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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Housing...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

Assembly

Record of Committee Proceedings

Committee on Housing

Clearinghouse Rule 06-071

Relating to the installation and inspection of manufactured homes and affecting small business.

Submitted by Department of Commerce.

August 17, 2006 Referred to Committee on Housing.

September 17, 2006 No action taken.



Scott Becher
Committee Clerk



Becher, Scott

From: Jerry Deschane [JDeschane@wisbuild.org]
Sent: Thursday, August 17, 2006 2:48 PM
To: Nelson, Scott - Legislature; Becher, Scott
Cc: Timothy Semmann
Subject: request for hearing on CR 06-071
Importance: High

Good afternoon, gentlemen.

We will be following up with a formal letter, but we wanted you to know right away: we are asking your committees to hold a public hearing and perhaps object to parts of CR 06-071. CR 06-071 is a department of Commerce rule. Most of the rule adopts regulations for the installation of manufactured homes. We have no objections to this portion of the rule. Our concern lies with sections 26 through 34 of the rule. These sections adopt updated standards for construction.

We have repeatedly asked the department to provide an explanation of what changes these updated standards will require. The department has not given us, or the Uniform Dwelling Code Council, a satisfactory answer to that inquiry. We have been able to determine that the department is adopting national standards from nine different organizations ranging from the Concrete Masonry Association to the National Standards for Wood Construction.

Since all of these standards are contained in documents that are copyrighted, no public domain reference is available. Just purchasing the documents would cost approximately \$1,000 and it would cost thousands more for engineers to review them to determine what changes are being proposed.

Our members rely on the Wisconsin Builders Association to review new state regulations and to advise our members when those regulations will require changes in the way homes are constructed. In this instance, we are unable to advise the industry.

We need the help of your committees to "shed some light" on these hidden standards.

Thank you for considering this request.

Jerry

Jerry Deschane, CAE
Deputy Executive Vice President
Wisconsin Builders Association
jdeschane@wisbuild.org
888-285-9066, x15

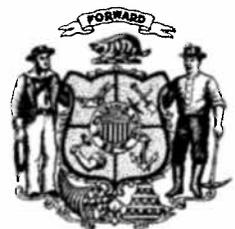
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08/17/2006



WISCONSIN STATE LEGISLATURE





commerce.wi.gov

P. O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD #: (608) 264-8777

Jim Doyle, Governor
Mary P. Burke, Secretary

August 22, 2006

The Honorable Cathy Stepp, Chair
Senate Committee on Housing and
Financial Institutions
Room 7 South, State Capitol
Madison, WI 53707-7882

The Honorable Steve Wieckert, Chair
Assembly Committee on Housing
Room 16 West, State Capitol
Madison, WI 53708-8953

Dear Senator Stepp and Representative Wieckert:

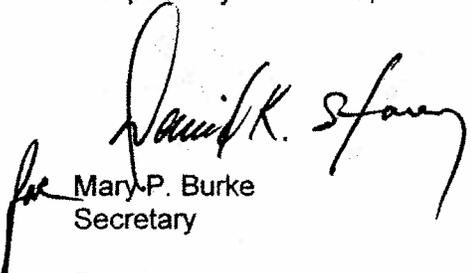
The Department of Commerce is submitting a germane modification to Clearinghouse Rule Number 06-071, relating to the installation of manufactured homes. This modification is being submitted pursuant to section 227.19 (4) (b) 3. of the statutes.

This modification consists of eliminating the updating of the adopted technical standards under treatment SECTIONS 30 through 38. The modification will maintain the current editions of the technical standards referenced in section Comm 20.24 of the Uniform Dwelling Code.

The modification is incorporated into the enclosed revised final draft of rules. Three copies of the revised rules are included for the reference of your committees.

If you have any questions regarding this matter, please contact Bob DuPont at 266-8984.

Respectfully submitted,

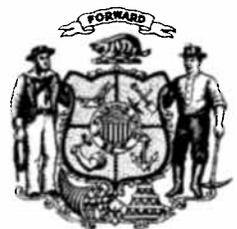


Mary P. Burke
Secretary

Enclosure



WISCONSIN STATE LEGISLATURE





STEVE WIECKERT

STATE REPRESENTATIVE

August 22, 2006

To: Assembly Housing Committee Meeting

From: Representative Steve Wieckert

The following Clearinghouse Rule was submitted to the Assembly Housing Committee.

Clearinghouse Rule 06-71

Relating to the installation and inspection of manufactured homes and affecting small business

Referred to the Assembly Housing Committee: August 17, 2006

Committee oversight ends: September 18, 2006

If you would like a copy of this rule, submit comments or request a hearing, please contact Scott in my office. The deadline for committee action is listed above. Thank you.

IDEALS, PRINCIPLES, PATRIOTISM



Becher, Scott

From: Jerry Deschane [JDeschane@wisbuild.org]
Sent: Wednesday, August 23, 2006 8:49 AM
To: DuPont, Robert; Nelson, Scott - Legislature; Becher, Scott
Cc: Luke Rollins; Ross Kinzler; Timothy Semmann; Swaziek, Larry J.; Quast, Jim; Buchholz, Ron; Taylor, Todd; Hubeler, Duane; Kasper, Tom
Subject: RE: Update on UDC standards rule

Dear Representative Wieckert and Senator Stepp;

In light of the department's willingness to review this issue, we respectfully withdraw our request for a hearing on this rule.

I would like to offer our sincere thanks to the department, the legislators, and others who worked with us on this.

Jerry

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

From: DuPont, Robert [mailto:rdupont@commerce.state.wi.us]
Sent: Wednesday, August 23, 2006 8:47 AM
To: Nelson, Scott - Legislature; Becher, Scott
Cc: Jerry Deschane; 'Luke Rollins'; 'Ross Kinzler'; Timothy Semmann; Swaziek, Larry J.; Quast, Jim; Buchholz, Ron; Taylor, Todd; Hubeler, Duane; Kasper, Tom
Subject: RE: Update on UDC standards rule

The germane modification has been signed by the Secretary's Office and will be delivered to both legislative committee chairs today. It will also be posted on our website today or tomorrow.

From: Nelson, Scott - Legislature [mailto:Scott.Nelson@legis.state.wi.us]
Sent: Tuesday, August 22, 2006 2:11 PM
To: DuPont, Robert; Becher, Scott
Cc: Jerry Deschane; Luke Rollins; Ross Kinzler; Timothy Semmann; Swaziek, Larry J.; Quast, Jim; Buchholz, Ron
Subject: RE: Update on UDC standards rule

Thanks to everyone for working on a solution.

W. Scott Nelson

Office of Senator Cathy Stepp
21st Senate District
State Capitol - 7 South
608-266-1832

From: DuPont, Robert
Sent: Tuesday, August 22, 2006 2:00 PM

To: Becher, Scott; Nelson, Scott - Legislature
Cc: 'Jerry Deschane'; 'Luke Rollins'; 'Ross Kinzler'; 'Timothy Semmann'; Swaziek, Larry J.; Quast, Jim; Buchholz, Ron
Subject: RE: Update on UDC standards rule

Safety and Buildings Division Administrator, Greg Jones has approved a proposed germane modification to Clearinghouse Rule Number 06-071 that would delete treatment sections 30 through 38 relative to updating currently adopted standards. We expect to have Secretary Burke's approval within the next day or two. She is not available today. Once approved the germane modification would be delivered as soon as possible to both legislative committee chairs.

We continue to work towards a smooth implementation of the Manufactured Housing Law that goes into effect on January 2007. I will keep you posted regarding progress of the germane modification.

From: Jerry Deschane [mailto:JDeschane@wisbuild.org]
Sent: Monday, August 21, 2006 3:18 PM
To: Luke Rollins; Ross Kinzler
Cc: Becher, Scott; scott.nelson@legis.state.wi.us; DuPont, Robert; Timothy Semmann
Subject: Update on UDC standards rule
Importance: High

Luke and Ross,

As of five minutes ago, the S&B staff at Commerce were preparing to recommend to their Secretary that the standards provisions in CR 06-071 be removed by germane modification. If that is done, we see no reason to request a public hearing on the rule, and (it is my understanding) the two Legislative Housing Committees would probably not hold one, so the manufactured housing portion of the rule could move forward without further delay.

The standards would be reviewed by the UDC Council in November, and if they are found to be acceptable, would be promulgated as a part of some future code update.

We will find out within the next day or so if Commerce does make that modification.

Jerry

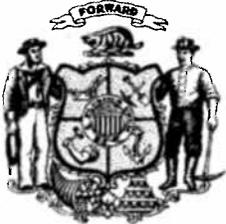
Jerry Deschane, CAE
Deputy Executive Vice President
Wisconsin Builders Association
jdeschane@wisbuild.org
888-285-9066, x15

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WISCONSIN STATE LEGISLATURE





Wisconsin Builders Association

Representative Steve Wieckert
Room 16 West
State Capitol
P.O. Box 8953
Madison 53708

Representative Wieckert,

The Wisconsin Builders Association™ is asking you, as Chair of the Assembly Committee on Housing, to hold a public hearing and perhaps objects to parts of CR 06-071. CR 06-071 is a department of Commerce rule. Most of the rule adopts regulations for the installation of manufactured homes. We have no objections to this portion of the rule. Our concern lies with sections 26 through 34 of the rule. These sections adopt updated standards for construction.

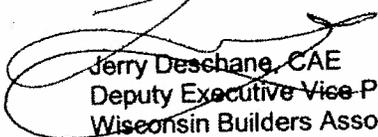
We have repeatedly asked the department to provide an explanation of what changes these updated standards will require. The department has not given us, or the Uniform Dwelling Code Council, a satisfactory answer to that inquiry. We have been able to determine that the department is adopting national standards from nine different organizations ranging from the Concrete Masonry Association to the National Standards for Wood Construction.

Since all of these standards are contained in documents that are copyrighted, no public domain reference is available. Just purchasing the documents would cost approximately \$1,000 and it would cost thousands more for engineers to review them to determine what changes are being proposed.

Our members rely on the Wisconsin Builders Association to review new state regulations and to advise our members when those regulations will require changes in the way homes are constructed. In this instance, we are unable to advise the industry.

Thank you for your consideration,

Sincerely,


Jerry Deschane, CAE
Deputy Executive Vice-President
Wisconsin Builders Association

enclosure



4868 High Crossing Boulevard • Madison, Wisconsin 53704-7403
(608) 242-5151 • (800) 362-9066 • Fax (608) 242-5150
www.wisbuild.org



Wisconsin Builders Association

Enclosure:

Cost of Updated Building Industry Standards

3180-05 Building Code Requirements for Structural Concrete - **\$175.00**

530-05 Building Code Requirements for Masonry Structures

530.1-05 Specification for Masonry Structures – **530-05 & 530.1-05 for \$95.00**

NDS-2005 National Design Specification For Wood Construction Including 2005 Supplement - **\$55.00**

360-05 Specifications for Structural Steel Buildings - **\$25.00**

2005 Fundamentals ASHRAE Handbook, Fundamentals - **\$195.00**

2003 HVAC Applications ASHRAE HVAC Applications Handbook - **\$75.95**

2004 HVAC Systems & Equipment ASHRAE HVAC Systems & Equipment Handbook - **\$159.95**

3rd Edition, 2002 Fibrous Glass Residential Duct Construction Standard - **Free on-line (PDF file)**

NFPA 2006 National Fuel Gas Code - **\$54.95**

Seventh Edition, 2003 Fibrous Glass Duct Construction Standards – **Free on-line (PDF file)**

TPI 1-2002 National Design Standard for Metal Plate Connected Wood Truss Construction - **\$55.00**

Total Cost if purchased – 890.85

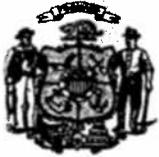


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State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

(includes Germane Modification)

Rule No.: Chapters Comm 5, 20, 21, 22 and 27

Relating to: Installation of Manufactured Homes

Clearinghouse Rule No.: 06-071

The Wisconsin Department of Commerce proposes an order to repeal chapter Comm 27; to renumber Comm 5.32 (3m), Comm 20.01, Comm 20.02 (1), and Comm 20.22 (2); to renumber and amend Comm 20.04 (2); to amend Comm 5.003 (27w) and Note, Comm 5.323 (6) (h), Comm 5.325 (4) (a), Comm 5.63 (1) (a) (intro.), Comm 20.07 (52) (b), Comm 20.10 (1) (b) (intro.), and Comm 22.06 (10); to repeal and recreate Comm 5.003 (27m) Note, Comm 5.323 (6) (f), and Comm 20.05 (9); and to create Comm 5.02 Table 5.02 line 11w., Comm 5.06 Table 5.06 line 11w., Comm 5.32 (3m) (b), Comm 5.323 (5) (g) Note, Comm 5.327, Comm 5.63 (5m), Comm 20.01 (2), Comm 20.02 (1) (b), Comm 20.04 (2) (b), Comm 20.04 (5), Comm 20.07 (52m), Comm 20.10 (1) (intro.) Note, Comm 20.10 (1) (b) 6., Comm 20.10 (3), Comm 20.22 (2) (b), and ch. Comm 21 subch. XI, relating to the installation and inspection of manufactured homes and affecting small business.

ANALYSIS OF PROPOSED RULES

1. Statutes interpreted.

Section 101.96, Stats., as created by 2005 Wisconsin Act 45

2. Statutory authority.

Section 101.96, Stats., as created by 2005 Wisconsin Act 45

3. Related Statute or Rule.

Section 101.63 (1), Stats.

4. Explanation of Agency Authority.

Section 101.96 (1) (a), Stats., requires the Department of Commerce to establish installation standards for the safe installation of manufactured homes in this state. Section 101.96 (1) (b), Stats., requires the department to establish a method for ensuring compliance with the installation standards, and to establish criteria for the licensure of 3rd party inspectors. Section 101.96 (2), Stats., requires the department to establish a program for the licensure of manufactured home installers. The installer license program must include license eligibility, an examination, an examination waiver procedure, license term, and license fees.

5. Summary of Proposed Rules.

The proposed rules consist of new requirements in chapters Comm 5 and 20 to address the licensure of manufactured home installers, and the installation and inspection of manufactured homes.

The proposed rules for the licensure of manufactured home installers consist of new requirements under section Comm 5.327 in chapter Comm 5. Those rules contain qualification requirements consistent with the provisions in 2005 Wisconsin Act 45. The proposed rules require

persons installing manufactured homes to be licensed after January 1, 2007. Completion of educational coursework which includes an exam is required to obtain the license unless the person provides evidence of having actively participated in the installation of at least 10 manufactured homes. The term of the license is 4 years, and a specified number of hours of continuing education are required for renewal of the license.

The proposed rules establishing installation requirements for manufactured homes are incorporated into the current rules in chapter Comm 21 of the Uniform Dwelling Code. The installation of manufactured homes produced on or after the effective date of the rules must utilize acceptable practices that address soil mechanics, site preparation, structural support, anchorage, and connections. The Department anticipates that installation practices being proposed by the federal Department of Housing and Urban Development currently under Title 24 CFR Part 3285 – Model Manufactured Home Installation Standards once finalized will be recognized by the Department of Commerce as an acceptable installation practice. The requirements in chapter Comm 27 are moved to chapters Comm 20 and 21, and chapter Comm 27 is repealed. As part of the Uniform Dwelling Code, the installation of a manufactured home will be administered and enforced by various certified UDC inspectors.

The proposed rules clarify administrative procedures regarding record keeping of permit applications, plan approvals, inspections and enforcement actions. A proposed rule revision also clarifies the application of thermal envelope requirements with respect to ground source heat pumps.

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

An Internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulations relating to the installation and inspection of manufactured homes.

- Title 24 CFR Part 3282 – Manufactured Home Procedural and Enforcement Regulations. This regulation in the federal Department of Housing and Urban Development contains the procedures for conducting inspections and investigations necessary to enforce the federal manufactured home construction and safety standards under Title 24 CFR Part 3280.
- Title 24 CFR Part 3280 – Manufactured Home Construction and Safety Standards. This regulation in the federal Department of Housing and Urban Development contains the standards for the design, construction, transportation, fire safety, plumbing, heat-producing and electrical systems of manufactured homes which are designed to be used as dwelling units.

These federal regulations apply to different subjects and do not address the same activities as compared to the proposed rules.

An Internet-based search of the 2004 and 2005 issues of the *Federal Register* found the following proposed regulations relating to the installation and inspection of manufactured homes.

- Federal Register, Vol. 70, No. 79, Tuesday, April 26, 2005, 24 CFR Parts 3280 and 3285, Model Manufactured Home Installation Standards, proposed rule. The proposed regulations under Part 3285 contain standards for the installation of new manufactured

homes, including standards for the completion of certain aspects necessary to join all sections of multi-section homes.

7. Comparison with Rules in Adjacent States.

An Internet-based search of adjacent states' rules found the following regulations that include requirements relating to the installation and inspection of manufactured homes.

- Illinois has state regulations requiring manufactured homes to be tied down in accordance with the state tie down installation requirements, the home manufacturer's instructions and the tie down manufacturer's instructions. Illinois also requires manufactured homes to be installed by a licensed installer. Licensed installers must complete a 10-hour installation course approved by the Department of Public Health. Inspections of new community sites are required before placement of homes.
- Iowa has state regulations applying to the installation of manufactured homes and the licensure of home installers, administered by the Department of Public Safety. The state installation regulations consist of standards for piers and tie downs, and require installations to be performed by a certified manufactured home installer. Installer certification consists of submitting an application describing the applicant's training and experience related to manufactured home installation. Inspections of home installations are made upon request of the home owner.
- Michigan has state regulations applying to the installation of manufactured homes and the licensing of home installers, administered by the Department of Consumer and Industry Services. The regulations require installation in accordance with the manufacturer's installation instructions. Applicants for the installer license must complete a department-approved installation instruction program. Field inspections of manufactured home communities are performed by the department.
- Minnesota has state regulations applying to the installation of manufactured homes and the licensure of manufactured home installers, administered by the Department of Administration. The regulations require installation in accordance with the manufacturer's installation instructions and specified support and stabilizing requirements. Passage of an examination is required for the installer license. Inspections of home installations are made upon request of the home owner.

8. Summary of Factual Data and Analytical Methodologies.

In developing the proposed rules the Department reviewed the federal regulations under the Manufactured Housing Improvement Act of 2000 relating to Model Manufactured Home Installation Standards.

The Department also utilizes advisory councils in analyzing and developing proposed revisions for manufactured homes. The councils involved in the review of the proposed rules were the Manufactured Homes and Home Parks Advisory Council, the Manufactured Housing Council, and the Uniform Dwelling Code Council. These councils involve a variety of organizations whose

memberships include many types of small businesses. The Department utilizes these councils to gather information on potential impacts in complying with the both the technical and administrative requirements of the codes. A responsibility of council members is to bring forth concerns their respective organizations may have with the requirements, including concerns regarding economic impacts. (Copies of the council meetings summaries are on file in the Safety and Building Division.)

An economic impact report has not been required pursuant to s. 227.137, Stats.

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

The proposed rules reflect the mandates of 2005 Wisconsin Act 45 which was proposed and supported by the Wisconsin Housing Alliance. Members of this group include manufactured home installers, dealers, manufacturers and manufactured home community owners. Act 45 was the result of a federal HUD initiative under 24 CFR Part 3285.

The requirements relating to the installation of manufactured homes impact businesses of all sizes. The rules impact a variety of businesses, including small businesses, particularly those businesses that produce, sell, install or inspect manufactured homes.

The potential compliance effects of the rules occur on two basic levels, administrative and technical. Pursuant to federal law and 2005 Wisconsin Act 45, beginning on January 1, 2007 the installation of manufactured homes must occur under the supervision of licensed installers. The Department believes that the number of manufactured home installer businesses to be less than 50 based upon an estimate from the Wisconsin Housing Alliance. The renewal of an installer's license will be contingent upon fulfilling continuing education obligations.

