

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: Chapter SPS 322
Relating to: Crawl Space Ventilation
Rule Type: Permanent

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

Not applicable.

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

The objective of this rulemaking is to eliminate the requirement for crawl space ventilation in one- and two-family dwellings.

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 currently requires uninsulated crawlspaces to have ventilation openings equal to at least 1/1500 of the floor space and requires the floor above to be insulated. The alternative is to insulate the crawlspace walls, in which case, venting is not allowed. The proposed rule eliminates the venting option and thus requires crawl space walls to be insulated. The alternative of not updating the Code would be that crawl space ventilation would continue to be allowed.

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

Section 227.11 (2) (a) of the Statutes authorizes the Department to promulgate rules interpreting any statute that is enforced or administered by the Department, if the rule is considered necessary to effectuate the purpose of the statute.

Section 101.63 (1) requires the Department to establish standards for the construction and inspection of one- and two-family dwellings and components thereof. No set of rules may be adopted that has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions.

Section 101.64 (6) authorizes the Department to 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:

100 hours.

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

This rulemaking may affect entities involved in the construction, remodeling, or inspection of one- and two-family dwellings, including modular homes.

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:

No current or proposed federal regulations were found relating to this rulemaking.

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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