

May 29, 2002

Beth J. Kushner  
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First National Bank Building  
Suite 1000  
735 North Water Street  
P.O. Box 3262  
Milwaukee, WI 53201

RE: Open Records Request

Dear Beth:

We are in receipt of the opens records request concerning 2615-2617 North 24<sup>th</sup> Place, Milwaukee, Wisconsin ("the Premises"). To the best of my knowledge there is no information in the Housing Committee office pertaining to these properties. You are welcome to come and look at the materials in our office at any time.

Please let my office know if you should want to do that.

Best wishes,

Rep. Tom Sykora

**von Briesen & Roper, s.c.**  
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414-287-1373

[bkushner@vonbriesen.com](mailto:bkushner@vonbriesen.com)

May 20, 2002

State of Wisconsin  
State Assembly Housing Committee  
Representative Tom Sykora  
State Capitol, Room 8 North  
Madison, WI 53701

**CERTIFIED MAIL**

Dear Sir or Madam:

Pursuant to Wisconsin's open records law, §§ 19.31 et seq. Wis. Stats., we request copies of the following records<sup>1</sup>:

All documents concerning 2615-2617 North 24<sup>th</sup> Place, Milwaukee, Wisconsin ("the Premises"), including, without limitation, all documents concerning (a) environmental records; (b) health records; (c) the condition of the Premises; (d) any inspection of the Premises; (e) any test or measurement conducted at the Premises for lead, lead paint, or lead pigment; (f) any test or measurement conducted at the Premises for the presents of lead in water, soil or air; (g) lead in water, soil or air at the Premises; (h) any contamination or health hazard at the Premises; (i) any removal of lead paint, lead pigment, or other lead from the Premises; and (j) any actions taken to abate, reduce, or eliminate any alleged hazard at the Premises due to lead, lead paint or lead pigment.

Thank you in advance for your attention to this request. Please feel free to call me at (414) 287-1373 if you should have any questions or if I can provide any other additional assistance that would help hasten your response to this request.

Very truly yours,

von BRIESEN & ROPER, s.c.

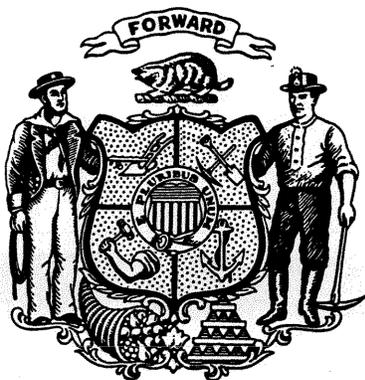
*Beth Kushner / omh*

Beth J. Kushner

BJK:tmh

<sup>1</sup> For the purpose of this request, "record" means "any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks . . ." as per § 19.32(2) Wis. Stats.

*END*



*END*

# Committee Meeting Attendance Sheet

## Assembly Committee on Housing

Date: 11.29.01 Meeting Type: Hearing

Location: Assembly Parlor

### Committee Member

Rep. Tom Sykora, Chair

Rep. Jeff Fitzgerald

Rep. Dan Meyer

Rep. Scott Walker

Rep. Steve Wieckert

Rep. Johnnie Morris-Tatum

Rep. Tom Hebl

Rep. Lee Meyerhofer

### Present

### Absent

### Excused

Totals:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
, Committee Clerk

# Committee Meeting Attendance Sheet

## Assembly Committee on Housing

Date: Aug. 23. 01 Meeting Type: Hearing

Location: Assembly Parlor

### Committee Member

Rep. Tom Sykora, Chair

Rep. Jeff Fitzgerald

Rep. Dan Meyer

Rep. Scott Walker

Rep. Steve Wieckert

Rep. Johnnie Morris-Tatum

Rep. Tom Hebl

Rep. Lee Meyerhofer

### Present

### Absent

### Excused

Totals:

6

2

Martha Hess

Martha Hess, Committee Clerk

# Committee Meeting Attendance Sheet

## Assembly Committee on Housing

Date: 2.22.01 Meeting Type: Hearing

Location: Assembly Parlor

Committee Member

Rep. Tom Sykora, Chair

Rep. Jeff Fitzgerald

Rep. Dan Meyer

Rep. Scott Walker

Rep. Steve Wieckert

Rep. Johnnie Morris-Tatum

Rep. Tom Hebl

Rep. Lee Meyerhofer

Present

Absent

Excused

Totals:

7

1



Martha Hess, Committee Clerk

to Ken 2.22.01

**Hess, Martha**

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**From:** Reiman, Greg  
**Sent:** Monday, August 13, 2001 1:50 PM  
**To:** Hess, Martha  
**Subject:** RE: Assembly Housing Committee Hearing Notice

Hi Martha:

Scott Walker will be out of state on August 23rd and will not be able to attend the Housing Committee hearing on that day.

