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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

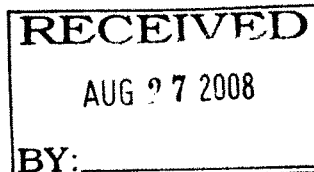


commerce.wi.gov

P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor

August 27, 2008



Robert Marchant
Senate Chief Clerk
B20 Southeast, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Patrick Fuller
Assembly Chief Clerk
Room 401
17 West Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 08-043

RULE NO.: Chapters Comm 20-25

RELATING TO: Uniform (1-2 Family) Dwelling Code

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Aaron Olver".

Aaron Olver
Deputy Secretary

August 27, 2008

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Mike Huebsch
Speaker of the Assembly
Room 215 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Huebsch:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 08-043

RULE NO.: Chapters Comm 20-25

RELATING TO: Uniform (1-2 Family) Dwelling Code

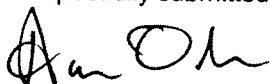
Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,



Aaron Olver
Deputy Secretary

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-043

Rule No.: Chapters Comm 20-25

Relating to: Uniform (1-2 Family) Dwelling Code

Contact person for substantive questions:

Contact person for internal processing:

Name Larry Swaziek

Name Duane Hubeler

Title Program Manager

Title UDC Consultant

Telephone Number 267-7701

Telephone Number 266-1390

1. Basis and purpose of the proposed rule.

Section 101.60, Stats., reads in part, "The purpose of this subchapter is to establish statewide construction standards and inspection procedures for one- and 2-family dwellings..."

The Uniform Dwelling Code is further authorized under s. 101.63 (1), Stats.

2. How the proposed rule advances relevant statutory goals or purposes.

Since the UDC first appeared, regular updates, including the current proposal, have been essential to keep up with new methods of construction and new materials and processes. The last comprehensive update occurred in 2003.

Under s. 101.63 (5), Stats., the department is required to review the Uniform Dwelling Code on a biennial basis.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes other than to update the list of affected sections which has changed slightly due to public hearing comments.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters Comm 20-25
Amendment No. if Applicable

Subject
Uniform Dwelling Code

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation
 Decrease Existing Appropriation
 Create New Appropriation
 Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed rules update provisions for the Uniform Dwelling Code, chapters Comm 20-25. The Uniform Dwelling Code establishes uniform, statewide standards for the design and construction of one- and 2- family dwellings. The vast majority of the proposed revisions involve technical issues with the revisions intended to clarify current policies and requirements. The current administration and enforcement aspects of the code are not proposed to be significantly altered and therefore it is anticipated that the revisions will not have an impact on department and local municipality resources or costs.

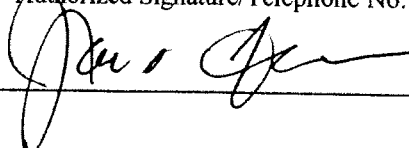
The proposed rules do not significantly impact small businesses. The proposed rules do adopt more current technical design and construction standards used by designers and various tradespersons but those standards do not have a significant impact.

Long-Range Fiscal Implications

No long-range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.



Date

5.11.20

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 Chapters Comm 20-25

Amendment No.

Subject
 Uniform Dwelling Code

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

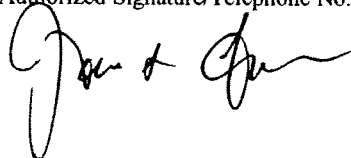
STATE

LOCAL

NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)
 Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.



Date

5-12-03

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-043

RULE NO.: Chapters Comm 20-25

RELATING TO: Uniform (1-2 Family) Dwelling Code

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the proposed rules to update chapters Comm 20 to 25 will not have a significant impact on a substantial number of small businesses.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

(Continued on reverse side)

3. Nature and estimated cost of preparation of any reports by small businesses.
4. Nature and estimated cost of other measures and investments required of small businesses.
5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.
6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

DEPARTMENT OF COMMERCE
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chs. Comm 20-25
RELATING TO: Uniform Dwelling Code
LOCATION: Room 3B

