

Report From Agency

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 08-008

Rule No.: Chapter Comm 156

Relating to: A Grant Program for Rehabilitation and Recycling of Manufactured Housing

Contact person for substantive questions:

Contact person for internal processing:

Name: Sam Rockweiler

Name: (same)

Title: Code Development Consultant

Title:

Telephone Number: 266-0797

Telephone Number:

1. Basis and purpose of the proposed rule.

As required by section 75 of 2005 Wisconsin Act 45, these proposed rules would establish a grant program for rehabilitation and recycling of manufactured housing, under section 560.285 (3) of the Statutes.

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

The rules are consistent with the criteria in 2005 Wisconsin Act 45 that are intended to assist low-income owners with critical repairs to their manufactured homes, and to assist individuals and municipalities in disposing of abandoned manufactured homes.

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

Minor clarification changes were made to the rule analysis, and no changes were made to the fiscal estimate.

COM-10550 (R.02/04)

FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

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.

Under section 560.285 (3) of the Statutes, the Department is required to contract with one or more nonprofit entities for the administration of the grant program addressed by the proposed rules. Less stringent application and compliance requirements are not proposed for such entities that are small businesses, because uniform contractual and reporting criteria are expected to result in maximizing the effectiveness of the grant funding, and reasonable administrative costs can be covered by each grant.

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.

The Hearing comments included recommendations to (1) not wait four months for classifying a manufactured home as being abandoned, after ownership has been relinquished because of hospitalization or other incapacity-type conditions; (2) more clearly convey that the definition for "manufactured home" includes mobile homes; (3) replace a requirement for having a lease of at least one year for a home site, to instead having a written lease in accordance with section 710.15 of the Statutes, in order to accommodate renters with month-to-month leases; and (4) further direct the funding to actual repairs for homeowners who are most in need of the financial assistance, rather than to inspections, appraisals or administrative costs. These recommendations have been incorporated into the rules.

3. Nature and estimated cost of preparation of any reports by small businesses.

Periodic progress reports will be required through the Department's contracts with the nonprofit entities administering the grant program, and reasonable costs for that reporting can be covered by each grant.

4. Nature and estimated cost of other measures and investments required of small businesses.

No other measures and investments are newly required by the proposed rules.

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.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

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

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

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(Continued on reverse

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
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
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached