File #: 240434, **Version:** 2

[COMMITTEE SUBSTITUTE FOR]ORDINANCE NO. 240434

Sponsor: Councilmember Wes Rogers

Amending Chapter 18, Article XIV, Section 18-367, Code of Ordinances, entitled "Adoption of International Energy Conservation Code (2021); amendments," by providing an additional path of compliance that accomplishes Strategies B-2 and B-3 of the 2022 Climate Protection & Resiliency Plan through a nationally recognized system for calculating a home's energy performance; allowing for previously approved building plans to be approved under the additional compliance path; and providing a method to further improve energy performance over time.

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 existing compliance paths in the KCMO Energy Code shall remain unchanged and intact for full use and this ordinance adds an additional compliance path; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 18, Article XIV, Section 18-367, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended 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

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existing building code specifically adopted by reference in articles II through XIV of this chapter.

Chapter 1 <https://library.municode.com/mo/kansas_city/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR> [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 <https://library.municode.com/mo/kansas_city/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR> [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 sections are amended /added to the referenced model code, leaving the Prescriptive Option, Total Building Performance Option, and the Energy Rating Index Option intact and unchanged:

R401.2 Application. Amend to read: “Residential buildings shall comply with Section R401.2.5 and one of Sections R401.2.1, R401.2.2, R401.2.3, or R401.2.4; OR residential buildings shall comply with Section R401.2.6 only.”

R401.2.6 KCMO Compliance Path.

The KCMO Compliance Path requires compliance with Section R409.

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 RESNET certified Energy Rater with each permit application, along with a statement by the applicant that they are utilizing the KCMO Compliance Path, and one Energy Code Analysis (ECA) sheet showing one wall section and one plan view marking the thermal envelope.
2. 3rd Party Inspections and Testing performed during construction by a RESNET certified Energy Rater and required to be submitted prior to Temporary or Full Certificate of Occupancy:
   a. Insulation Inspection(s)
   b. Duct Leakage Testing
   c. Whole House Leakage Testing
3. As a condition of Temporary or Full Certificate of Occupancy, submit a Final Compliance report verifying the score of 68 by a RESNET certified Energy Rater
4. As a condition of Temporary or Full Certificate of Occupancy, post a permanent certificate inside the building which lists:
   a. the predominant R-values of insulation installed in ceilings, roof, wall, and foundation

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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, the submitted HERS Projected Report must contemplate the most energy intensive combined variables of the plan options to include directional orientation. Additionally, items 1 through 3 above 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 item 1. Item 4 is required as a condition for every Temporary or Full Certificate of Occupancy, 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 an opportunity to change to the R409 KCMO Compliance Path if so designated in writing and with the submission of required documents outlined in Section 1 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 such instances, applicant shall submit a letter detailing the previously approved Master Building Plan they are using, and that any conflicting energy notes on that plan are now voided and replaced with the details of the documentation, inspections and testing required for the R409 KCMO Compliance Path as outlined in Section 1.

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

Section 4. That the City may endeavor to create a systematic method to reduce the HERS score required in R409 KCMO Compliance Path in keeping with Strategies B-2 and B-3 of the 2022 Climate Protection & Resiliency Plan. Such reductions shall occur no more than once every three years from the effective date of this Ordinance, shall be published at least one year in advance of their effective date(s), shall not exceed the equivalent of a 6% reduction over any 3-year period from the prior score, and shall be based on analyzing data from the prior time period's actual HERS scores. (Following such schedule would result in a HERS score of 50 by the year 2040 as recommended in Strategy B-3.).

Approved as to form:

Eluard Alegre
Associate City Attorney

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