DATE: Thursday, June 19, 2008
TIME: 10:30 AM
CITY: Madison

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
Cindi Gruebling	Wis. Builders Assoc.	Madison WI	✓	✓	✓
LEE Fochs	Northwest Bldg Inspectors Assoc.	Chetek, WI	✓	✓	✓
Greta Kirschling	Lumber Dealers Supply	Green Bay, WI			X
Randy Fenske	Wausau Supply Co	Fennville, WI			X
Tom Milton	APA-Engineered Wood Assn	Maple Grove, MN	X	X	X
DAVID KINZLER	Focus on Energy	Madison, WI			X
Ross Kinzler	WI HOUSING ALLIANCE	MADISON			X
BRETT WITTING	SEMPER PARCE BOARS	WEST BEND, WI		X	
Pattie Stone	Metro. Builders Assoc.	Waukesha, WI		X	
BEATA KALIES	WI FED OF CO-OPS	MADISON WI			
Elizabeth Buhnke	Martin Schreiber & Assoc.	Madison WI			
Michael Coello	Coello & Assoc	Waukesha, WI		X	X
NICHOLAS U. SMITH	MITT BOGALUZZI INC	MADISON, WI			X
Pam Kussner	Wanner Builders Community Inc	BUTLER, WI		X	X
Mark Jahn	GENERAL ENGINEERING	Portage, WI			X

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**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number:		Hearing Location: Madison	
Rule Number: Chapters Commerce 21-25		Hearing Date: Thursday, June 19, 2008	
Relating to: Uniform Dwelling Code			
Comments:	Presenter,	Comments/Recommendations	Agency Response
Oral or Exhibit No.	Group Represented, City and State		
Speaker 1	Brett R. Wittig Squared Away Builders 1710 Tumbleweed West Bend, WI 53095	Is against the wall bracing proposal; training will be required, which will create a hidden cost. Appreciates the considered delay in implementing these changes as it will give everyone time to train. Five different options will take some understanding. Believes the costs in the proposal are on the low end.	Since the first edition of the Uniform Dwelling Code (UDC) that became effective June 1, 1980, the UDC has required construction that resists lateral wind loads of 20 pounds per square foot of external wall area. The proposed rule change would incorporate more design and construction specifications in an effort to assure the long-standing performance requirement is met. The additional specifications are based on those contained in the 2006 edition and 2007 supplement of the International Residential Code, developed by the International Code Council. The department recognizes the need for training and application tools and is proposing an April 1, 2009, effective date to provide time for training on the wall bracing provisions. The department believes that the added construction costs are accurately reflected in its fiscal estimate.
Speaker 2	Michael Coello Coello and Associates, Inc. 2122 S. West Ave., Waukesha, WI 53189	a. Comm 20.10: Adding a third day to footing inspections can cause serious implications for costs, safety, security, and quality of construction. Adding a foundation reinforcement inspection also will increase costs. Will the inspectors unblanket and properly reblanket foundations in the winter? One set of forms costs about \$250,000, but it only takes one day to set up a form. If the form has to sit and wait for an inspector, it could tie up a set of forms for three days, thus costing time and money. Raw scrap metal is expensive and theft on job sites is common. Who will ensure the forms are not stolen? Inspectors can be good or bad about showing up within a reasonable time window. b. Comm 20.14 (13) Table 20.24-1: Supports the upgrade to ACI 318.05, but should also have ACI 332R-2004, which deals specifically with residential issues.	a. The proposed code change clarifies the current language that has been in the code since 2003. The proposal reflects the intent of the existing code and the department's current administration of the notification requirement. b. Support noted. The department will consider adopting the ACI 332R standard with the next code update.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number:		Hearing Location: Madison	
Rule Number: Chapters Commerce 21-25		Hearing Date: Thursday, June 19, 2008	
Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>c. Supports the weather-resistant barrier section, but it is lacking in the way it's written. Caulk alone as a sealant will leak over time. More communication with people in the field should be done before this section is finalized.</p> <p>d. Asks what problem is being solved with the wall bracing requirement. If the construction community knew, they could help find an effective solution. Thinks the current 40-page requirement as written will be tough to implement. Rebar and strap requirements are confusing as written, and it cannot be fixed or retrofitted if it is done wrong. Liability and risk is raised.</p>	<p>c. The department has modified the proposed code language to limit the size of the gap allowed when caulk is used as a sealing method.</p> <p>d. Same response as to Speaker # 1.</p>
Speaker 3	Ron Klassen Wallner Builders 12424 W Lancaster Ave. Butler, WI 53007	<p>a. Seconds Speaker #2 re: wall bracing, but another concern is supplies. Who will supply rebar, brackets, and fittings, and at what time do they need to be there? Drawings should show a detail of what these things are.</p> <p>b. Water resistant barrier: sealing a five-inch opening with caulk is bad practice. Proper remedies need to be identified. ASTM D226 should be the controlling specification.</p>	<p>a. Same response as to Speaker # 1. In addition, the bracing methods identified in the proposal incorporate the most recent language in the International Residential Code. This version results in more flexible construction types that can be built under conventional methods. The need for hold-downs and reinforced foundations has been greatly reduced.</p> <p>b. Same response as to Speaker #2 Comment c. In addition, ASTM D226 can not be the sole referenced standard as it applies to a specific product type. There are other standards that apply to other products used in this application.</p>
Speaker 4 Exhibit 1	Pattie Stone Metropolitan Builders Association N16W23321 Stone Ridge Dr. Waukesha, WI 53188	<p>a. Comm 21.25 (8), Wall-bracing: confusing, costly, and needlessly stringent.</p> <p>b. Comm 21.24 (4), Water-Resistant Barrier requirement is incomplete and limited in its effectiveness. This section should be removed and reconsidered for a true drainage plane for the home.</p> <p>c. Three day inspection issue: Agrees with Speaker #2.</p>	<p>a. Same response as to Speaker #1.</p> <p>b. Disagree. The proposed requirements are an appropriate improvement over the current code requirements.</p> <p>c. Same response as to Speaker #2 Comment a.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number:		Hearing Location: Madison	
Rule Number: Chapters Commerce 21-25		Hearing Date: Thursday, June 19, 2008	
Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>d. Adopted national standards section has no cost analysis.</p> <p>e. Optional fire sprinkler usage should be in the appendix, not in the code proper because it is optional.</p> <p>f. Table 21.10: "Use Categories" for lumber are not utilized by builders and suppliers in the area.</p> <p>g. Comm 21.26 (8) c. 2. Removal of ropes: ropes are useful for wicking water away and for preventing infestation. Don't see a reason to immediately remove these.</p> <p>h. The department failed to provide cost analysis for the proposed new energy chapter.</p>	<p>d. The department has been unable to find any national standard provision that is likely to increase costs.</p> <p>e. Disagree. The fire sprinkler issue is conditional. If sprinklers are installed, they shall be installed per the code. There are many similar code provisions.</p> <p>f. Agree, The use categories table has been removed from the proposal.</p> <p>g. Disagree. Ropes in weep holes should never be used for wicking. The ropes must be removed to provide ventilation and a clear pathway for water removal.</p> <p>h. The department did consider the costs of the proposal and did identify them in the hearing documents. Wisconsin statutes require the department to review the latest standards and decide whether they should be incorporated in the UDC. The current ch. Comm 22 code is based on a Department of Energy (DOE) endorsed national standard. This code change proposal reflects the next iteration of a national energy code endorsed by the Department of Energy (DOE) and already incorporated in the 2004 and 2006 International Energy Conservation Code (IECC) and International Residential Codes (IRC). When DOE submitted the code change proposal for inclusion in the IECC and IRC, as reflected in this draft, in 2003 they stated "The intent is to transform the code to a format that is easy to understand, easy for builders and inspectors to remember, relatively unchanging with jurisdictional boundaries, unambiguous, and inexpensive to adopt and enforce."</p>
		<p>i. Supports the delayed implementation date for training time.</p>	<p>i. Support noted.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number:		Hearing Location: Madison	
Rule Number: Chapters Commerce 21-25		Hearing Date: Thursday, June 19, 2008	
Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 5 Exhibits 2 & 3	Cindi Gruebling WI Builders Association 4868 High Crossing Blvd Madison, WI 53704	Similar comments as Speaker #4. Especially is opposed to Comm 21.25 (8), Wall Bracing, because the IRC is developing simplified rules regarding wall bracing.	Same responses as to Speaker #4. In addition, the department has been following the International Code Council (ICC) code change proposal hearings that are taking place at this time. In reviewing the IRC proposals it appears that there are no proposed technical changes to wall bracing from what has been proposed here. Tables and charts have been created to make it easier to apply the code. The department can use those same tools in training or via posting on the website.
Speaker 6 Exhibit 4	Ross Kinzler WI Housing Alliance 301 N. Broom St. Madison, WI 53703	a. Recommends the state of Wisconsin adopt the International Residential Code (IRC) as the basis for the UDC in the next code change cycle. b. Is concerned about the timeliness of inspections, stating that adding another day is a concern. c. Supports a delayed effective date of the code.	a. This recommendation will be discussed with the Dwelling Code Council. b. Same response as to Speaker #2 Comment a. c. Support noted.
Speaker 7 Exhibit 5	Tom Milton American Plywood Assn. 12160 101 st Ave. N Maple Grove, MN 55369	a. Supports a delayed effective date of the code because of potential IRC regulations coming in 2009. b. Company will supply training on wall bracing. c. Feels language in proposed change is difficult to read; proposes changes to language in Exhibit #5.	a. Same response as to Speakers #1 and #5. b. Comment noted. c. The department has incorporated the suggested change into the proposal.
Speaker 8	Lee Fochs 2207 11 1/2 Ave. Chetek, WI 54728	a. Delayed inspection time: If you work with your inspector and his schedule, you shouldn't have to wait for an inspection. b. Wall bracing: Everybody agrees it's necessary, but the problems are always in the details.	a. Comment noted. b. Agree. The department recognizes the need for training and application tools and is proposing an April 1, 2009, effective date to provide time for training on the wall bracing provisions.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number:		Hearing Location: Madison	
Rule Number: Chapters Commerce 21-25		Hearing Date: Thursday, June 19, 2008	
Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 6	Leonard Hannula Building Inspector Mt. Pleasant, Racine Co. Via e-mail	Proposes a clarification of the vapor retarder exclusion for below-grade walls.	The department has modified the proposal as suggested.
Exhibit 7	Dan Emmerich Semling-Menke Co., Inc. Merrill, WI Via e-mail	Proposes a clarification of Comm 21.24 (3) (b) regarding flashing and exterior covering.	The department has modified the proposal as suggested.
Exhibit 8	Leo Uddee Alliant Energy Via e-mail	Encourages the use of High Efficiency furnace toggle for GeoThermal Heat Pump systems in the ResCheck software submittals instead of the lower efficiency 78% AFUE furnace choice.	The department has modified the code language to clarify that calculations for GeoThermal Heat Pump systems use the same insulation values as for High Efficiency furnaces.
Exhibit 9	Steve Meassick, PE Thermo Dynamics 112 N. Lexington Spring Green WI, 53588 Via e-mail	Similar comments as Exhibit #8.	Response same as to Exhibit #8.
Exhibit 10	Joel Gmack Via e-mail	<p>a. Opposes wall bracing regulations because of potential IRC regulations coming in 2009, at least delay the effective date of the code for training time.</p> <p>b. Concerned about Comm. 21.24 (4) Water-resistive barriers and suggests using the term "exterior covering."</p> <p>c. Opposes Comm. 20.10 allowing three days for inspections. Similar comments to Speaker #2 Comment a.</p> <p>d. Suggests that if outside standards are being used for the UDC that these references are limited and, if vital, included in the code's appendix.</p>	<p>Response same as to Speakers #1 and #5</p> <p>Disagree. The term "exterior covering" is already used for another purpose in that same code section.</p> <p>Response same as to Speaker #2 Comment a.</p> <p>Disagree. The references are limited but they are an integral part of the code. National standards have been incorporated in the UDC since 1980.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number:		Hearing Location: Madison	
Rule Number: Chapters Commerce 21-25		Hearing Date: Thursday, June 19, 2008	
Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<p>e. Opposes Comm. 21.095 that might require fire sprinklers in single family homes in the future.</p> <p>f. Concerned about the "use categories" in Comm. 21.10 (3) and Table 21.10 and suggests the use of standard labels instead of new categories.</p> <p>g. Opposes the Energy Chapter because it doesn't include a cost analysis.</p>	<p>e. The department cannot predict what might happen with fire sprinklers in the future. The fire sprinkler issue is conditional. If sprinklers are installed, they shall be installed per the code. There are many similar code provisions.</p> <p>f. Agree. The use categories table has been removed from the proposal.</p> <p>g. Same response as to Speaker #4 Comment h.</p>
Exhibit 11	Chris Luster Southwestern WI Building Inspectors Assn	Requests a delay in the adoption of these regulations for training purposes.	Agree. The proposed effective date has been changed to April 1, 2009.
Exhibit 12	Phil Scanlan 7776 Hwy 51 DeForest, WI 53532	Suggests a change to Comm. 21.17 to require pumps for sump systems with no exceptions.	Disagree. Different parts of the state have different slopes and soil conditions that make it unnecessary to require pumps in all situations.
Exhibit 13	Ronald L. Derrick Derrick Homes, LLC 1505 Hwy 65 New Richmond, WI 54017	Similar comments as Exhibit #10 (all).	Same response as to Exhibit #10.
Exhibit 14	Greg Kirschling Lumber Dealers Supply, Inc. 310 S Taylor St. Green Bay, WI 54307	<p>a. Supports adoption of new brick proposal as it will clarify questions residential masons frequently ask.</p> <p>b. Proposes adoption of a single water hold criterion for weather resistant barriers. Believes the three test options required to meet this proposal are very different and set three different and potentially conflicting standards.</p> <p>c. Proposes adding flashing recommendations for exterior windows, doors and penetrations. Suggests adopting the American Architectural Manufacturers Association (AAMA) standards.</p>	<p>Support noted.</p> <p>b. Disagree. Several different types of material can be used and they use different test standards.</p> <p>c. The department will consider adopting the AAMA flashing standards with the next code update.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

