

The Wisconsin Department of Commerce proposes an order to repeal ss. Comm 20.05 (4), Comm 20.07 (29m), Comm 20.07 (52), Comm 20.24 Table 20.24-4, Comm 20.24 Table 20.24-10, Comm 21.02 (1) (c) 2. and 3. and note, Comm 21.03 (8) and (9), Comm 21.05 (3) and (4), Comm 21.10 (2) (g), Comm 21.10 (4) (b), Comm 21.22 (1m), Comm 21.22, Table 21.22-C, Comm 21.25 (1) (b), Comm 21.26, Tables 21.26-B and B1, and Comm 21.26 (5) (c);

to renumber ss. Comm 20.05 (5) to (9), Comm 20.24 Table 20.24-5, Comm 20.24 Tables 20.24-7 to 20.24-9, Comm 20.24 Table 20.24-12, Comm 21.02 (1) (c) 1., Comm 21.02 (3) (a) to (e), Comm 21.03 (10) to (12), Comm 21.045 (1) to (4), Comm 21.05 (5), Comm 21.08 (1) (c), Comm 21.10 (2) (c) to (f), Comm 21.10 (4) (a), Comm 21.10 (3) and (4), Comm 21.15 (1) and (2) and 21.15 (intro.), Comm 21.17 (3) (d) 1. to 6., Comm 21.22 (3) (a) and (b) and 21.22 (3) (intro.), Comm 21.24 (3) (c), Comm 21.25 (1) (a), Comm 21.25 (6) (a) 4., Comm 21.26 (3) (a) 21.26 (3) (intro.), Comm 23.02 (3) (a), Comm 23.04 (4) and 23.04 (1) to (3);

to renumber and amend ss. Comm 20.24 Table 20.24-6, Comm 21.02 (3) (intro.), Comm 21.045 (intro.), Comm 21.08 (1) (c), and Comm 23.04 (intro.);

to amend ss. Comm 20.02 (2) (e), Comm 20.05 (6), Comm 20.13 (2), 20.14 (1), 20.14 (2) (a) 2. and 20.14 (2) (b) 2., Comm 20.24, Table 20.24-1, Table 20.24-2 line 1, and Table 20.24-3, Comm 20.24 Table 20.24-8 and Table 20.24-9, Comm 20.24 Table 20.24-11, Comm 20.24 Table 20.24-13, Comm 21.02 (3) (title), Comm 21.02 (3) (e), Comm 21.03 (title), Comm 21.03 (6) (e) 5., Comm 21.04 (2) (c) 2. and 21.04 (2) (c) 3. b., Comm 21.04 (3) (c) 1., Comm 21.05 (title), Comm 21.08 (intro.) and Table 21.08, Comm 21.08 (2) (c), Comm 21.09 (1) (b), 21.09 (2) and 21.09 (3), Comm 21.10 (2) (e), 21.10 (2) (f) 1. and 21.10 (2) (g), Comm 21.10 (2) (i), Comm 21.15 (1), Comm 21.15 (2) (a) Note, Comm 21.15 (2) (b), Comm 21.15 (2) (e) and (f), Comm 21.17 (1) (a) 2. and 21.17 (1) (b) 2., Comm 21.17 (3) (d) 6., Comm 21.18 (1) (d) 2.b., Comm 21.18 Tables 21.18-C, D, E and F, footnote a, Comm 21.22 (8) (b), Comm 21.24 (2), Comm 21.25 (1) (title), Comm 21.26 (3) (a), Comm 21.26 (4) (b), Comm 21.26 (7) (a) 2., Comm 21.40 (2) (b) 13., Comm 23.02 (3) (d), Comm 23.04 (4), Comm 23.045 (2) (b), and Comm 23.09 (1);

to repeal and recreate ss. Comm 20.02 (1), Comm 20.04 (2) and (5), Comm 20.09 and 20.10, Comm 21.03 (3), Comm 21.03 (7), Comm 21.04 (1), Comm 21.05 (3) (a) and 21.05 (3) (b), Comm 21.08 (1) (d) 1., Comm 21.10 (2) (b), Comm 21.10 (2) (h), Comm 21.18 (3) (a), Comm 21.18 (4) and 21.22 (1), Comm 21.25 Table 21.25-A, Comm 21.26 (1), Comm 21.26 (5) (a), Comm 21.26 (8) and 21.26 (12), Comm 21.27 and 21.28, Comm 23.08 (7), and Comm 23.08, Table 23.08-B;

and to create ss. Comm 20.04 (6), Comm 20.05 (9), Comm 20.065, 20.07 (5m), 20.07 (18) and 20.07 (24v), Comm 20.07 (34s), Comm 20.07 (53f) and (77f), Comm 20.24 Table 20.24-6, Comm 20.24 Table 20.24-7, Comm 20.24 Table 20.24-12, Comm 21.02 (3) (b) 3., Comm 21.02 (3) (g), Comm 21.035, Comm 21.04 (2) (c) 3. c. and 4. c., Comm 21.04 (2) (g) and 21.04 (3) (a) 2. Note, Comm 21.04 (3) (a) 3. c., Comm 21.045 Note, Comm 21.05 (3) Note, Comm 21.08 (1) (c) 2., Comm 21.09 (6), Comm 21.095, Comm 21.10 (1) and 21.10 (2) (a), Comm 21.10 (2) (c), Comm 21.10 (2) (k), Comm 21.10 (3), Comm 21.10 (6) and 21.11 Note, Comm 21.17 (3) (d) 1., Comm 21.18 (1) (d) 1. Note, Comm 21.18 (2) (a) (title), 21.18 (2) (b) (title) and 21.18 (2) Note,

Comm 21.22 (3) (d), Comm 21.24 (3) (c), 21.24 (3) Note and 21.24 (4), Comm 21.25 (6) (a) 4. and 21.25 (7), (8) and (9), Comm 21.26 (7) (a) 5. to 7., Comm 21.26 (7) (c), Comm 23.02 (3) (a) 2., and Comm 23.04 (5).

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Analysis of Proposed Rules

1. Statutes Interpreted:

Sections 101.02 (1), 101.63 (1), 101.64 (3), 101.72 and 101.74, Stats.

2. Statutory Authority:

Sections 101.02 (1), 101.63 (1), 101.64 (3), 101.72 and 101.74, Stats.

3. Related Statute or Rule:

Sections 101.63 (5) and 101.73 (8), Stats.

4. Explanation of Agency Authority:

Under the statute sections listed above, the Department of Commerce has the responsibility to adopt rules that establish uniform, statewide standards for the construction of 1- and 2-family dwellings. This code, in its entirety, first went into effect in 1980. Sections 101.63 (5) and 101.73 (8), Stats., require the department to review these rules on a biennial basis.

5. Summary of Proposed Rules:

The vast majority of these proposed rule changes are intended to clarify current policies and requirements. The substantial changes to the code are as follows:

- Sections Comm 20.02 (1), 20.09 and 20.10 relating to scope of the code, permit issuance and inspections, respectively, have been reformatted and expanded.
- Section Comm 20.24 on adopted national standards is updated to include the latest editions. One standard on duct construction is dropped and two new ones on fire sprinkler construction and log home construction are added.
- Section Comm 21.24 (4) has new requirements for water-resistive barriers under the exterior covering of the dwelling.
- Section Comm 21.25 (7) has new requirements for the construction of short "cripple walls" on top of foundation walls.
- Sections Comm 21.25 (8) and (9) has new requirements for wind bracing of wood frame walls that bring the Wisconsin requirements in line with national standards.
- Chapter Comm 22, containing the energy conservation requirements, is repealed and recreated to bring the Wisconsin requirements in line with the national model energy code. There are new prescriptive component requirements as an alternative to the traditional total envelope heat loss requirements.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations:

There appear to be no federal regulations governing general one- and 2-family dwelling construction.

