

R-2021-107

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ESTABLISHING PROCEDURES ALLOWING BUILDING PERMIT FEES CHARGED PURSUANT TO SECTION 5-105(1)(D). OF THE NORMAN CITY CODE TO BE ADJUSTED AND SATISFIED AS AN INCENTIVE FOR RESIDENTIAL HOMES ACHIEVING CERTAIN HOME ENERGY RATING SYSTEM (HERS)/ ENERGY RATING INDEX (ERI) SCORES, AND COMPLETION OF THE PILOT PROGRAM ESTABLISHED IN R-1718-117 THROUGH JUNE 30, 2022.

- § 1. WHEREAS, the City of Norman recognizes the strong public interest in the construction of energy efficient residential homes, which serve to reduce the consumption of finite natural resources, including both energy and water; and
- § 2. WHEREAS, the City of Norman is pursuing multiple measures and programs designed to establish and modernize the City of Norman’s sustainability objectives, as well as lessen the impact of development on real property located within the City of Norman’s municipal limits; and
- § 3. WHEREAS the NORMAN 2025 Land Use and Transportation Plan adopted by the Norman City Council on November 14, 2004 recognizes the importance of proactively addressing environmental conditions or sensitivities in the context of the factual realities of Norman’s growth trends, patterns, and constraints; and
- § 4. WHEREAS, newly constructed single-family residential homes achieving a HERS/ERI score of 51 or below constitutes a desirable benchmark for achieving the City of Norman’s objectives with respect to quality home construction, sustainability, and energy efficiency; and
- § 5. WHEREAS, it is recognized that incentivizing residential home owners and builders to construct single-family residential homes capable of achieving a HERS/ERI score of 51 or lower is desirable also to ensuring the quality of homes built and sold within Norman municipal limits, and thus benefitting the residential housing market, spurring additional residential home construction, and improving residential home values in the City of Norman; and
- §6. WHEREAS, it is recognized that adjusting the building permit fee identified in Section 5-105(1)(D) of the Norman City Code, applicable to newly constructed single-family residential homes built within Norman municipal limits (“Permit Fee Adjustment”) is an incentive to prompt builders and home owners to assist in achieving Norman’s objectives and desires as set forth herein; and



- §7. WHEREAS, the City of Norman City Council established a Pilot Program, as set forth in R-1718-117, that began July 1, 2018 for an initial period of six (6) months, during which the City of Norman accepted applications relating to the City of Norman's provision of a Permit Fee Adjustment incentive, and as set forth particularly below; and
- §8. WHEREAS, in order to gather vital information regarding the results of the original Program, the City of Norman continued the Program for additional six (6) month periods of time with the passage of Resolutions R-1819-61 (on January 8, 2019), Resolution R-1819-120 (on June 25, 2019), Resolution R-1920-75 (on December 12, 2019) and Resolution R-1920-125 (on June 30, 2020) which extended the program for an additional twelve (12) months which have extended the Program as set forth in R-1718-117, through June 30, 2021; and
- §9. WHEREAS, the City of Norman has determined it wishes to continue the Pilot Program, as set forth particularly below, for an additional twelve-month period of time, effective upon passage of this Resolution, INSERT RESOLUTION , and continuing through June 30, 2022 , in order to best fulfill the purposes of the original Program, an in order to gather necessary information and allow City Council discussion of whether to implement the Program (or some form), permanently,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AS FOLLOWS:

- § 10. That the procedure for obtaining a Permit Fee Adjustment incentive is hereby established as follows:
- 1) Anyone who has an account that is current (i.e., no past due balance) with the City of Norman utilities, and wishing to be eligible for Permit Fee Adjustment(s) for newly constructed single-family residential home(s) (as set forth in the 2015 International Residential Code, "IRC") built within Norman municipal limits, shall complete a Program Participation Application, on the form provided by the City of Norman, and submit the same to the City of Norman Development Services Division.
  - 2) The City of Norman Development Services Division staff shall keep all Program Participation Applications, or copies of the same, on file.
  - 3) Those who intend in good faith to construct a single-family home that will achieve a HERS/ERI Score of 51 or lower, and who wish to apply for a Permit Fee Adjustment incentive with respect to such home, shall initiate the process by noting the same on the designated place on the Construction Permit Application, on the form provided by the City of Norman.
  - 4) The Program Participation Application may be filed concurrently with a Construction Permit Application.
  - 5) Upon receiving a Construction Permit Application noting request for a Permit Fee Adjustment, the City of Norman Development Services Division staff shall note the same in the City of Norman's records when the fees set forth in Section 5-105 of the Norman City Code are charged.

- 6) A Permit Fee Adjustment applicant shall be responsible to remit payment for all fees set forth in Section 5-105 of the Norman City Code *except* that fees set forth in Section 5-105(1)(D) which charge shall be held until such time as it is satisfied either by monetary payment or performance under the Permit Fee Adjustment program set forth herein.
- 7) Upon completion of construction of the home for which the proper applications have been submitted as set forth herein, and prior to an issuance of a Certificate of Occupancy (“CO”) or Temporary Certificate of Occupancy (“TCO”), a Permit Fee Adjustment applicant must submit to the City of Norman Development Services Division staff a Home Energy Rating Certificate and Building Summary, or other a report reliably demonstrating compliance (“Compliance Documents”) that are determined in accordance with RESNET/ICC 301 Standard and submitted by an approved third party qualified to conduct the certification and inspections and perform the required testing.
- 8) Where Compliance Documents properly submitted pursuant to this process indicate, according to the satisfaction of City of Norman Development Services Division staff, a HERS/ERI score of 51 for the applicant home, the applicant will have satisfied 50% of the building permit fee identified in Section 5-105(1)(D) of the Norman City Code. An additional 5% of this fee may be satisfied by each additional point lower of a HERS/ERI score ultimately achieved by the applicant home, for a total of 100% satisfaction for any applicant home achieving a HERS/ERI score of 41 or less. In all cases Application for a HERS/ERI Permit Fee Adjustment shall not prevent submittal of a Visitability Permit Fee Adjustment application in relation to the same dwelling, *except that* no applicant’s incentive program performance may be deemed to have satisfied more than the total permit fee associated with Section 5-105(1)(D), for each specific location/address.
- 9) The City of Norman Development Services Division staff shall keep all Compliance Documents, or copies of the same, on file.
- 10) Prior to issuance of a CO or TCO, applicant is responsible to satisfy any remaining percentage of the fee set forth in 5-105(1)(D) of the Norman City Code by monetary payment. Compliance Documents must be submitted within eighteen (18) months of issuance of the applicable Construction Permit, and extensions to this submittal limitation may be granted at the discretion of the Planning and Community Development Director.
- 11) The City of Norman may refuse applications and deny or charge back adjustments where the applicant has failed to follow the procedure set forth herein. All initial determinations regarding Permit Fee Adjustments may be appealed to the Planning

and Community Development Director, who may, in his or her discretion, adjust the Permit Fee Adjustment determination in accordance with this Resolution.

- 12) No Permit Fee Adjustment incentive may be issued to any applicant that is delinquent with respect to its utilities account with the City of Norman or with respect to the payment of any permit fees otherwise owed by applicant to the City of Norman with respect to any other projects within Norman municipal limits, whether or not said project involves an application pursuant to this program.
- 13) All portions of the Norman City Code remain fully enforceable with respect to each applicant and shall be enforced by City of Norman staff pursuant to normal procedures, and irrespective of the existence of this program herein.

§ 11. That City of Norman Development Services Division staff is hereby directed to prepare and maintain forms and other administrative items and procedures consistent with and as necessary to accommodate the process set forth herein.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk