

RULES CERTIFICATE

Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Philip Edw. Albert, Acting Secretary of the Department of Commerce,

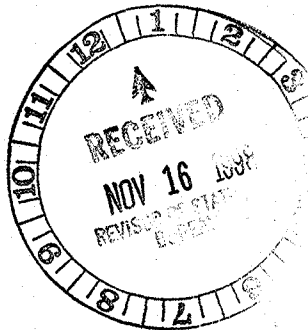
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to

Exemption of accessibility requirements for certain multilevel multifamily dwelling units

(Subject)

were duly approved and adopted by this department.


I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand at 201 West Washington Avenue

in the city of Madison, this 12th

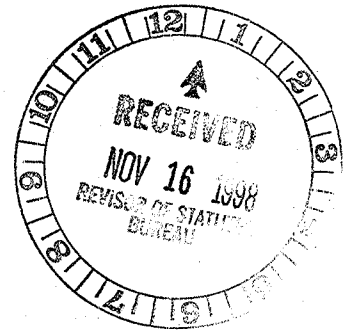
day of November A.D. 19 98


Secretary



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: ILHR 57, Subchapter II

Relating to: Exemption of accessibility requirements for certain
multilevel multifamily dwelling units

Clearinghouse Rule No.: 98-109

The Wisconsin Department of Commerce proposes an order to repeal Table ILHR 57.81 I., B. line 2. and footnote 7, ILHR 57.77 (6) (c) and ILHR 57.84 (2) (d); and to amend ILHR 57.70, relating to the exemption of accessibility requirements for certain multilevel multifamily dwelling units.

* * * * *

ANALYSIS OF RULES

Statutory Authority: ss. 101.02 (1) and (15) and 101.132.
Statutes Interpreted: ss. 101.02 (1) and (15) and 101.132.

The Wisconsin Administrative Code, chapter ILHR 57, subchapter II, establishes design and construction requirements for accessibility in covered multifamily housing as specified in s. 101.132, Stats., formerly s. 106.04 (2r), Stats. The proposed changes in chapter ILHR 57, subchapter II, are in response to 1997 Wisconsin Act 237 that exempts the accessibility regulations for certain multilevel multifamily housing with separate exterior entrances in buildings without elevators. The change in the state law does not conflict with the federal Fair Housing law since the federal law does not require multilevel multifamily housing with separate exterior entrances in buildings without elevators to comply with the accessibility regulations.

A multilevel dwelling unit means an individual dwelling unit with finished living space located on one floor level and on another floor level immediately above or below it. The proposed rule eliminates only those sections requiring access to and accessible features within multilevel multifamily housing with separate exterior entrances in buildings without elevators. Multilevel multifamily dwelling units must still comply with the building construction and safety requirements in chapters ILHR 57 and 66 except the accessibility requirements specified in chapter ILHR 57, subchapter II will not apply.

If the rules are not revised an inconsistency between the statutes and the administrative rules would result. This inconsistency may cause confusion in application and enforcement within the construction industry and may result in construction delays, which may be costly.

SECTION 1. ILHR 57.70 is amended to read:

ILHR 57.70 SCOPE. (1) COVERED. Except as specified in sub. (2), this subchapter applies to all covered multifamily housing including, ~~but not limited to,~~ apartment buildings, rowhouses, townhouses and condominiums.

(2) NOT COVERED. Multilevel dwelling units with separate exterior entrances in buildings without elevators are exempt from the accessibility requirements specified in this subchapter.

SECTION 2. ILHR 57.77 (6) (c) is repealed.

SECTION 3. Table ILHR 57.81 I., B. line 2. and footnote 7 and ILHR 57.84 (2) (d) are repealed.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro), Stats., this rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



201 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018

Tommy G. Thompson, Governor
Philip Edw. Albert, Acting Secretary

November 12, 1998

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 98-109

RULE NO.: Comm 57, Subchapter II

RELATING TO: Exemption of accessibility requirements for certain multilevel multifamily dwelling units

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', is written over a faint, larger version of the signature.

Philip Edw. Albert
Acting Secretary