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Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 15	Randy Fenske Wausau Supply Co. 4200 White Ave. Eau Claire, WI 54702	a. Similar comments as Exhibit #14 Comment b. and suggests one particular test and standard: AATCC127 with a minimum spec of 55 cm of water holdout. b. Would like to see some language added regarding stone veneer installation similar to the 2006 International Building Code (Section 1405.6). c. Similar comments as Exhibit #14 Comment c.	a. Same response as to Exhibit #14 Comment b. b. The department will discuss this recommendation with the code council. c. Same response as to Exhibit #14 Comment c.
Exhibit 16	Jeff Springer GEN-SYS Energy 3200 E. Avenue South La Crosse, WI 54601	a. Rules in Comm. 22 must accurately reflect Act 67, Senate Bill 381 because as written, Comm 22 subject electric heat sources to higher insulation requirements than propane, natural gas, or fuel oil. b. Similar comments as Exhibit #8.	a. Agree. The proposed rules have been amended to more accurately reflect the Act 67 requirements. b. Same response as to Exhibit #8.
Exhibit 17	George Digham Kolbe & Kolbe Millwork Co., Inc. 1323 So. 11 th Ave. Wausau, WI 54401	Similar comments as Exhibit #14 Comment c.	Same response as to Exhibit #14 Comment c.
Exhibit 18	Jim Reif Jim Reif Builders 150 Semi Drive Frances Creek, WI 54214	a. Similar comments as Speakers #1 and #4 Comment b.	Same response as to Speakers #1 and #4 Comment b.
Exhibit 19	Mike Koslowski Heritage Woodworks, Inc. 1874 Commercial Way Green Bay, WI 54311	Similar comments as Speakers #1 and #4 Comment b. (Exact comments as Exhibit #18.)	Same response as to Speakers #1 and #4 Comment b.
Exhibit 20	Dave Johnson Manitowoc Co. Home Builders Assn. 820 S. 8 th St. Manitowoc, WI 54220	Similar comments as Speakers #1 and #4 Comment b. (Exact comments as Exhibit #18.)	Same response as to Speakers #1 and #4 Comment b.

