

CHAPTER 4170
DEPARTMENT OF ENERGY AND ECONOMIC
DEVELOPMENT
ENERGY AUDITS

4170.4105 GOOD CAUSE

4170.4110 FINE SCHEDULE

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

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

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

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

Statutory Authority: *MS s 116J.27 subds 4a,4b*

History: *10 SR 391*

4170.4110 FINE SCHEDULE.

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

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

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

Statutory Authority: *MS s 116J.27 subds 4a,4b*

History: *10 SR 391*