

1 Department of Energy and Economic Development

2 Energy Division

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4 Adopted Rules Relating to Minimum Mandatory Energy Efficiency

5 Standards for Residential Rental Units; Definition of Good Cause;

6 Establishment of Fine Schedule

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8 Rules as Adopted

9 4170.4105 GOOD CAUSE.

10 As required by Minnesota Statutes, section 116J.27,
11 subdivision 4b, "good cause" means any one of the following:

12 A. That the installation of a program measure to
13 comply with a standard in part 4170.4100 is economically
14 infeasible as defined in part 4170.0100, subpart 8.

15 B. That the installation of a program measure to
16 comply with a standard in part 4170.4100 is technologically
17 infeasible. Technological infeasibility means that the
18 installation of the measure would threaten the structural
19 integrity of the building.

20 C. That the installation of a program measure to
21 comply with a standard in part 4170.4100 would necessarily
22 violate the building's esthetic or historic value.

23 4170.4110 FINE SCHEDULE.

24 If an administrative law judge finds that an owner or an
25 owner's agent has not demonstrated good cause for failure to
26 comply with the minimum mandatory energy efficiency standards,
27 the judge shall assess the following penalties:

28 A. For a one-to-four unit building, an immediate fine
29 of \$100 plus \$200 each month beginning 120 days after the
30 finding of failure to show good cause, until the owner
31 demonstrates to the administrative law judge that he or she has
32 complied with the standards. If a person certified to conduct
33 evaluations under this chapter certifies that an owner complies
34 with the applicable standards, the judge shall consider the
35 certification as proof of compliance by the owner.

1 B. For a building with five or more units, an
2 immediate fine of the greater of \$10 per unit or \$100, up to a
3 maximum of \$500. The maximum fine of \$500 is also the maximum
4 fine for a residential complex situated on one or more
5 contiguous parcels of land under common ownership. In addition,
6 a fine each month of two times the amount assessed beginning 180
7 days after the finding of failure to show good cause, until the
8 owner demonstrates to the administrative law judge that he or
9 she has complied with the standards. If a person certified to
10 conduct evaluations under this chapter certifies that an owner
11 complies with the applicable standards, the judge shall consider
12 the certification as proof of compliance by the owner.