislators have been advocating for the addition of sprinklers to older residential towers. Legislators passed and Gov. Walz signed a bill during the first 2021 special session that will require public housing agencies in Minnesota to add sprinklers to many high-rise buildings by 2033. Legislators and the agencies are asking for additional resources from the federal government to make this happen.



SOURCE: PLYMOUTH CITY HALL

3

Hollydale development gets approved

After months of back and forth between the city of Plymouth, developers and vocal neighbors, over 200 homes have been approved to fill what was once the Hollydale Golf Course. The City Council yielded to a local NIMBY group voting the project down last November. That prompted a lawsuit challenging the decision. Since then, the plans have been adjusted to allow for fewer, more expensive homes.

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