

Report From Agency

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
DEPARTMENT OF SAFETY AND : **CLEARINGHOUSE RULE 14-017**
PROFESSIONAL SERVICES :

I. THE PROPOSED RULE:

The proposed rule revisions and the analysis are attached.

II. REFERENCE TO APPLICABLE FORMS:

These rule revisions would not require use of any new or revised forms.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

These rule revisions primarily would update the installation standards in chapter SPS 321 for manufactured homes by incorporating the current, federal model standards in Title 24, Part 3285 of the *Code of Federal Regulations*. The rule revisions would also (1) codify the Department's current modifications of the federal installation standards, and (2) update the Department's rules in chapter SPS 326 for manufactured home communities to reflect current administrative and regulatory practices. For example, the current provisions for deferred payment agreements for water and sewer service in a community would be repealed because they are better addressed in lease agreements between landlords and tenants. Also, where a community-wide soil evaluation does not exist and a soil evaluation is required, such as for a proposed frost-free-foundation design for an individual site, the evaluation would address the soils in the entire community rather than only at the individual site.

These revisions would primarily advance the goals under sections 101.96 (1) (a) and (b) of the Statutes of establishing standards for safe installation of manufactured homes, and for ensuring compliance with the standards. They would also advance the goal under section 101.937 (1), of establishing standards for providing water or sewer service to a manufactured home community occupant; and the goal under section 101.935 (3) of administering and enforcing the permit process that the section requires for manufactured home communities.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, AND EXPLANATION OF ANY RESULTING MODIFICATIONS TO THE PROPOSED RULES:

The Department held a public hearing on March 14, 2014. Ross Kinzler, representing the Wisconsin Housing Alliance, testified in favor of the rule revisions.

SUMMARY OF HEARING COMMENTS:

The Department summarizes the hearing testimony as follows:

Mr. Kinzler noted that the portion of chapter SPS 326 which addresses water and sewer service for manufactured home communities was initially developed by the Public Service Commission several years ago, and these rule revisions represent the first comprehensive updating of these standards since then. Importantly, these revisions recognize that residents in manufactured home communities are first of all tenants, and then are customers of the utility. The Alliance is pleased with the revisions, and recommends combining the installation revisions and the federal installation requirements into a single, integrated installation guide for all stakeholders.

RESPONSE TO PUBLIC COMMENTS:

The Department agrees with these comments. No resulting changes were made to the proposed rule revisions.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2.a.

Response: Although renumbering some of the altered sections in chapter SPS 326 may somewhat impair the ability to trace some of the history, the Department believes that the benefits which are gained by sequentially numbering the resulting sections in a readily logical manner outweighs that impairment. These benefits, for the primary users of this chapter, include easier reading, easier understanding and recollection of where requirements are located in the chapter, and easier citation of code sections for enforcement purposes. The Department has updated any cross-references to the renumbered sections accordingly.

All of the other recommendations in the Clearinghouse Report were accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules were not submitted to the Small Business Regulatory Review Board.

These rules will not have an economic impact on small businesses.