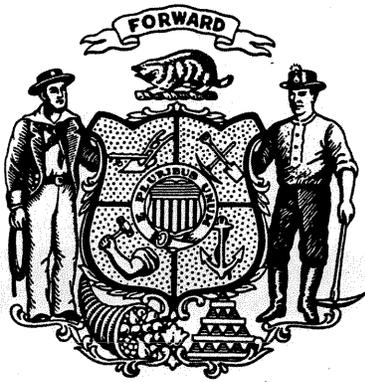
*Greg Reiman*  
*Office of Representative Scott Walker*  
*608 266-9180*

-----Original Message-----

**From:** Hess, Martha  
**Sent:** Monday, August 13, 2001 1:22 PM  
**To:** \*Legislative Everyone  
**Subject:** Assembly Housing Committee Hearing Notice

<< *File: H20010405003.doc* >>

*END*



*END*

REMARKS BY  
MARTHA KERNER, EXECUTIVE ASSISTANT  
DEPARTMENT OF COMMERCE  
ASSEMBLY COMMITTEE ON HOUSING  
FEBRUARY 22, 2001

GOOD MORNING. I AM PLEASED TO HAVE THIS OPPORTUNITY TO COME BEFORE THE COMMITTEE TO DISCUSS THE PROPOSED RULE PACKAGE CONCERNING THE ADOPTION OF THE INTERNATIONAL CODE COUNCIL'S BUILDING AND FIRE SAFETY CODES.

LET ME BEGIN BY PROVIDING YOU WITH A SHORT UPDATE OF WHERE THE DEPARTMENT IS IN THE PROCESS WITH RESPECT TO THE RULE, FOLLOWED BY A BRIEF HISTORY OF THE DEPARTMENT'S APPROACH TO CODE DEVELOPMENT.

THE RULE PACKAGE UNDER CONSIDERATION INCLUDES FIVE (5) CODES DEVELOPED BY THE INTERNATIONAL CODE COUNCIL.... OR THE ICC. THEY ARE:

- ◆ INTERNATIONAL BUILDING CODE
- ◆ INTERNATIONAL ENERGY CONSERVATION CODE
- ◆ INTERNATIONAL MECHANICAL CODE
- ◆ INTERNATIONAL FUEL GAS CODE
- ◆ INTERNATIONAL FIRE CODE

IN JANUARY, THE DEPARTMENT HELD FOUR (4) PUBLIC HEARINGS THROUGHOUT THE STATE.... IN RICE LAKE, GREEN BAY, WAUKESHA, AND MADISON.

THE PUBLIC COMMENT PERIOD ENDED ON FEBRUARY 9<sup>TH</sup>. CURRENTLY WE ARE REVIEWING THE COMMENTS AND PREPARING RESPONSES TO THOSE COMMENTS.

WISCONSIN HISTORICALLY HAS BEEN VERY PROGRESSIVE IN THE AREA OF  
CODE DEVELOPMENT.... AND DEVELOPED THE NATION'S FIRST STATE  
BUILDING CODE IN 1914.

UNTIL RECENTLY, THERE WERE THREE COMPETING NATIONAL CODES BEING  
USED THROUGHOUT THE COUNTRY, AS WELL AS INDIVIDUAL STATE CODES  
SUCH AS THE ONE USED IN WISCONSIN.

ABOUT SIX YEARS AGO, THE THREE NATIONAL CODE GROUPS DECIDED TO  
WORK TOGETHER AS A SINGLE ORGANIZATION CALLED THE INTERNATIONAL  
CODE COUNCIL AND DEVELOP AN INTEGRATED SUITE OF CODES. AROUND  
THE SAME TIME, THE DEPARTMENT OF COMMERCE BEGAN TO EVALUATE  
MOVING FROM ITS STATE-WRITTEN CODE TO A NATIONAL CODE..... AND  
BECAME AN ACTIVE PARTICIPANT IN THE DEVELOPMENT OF THE ICC CODES.

