COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 240434

Amending Chapter 18, Code of Ordinances, by repealing Article XIV, Section 18-367, entitled "Adoption of International Energy Conservation Code (2021); amendments" and enacting, in lieu thereof, a new section of like number and subject matter that updates the City's Energy Conservation Code and provides an additional path of compliance; allowing for previously approved building plans to be approved under the additional compliance path; providing a schedule for future adoption of model codes; and requiring grant applications that require amendments to the City's Building Code be approved by City Council before the grant application is submitted.

WHEREAS, Committee Substitute for Ordinance No. 220364 ("Ordinance") adopting the 2021 International Energy Conservation Code with amendments ("KCMO Energy Code") was passed by the City Council on October 13, 2022; and

WHEREAS, the effective date of the Ordinance was July 1, 2023, but it also provided a mandatory date for the implementation of the KCMO Energy Code of September 29, 2023; and

WHEREAS, the adoption of the KCMO Energy Code without locally appropriate revisions was done in order for the City to receive a grant from the federal government and this grant was never received; and

WHEREAS, Ordinance has greatly impacted the issuance of permits for residential homes since the mandatory effective date; and

WHEREAS, for example, the City has issued only nine (9) single family building permits to date in 2024 (January through March) under the KCMO Energy Code; and

WHEREAS, normally the City issues an average of 85 single family permits for new homes in Kansas City, Missouri each month; and

WHEREAS, for the first time in the history of available permit data, Kansas City fell out of the top five (5) permitting entities in the metropolitan region in February; and

WHEREAS, no other metropolitan city or county in our region has adopted the 2021 International Energy Code without locally appropriate revisions; and

WHEREAS, the lack of the issuance of permits for single family homes will impact the affordability of homes for Kansas City's families; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 18, Article XIV, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 18-367 and enacting, in lieu thereof, a new section of like number and subject matter to read as follows:

**Sec. 18-367. Adoption of International Energy Conservation Code (2021); amendments.**

The International Energy Conservation Code (2021), promulgated by the International Code Council, is adopted and incorporated in this article by reference as if fully set forth, except as it is amended by the following provisions of this section. Provisions of this article are in addition to the provisions of the International Energy Conservation Code. The following provisions coinciding with provisions of the International Energy Conservation Code supersede, or delete, when indicated, the corresponding provisions of the International Energy Conservation Code.

In addition, the IECC Appendix CC: Zero Energy Commercial Building Provisions is an option for builders to voluntarily implement.

All references within the model codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code specifically adopted by reference in articles II through XIV of this chapter.

Chapter 1 **[CE], SCOPE AND ADMINISTRATION** is deleted. See Article I of this chapter.

*C405.12 Electrical for future use on new buildings with electrical services*

1. Provide 2-inch conduit run up to attic for future photovoltaic systems.
2. Provide 2-inch conduit run into parking areas for future electric vehicle charging stations.

*Chapter 1 [RE], SCOPE AND ADMINISTRATION* is deleted. See Article I of this chapter.

**Table R402.4.1.1. Under 'Walls'.** Amend first sentence to read: "Corners and headers shall be sealed and the junction of the foundation and sill plate shall be sealed."

**R403.3.7, Exception.** In IRC projects building framing cavities may be used as ducts or plenums where sealed to prevent leakage through the thermal envelope.

**R404.4 Electrical for future use on new buildings with electrical services**

1. Provide 2-inch conduit run up to attic for future photovoltaic systems.
2. Provide 2-inch conduit run into garage areas for future electric vehicle charging stations.

The following section is added to the referenced model code:

**R409 KCMO Compliance Path:**

1. Submit a Home Energy Rating System (HERS) "Projected Report" based on the building plans showing an index score of 68 or better (better means a score of 68 or lower) by a qualified Energy Rater with each permit application, along with a statement by the applicant that they are utilizing the KCMO Compliance Path.
2. Complete, and submit to KCMO, the following 3rd Party Inspections during construction:
   a. Insulation Inspection
   b. Duct Leakage Testing
   c. Whole House Leakage Testing
3. As a condition of Occupancy Permit, submit a Final Compliance HERS report verifying the score of 68 by a qualified Energy Rater
4. As a condition of Occupancy Permit, post a permanent certificate inside the building which lists:
   a. the predominant R-values of insulation installed in ceilings, roof, wall, and foundation components;
   b. the U-factors and solar heat gain coefficient (SHGC) of fenestration;
   c. the results of the duct and whole house leakage tests;
   d. the types, sizes and efficiencies of heating, cooling and service water-heating equipment; and
   e. If on-site photovoltaic panel systems have been installed, the array capacity, inverter efficiency, panel tilt and orientation.

When utilizing this R409 KCMO Compliance Path in conjunction with a Master Building Plan, items 1 through 3 of the above list are required for the first build only of each Master Building Plan. Subsequent builds of the same Master Building Plan are not required to repeat items 1 through 3. Item 4 is required as a condition for every Occupancy Permit, regardless of plan type or number of times built.

No additional documentation shall be required for plan review and/or permitting under this R409 KCMO Compliance Path.

Section 2. That previously approved Master Buildings Plans under the KCMO Energy Code shall have a one-time opportunity to change to the R409 KCMO Compliance Path if so designated in writing and with the submission of required documents within 30 days of the effective date of this ordinance.

Section 3. That previously approved Master Building Plans that were approved prior to September 29, 2023 (the mandatory implementation date of Ordinance), are eligible for use and permits when using the R409 KCMO Compliance Path.

In the case of these previously approved Master Building Plans, a HERS "Projected Report" (and subsequent inspections and final report) is required to be submitted prior to issuance of a building permit for the first site-specific address following the effective date of this ordinance. Energy/insulation notations on such mastered plans that conflict with the submitted HERS "Projected Report" are void and the applicant is required to adhere to all energy/insulation methods per the HERS "Projected Report" and to achieve a HERS score of 68 or better (better means the HERS score is lower than 68.)

Further, regardless of chosen compliance path, all plan reviews are subject to City Code Section 2-2300, Permitting Standards.

Section 4. That future adoptions of model codes in Chapter 18, the City's Building and Rehabilitation Code ("Building Code"), shall revert to the previously established schedule of every 6-year code adoption cycles such that the next adoption of model codes shall occur in calendar year 2030. Further, all future adoptions of model codes shall include stakeholder meetings which include, at a minimum, the City building official and the Home Builders Association of Greater Kansas City as participants.

Section 5. Any grant applications that require the City revise its Building Code in order to receive the grant must be approved by City Council before the grant application is submitted by or on behalf of the City.

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Approved as to form:

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Eluard Alegre
Associate City Attorney