



Re: Ordinance No. 240434

To Mayor Lucas, Kansas City Council Members, and Whom It May Concern:

I am writing to urge you to carefully consider the new ordinance, ORDINANCE NO. 240434. There are several issues with this new ordinance, and it seeks to reverse the hard work, consideration, and years of testimony and fact-finding that was completed to finalize the energy code we now have in Kansas City. All that work and time and effort should not be simply and quickly negated by an ordinance that was written without the input of all stakeholders.

I ask you to consider the following:

- This ordinance inaccurately states that the new energy code was adopted in order for the City to receive a grant from the Federal Government. The discussions and work behind this code change started years prior to any knowledge of any grants becoming available and, as of the date that it passed, October 13, 2022, the grants that have since become available to cities and states with the new codes were not yet available. The grant information and due dates were published in December, 2022. Even though this was not the reason behind the code adoption, grant applications are just this month being approved; this is the reason KCMO has not yet received the funding that was applied for through a state-wide coalition after the new code was adopted. Approval is expected soon. The fact is that the new energy codes were adopted to bring Kansas City up to the present in terms of energy efficiency, building durability, indoor air quality, and health and safety of those purchasing and living in new homes.
- This ordinance states that the new energy codes have “greatly impacted the issuance of permits for residential homes since the mandatory effective date”. The issuance of permits for residential homes is dependent on the builders requesting permits for residential homes. As is common with code changes, many builders submitted for permits prior to the cut-off date so they could build under the old code. This led to a significant decrease in the number of permits requested, and therefore, a decrease in the number of permits issued. Prior to determining the impact of this specific change, a study should be conducted to determine:
  - The percentage of submitted permits that have been issued
  - The reasons for permits not being issued (not all are rejected due to the energy code)
  - A comparison with previous major code changes to determine whether the slowdown in permit requests and the time needed to implement new guidance and processes and planning staff training is in line with other major code changes
- This ordinance states that no other metropolitan city or county in our region has adopted the 2021 IECC without “locally appropriate revisions”. This is true because no other city in Missouri has yet adopted the new code; Kansas City is leading the way, but other jurisdictions are considering the new codes. I provide code training and have heard from the Kansas side of the state line that they are planning to adopt the 2024 IECC to have a

consistent code in all the Kansas City area jurisdictions. This is also true of Lawrence, KS.

- The term “locally appropriate revisions” is misleading. Yes, the codes Kansas City has, in prior years, had local revisions, but they were not “appropriate”. The code has consistently been revised backwards so that we have been building to energy code items from the 2006 and 2009 IECC. This is 2024 and we have been building homes to energy codes that are 15, 16, 17 years old. Building Science has come a long way since that time. In the code adoption process there were several hearings with Kansas City residents who testified that they trusted their builder to build an energy efficient home and they were extremely upset when they found out the steps they had to take to lower their energy bills, improve their indoor air quality, and make their homes more durable and mold-free. These residents asked the Council to update the energy codes so the homes their children purchase won’t have the issues their homes have.
- The newly suggested R409 KCMO Compliance Path is a step backwards, even from the codes we had prior to this energy code. There is already an Energy Index path in the code as written, requiring an index number of 51.3 in Kansas City. The proposed index number in the R409 path is 68, a 16.7 point increase. The average Index score in our climate zone in 2023 was 62 (<https://www.resnet.us/wp-content/uploads/2023-HERS%c2%ae-Activity-by-IECC-Climate-Zone.pdf>). In 2022, the average index score in Missouri was 61 (<https://www.resnet.us/wp-content/uploads/2022-HERS-Activity-by-State.pdf>). This new path would lead to homes that are at least 6% less efficient than the average today in our climate zone and 7% less efficient than the average in our state without the new energy code in place. Why would we want to allow less efficient homes to be built under a new energy code?
- The proposed R409 KCMO Compliance Path eliminates the testing and verification for homes built under an approved Master Building Plan. This opens the city up to several issues and liabilities. It is unprecedented not to subject new construction to inspections and verification, but this ordinance removes the insulation inspection and all energy testing for a large number of homes. It is very clear from first-hand experience that each build is unique. Changes in crews, changes in sites, changes in equipment and materials suppliers, even day-of-the-week that the work is completed can cause items to be missed, installed incorrectly, and other issues. If you are not verifying, and the person who purchases the home has issues, the liability will be on the City for not enforcing their own codes and on the builder for not building to code. The requested exception in R403.3.7 to allow for building framing cavities to be used as ducts or plenums “where sealed to prevent leakage through the thermal envelope” also cannot be enforced without testing to prove that adequate sealing has taken place. Certified third-party verifiers carry Professional Liability insurance and take on that liability. It does not make sound fiscal sense for the City to subject itself to this type of risk.
- Section 4 of the ordinance seeks to limit the City and Planning department needlessly and, even though it requires an every 6-year code adoption cycle, it pushes the next one to an eight year cycle from 2022 to 2030.
- As a participant and contributor to the multi-year effort that the current energy code adoption research and discussion cycle entailed, I can testify first-hand that the Home Builders Association of Greater Kansas City was very well represented in the process. They had many opportunities to testify and provide input, which they took advantage of.

This ordinance seeks to codify that participation; however, it was developed in a manner that purposefully left many impacted parties in the dark. Many companies will be very negatively impacted by this change and even those who are members of the HBA were not included or informed of the development of this ordinance. Even when asked for details of the proposal by members of the HBA, those details were not shared. A lot of hard work, research, time, and effort went into the current adoption of the energy code. Do not let all that effort be undone by an ordinance that did not include any input from the many stakeholders who participated in the original adoption.

A handwritten signature in black ink that reads "Sharla Riead". The signature is written in a cursive, flowing style.

Sharla Riead, Managing Member  
A Kansas City District 5 Resident  
Hathmore Technologies, LLC  
A Kansas City District 5 Company and Employer