



Legislation Details (With Text)

File #:	240434	Version:	4	Name:	
Type:	Ordinance	Status:		Held:	Held
File created:	4/25/2024	In control:		Council:	Council
On agenda:	5/16/2024	Final action:		7/24/2025:	7/24/2025
Title:	Sponsor: Councilmember Wes Rogers THIRD COMMITTEE SUBSTITUTE				

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.

Sponsors: Wes Rogers, Melissa Patterson Hazley

Indexes:

Code sections:

Attachments: 1. 240434 Docket Memo, 2. 240434com, 3. Public Testimony Opposed 240434-D.Pletcher, 4. Ordinance No. 240434_Aspen Homes, 5. Ordinance No. 240434_Hathmore Technologies, 6. Ordinance No. 240434_Local HVAC Contractor, 7. Ordinance No. 240434_Local Insulation Company, 8. Ordinance No. 240434_Crest Capital, 9. Ordinance No. 240434_SAB Homes, 10. PIMA Comments on KCMO Building Energy Code, 11. James Turner - Public Testimony, 12. Ryan Chambers - Public Testimony, 13. Ashley Sadowski - Public Testimony, 14. MEEA Public Testimony IECC_final, 15. Adam Rossi Public Testimony Oppose 240434, 16. Don Wallace Public Testimony Oppose 240434, 17. Laela Zaidi Public Testimony opposed, 18. Leah Henricksen Public Testimony opposed, 19. Chad Onianwa Public Testimony Oppose, 20. Anthony Cunningham Public Testimony Opposed, 21. Zachary Doll Public Testimony Opposed, 22. Shawn Tolivar Public Testimony Opposed, 23. Chanelle McCluer Public Testimony Opposed, 24. Mark Kresowik Public Testimony Opposed, 25. Derrick Lewis Public Testimony Opposed, 26. Renee Bruch Public Testimony Opposed, 27. Colby Soden Public Testimony Opposed, 28. Lauren Hill Public Testimony Opposed, 29. Avery Jones Public Testimony Opposed, 30. Sharla Riead Public Testimony Opposed, 31. MEC Testimony Opposing 240434, 32. Brittanie Giroux Public Testimony Opposed, 33. Sunrise Movement KC Letter of Opposition, 34. Bryton Stoll Public Testimony Opposed, 35. McKenna Nickens Public Testimony Opposed, 36. Jonathan Arnold Public Testimony Opposed, 37. Domonique Davison Public Testimony Opposed, 38. Transmittal letter - City's Environmental Management Commission, 39. Bruce Ives Public Testimony Opposed, 40. Steven J Friesen Public Testimony opposed, 41. Robin Ganahl Public Testimony Opposed, 42. Don Wallace Public Testimony Opposed 2, 43. Greg Kudrna Public testimony Opposed, 44. CAKC J. Knoll Public Testimony Opposed, 45. AIA Kansas City Opposition to Ordinance 240434, 46. KCMO Ordinance 240434 Opposition Letter_CAKC, 47. D. Rome Public Testimony Opposed, 48. Valerie Gindelsberger Public testimony Opposed, 49. Kayla Vernon Public Testimony Opposed, 50. Cary DeCamp Public Testimony Opposed, 51. Paulette McGhie RESNET Public Testimony, 52. Karen Bartz Public Testimony Opposed, 53. Bill Baxter Public Testimony Opposed, 54. Vicki Johnson Public Testimony In Favor, 55. Joyce Raybuck Public Testimony Opposed, 56. Sharla Riead Public testimony 7.22.24 Opposed, 57. John Vance Public Testimony In Favor, 58. Don Wallace Vote No on Second Committee Substitute for Ordinance 240434, 59. 240434 2d cs to cs-com, 60. C. DePenning Public Testimony Supporting, 61. CLH Testimony_Code Endorsement_7.26.24, 62. Karen Uhlenhuth Public Testimony Opposed, 63. Senator Eric Schmitt 8.12.2024, 64. Don Wallace Public Testimony Oppose 8.14.24

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

7/24/2025	4	Council	Released	
8/15/2024	4	Council	Move to Hold Off Docket	Pass
8/15/2024	4	Council	Held off Docket	
8/8/2024	4	Council	Assigned to Second Reading Calendar	
7/30/2024	3	Neighborhood Planning and Development Committee	Hold on Agenda	
7/23/2024	2	Neighborhood Planning and Development Committee	Hold on Agenda	
7/16/2024	2	Neighborhood Planning and Development Committee	Hold on Agenda	
6/25/2024	2	Neighborhood Planning and Development Committee	Hold on Agenda	
6/11/2024	2	Neighborhood Planning and Development Committee	Hold on Agenda	
5/14/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
5/1/2024	1	Finance, Governance and Public Safety Committee	Hold on Agenda	
4/25/2024	1	Council	referred	

[THIRD COMMITTEE SUBSTITUTE FOR]ORDINANCE NO. 240434

Sponsor: Councilmember Wes Rogers
THIRD COMMITTEE SUBSTITUTE

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, with the exceptions of the amendments below 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 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_CHIGEPR> [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.

Exception: If conduit run installed to attic or garage includes wiring that is capable of handling the electrical load for the intended use provided in number 1 or number 2 above, the conduit does not need to meet the 2-inch requirement.

Chapter 1 <https://library.municode.com/mo/kansas_city/codes/code_of_ordinances?nodeId=PTIICOOR_CHIGEPR> [RE], SCOPE AND ADMINISTRATION 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.

Exception: If conduit run installed to attic or garage includes wiring that is capable of handling the electrical load for the intended use provided in number 1 or number 2 above, the conduit does not need to meet the 2-inch requirement.

The following sections are amended /added to the referenced model code:

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 60 or better (better means a score of 60 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.
2. 3rd Party Inspections and Testing performed during construction by a RESNET certified Energy Rater as required to generate a HERS Index number per ANSI/RESNET/ICC Standard 301 and required to be submitted prior to Temporary or Full Certificate of Occupancy, including but not limited to:
 - a. Insulation Inspection(s)
 - b. Duct Leakage Testing
 - c. Whole House Leakage Testing
3. As a condition of Temporary or Full Certificate of Occupancy, verify the score of 60 or lower by submitting a Final RESNET Certified Compliance report including the RESNET Registry ID 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 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.
5. The building thermal envelope shall be greater than or equal to levels of efficiency and solar heat gain coefficients in Table R402.1.1 or R402.1.3 of the *2009 International Energy Conservation Code*. The prevalent values from such Table R402.1.1 are as follows:

Fenestration U-Factor	Skylight U-Factor	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value & Depth	Crawl Space Wall R-Value
0.35	0.60	38	13	5/10	19	10/13	10, 2ft	10/13

(see 2009 IECC for full tables, footnotes, and alternatives)

6. Air Barrier and Insulation Installation Criteria are per Table R409.1 (attached)
7. The rated design must meet the requirements of the sections indicated within Table R409.2 (attached)

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. Subsequent builds of the same Master Building Plan are not required to repeat item 1.

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

R502 Additions. Amend to read: Additions shall be in accordance with Section R502.2 or R502.3. New additions and change of space conditioning projects may use any one of the three exceptions listed under Section R502.2 Change in Space Conditioning or may choose to use the R409 KCMO Compliance Path to be brought into full compliance with this code.”

Section 2. That previously approved 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 Building Plans that were submitted as complete applications prior to September 29, 2023 (the mandatory implementation date of Ordinance) and subsequently approved by the City, 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 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. 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 a 3 HERS-point 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.

Approved as to form:

Eluard Alegre
Associate City Attorney