

CR 86-38

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

RECEIVED

MAY 20 1986
11:30 am -
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Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Foundation Insulation for Rental Units were duly approved and adopted by this department on May 19, 1986.
(Subject) (Date)

I further certify that said copy has been compared by me with the original on file in this 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 and affixed the official seal of the department at 9:50 am in the city of Madison, this 19th day of May A.D. 1986.

Howard S. Bellman
Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02 and 101.122, Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. ILHR 67 Rental Unit Energy Efficiency Standards
(Number) (Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register _____, pursuant to section 227.026, Stats.

Adopted at Madison, Wisconsin, this 19th
day of May, A.D., 1986.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard B. Bellman
Secretary



RULES in FINAL DRAFT FORM

Rule: ILHR 67

Relating to: Foundation Insulation for Rental Units

Clearinghouse Rule No.: 86-38

AN ORDER to renumber ILHR 67.08 (3) (d) to (f), amend ILHR 67.04 (1), Table 67.05-A, and Table 67.05-C; to repeal and recreate ILHR 67.06(3) and ILHR 67.08(3)(a) to (c); and to create ILHR 67.04(3), (4m), (7), (8m), (9), (12m), (16), (17m), (21), (26), ILHR 67.05(1)(d), ILHR 67.05(1)(e), ILHR 67.08 (3)(d), relating to foundation insulation for rental units.

ANALYSIS OF RULES

The proposed rules amend the foundation insulation requirements of the Rental Unit Energy Efficiency Code. Under the proposed rules, exterior walls of basements are to be insulated unless one of the following exceptions is met:

1. If the average height of the above grade accessible, exterior foundation wall is less than 12 inches; or
2. If the basement ceiling is insulated to a level of R-19 (if some insulation is already present, the required amount may be less (Table 67.05-D)); or
3. If a high efficiency non-electric heating plant is provided, either new or retrofitted, as specified in Table 67.05-E; or
4. If the full height of the interior foundation wall is insulated to a level of R-5 or more; or
5. If an exemption for the exterior wall insulation is granted by the department. An exemption will be granted whenever it is demonstrated that the payback period for the insulation exceeds five years.

If none of the above conditions for an exemption are met, then R-5 insulation must be applied to the foundation wall. The insulation is to be applied to the exterior of the foundation on the above grade portions and to at least 9 inches below grade. Exposed foundation areas above paved sidewalks or driveways are considered to be accessible and must be insulated on the exposed areas, but not below grade.

Unvented crawl spaces are to be treated the same as basements for purposes of the code. The provisions for insulation of vented crawl spaces have changed little from those of the current code. It has been determined that insulating return air ducts in uninsulated basements with less than 12 inches of exposure does not produce a five year payback, thus the rule is being amended accordingly.

The proposed rules contain two additions to the requirements for stipulations: (1) to deal with those stipulations which will be affected by the foundation insulation rule change; and (2) codify the department's policy related to the compliance requirements for stipulations.

The proposed rules are in effect as emergency rules.

* * * * *

Pursuant to the authority vested in the state of Wisconsin, Department of Industry, Labor and Human Relations by sections 101.02 and 101.122, Stats., the department hereby, renumbers, amends, repeals and recreates, and creates rules interpreting section 101.122, Stats., as follows:

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SECTION 1. ILHR 67.04 (1) is amended to read:

ILHR 67.04 (1) "Accessible" means capable of being reached without removal or alteration of any part or parts of the permanent structure finish materials or paved sidewalk or driveway. Cavities under floors in unfinished attic areas are accessible. Exposed foundation areas located above paved sidewalks or driveways are accessible.

SECTION 2. ILHR 67.04 (3), (4m), (7), (8m), (9), (12m), (16), (17m), (21) and (26) are created to read:

ILHR 67.04 (3) "Ambient activated reset control" means a control device which modulates the water temperature in the heat distribution system to meet heat loads which are determined as the device senses the outside ambient temperature. It is also known as a modulating aquastat.

