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SUSTAINABILITY TRENDS IN MINNESOTA CONSTRUCTION AND THEIR POTENTIAL LEGAL IMPLICATIONS

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The construction industry in Minnesota is undergoing a transformation as sustainability becomes a growing priority. With increasing awareness of climate change, resource conservation, and environmental impact, many construction companies in Minnesota are adopting more eco-friendly practices and integrating sustainable designs into their projects. With these new trends come various potential legal implications, which can impact building practices, project costs, and even liability for contractors.

A key movement in sustainable construction is the LEED (Leadership in Energy and Environmental Design) certification, a globally recognized standard for green building practices. More developers in Minnesota are aiming for LEED certification to ensure their projects meet rigorous environmental standards. While LEED certification is voluntary, it may involve contractual obligations. If a developer promises to deliver a LEED-certified building and fails to meet the criteria, they could face legal claims for breach of contract. Legal disputes may arise over whether specific materials or practices meet the agreed-upon green building standards.

Minnesota also imposes strict regulations on waste management in construction, particularly regarding the disposal of hazardous materials. Companies that fail to comply with regulations related to recycling, reusing, or safely disposing of construction waste may face penalties. Additionally, the Minnesota Environmental Policy Act (MEPA) requires certain projects to undergo environmental reviews to assess their potential impact. Legal issues can arise if these reviews are incomplete or inaccurate, leading to delays or challenges from environmental groups. Bassford Remele recently prevailed on an appeal to the Minnesota Court of Appeals on a challenge to a project under MEPA.

Another trend is the use of “green” building materials and the implementation of green building codes. Builders are shifting away from older, traditional materials—which may have a higher carbon footprint—toward more sustainable options. Products such as recycled steel, reclaimed wood, and low-emission concrete are becoming more common. Furthermore, the demand for locally sourced materials is increasing, which reduces transportation emissions and supports the local economy. Indeed, Minnesota has adopted various building codes that incorporate sustainability measures, such as energy efficiency requirements. The Minnesota State Building Code includes energy conservation standards, which construction companies must adhere to. Non-compliance with these standards can result in fines, delays in project approval, or the need for costly retrofits. Additionally, cities like Minneapolis and St. Paul have specific sustainable building policies aimed at reducing energy use, which can create additional local compliance challenges.

Sustainable construction can also involve the use of renewable energy systems, such as solar panels or wind turbines, which can trigger legal issues related to zoning and land use. Local ordinances may restrict where and how these systems can be installed, and construction companies must navigate these regulations carefully to avoid legal complications. In some cases, developers may need to seek variances or special permits, which can add time and cost to projects.

Finally, the use of new, sustainable materials and techniques can introduce legal liability risks. For example, if a green building feature like a solar panel system or energy-efficient insulation fails or causes harm, construction companies could be liable for negligence or product defects. Contractors must ensure they have adequate insurance coverage and legal protections in place when implementing new technologies.

As Minnesota continues to prioritize environmental responsibility, the construction sector is expected to play a critical role in creating a more sustainable future. These trends help reduce the environmental impact of new buildings and make the state a leader in sustainable construction practices. And while sustainability trends offer many opportunities for innovation and environmental stewardship, they can also bring complex legal challenges. Compliance with contractual requirements, building codes, certifications, zoning laws, and waste management regulations are critical for avoiding legal disputes and ensuring the long-term success of sustainable construction projects in Minnesota.

About the Author



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