

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 : CR 21-047
PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

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

During the 2017-2018 session, the Legislature made changes to the uniform dwelling code. The proposed rules update SPS 320 and 321 accordingly, including the following revisions:

- Adds the religious and primitive hunting cabin statutory exceptions to enforcement of the uniform dwelling code by the Department of Safety and Professional Services and cities, towns, villages, and counties who have adopted the uniform dwelling code.
- Gives cities, towns, and villages the authority over the construction and inspection of new dwellings except where an ordinance does not conform to the uniform dwelling code or any order of the Department of Safety and Professional Services. An owner may waive the non-conforming provision making it unenforceable.
- Updates the language of the rules from “carbon monoxide alarms” to “carbon monoxide detectors” to provide uniformity of terms in the uniform dwelling code.
- Updates the meaning of “fuel-burning appliance” to mean a device that burns fossil fuel or carbon-based fuel, and that produces carbon monoxide as a combustion by-product in the uniform dwelling code.
- Defines “carbon monoxide detector” to mean an electronic or battery-operated device or system that sounds an alarm when an unsafe level of carbon monoxide is in the air.
- Removes references to “tourist rooming houses” in the uniform dwelling code because tourist rooming houses are covered by the commercial building code.
- Clarifies the definition of “manufactured home owner” to exclude a person that leases a manufactured home from another.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on June 28, 2021. Due to technical difficulties, a second public hearing was scheduled and held on July 16, 2021 to ensure full public participation in the hearing. The following people either testified at the hearing, or submitted written comments:

James B. Smith, American Wood Council, expressed general support.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

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