(4m) "Basement" means a space of full story height below the first or ground floor with its entire floor line below exit discharge grade.

(7) "Condensing secondary heat exchanger" means a heat exchanger specifically designed to recuperate latent and sensible heat from flue gases.

(8m) "Crawl space" means an unfinished space of less than full story height below the first or ground floor. Crawl spaces may be vented or unvented to the outside.

(9) "Cutout" means a control device that cuts off the circulating pumps and prevents the boiler from firing when the outdoor temperature meets or exceeds a predetermined value.

(12m) "Exit discharge grade" means the elevation of finished exterior surface of paved or unpaved ground at any exit discharge doorsill.

(16) "Flame retention head burner" means an oil burner that increases combustion efficiency, increases heat transfer efficiency and decreases air flow through the boiler when the boiler is not firing. The burner uses an end cone at the nozzle to generate an intensely mixed, stable flame, with some recycling of hot gases.

(17m) "Ground floor" means a space of full story height which is a level of a building on a sloping or multilevel site and which has the floor line partly, but not entirely, below exit discharge grade.

(21) "Intermittent ignition device" means an ignition device which is actuated only when the gas appliance is in operation.

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(26) "Power burner" means a gas burner that has a high combustion efficiency due to the incorporation of an electric blower which increases the velocity and turbulence of the air/gas mixture moving through the system.

SECTION 3 Table 67.05-C is amended to read:

TABLE 67.05-C
INSULATION OF DUCTS, PIPES AND FOUNDATIONS AND PIPES

BUILDING ELEMENT	AMOUNT OF INSULATION REQUIRED
Heating Supply and Return Ducts Located In: Vented Spaces	R-5
Uninsulated Basements <u>Which have 12 inches or More Average Accessible Exposure</u>	R-5
Crawl Spaces Which Have Insulated Ceilings	R-5
Basements Which Have Insulated Ceilings	R-5
<u>Heating Supply Ducts Located In Uninsulated Basements With Less Than 12 Inches Average Accessible Exposure</u>	<u>R-5</u>
Steam Heating Pipes Not Located In Habitable Rooms, Kitchens or Bath or Toilet Rooms	R-4
Hydronic Heating Pipes Not Located In Habitable Rooms, Kitchens or Bath or Toilet Rooms	R-2
Domestic Hot Water Pipes: Circulating	R-2
Noncirculating Hot and Cold Water Pipes Within 5 Feet of Water Heater	R-2
<u>Foundations</u> <u>Exterior (Above/Grade and to 18" below grade)</u>	<u>R-5</u>
<u>Interior (Full height)</u>	<u>R-5</u>

SECTION 4. ILHR 67.05 (1) (d) is created to read:

ILHR 67.05 (1) (d) Insulation of basements and crawl spaces. 1. 'Basements.' Except as provided in subd. 2., exterior foundation walls shall be insulated to a level of R-5. The insulation shall be applied to the exterior of the foundation over the exposed accessible areas and shall extend to at least 9 inches below grade.

2. 'Exceptions.' The insulation required by subd. 1. may be omitted if any of the following provisions are met:

a. The average height of the accessible, exposed area of the exterior foundation wall is less than 12 inches. The average height shall be calculated as the accessible, exposed foundation area divided by the accessible perimeter; or

b. The ceiling is insulated as specified in Table 67.05-D; or

c. A high efficiency, non-electric heating plant is provided or the existing plant is retrofitted as specified in Table 67.05-E; or

d. The full height of the interior foundation wall is insulated to a level of R-5 or more.

3. 'Crawl Spaces.' a. Unvented crawl spaces. Unvented crawl spaces shall be insulated in accordance with subd. 1.

b. Vented crawl spaces. The ceilings of vented crawl spaces shall be insulated as specified in Table 67.05-D. Insulation of the walls of vented crawl spaces is ineffective and will not satisfy the requirements of this subsection.

TABLE 67.05-D
INSULATION OF CEILINGS OF CRAWL SPACES AND BASEMENTS

Amount of Insulation Present	Amount of Insulation Required
If insulation of an R-Value less than or equal to R-2.5 is present	Insulation shall be added to bring the total insulation level to R-19 (a) (b)
If insulation of an R-Value greater than R-2.5 but less than or equal to R-10 is present	R-11 insulation shall be added to the existing insulation (a) (b)
If insulation of an R-Value greater than R-10 is present	No additional insulation is required

(a) Precautions shall be taken to prevent the freezing of water service pipes located in that space. The pipes shall be insulated to R-5 or a suitable alternative shall be provided to prevent freezing.

(b) If ceilings over crawl spaces which have earth floors are insulated, then a vapor barrier shall be installed over the floor of the crawl space.

TABLE 67.05-E
HEATING PLANT REPLACEMENTS AND RETROFITS

The insulation required in subd. 1. may be omitted if a high efficiency, non-electric heating plant meets one of the following 2 conditions:		
(1) A heating plant with an AFUE of 80% or greater is installed (a);		
(2) A heating plant is installed which is retrofitted to incorporate all of the following components listed for the appropriate type of equipment and fuel type (a) (b) (c).		
EQUIPMENT	GAS FIRED SYSTEMS	OIL FIRED SYSTEMS
FURNACE	<ol style="list-style-type: none"> 1) Intermittent Ignition Device; and 2) Power Burner or Condensing Secondary Heat Exchanger 	<ol style="list-style-type: none"> 1) Flame Retention Head Burner
HYDRONIC	<ol style="list-style-type: none"> 1) Intermittent Ignition Device 2) Power Burner or Condensing Secondary Heat Exchanger; and 3) Ambient Activated Reset Control & Cutout at 55°F 	<ol style="list-style-type: none"> 1) Flame Retention Head Burner; and 2) Ambient Activated Reset Control & Cutout at 55°F
STEAM	<ol style="list-style-type: none"> 1) Intermittent Ignition Device; 2) Power Burner or Condensing Secondary Heat Exchanger; and 3) Properly installed and adjusted valves and vents to assure even heat distribution to the living areas. 	<ol style="list-style-type: none"> 1) Flame Retention Head Burner; and 2) Properly installed and adjusted valves and vents to assure even heat distribution to the living areas.

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(a) The owner shall provide written documentation to the inspector from a heating contractor which demonstrates that the heating plant has been furnished with the components listed in Table 67.05-E or that a heating plant has been installed which provides the required AFUE.

(b) Retrofits which incorporate other components may be accepted by the department through the petition for variance process as described in ch. ILHR 3.

(c) Furnaces equipped with an operative sidearm used for heating service water may not be retrofitted to meet the requirements of this section.

SECTION 5. ILHR 67.05 (1) (e) is created to read:

ILHR 67.05 (1) (e) Insulation of garages which are located in the basements or ground floors of rental units. Garages which are located in the basements or ground floors of rental units shall be insulated in accordance with subds. 1. to 4.

1. Unvented garages located in the basements or ground floors of rental units shall be insulated as specified in par. (d) 1.

2. Vented garages which are heated and are located in basements or ground floors of rental units shall be insulated as specified in par. (d) 1.

3. Garages which are located in basements or ground floors of rental units and which are vented with unheated outside air shall be insulated as specified in par. (d) 3. b., if accessible.

4. The interior sides of structural concrete floors or ceilings are considered to be inaccessible due to the difficulty of attaching insulation with fire barriers.

SECTION 6. ILHR 67.06 (3) is repealed and recreated to read:

ILHR 67.06 (3) EXEMPTION FOR FOUNDATION INSULATION. A request for an exemption from insulation of basements and unvented crawl spaces need only include an analysis of the cost payback for installing insulation at the exterior of the foundation wall.

SECTION 7. ILHR 67.08(3)(d), (e) and (f) are renumbered 67.08 (3) (e), (f), and (g).