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

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Rule Number: Chapters Commerce 21-25		Hearing Date: Thursday, June 19, 2008	
Relating to: Uniform Dwelling Code			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Exhibit 21	Bob Jakel City of Kaukauna Via e-mail	Requests clarification of Comm. 21.035 (3) Interior circulation for kitchens. Regarding the required 30" clearance between a wall and a range, cook top, oven, sink, refrigerator or freezer; Asks should the language read "measurements taken from face to face?"	Comment noted. The proposal indicates measurement from face of appliance.
Exhibit 22	Fred Baumgart Building Inspector City of Franklin Via e-mail	Comm 21.04 requires a higher standard for risers and treads than the International Building Code (IBC), section 1009.3.2 and suggests that the IBC standard be used.	Agree. The proposal has been changed to reflect the IBC standard.



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 08-043

AN ORDER to ..., relating to the uniform dwelling code.

Submitted by **DEPARTMENT OF COMMERCE**

05-12-2008 RECEIVED BY LEGISLATIVE COUNCIL.

06-03-2008 REPORT SENT TO AGENCY.

RS:SG

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 08-043

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 2 of the rule, it is not necessary to print the material shown in s. Comm 20.02 (2) (e) (intro.); it should be deleted.

b. Generally, notes to the rule should be reviewed to ensure they do not contain substantive requirements. For example, it is appropriate to place in notes explanatory material or cross-references to statutes, rule, regulations, or national standards. However, substantive material should be placed in the text of the rule. The note to s. Comm 22.21 (1) provides that if insulation is on a below-grade wall, vapor retardant material may not be used to hold it in place. Unless this is a reference to another rule provision, this prohibitory statement should be placed in the text of the rule.

c. In the note to s. Comm 20.05 (9), the phrase “equipment is a mobile home” should be replaced by the phrase “equipment as a mobile home.” Also, the term “park model” is not found in the statutes. The note should not leave the impression that the term is a statutory one.

d. Section Comm 20.10 (3) (a) should be rewritten to read: “The inspections described in pars. (b) to (i) shall be performed to determine if the work complies with this code.” Similarly, in sub. (3) (f), the first sentence of the introductory material should be renumbered as subd. 1.; the cross-reference to “subds. 1. through 5.” should be replaced by a reference to “subpars. a. to e.”; the current subdivisions should be renumbered accordingly; and the remainder of the introductory material should be placed after the newly numbered subparagraphs and numbered as subd. 2.

e. The "i" in s. Comm 20.10 (3) (i) should not be capitalized. [s. 1.03 (4), Manual.] Also, to be consistent with the remaining paragraphs in this subsection, par. (i) should not be an incomplete sentence.

f. In s. Comm 20.10 (3) (i) Note, the reference to the Code of Federal Regulations should be written "24 CFR 3280."

g. In s. Comm 20.10 (6) (a) (intro.), the phrase "all of" should be inserted before the phrase "the following."

h. In s. Comm 20.14 (1), the insertions should be paragraphs rather than subdivision paragraphs. [s. 1.03, Manual.]

i. In s. Comm 20.14 (2) (a) 2. b., the word "standard" should follow the stricken-through phrase "~~as determined by.~~"

j. The strike-through in s. Comm 20.14 (2) (b) 2. b. should extend through the period following the word "regulations."

k. The strike-through in s. Comm 21.02 (3) (e) (intro.) should extend through the period following the word "builders."

l. In s. Comm 21.02 (3) (g) (intro.), the phrase "all of" should be inserted before the phrase "the following." [See, also, s. Comm 21.03 (3) (a) (intro.) and (7) (a) (intro.).]

m. In s. Comm 21.04 (1) (a) (intro.), the phrase "all of" should be inserted before the phrase "the following" and the introduction should conclude with a colon.

n. In s. Comm 21.15 (2) (f), the underscored material should be moved so that it follows all of the stricken-through material.

o. Section Comm 21.17 (3) (d) 1. a. should refer to "subd. 1. b." instead of "subpar. b."

p. A colon should replace the semi-colon in the treatment clause of SECTION 93 of the rule. Section Comm 21.18 (1) (d) 1. Note should refer to s. Comm 21.22 (1).

q. SECTION 97 of the rule should be revised to present footnote a in each of the listed tables.

r. The treatment clause in SECTION 100 should be restated as: "Comm 21.22 (3) (intro.), (a) and (b) are renumbered Comm 21.22 (3) (a), (b) and (c)."

s. In SECTION 107, both occurrences of the word "Title" should be shown in lowercase.

t. In s. Comm 21.25 (7) (c), each occurrence of the cross-reference "(b) 3, (b) 4 and (b) 5" should be replaced by a cross-reference to "(b) 3., 4., and 5." Also, in par. (c) 2. b., the notation "subs." should be replaced by the notation "sub."

u. In s. Comm 21.25 (9) (b) 1., the phrase "one of the following" should be replaced by the phrase "subd. 2 or 3." Then, in par. (b) 2., the introductory material should be renumbered as subpar. a. and the remaining subparagraphs should be renumbered subpars. b. to j.

- v. The "i" in s. Comm 21.25 (9) (b) 2. i. and 4. i. should not be capitalized. [s. 1.03 (4), Manual.]
- w. In s. Comm 21.25 (9) (e) 2. b., the correct cross-reference is "sub. (8) (b) 4., 5. or 6."
- x. The department should insert a space between "number" and "15" in s. Comm 21.28 (7) (b).
- y. In ch. Comm 22, subchapter titles should be in bold, regular-case type, without punctuation. The period should be deleted from the titles to subchs. II and III. The title to subch. IV should be in regular case type.
- z. Section Comm 21.20 (3) (b) and (c) 1. are in an incorrect font.
- aa. In s. Comm 22.32 (6) (b), the phrase "this requirement" should be replaced by the phrase "the requirement in par. (a)."
- bb. In s. Comm 22.38 (4) (intro.), the phrase "all of" should be inserted before the phrase "the following."
- cc. In s. Comm 22.45 (3), to what does the phrase "all state requirements" refer?
- dd. In ss. Comm 22.50 and 22.52, it appears that the phrase "this section" should be replaced by the phrase "this subchapter."
- ee. In s. Comm 22.52 (2) (intro.), the phrase "all of" should be inserted before the phrase "the following." Also, in sub. (3) (intro.), the phrase "any of" should be inserted before the phrase "the following." [See, also, s. Comm 22.53 (3) (intro.).]
- ff. In s. Comm 23.02 (3) (d), "1." should be moved to follow the stricken word "Any."
- gg. The amendments to the Appendix should be shown by stricken-through and underscored material.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Section Comm 20.09 (6) (b) refers to forms provided by the department. The department should ensure that the requirements of s. 227.14 (3), Stats., are met.
- b. Section Comm 21.18 (4) refers to Table 20.24-11. Section Comm 20.24, Table 20.24-11 appears to relate to sheet metal. Is this citation appropriate given the wood foundations subject matter of s. Comm 21.18 (4)?
- c. Section Comm 21.27 (7) (b) refers to sub. (9) (d), which does not exist. Does the department intend to refer to sub. (8) (d)?

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. A period should be inserted at the end of s. Comm 20.02 (1) (a) Note.

b. In s. Comm 20.04 (5) (b), why does the title refer to an existing foundation while the text of the rule refers to a new or existing foundation?

c. In s. Comm 20.04 (6) (d), the word "the" should be inserted before the phrase "same property."

d. In s. Comm 20.07 (5m), is it necessary to include the phrase "defining the relationship between another building and a dwelling"? Section Comm 20.07 does not appear to define "attached" in other ways so as to require the distinction created by the phrase. Alternatively, do chs. Comm 20 to 25 use "attached" in additional contexts that also require definition?

e. Section Comm 20.09 (10) (a) would be easier to read if rewritten beginning with "Approval shall be denied if..." Also, the comma following "code" should be deleted.

f. In s. Comm 22.33 (3) (b), the period after "thick" should be deleted.

