

1999 DRAFTING REQUEST

Bill

Received: **10/13/1999**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Cloyd Porter (608) 266-2530**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - facility licensure**

Extra Copies: **TAY**

Pre Topic:

No specific pre topic given

Topic:

Permit use as a bed and breakfast a structure at least 50 years old for which an addition complies with the uniform dwelling code

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 10/26/1999	csicilia 11/08/1999	martykr 11/08/1999	_____	lrb_docadmin 11/08/1999	lrb_docadminS&L 11/10/1999	

FE Sent For:

<END>

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OFFICE:

Room 309 North, State Capitol
Post Office Box 8953
Madison, Wisconsin 53708-8953

(608) 266-2530

Toll-Free: (888) 534-0066

Fax: (608) 266-7038



HOME:

28322 Durand Avenue
Burlington, Wisconsin 53105
(414) 763-6827

Wisconsin State Legislature

Cloyd A. Porter

State Representative • 66th District

October 11, 1999

Legislative Reference Bureau
Attn: Bill Drafting Department
5th Floor
100 North Hamilton

Enclosed you find a request to amend the Bed and Breakfast Wisconsin State Statute. This bill draft allows structural additions or renovation to the structure if the structure is more than 50 years old, if no other use than as a bed and breakfast establishment is proposed and if the structural addition complies with the uniform one and 2 family dwelling code. Lifting the restriction of renovation, will allow older buildings that are desirable as a bed and breakfast establishment the ability to provide the structure and facilities needed to accommodate it. Please call me if you have any questions.

Sincerely,

Cloyd A. Porter
State Representative
66th Assembly District

Enclosures:

CAP: kbl

1 **SECTION 24.** 254.61 (1) (f) of the statutes is renumbered 254.61 (1) (f) (intro.) and
2 amended to read:

3 254.61 (1) (f) (intro.) Has had completed, before May 11, 1990, any structural additions
4 to the dimensions of the original structure, including by renovation, except that a this limit
5 does not apply to all of the following:

6 1. A structural addition, including a renovation, made to the structure ~~may~~, after May
7 11, 1990, ~~be made~~ within the dimensions of the original structure.

8 **SECTION 25.** 254.61 (1) (f) 2. of the statutes is created to read:

9 254.61 (1) (f) 2. A structure that was originally constructed at least 50 years before a
10 permit application is made, for which no use other than as a bed and breakfast establishment
11 is proposed and for which the structural addition complies with the uniform dwelling code
12 adopted in rules promulgated under s. 101.63 (1).

NOTE: The current statutes define “bed and breakfast establishment” for the purposes of determining the applicability of environmental health regulations, building code requirements and other regulatory provisions. The basic purpose of this definition is to set limits on the kinds of establishments that are deemed to be bed and breakfast establishments and thus are subject to those specific regulations. Establishments that provide food and lodging beyond the scope of the definition of a bed and breakfast establishment are subject to regulation as hotels, restaurants or other similar types of establishments, which in general means that the establishments are subject to the commercial building code and the commercial restaurant regulations.

The definition of bed and breakfast establishment has 6 elements. The first 5 elements of the definition provide that a bed and breakfast establishment is any place of lodging that:

“(a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients.

- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place.
- (c) Is the owner's personal residence.
- (d) Is occupied by the owner at the time of rental.
- (e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence."

The special committee focused its attention on the 6th element of the definition, which is modified by this draft. The current definition of bed and breakfast establishment in s. 254.61 (1) (f), stats., provides that a bed and breakfast establishment is a place of lodging that:

"Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure."

The May 11, 1990 date is the date that this provision first took effect. At that time, when this restriction was created, the intent was to avoid situations in which a one- or 2-family home is constructed and shortly thereafter is substantially expanded as a bed and breakfast establishment. The restriction allows structural additions or renovations within the "dimensions" of the original structure, but does not allow additions to a structure after May 11, 1990, if that structure is to be used as a bed and breakfast establishment.

A consequence of this restriction is that older buildings, which often have attractive historic features and are desirable as bed and breakfast establishments, cannot be expanded to provide suitable facilities for the bed and breakfast establishment. This bill draft authorizes structural additions or renovation to the structure if the structure is more than 50 years old, if no other use than as a bed and breakfast establishment is proposed and if the structural addition complies with the uniform one- and 2-family dwelling code.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3752/1
DAK...Y....

Handwritten initials: "js" and "King" with a signature line.

1999 BILL

Handwritten circle containing "per cat" with a line pointing to the word "cat" in the title below.

1

AN ACT ...; relating to: expanding the definition of "bed and breakfast establishment".

2

Analysis by the Legislative Reference Bureau

Under current law, "bed and breakfast establishment" is defined for the purposes of determining the applicability of building code requirements and laws regulating environmental health, alcohol beverages and rental discrimination. Establishments that provide food and lodging beyond the scope of the definition of "bed and breakfast establishment" are subject to regulation as hotels, restaurants and other similar establishments, which, generally, are subject to the commercial building code and commercial restaurant regulations. Currently, the definition of "bed and breakfast establishment" encompasses any place of lodging that provides one or fewer rooms for rent to no more than a total of 20 tourists or transients; provides no meals other than breakfast and provides the breakfast only to the renters; is the owner's personal residence; is occupied by the owner at the time of rental; and was originally built and occupied as a single-family residence or, before use as a place of lodging, was converted to use and occupied as a single-family residence. The last requirement of the definition is that the place had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, may, after that date, be made within the dimensions of the original structure. Biennial permits for the the operation of bed and breakfast establishments are issued by the department of health and family services.

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This bill changes the last requirement of the definition of a bed and breakfast establishment to also provide for a structural addition to a structure that was

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BILL

family

originally constructed at least 50 years before an application for a permit to operate a bed and breakfast is made and for which no use other than as a bed and breakfast establishment is proposed, if the structural addition complies with rules of the department of commerce establishing standards for the construction and inspection of one and two-family dwellings (the uniform dwelling code).

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 254.61 (1) (f) of the statutes is renumbered 254.61 (1) (f) (intro.) and
2 amended to read:

3 254.61 (1) (f) (intro.) Has had completed, before May 11, 1990, any structural
4 additions to the dimensions of the original structure, including by renovation, except
5 that a this limit does not apply to any of the following:

6 1. A structural addition, including a renovation, made to the a structure may,
7 after May 11, 1990, be made within the dimensions of the original structure.

History: 1973 c. 190; 1975 c. 189; 1975 c. 413 s. 13; Stats. 1975 s. 50.50; 1983 a. 163, 189, 203, 538; 1985 a. 135; 1987 a. 27, 307; 1989 a. 269, 354, 359; 1993 a. 27 s. 65; Stats. 1993 s. 254.61; 1993 a. 399; 1997 a. 27, 237.

8 SECTION 2. 254.61 (1) (f) 2. of the statutes is created to read:

9 254.61 (1) (f) 2. A structural addition, made to a structure that was originally
10 constructed at least 50 years before application for a permit under s. 254.64 (1) (b)
11 is made and for which no use other than as a bed and breakfast establishment is
12 proposed, that complies with the rules under s. 101.63 (1).

13 (END)