7. Comparison to Rules in Adjacent States:

An internet search of the State of Illinois' website did not reveal the existence of a statewide one- and 2-family dwelling code. Dwelling regulation appears to be left up to the individual local units of government.

An internet search of the State of Iowa's website did not reveal the existence of a statewide one- and 2-family dwelling code. Dwelling regulation appears to be left up to the individual local units of government.

An internet search of the State of Michigan's website showed a mandatory, statewide one- and 2-family dwelling code. The Residential Construction Code under the Construction Code Commission General Rules, section 408.305, contains the state amendments to the 2006 International Residential Code (IRC) developed by the International Code Council (ICC). There is a separate energy code.

An internet search of the State of Minnesota's website showed a mandatory, statewide one- and 2-family dwelling code. Minnesota Department of Labor and Industry, Chapter 1309 adopts the 2006 International Residential Code (IRC), chapters 2-10 and 43. Chapters 2-10 contain the general construction provisions of the IRC. Separate state codes apply to the energy, mechanical, plumbing, electrical and flood protection provisions of dwelling construction.

8. Summary of Factual Data and Analytical Methodologies:

The department received input at regular quarterly meetings during the entire development cycle from the Uniform Dwelling Code Council. The makeup of this Council is set under s. 15.157 (3), Stats. The members are appointed by the Governor's Office. The Council's composition reflects a variety of organizations whose members include many types of small businesses. Through this Council, the department is able to gather information on the potential impacts of the administrative and technical requirements of the code.

For the majority of this development cycle, the UDC Council was comprised of:

Allan Bachmann, Madison, Bachmann Construction;
Jeffrey Bechard, Eau Claire, Sheet metal Workers Local 18;
Ken Dentice, City of La Crosse Building Inspection;
David Dolan-Wallace, Green Bay, Martinson Architects;
Tom Doleschy, Muskego, Chicago Regional Council of Carpenters;
Dan Gorski, Madison, Veridian Homes;
Robert Jakel, City of Kaukauna;
Steven Levine, Madison, Wisconsin Public Service Commission;
Mike Mueller, Milwaukee, International Brotherhood of Electrical Workers Local 494;
Daniel Nowak, City of Oak Creek Building Inspection;
Frank Opatik, Wausau, Wausau Homes;
Tom Palecek, Marshfield, Wick Building Systems;
Gary Ruhl, Oshkosh, NE Wisconsin Building & Construction Trades Council;
Mary Schroeder, Brookfield, Miller Homes;
Katy Stadtherr, City of Green Bay Building Inspection;

John Vande Castle, Fond du Lac, Fond du Lac Mosaic Tile Company, Inc.; and
Mike Wallace, City of Hudson Building Inspection

9. Analysis of Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report:

These 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. The proposed rules do enhance the wind bracing requirements resulting in increase material and labor costs that would be passed on to the consumer. The design, material, and labor costs for the proposed specified methods of wind bracing are estimated to be \$360 or 0.15% for an 1800 square foot, two-story home valued at \$250,000 and \$100 or 0.06% for a 1200 square foot, single story home valued at \$180,000. The proposed rules will add an additional insulation requirement beneath a heated slab in contact with earth regardless of the depth below grade. Such heated slabs are allowed but not required by the code. For those homes that utilize this heated slab construction the added cost would be in the range of \$.75 per square foot. For an 1800 square foot, two-story home with a 900 square feet heated basement floor the cost increase would be \$675, or three tenths of one percent for a home valued at \$250,000.

10. Agency Contact:

Duane Hubeler, UDC Consultant, duane.hubeler@wi.gov, (608) 266-1390

11. Public Hearing Comments:

The hearing record on this proposed rulemaking will remain open until July 7, 2008. Written comments on the proposed rules may be submitted to Duane Hubeler, at the Department of Commerce, P.O. Box 2658, Madison, WI 53701-2658, or e-mail to duane.hubeler@wi.gov

