

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: Chapters SPS 320 to 325, and 326

Relating to: Update to Uniform Dwelling (One-and 2-family dwellings) Code and Manufactured Home Communities

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The primary objective of this rulemaking project is to update the administrative code to reflect changes made in recent legislation relating to the *Wisconsin Uniform Dwelling Code (UDC)* and *Manufactured Home Communities*.

The UDC chapters and other related code chapters will be updated to reflect legislative requirements as affected by 2017 Wisconsin Acts 59, 109, 240, 243, and 330.

- 2017 Wis. Act 59, Section 1319g, amended definitions of “dwelling” and “dwelling unit” to exclude a primitive rural hunting cabin under s. 101.61 (1), Stats. Provisions in chapter SPS 320 will be updated to reflect these changes.
- 2017 Wis. Act 59, Section 1319r, created a definition for “primitive rural hunting cabin” under s. 101.61 (3), Stats. Provisions in chapter SPS 320 will be updated to reflect this change.
- 2017 Wis. Act 59, Section 1324m, created a requirement under s. 101.63 (11), Stats., that mandates the Department develop and maintain publicly available computer software that provides information, tools, and calculations to ensure compliant plans with the UDC energy efficiency requirements. Provisions in chapter SPS 322 will be updated to reflect this change.
- 2017 Wis. Act 59, Section 1325g, created a provision under s. 101.65 (1g), Stats., that prohibits municipalities from exercising jurisdiction over the construction or inspection of primitive rural hunting cabins. Provisions in chapter SPS 320 will be updated to reflect this change.
- 2017 Wis. Act 59, Section 1325r, amended s. 101.82 (1), Stats., to exclude requirements for the electrical wiring in primitive rural hunting cabins. Provisions in chapter SPS 324 will be updated to reflect this change.
- 2017 Wis. Act 109 creates s. 101.652, Stats., relating to the responsibility to comply with the UDC for a manufactured home owner. Provisions in chapters SPS 321 and 326 will be updated to reflect this change.
- 2017 Wis. Act 240 amended chapter 101 of the statutes by eliminating the Building Inspector Review Board and the Contractor Certification Board and requiring the UDC Council to review complaints regarding the inspection of one-family or two-family dwelling construction. This act also amended s. 101.648 (1) (b), Stats., which allows a waiver of a dwelling construction standard. Provisions in chapter SPS 320 will be updated to reflect these changes.
- 2017 Wis. Act 243 amended s. 101.65 (1) (a), Stats., and created s. 101.65 (1c), Stats. Municipalities may not make or enforce an ordinance that does not comply with the UDC or is contrary to an order of the Department. Provisions in chapter SPS 320 will be updated to reflect these changes.
- 2017 Wis. Act 330 amended chapter 101 of the statutes, relating to the authority of the Department to inspect one- and 2-family dwellings. This legislation also amends provisions relating to carbon

monoxide detectors and fuel-burning appliances. Provisions in chapter SPS 320 and 321 will be updated to reflect these changes.

The Model Ordinance for Adoption of the *Wisconsin Uniform Dwelling Code* contained in Appendix A of the UDC, will also be updated to clarify municipal power for one- and 2-family dwellings pursuant to 2011 Wis. Act 21 and provide guidance regarding municipal authority over accessory buildings. In addition, the administrative Model Ordinance for Adoption of the UDC will be updated to reflect legislative requirements by a municipality exercising jurisdiction over permitting and inspecting enforcement of new camping units.

The proposed rule project will also update s. SPS 321.40, relating to the installation standards for new slab design for manufactured homes, to ensure consistency with the requirements in 24 CFR parts 3280 and 3285 of the federal Housing and Urban Development (HUD) regulations. Section 24 CFR part 3280 relates to manufactured home construction and safety standards. Section 24 CFR part 3285.1 (a) (1) requires states to implement manufactured home installation standards that provide protection that equals or exceeds the federal standard.

This project may include revisions to other related SPS chapters affected by the update and are included in this scope to assure clarity and consistency. Updates may also include minor revisions to clean up any non-substantive grammatical or other errors, correct technical issues, or amend provisions to conform to rule drafting style.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The *Uniform Dwelling Code*, chapters SPS 320 to 325, establishes statewide, uniform construction, energy efficiency, and inspection rules for one- and 2-family dwellings.

Section SPS 321.097 of the UDC specifies installation and maintenance requirements for carbon monoxide detectors in one- and 2-family dwellings constructed on or after June 1, 1980. The UDC also reflects the installation and maintenance requirements specified in s. 101.647 (2), (3) (a) and (b) and (6), Stats.

Chapter SPS 326 establishes standards for the regulation of new and existing manufactured home communities.

The code will identify code revisions necessary to comply with statutory changes affected by the recent legislation and federal regulations. Without revisions to the administrative rules, the code would not be compliant with the statutory and federal requirements.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.60, Stats., reads, in part, "...establish statewide construction standards and inspection procedures for one- and 2-family dwellings and to promote interstate uniformity in construction standards by authorizing the department to enter into reciprocal agreements with other states which have equivalent standards."

Section 101.63 (1), Stats., reads, in part, "Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof."

Section 101.63 (5), Stats., reads, "Review the rules adopted under this subchapter once every 3 years."

Section 101.64 (1) (f), Stats., reads, “Adopt rules prescribing procedures for approving new building materials, methods and equipment.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

The Department estimates approximately 200 hours will be needed for staff to research, draft rules, process the rules through public hearings, legislative review, adoption, and to complete the required economic and housing analyses.

6. List with description of all entities that may be affected by the proposed rule :

The rulemaking project will affect any entity that is involved in the construction, remodeling, or inspection of one- and 2-family dwellings and manufactured homes, including designers, contractors, and inspectors.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

The Code of Federal Regulations (CFR) Title 24 – Housing and Urban Development, contains regulations in Chapter XX, Part 3280, relating to manufactured home construction and safety standards, and Part 3285, relating to manufactured home installation standards.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the entities listed above.

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Approved for publication:

Approved for implementation:

Authorized Signature

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Date Submitted

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