

Fiscal Estimate Narratives

DATCP 3/9/2023

LRB Number	23-1383/1	Introduction Number	AB-0005	Estimate Type	Original
Description the regulation of pools located at short-term rentals and the partial suspension of rules promulgated by the Department of Agriculture, Trade and Consumer Protection					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the Department of Agriculture, Trade and Consumer Protection (Department) regulates tourist rooming houses and public swimming pools. These houses and pools must be licensed annually by the state or local government partners. There are 2,481 state issued licenses and roughly 7,000 state and local licenses issued for tourist rooming houses. The Department estimates less than 1% of all licensed tourist rooming houses have a currently licensed swimming pool or whirlpool. The Department does not track in its current licensing system the exact number of tourist rooming houses with swimming pool or whirlpool licenses.

Prior to action taken by the Joint Committee for Review of Administrative Rules (JCRAR), ATCP 76 authorized the Department to regulate tourist rooming house pools and whirlpools as public pools. Currently, tourist rooming house pools and whirlpools are not regulated as public pools due to JCRAR suspending the portion of ATCP 76 that relates to the authority of the Department to regulate tourist rooming house pools and whirlpools.

The Department estimates that more than 10% of tourist rooming houses have a swimming pool or whirlpool on their premises but were previously unable to be licensed because they cannot meet the design, construction, safety, or maintenance requirements for use as a public pool. Prior to JCRAR action, if a tourist rooming house could not offer their pool to the public due to not being licensed, if they were licensed as a tourist rooming house, they could operate the tourist rooming house for lodging.

This bill would codify the action taken by JCRAR, as required by s. 227.26(2)(f) and (j) by prohibiting the Department from regulating pools and whirlpools located in a short-term rental defined as a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.

The fee to be a licensed pool is \$150 per year. Since less than 1% of tourist rooming houses had a licensed pool, the loss in revenue to the Department would be less than \$10,500 program revenue annually. This is revenue deposited in s. 20.115(1)(gb). Local governments that previously licensed these pools could set their own fee schedule. The revenue lost by local governments is indeterminate but estimated to be minimal by individual local government partner.

Long-Range Fiscal Implications