IN PUBLIC COMMENT, WE'VE HEARD THAT THE ICC CODES OFFER THE FOLLOWING ADVANTAGES:

- ◆ THEY INCORPORATE THE LATEST SAFETY STANDARDS.
- ◆ THEY ARE AN IMPROVEMENT OVER WISCONSIN'S CURRENT STATE-WRITTEN CODE BECAUSE THEY PROVIDE FOR ENHANCED PUBLIC, WORKER AND FIREFIGHTER SAFETY, RECOGNITION OF CURRENT BEST PRACTICES, AND EASE OF USE. NEW YORK AND WISCONSIN ARE THE ONLY STATES IN THE NATION THAT ARE STILL USING STATE-WRITTEN CODES, AND NEW YORK IS MOVING TO THE ICC CODES ALSO.
- ◆ AND THEY CAN BE APPLIED NATIONALLY AND INTERNATIONALLY.... THE PROPOSED CODES PROMOTE DESIGN AND CONSTRUCTION EFFICIENCIES, AND ARE INTEGRATED TO ELIMINATE CONFLICTING PROVISIONS AND CONFUSION. ALSO, THE ADOPTION OF SIMILAR CODES IS ADVANTAGEOUS TO STATES BECAUSE SIMILAR REGULATIONS FOSTER INTERSTATE COMMERCE. OUR NEIGHBORING STATES OF

MINNESOTA AND MICHIGAN ARE ADOPTING THE ICC CODES. ILLINOIS IS A "HOME RULE" STATE THAT ALLOWS MUNICIPALITIES TO ADOPT THEIR OWN CODES... AND THE CHICAGO IS ALSO IN THE PROCESS OF CHANGING TO AN ICC CODE.

FOR THE PAST SEVERAL YEARS, DEPARTMENT STAFF AND MEMBERS OF EIGHT (8) CITIZEN ADVISORY CODE COUNCILS HAVE BEEN EVALUATING THE USE OF NATIONAL MODEL BUILDING AND FIRE CODES. ALL EIGHT (8) ADVISORY COUNCILS HAVE RECOMMENDED THAT THE ICC CODES BE ADOPTED. THE COUNCILS ARE:

- COMMERCIAL BUILDING CODE COUNCIL
- MULTIFAMILY DWELLING CODE COUNCIL
- MEANS OF EGRESS AND ACCESSIBILITY CODE COUNCIL
- ELEVATOR CODE COUNCIL
- STRUCTURAL REVIEW CODE COUNCIL
- ENERGY CONSERVATION CODE COUNCIL
- HEATING, VENTILATING AND AIR CONDITIONING CODE COUNCIL

- FIRE SAFETY COUNCIL

THESE COUNCILS INCLUDE A CROSS SECTION OF FORTY (40) OF OUR STATE'S BUILDING AND SAFETY ORGANIZATIONS IN THEIR MEMBERSHIP, WITH NO SINGLE INTEREST HAVING MAJORITY REPRESENTATION ON ANY INDIVIDUAL COUNCIL.

SINCE THE ICC CODES WERE DEVELOPED, OTHER NATIONAL ORGANIZATIONS SUCH AS THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) HAVE ANNOUNCED THAT THEY INTEND TO DEVELOP A SUITE OF BUILDING CODES ALSO.

HOWEVER, THE ICC HAS ALREADY UNDERGONE ITS DEVELOPMENT PROCESS, ITS ADVANTAGES ARE AVAILABLE TO WISCONSIN NOW.

BY CONTRAST, IT WILL TAKE A MINIMUM OF THREE YEARS FOR THE DEVELOPMENT AND ADOPTION OF AN ALTERNATIVE NATIONAL SUITE OF CODES THAT MAY OR MAY NOT OFFER THE SAME ADVANTAGES.

FOR EXAMPLE, THE ICC CODES DO NOT APPLY RETROACTIVELY. MANY GROUPS, SUCH AS 1,000 FRIENDS OF WISCONSIN, SUPPORT CODES THAT PROVIDE FLEXIBILITY IN THE REHABILITATION AND REUSE OF EXISTING BUILDINGS. THEY OPPOSE THE RETROACTIVE APPLICATION OF CODES BECAUSE THIS WOULD REDUCE THE ECONOMIC VALUE OF THE EXISTING BUILDING STOCK RELATIVE TO NEW CONSTRUCTION ON "GREENFIELD" SITES.

THE ICC CODES ARE ALSO "MINIMUM" CODES. MUNICIPALITIES MAY ADD LOCAL CODE PROVISIONS BY ORDINANCE COVERING MULTIFAMILY DWELLINGS BUILT BEFORE 1995 AND ALL COMMERCIAL STRUCTURES. IN OTHER WORDS, MUNICIPALITIES COULD ADOPT NFPA CODES IN ADDITION TO THE ICC FIRE CODE IF THEY SO DESIRED.

WHEN SPEAKING SPECIFICALLY ABOUT THE ICC FIRE CODE, ALL THE INTERESTED PARTIES AGREE THAT IT IS SUPERIOR TO THE EXISTING STATE CODE BECAUSE IT SPECIFIES IN DETAIL SAFE PRACTICES FOR THE USE OF EXISTING BUILDINGS AND THE STORAGE AND HANDLING OF COMMODITIES AND MATERIALS WITHIN THE BUILDING.

AT ONE POINT DURING THE CODE DEVELOPMENT PROCESS, OUR ADVISORY COUNCILS HAD RECOMMENDED A COMPARISON BETWEEN THE EXISTING NFPA FIRE CODE AND THE ICC FIRE CODE.... AND DEPARTMENT STAFF BEGAN THE COMPARISON. THEN, THE NFPA ANNOUNCED THAT THEY INTENDED TO COMPLETELY REWRITE THEIR FIRE CODE AS PART OF THE DEVELOPMENT OF A NATIONAL SUITE OF CODES. FURTHERMORE, THE FIRE SERVICE ORGANIZATIONS INDICATED THAT THEY FAVORED THE NFPA CODES REGARDLESS OF THE OUTCOME OF THE COMPARISON.

THESE EVENTS LED TO SUSPENSION OF THE COMPARISON BETWEEN THE NFPA FIRE CODE AND THE ICC FIRE CODE.... AND A RECOMMENDATION FROM OUR ADVISORY COUNCILS TO SUPPORT THE ICC FIRE CODE.

THE FIRE SERVICE HAS REPRESENTATION ON FIVE (5) OF THE EIGHT (8) ADVISORY COUNCILS. ADDITIONALLY, WE HAVE REVIEWED THE COMPOSITION OF THE COMMERCIAL BUILDING CODE COUNCIL AND THE MULTI FAMILY CODE COUNCIL, AND THE DISTRIBUTION REFLECTS THOSE OF THE NFPA IN THEIR STANDARD DEVELOPMENT PROCEDURES.

IT IS IMPORTANT TO NOTE THAT SECTION 101.14(4)(c) 1, WISCONSIN STATUTES, DIRECTS THE DEPARTMENT TO USE THE CODE DEVELOPED BY AN ORGANIZATION KNOWN AS BOCA.... BUILDING OFFICIALS AND CODE ADMINISTRATORS... AS THE BASIS FOR THE STATE'S CODE GOVERNING FIRE DETECTION, PREVENTION, AND SUPPRESSION IN PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT.

THE ICC CODE IS THE CONTINUATION OF THE BOCA CODE... SO THE DEPARTMENT WOULD REMAIN WITHIN THE LAW BY USING THIS CODE.

RECENTLY, THE DEPARTMENT HAS BEEN MEETING WITH GROUPS SUCH AS THE WISCONSIN FIRE AND EMS LEGISLATIVE LEADERSHIP COALITION...THE WISCONSIN REALTORS ASSOCIATION...THE WISCONSIN ASSOCIATION OF CONSULTING ENGINEERS...THE WISCONSIN ASSOCIATION OF ARCHITECTS...THE MUNICIPAL BUILDING INSPECTORS ASSOCIATION...AND ASSOCIATED BUILDERS AND CONTRACTORS.

AND WE CONTINUE TO BE OPEN TO COMMENTS AND SUGGESTIONS AS WE MOVE THROUGH THE REVIEW PROCESS.

NEXT MONTH, THE DEPARTMENT WILL DISCUSS THE COMMENTS RECEIVED FROM THE PUBLIC HEARINGS AND FROM OTHER INTEREST GROUPS WITH

THREE OF OUR ADVISORY COUNCILS...THE COMMERCIAL BUILDING CODE COUNCIL, THE MULTIFAMILY DWELLING CODE COUNCIL, AND THE FIRE SAFETY COUNCIL.... AND DETERMINE OUR NEXT COURSE OF ACTION.

AGAIN, THANK YOU FOR THE OPPORTUNITY TO ADDRESS THE COMMITTEE TODAY. WE ARE HAPPY TO TAKE YOUR QUESTIONS.