SECTION 8. ILHR 67.08(3)(a), (b) and (c) are repealed and recreated to read:

ILHR 67.08(3)(a) Stipulation requirements. If the rental unit does not meet the provisions of this chapter, the transferee or new owner may present a signed stipulation issued by the department, department agent or authorized municipality to the register of deeds for recording.

1. Any rental unit for which a stipulation was issued on or after January 1, 1985, but before August 1, 1985, is exempt from any insulation requirement at the basement walls or ceiling.

2. Any rental unit for which a stipulation was issued from August 1, 1985, but before February 17, 1986, but for which no certificate of compliance has been issued, shall be brought into compliance with the foundation insulation requirements specified in s. ILHR 67.05(1)(d) and (e) on or before the date specified in the stipulation.

3. If a stipulation is issued after February 17, 1986, the new owner of the rental unit shall be responsible for bringing the rental unit into compliance with the provisions of this chapter which are in effect on the date of issuance of the stipulation.

(b) Owner's Responsibility. 1. The new owner shall bring the rental unit into compliance and receive a certificate of compliance from a certified inspection no later than one year after the date of transfer. The date of transfer is the date the stipulation is validated by the department, department agent or authorized municipality, unless acceptable documentation of another date is provided to the department.

2. No stipulation may be requested for a rental unit which has been issued a previous stipulation or waiver unless the rental unit had received a certificate of compliance from a certified inspector on some date after the date of issuance of the latest waiver or stipulation under sub. (2).

(c) Transfer of Stipulation Responsibility with Property. A purchaser who has agreed to a stipulation may transfer both the property and the stipulation to another person within the initial one year period. The transferee shall sign the original stipulation in the appropriate space provided on that document. The transferee shall send a copy of the modified stipulation to the department or authorized municipality which issued the original stipulation. Authorized municipalities shall file a copy of the modified stipulation with the department. The stipulation may not be extended beyond the original one year agreement.

SECTION 9. ILHR 67.08(3)(d) is created to read:

ILHR 67.08(3)(d) Issuance of Stipulations to Purchasers Who Wish to Occupy the Rental Unit on Termination of an Existing Lease. A purchaser of a rental unit who intends to occupy that rental unit as an owner but is unable to occupy the rental unit because it is leased to another person at the time of transfer, shall obtain a certificate of compliance or stipulation. The stipulation shall be obtained as specified in this section. The purchaser shall indicate "owner to occupy upon termination of existing lease" in the signature box of the stipulation form. The purchaser, within one year after the date of transfer, shall either:

1. Bring the rental unit into compliance with the energy measures specified in this chapter and obtain a certificate of compliance from a certified inspector; or

2. Take occupancy of the rental unit and occupy the rental unit for at least one year. Upon occupancy, the purchaser shall notify, in writing, the department or the authorized municipality which issued the stipulation, stating the date of the occupancy and including a copy of the original stipulation. After review and approval, the department or authorized municipality shall then terminate the stipulation and confirm the termination with the owner by return letter. Where a stipulation is terminated by an authorized municipality, the authorized municipality shall notify the department of the termination of the stipulation.

SECTION 10. Table 67.05-A column headings are amended to read:

(Partial)

TABLE 67.05-A

INSULATION OF ATTICS AND ACCESS PANELS OR DOORS

If insulation of an R-Value less than or equal to R-5 is present	If insulation of an R-Value greater than R-5, but less than or equal to R-10 is present	If insulation of an R-Value greater than R-10, but less than or equal to R-19 is present	If insulation of an R-Value greater than <u>of R-19 or greater</u> is present
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(END)

EFFECTIVE DATE

Pursuant to s. 227.026 (1) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



State of Wisconsin \ Department of Industry, Labor and Human Relations

Office of the Secretary
201 E. Washington Avenue
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Madison, Wisconsin 53707
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May 19, 1986

Gary Poulson
Assistant Revisor of Statutes
Suite 904
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Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin 53702

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 86-38

RULE NO. Ch. ILHR 67

RELATING TO Foundation Insulation for Rental Units

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in 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 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

Howard S. Bellman
Secretary

cc: Agency Contact Person