The installation of a manufactured home under the UDC program will necessitate acquiring a permit and inspections. In those portions of the state where administration and enforcement of the program is by the Department through contracts with independent inspection agencies, the Department anticipates the permit and inspection fees to be approximately \$350 per installation. The application for the permit may be made by the home owner or their designated agent which could be the installer, manufacturer, the dealer or some one else.

The code establishes technical standards that are to be adhered to when installing manufactured homes.

The Department believes that the proposed rules would have a minimal additional impact on small business based upon a determination from HUD which indicated that the costs and cost impacts do not represent a significant economic effect on either an industry wide or per-home basis. (Federal Register/Vol. 70, No. 79/ Tuesday, April 26, 2005 p. 21516)

Advisory Council

The proposed rules have been developed with the assistance of the following Advisory Councils:

Manufactured Homes and Home Parks Advisory Council

| <u>Name</u> | <u>Representing</u> |
|---------------------|--------------------------------------|
| Phil Blazkowski | Inspector |
| Brian Brown | Sewer/Water Service Provider |
| Gregg Cleveland | Fire Chief |
| Joseph Dentice, Jr. | Community Operator |
| Mark Flood | Community Owner |
| John Geise | Manufacturer |
| Pete Halverson | Manufactured Home Dealer/Salesperson |
| Ron Middleton | Community Owner |
| Al Rhinerson | Installer |
| Tom Schrader | Public |
| Kristen Zehner | Manufactured Home Owner |

Manufactured Housing Code Council

| <u>Name</u> | <u>Representing</u> |
|-----------------|---|
| Steve Andreske | Manufacturer |
| Dan Curran | Inspector |
| John Geise | Manufacturer |
| Bart Huntington | Manufactured Home Dealer |
| Ross Kinzler | Manufactured Housing Industry Association |
| Bob Kluwin | Manufactured Housing Industry Supplier |
| Harry Kreuser | Labor |
| Ron Middleton | Manufactured Home Community Owners |
| Jim Reitzner | Manufactured Home Community Owners |
| Al Rhinerson | Manufactured Home Installers |
| Al Schwoerer | Manufactured Home Installers |
| Mark Theide | Manufactured Home Dealers |
| Kristen Zehner | Public |

Uniform Dwelling Code Council

| <u>Name</u> | <u>Representing</u> |
|---------------------|-----------------------|
| Allan Bachmann | Remodeling Contractor |
| Jeffrey Bechard | Labor |
| Ken Dentice | Building Inspector |
| David Dolan-Wallace | Architect |
| Dan Gorski | Contractor |
| Robert Jakel | Public |
| Steve Levine | Public |
| Daniel Nowak | Building Inspector |
| Frank Opatik | Housing Manufacturer |
| Tom Palecek | Housing Manufacturer |
| William Roehr | Labor |
| Gary Ruhl | Labor |

Mary Schroeder
Kathleen Stadtherr
William Turner
John Vande Castle
Mike Wallace
Paul Welnak

Contractor
Building Inspector
Supplier
Supplier
Building Inspector
Labor

SECTION 1. Comm 5.003 (27m) Note is repealed and recreated to read:

Comm 5.003 (27m) Note: Under s. 101.91 (2), Stats., "manufactured home" means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

SECTION 2. Comm 5.003 (27w) and Note are amended to read:

Comm 5.003 (27w) "Manufactured home ~~park~~ community" has the meaning specified under s. 101.91 (5m), Stats.

Note: Under s. 101.91 (5m), Stats., "manufactured home park community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home park community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

SECTION 3. Comm 5.02 Table 5.02 line 11w. is created to read:

Partial Table 5.02

**Table 5.02
FEES**

| | License, Certification or Registration Category | Type | Application Fee | Examination Fee | License, Certification or Registration Fee |
|------|---|---------|-----------------|-----------------|--|
| 11w. | Manufactured Home Installer | License | \$10 | NA | \$100 |

SECTION 4. Comm 5.06 Table 5.06 line 11w. is created to read:

Partial Table 5.06

**Table 5.06
TERMS**

| | License, Certification or Registration Category | Term | Expiration Date | Continuing Education Cycle |
|------|---|---------|------------------|--------------------------------------|
| 11w. | Manufactured Home Installer | 4 years | Date of Issuance | 3 Months Prior to Date of Expiration |

SECTION 5. Comm 5.32 (3m) is renumbered Comm 5.32 (3m) (a).

SECTION 6. Comm 5.32 (3m) (b) is created to read:

Comm 5.32 (3m) (b) A person who holds a manufactured home manufacturer license shall comply with the warranty and disclosure responsibilities under s. 101.953, Stats.

Note: See appendix for a reprint of section 101.953, Stats.

SECTION 7. Comm 5.323 (5) (g) Note is created to read:

Comm 5.323 (5) (g) Note: See Department of Agricultural, Trade and Consumer Protection rules under section ATCP 125.02 regarding tie-in sales; separate or discriminatory charges.

SECTION 8. Comm 5.323 (6) (f) is repealed and recreated to read:

Comm 5.323 (6) (f) Warranties. Warranties and disclosures shall be provided in accordance with s. 101.953, Stats.

Note: See appendix for a reprint of section 101.953, Stats.

SECTION 9. Comm 5.323 (6) (h) is amended to read:

Comm 5.323 (6) (h) On-site sales. If the manufactured home is displayed for sale on a rental lot site or if a licensee represents that a manufactured home may occupy a site in a specified manufactured home ~~park~~ community, the manufactured home dealer shall:

1. Clearly state on the purchase contract whether or not the manufactured home may have to be moved from the site.

2. Clearly state on the purchase contract that the contract is voidable by the retail purchaser if the retail purchaser is rejected by, or the purchaser's manufactured home is not permitted in, the manufactured home ~~park~~ community.

3. If the manufactured home may remain on site, inform the prospective retail purchaser in writing prior to the execution of the contract that a copy of the current manufactured home ~~park~~ community lease and rules may be obtained from the current manufactured home owner or manufactured home ~~park~~ community operator.

SECTION 10. Comm 5.325 (4) (a) is amended to read:

Comm 5.325 (4) (a) A person who holds a manufactured home salesperson license shall comply with the responsibilities under ~~s.~~ ss. 101.952 (3), and 101.953, Stats.

Note: Section 101.952 (3), Stats., indicates that every licensee shall carry his or her license when engaged in his or her business and display the same upon request. The license shall name his or her employer, and, in case of a change of employer, the manufactured home salesperson shall immediately mail his or her license to the department, which shall endorse that change on the license without charge.

Note: See appendix for a reprint of section 101.953, Stats.

SECTION 11. Comm 5.327 is created to read:

Comm 5.327 Manufactured home installer. (1) GENERAL. (a) Except as provided in par. (b), beginning on January 1, 2007, pursuant to s. 101.96, Stats., no person may install a manufactured home onto a foundation or other support system unless the person complies with one of the following conditions:

1. The person holds a license issued by the department as a licensed manufactured home installer.
2. The person is under the general supervision of another person who holds a license issued by the department as a licensed manufactured home installer.

(b) 1. The owner of a manufactured home who will reside in the home may install his or her own manufactured home without holding a license as a licensed manufactured home installer. This exemption does not apply to the owner who contracts for or otherwise arranges for the installation.

2. A person is not required to hold a license as a licensed manufactured home installer for electrical, plumbing or HVAC work associated with the installation of a manufactured home.

Note: There may be other state or local licensing requirements involved in the installation of manufactured homes.

(2) QUALIFICATIONS FOR LICENSE. A person applying for a manufactured home installer license shall comply with all of the following conditions:

- (a) The person is at least 18 years old.
- (b) The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the 2 years before the date on which the person's license application is submitted.

Note: See appendix for a reprint of section 101.96, Stats.

(c) The person has not been found responsible in any judicial or administrative forum during the 2 years before the date on which the person's license application is submitted for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

(3) APPLICATION FOR LICENSE. (a) A person may apply for a license as a licensed manufactured home installer by submitting an application, an application fee and the license fee in accordance with ss. Comm 5.01 and 5.02 and one of the following:

1. Evidence that the person holds a manufactured home installer license issued by the federal department of housing and urban development.

2. Evidence that the person holds a manufactured home installer license issued by a state administrative agency (SAA) state that has an installer licensing program that is equivalent to the rules under this section.

3. Evidence that the person has completed at least 12 hours in an approved course or courses in the installation of manufactured homes within one year prior to the date of application. The course or courses shall include instruction in at least the following subject matter and one or more tests on the subject matter:

- a. Soil mechanics.
- b. Site preparation.
- c. Structural support, stabilization and anchorage.
- d. Setting.
- e. Ventilation of crawl spaces.
- f. Connections, plumbing, electrical, HVAC.
- g. Joining of home sections.

(b) 1. A person may apply for a license as a licensed manufactured home installer by submitting an application, an application fee and the license fee in accordance with ss. Comm 5.01 and 5.02 and evidence that the person has actively participated in the installation of at least 10 manufactured homes.

2. This paragraph does not apply after June 1, 2007.

(4) RESPONSIBILITIES. A person who installs or supervises the installation of manufactured homes as a licensed manufactured home installer shall be responsible for compliance with the installation requirements in chs. Comm 21 and 27.

(5) RENEWAL. (a) 1. A person may renew his or her license as a manufactured home installer.

2. A manufactured home installer license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as a manufactured home installer shall be contingent upon the manufactured home installer obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a manufactured home installer may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

(c) The renewal of a license as manufactured home installer shall be contingent upon all of the following conditions:

1. The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the previous 2 years.

2. The person has not been found responsible in any judicial or administrative forum during the previous 2 years for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

SECTION 12. Comm 5.63 (1) (a) (intro.) is amended to read:

Comm 5.63 Dwelling inspectors. (1) GENERAL. (a) Pursuant to ~~ss.~~ ss. 101.66 (2) and 101.96 (1), Stats., no person may conduct the inspection of one- and 2-family dwellings for the purpose of administering and enforcing chs. Comm 20 to 25, unless the person holds one or more of the following certifications issued by the department:

SECTION 13. Comm 5.63 (5m) is created to read:

Comm 5.63 (5m) LIMITATIONS. A person who inspects the installation of manufactured homes as a certified UDC-construction inspector may not perform the inspection of a particular manufactured home if the person is, is employed by, or is an independent contractor of any of the following:

(a) A manufactured home manufacturer who was directly involved in the sale of the particular manufactured home.

(b) A manufactured home salesperson who was directly involved in the sale of the particular manufactured home.

(c) An installer who was directly involved in the sale of the particular manufactured home.

SECTION 14. Comm 20.01 is renumbered Comm 20.01 (1).

SECTION 15. Comm 20.01 (2) is created to read:

Comm 20.01 (2) The purpose of this code is to establish uniform installation and inspection procedures for manufactured homes in accordance with the requirements of s. 101.96, Stats.

Note: The design and construction of manufactured homes is regulated by the federal Department of Housing and Urban Development under Title 24 CFR Part 3280.

Note: See ch. Comm 5 for licensing requirements for manufactured home manufacturers and manufactured home installers.

SECTION 16. Comm 20.02 (1) is renumbered Comm 20.02 (1) (a).

SECTION 17. Comm 20.02 (1) (b) is created to read:

Comm 20.02 (1) (b) The provisions of this code apply to the installation of a manufactured home produced before, on or after [the effective date of this rule . . . Revisor to insert date].

SECTION 18. Comm 20.04 (2) is renumbered Comm 20.04 (2) (a) and amended to read:

Comm 20.04 (2) ADDITIONS AND ALTERATIONS. (a) Additions or alterations to dwellings covered by this code shall comply with all provisions of this code, ~~including the soil erosion provisions, at the time of the permit application for addition and alteration.~~

SECTION 19. Comm 20.04 (2) (b) is created to read:

Comm 20.04 (2) (b) Additions to or alterations to additions to a manufactured home that was produced after June 1, 1980 shall comply with all provisions of this code.

SECTION 20. Comm 20.04 (5) is created to read:

Comm 20.04 (5) MANUFACTURED HOME INSTALLATIONS. The installation of a manufactured home produced before, on or after the effective date of this code shall comply with this code.

SECTION 21. Comm 20.05 (9) is repealed and recreated to read:

Comm 20.05 (9) MANUFACTURED DWELLINGS AND HOMES. The provisions of this code do not apply to manufactured dwellings and manufactured homes used exclusively for display purposes.

SECTION 22. Comm 20.07 (52) (b) is amended to read:

Comm 20.07 (52) (b) The term manufactured dwelling does not include a building of open construction which is not subject to par. (a) 2. ~~A single or double width manufactured (mobile) home is not considered a manufactured dwelling and is not subject to this code.~~

SECTION 23. Comm 20.07 (52m) is created to read:

Comm 20.07 (52m) "Manufactured home" has the meaning as given in s. 101.91 (2), Stats.

Note: Under s. 101.91 (2), Stats., "manufactured home" means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

SECTION 24. Comm 20.10 (1) (intro.) Note is created to read:

Comm 20.10 (1) Note: The design and construction of manufactured homes is regulated by the federal Department of Housing and Urban Development under Title 24 CFR Part 3280.

SECTION 25. Comm 20.10 (1) (b) (intro.) is amended to read:

Comm 20.10 (1) (b) *Inspection types.* The following ~~sequence~~ of inspections shall be performed for the purpose of determining if the work complies with this code:

SECTION 26. Comm 20.10 (1) (b) 6. is created to read:

Comm 20.10 (1) (b) 6. 'Installation inspection.' The installation of a manufactured dwelling or manufactured home.

SECTION 27. Comm 20.10 (3) is created to read:

Comm 20.10 (3) RECORD KEEPING. (a) *Municipal enforcement.* Municipalities that have adopted an ordinance to enforce this code shall maintain records in accordance with all of the following:

1. A record shall be made of each inspection type performed, including the date and findings of each inspection.
2. Approved plans shall be retained for 4 years after completion of the dwelling.
3. Application forms, correction orders, correspondence and inspection records shall be maintained for 7 years after completion of the dwelling.

(b) *State enforcement.* Inspectors working under state contract shall maintain records in accordance with the provisions of the contract that was in effect at the time the inspections were completed.

SECTION 28. Comm 20.22 (2) is renumbered Comm 20.22 (2) (a).

SECTION 29. Comm 20.22 (2) (b) is created to read:

Comm 20.22 (2) (b) Any person violating any rule of this code applying to manufactured homes is subject to the penalties prescribed in s. 101.94 (8), Stats.

SECTION 39. Chapter Comm 21 Subchapter XI is created to read:

Subchapter XI – Installation of Manufactured Homes

Comm 21.40 Installation standards. (1) (a) The installation of a manufactured home produced on or after [the effective date of this section . . . Revisor to insert date] shall comply with procedures acceptable to the department.

(b) Acceptable installation procedures shall address all of the following:

1. Soil mechanics.
2. Site preparation.
3. Structural support, stabilization and anchorage.
4. Setting.
5. Ventilation of crawl spaces.
6. Connections, plumbing, electrical, HVAC.
7. Joining of home sections.