CORRESPONDENCE/MEMORANDUM

State of Wisconsin
Department of Commerce

DATE: April 29, 2008
TO: Bob DuPont, Safety & Buildings Division
FROM: Marty Evanson *Marty Evanson*
Housing & Community Development Division
SUBJECT: Report on Rules Affecting Housing

Pursuant to s. 227.115, Stats. it is the responsibility of the Dept. of Commerce's Division of Housing and Community Development (DHCD) to make comments on proposed administrative rules affecting housing. Below is a summary of our comments regarding rule revisions proposed by the Dept. of Commerce, Safety & Buildings Division.

Uniform Dwelling Code - Proposed Changes Affecting Housing Costs

The proposed rules would apply to new single family homes and duplexes. The rules would also apply to additions and alterations to existing single family homes and duplexes which were originally constructed on or after June 1, 1980.

Wind Bracing

Since the first edition of the Wisconsin Uniform Dwelling Code (UDC), which went into effect on June 1, 1980, the UDC has required construction that resists lateral wind loads of 20 pounds per square foot of external wall area. The proposed rule change would incorporate more design and construction specifications in an effort to assure that the long-standing performance requirement is met. The additional specifications are based on those contained in the 2006 edition and 2007 supplement of the International Residential Code, developed by the International Code Council.

Although the UDC has always contained a performance requirement for lateral wind load bracing the following cost estimates are the results of comparing typical historical empirical methods of bracing to those bracing methods specified in the proposed code change.

The estimated design, material and labor costs for the proposed specified methods of wind bracing are estimated at \$100, or six hundredths of one percent for a 1200 square foot, single-story home valued at \$180,000.

Floor Insulation

The proposed rules require additional insulation between the underlying earth and concrete floors that contain radiant heating systems. Such heating systems are not required by the code. For homes that utilize this heated floor slab construction the added cost due to insulation is estimated to be \$.75 per square foot of area under the heated concrete slab. For a 1200 square foot, two-story home, with a 600 square foot heated basement floor the cost increase would be \$450, or three tenths of one percent for a home valued at \$180,000.

Cost aspects as listed in s. 560.9801(3), stats.

(a) For housing occupied by the owner:

1. **Principal and interest** costs may increase proportionately.
2. **Closing cost** of "points" may increase proportionately.
3. **Mortgage insurance** may increase proportionately similar to above.
4. **Property insurance** should remain the same or be reduced if the insurance company takes the specified wind bracing methods into account when determining applicable risks and premiums.
5. **Utility-related costs** should be less due to the installed insulation.
6. **Property taxes** should be minimally affected.
7. **Fees paid to persons managing a cooperative** should not be affected.

(b) For rented housing:

1. **Rent** may go up slightly like mortgage costs.
2. **Utility-related costs** should be less due to the installed insulation.

State housing strategy plan

The new rule would be in sync with the provisions in the state housing strategy plan to develop safe and decent housing.

Maintenance costs

Should not be impacted by the rule change.

Cost and availability of financing

A very small amount of added financing will be needed to support additional costs.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 08-043

RULE NO.: Chapters Comm 20-25

RELATING TO: Uniform (1-2 Family) Dwelling Code

Agency contact person for substantive questions.

Name: Larry Swaziek

Title: Program Manager

Telephone No. 267-7701

Legislative Council report recommendations accepted in whole.

Yes

No

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

Item # cc. The phrase, "all state requirements" has been clarified to read, "all efficiency requirements under this chapter".

(Continued on reverse side)

4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]

- a. Accepted
- b. Accepted in part
- c. Rejected
- d. Comments attached

Item # d. It is necessary to include the phrase in question because the word "attached" has several other informal meanings related to the construction of a dwelling.