

# **Builders Association of Minnesota**

2017 Minnesota Legislative Session

Proactive and Defensive Priorities

November 1, 2016

## **Proactive**

**Townhome Definition:** Revert townhouse definition back to ICC definition 3 or more units (currently MN rule defines townhouse as 2 or more units)

**Appraisals:** Create the MN Appraisal Board and establishing criteria for new construction (in partnership with NAHB), work with stakeholders to create an efficient board structure with builder representation, and appraisal criteria that recognizes new construction and energy codes cost drivers, and modern techniques such as green building.

**Certificate of Occupancy:** 10 day or less turn around for certificate of occupancy in residential structures after final inspection.

**Tree Ordinances:** Limiting scope of local government tree ordinances to protect private property rights.

**Codes:** Potentially link fire, plumbing, and electrical code adoption to same adoption cycle as building codes.

**Unlicensed Contractor Litigation:** Allowing homeowners to sue unlicensed contractors to recover all compensation paid to the unlicensed contractor for performance of any work, including recovery of payments made in consideration for the land or promise of future services.

**Penalties for Unlicensed Activities:** Increasing the penalty for unlicensed residential construction activity from misdemeanor to gross misdemeanor

## **Eliminate Handyman Exception**

**Public Health, Safety, and Welfare:** Work with state to advance public health, wellness, and safety in non-code enforced areas by requiring all public assembly spaces in non-code enforced areas are subject to state inspection.

**Licensing:** Work with DLI to combine builder and remodeler licensing into a single license.

**Warranties:** Conform one and two year warranties to the same claim timeframe as ten year warranties by requiring actions based on breach of the statutory or express written warranties to within two years of the discovery of the breach (current law) or within two years of the end of the period for which the warranty explicitly extends, whichever is earlier.

**NOR Requirement:** Require all claims against a residential contractor (including negligence and breach of contract) to be subject to the notice and opportunity to repair law prior to going to court.

**Market Rate Workforce and Affordable Housing:** Work with legislative and agency stakeholders to increase development of market-rate workforce and affordable housing in key areas statewide.

### **Returning Issues**

**Codes to DPS:** Managing attempts to shift fire code adoption from Department of Labor & Industry to Department of Public Safety

**Indemnification:** Manage attempts to change indemnification laws that could harm ability for residential contractors to secure general liability insurance

**Attorney's Fees:** Oppose efforts to provide attorney's fees to litigious homeowners, but not for prevailing builders.

**Retainage:** Work with stakeholders to ensure retainage does not interfere with residential building contracts.