Note: Acceptable installation practices can be found through the Safety and Buildings Division's website at www.commerce.state.wi.us/SB or by contacting the Safety and Buildings Division at (608) 266-9596.

Note: The design and construction of basements and perimeter foundations to support manufactured homes is addressed under subchapter V.

(2) (a) Except as provided in par. (b), the installation of a manufactured home produced before [the effective date of this section . . . Revisor to insert date] shall be installed in conformance with the requirements in effect at the time the manufactured home was produced.

(b) The installation of a manufactured home produced before [the effective date of this section . . . Revisor to insert date] to be installed on piers shall conform to at least all of the following requirements:

1. No footing may be placed upon unprepared fill material, topsoil, alluvial soil or mud. All organic matter shall be removed from the area that will be beneath any footing.
2. The soil bearing capacity shall be determined through test by a pocket penetrometer or other means of analysis. If the soil bearing capacity under each intended pier location is less than 2000 pounds per square foot, piers shall be located in accordance with the manufacturer's instructions.

3. The home site shall be graded to permit water to drain from under the home and away from the home for a minimum of 5 feet from the home.
4. Every pier shall be supported by a footing. Each footing shall be no less than a nominal 16 inches by 16 inches.
5. Each footing shall consist of one of the following:
 - a. One nominal 4-inch by 16-inch by 16-inch solid concrete block or 2 nominal 4-inch by 8-inch by 16-inch solid concrete blocks. If a single block pier and 2 footing blocks are used, the 2 footing blocks shall be positioned with the joint parallel to the main frame. If a double block pier and 2 footing blocks are used, the 2 footing blocks shall be positioned with the joint either parallel or perpendicular to the main frame.
 - b. A 16-inch by 16-inch pad constructed of acrylonitrile-butadiene-styrene (ABS) having a rated load bearing capacity of not less than 6000 pounds.
 - c. An 18-inch diameter hole bored to below the frost line or to unfractured bedrock and filled with poured concrete.
 - d. Any other materials and systems approved in advance by the department.
6. Piers shall be constructed of concrete blocks, manufactured steel stands or manufactured concrete stands. Manufactured stands shall be labeled for use as piers for manufactured homes.
7. Piers constructed of single stacked concrete blocks shall be limited to a height of 36 inches. Piers constructed of concrete blocks and exceeding 36 inches but less than 80 inches shall be constructed using double stacked blocks with each layer opposing the direction of the layer underneath it. Piers constructed of concrete blocks and exceeding 80 inches shall be constructed using double blocks laid in concrete mortar with each layer opposing the direction of the layer underneath it and with each core filled with concrete and a 1/2-inch steel reinforcing rod.
8. All concrete blocks shall be 2-core design, construction grade blocks having nominal dimensions of at least 8 inches by 8 inches by 16 inches. All concrete blocks shall be placed with the cores open vertically. The concrete block nearest the main frame of the manufactured home shall be perpendicular to the linear direction of the frame. No concrete block may contact the main frame of the home.
9. Alternative materials may be used for pier installations provided they are approved in advance by the department.
10. Piers shall be placed under the main frame of the chassis at intervals of not more than 7 feet on-center and no more than 3 feet from the exterior side of each end wall. The 7-foot spacing requirement may be varied as permitted by footing, spacing and soil capacity tables provided by the home manufacturer.
11. Piers shall be placed under the bearing points of clear-span openings of 4 feet or more in center mating walls.

12. Piers shall be plumb and centered under the contact area at the point of support.

13. Each pier shall be capped with a solid concrete block or a solid wood block, having a nominal thickness of at least 2 inches. The cap shall be the same width and length as the top of the pier. The cap shall consist of no more than 2 pieces. Two-piece caps shall be positioned with the joint perpendicular to the main frame.

14. Where shims are utilized, wood shims shall be installed between the pier cap and the frame. Shims shall be driven from opposing sides and shall be no less than 4 inches by 8 inches.

15. Wood caps and shims shall be at least equal to No. 2 spruce pine fir having a minimum fiber bending stress rating of 1200 psi. All wood caps shall be the same species of wood, and all shims shall be the same species of wood.

16. The combination of a nominal 2-inch solid concrete block or a nominal 2-inch wood cap plus shims shall not exceed 3 1/2 inches.

17. A minimum clearance of 12 inches shall be maintained beneath the lowest point of the main frame in the area of any utility connection. A minimum clearance of 12 inches shall also be maintained under the home for at least 75% of the home. The remainder of the home may be less than 12 inches above the ground but may not touch the ground.

SECTION 40. Comm 22.06 (10) is amended to read:

Comm 22.06 (10) "Electrically heated" means provided with permanently installed electrical space heating equipment which has an input capacity of 3 kilowatts or more to meet all or part of the space heating requirements. Electrical space heating equipment does not include ground source heat pumps. Electrical space heating does not include electrical resistance components utilized to provide back-up or stand-by space heating for ground source heat pump systems where more than 50 percent of the design heating load will be satisfied by the ground source heat pump system.

SECTION 41. Chapter Comm 27 is repealed.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.) and (b), Stats., SECTIONS 1 through 13 shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, and the remainder of these rules shall take effect on April 1, 2007.
