Report From Agency

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING	**:**	
PROCEEDINGS BEFORE THE	**:**	**REPORT TO THE LEGISLATURE**
DEPARTMENT OF SAFETY AND	**:**	**CLEARINGHOUSE RULE 15-043**
PROFESSIONAL SERVICES	**:**	

I. THE PROPOSED RULE:

The proposed rule revisions and the analysis are attached.

II. REFERENCE TO APPLICABLE FORMS:

These rule revisions would not require use of any new or revised forms.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This proposed rule creates prescriptive deck standards to be used as a guide in designing and constructing decks for one- and two-family dwellings. The deck standards bring together in one place provisions related to footings, posts and beams, guards and stairs, as well as materials and fasteners for deck construction. The standards are written in a clear, sequential fashion which follows the process of constructing decks. This deck construction guide is arranged in a straightforward manner so that both novice and experience builders alike can follow it to construct a deck for a one- or two-family dwelling.

These revisions would primarily advance the goals under sections 101.63 (1) of the Statutes of establishing standards for the construction and inspection of one-and two-family dwellings, and for ensuring compliance with the standards. They would also advance the goal under section 101.64 (6), of prescribing procedures for approving new building materials, methods, and equipment.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, AND EXPLANATION OF ANY RESULTING MODIFICATIONS TO THE PROPOSED RULES:

The Department held a public hearing on June 29, 2015. The following people either testified at the hearing, submitted written comments, or did both.

Sam Rockweiler, representing Solutions 3000
Mary Schroeder, representing Miller Custom Homes

James B. Smith, representing the American Wood Council
Leroy Stublaski, representing Architecture Plus, LLC

SUMMARY OF HEARING COMMENTS:

The Department summarizes the hearing testimony as follows:

All of the hearing comments the Department received were in favor of the rules.

James Smith, representing the American Wood Council (AWC) applauded the proposal to improve upon the rules for residential decks in Wisconsin. The AWC's Design for Code Acceptance, DCA 6, *Prescriptive Residential Wood Deck Construction Guide* is referenced as the source of many of the design values used in the rule. Mr. Smith acknowledged that, but thought that, in addition, the rules should include the AWC's DCA 6 as an approved alternative to the provisions of Appendix B.

Mary Schroeder, representing Miller Custom Homes spoke in favor of the rules. She said that many decks in the state are done incorrectly and that this will provide guidelines for correct methods. These rules will also make it easier for inspectors, she said. Ms. Schroeder also stated that she was never for more regulation, but that decks are being built that are not attached to the house correctly or that have undersized joists.

Leroy Stublaski, representing Architecture Plus, LLC spoke in favor of the rules. He said that that deck standards were long overdue and that he felt they were very well written. He pointed out that the allowable vertical dimensions for stair risers in the prescriptive deck rules differed from the rest of the code.

Sam Rockweiler, representing Solutions 3000, wrote that the proposed deck standards comprehensively and effectively address building code elements for construction of decks. He wrote that the rules were based on both widely accepted and leading-edge engineering practices and that their placement as an appendix allows them to be more efficiently updated or revised. Mr. Rockweiler also wrote that the standards are written clearly and sequentially so that contractors and inspectors can readily understand and apply them.

RESPONSE TO PUBLIC COMMENTS:

James Smith's suggestion that the DCA 6 be an accepted alternate to the prescriptive deck standards in this rule is a topic that was discussed by the Dwelling Code Council. The Council felt that the deck standards created for Appendix B were more tailored to Wisconsin than the DCA 6 and that the DCA 6 should not be accepted as an approved alternate code.

The discrepancy in allowable riser heights between the deck standards and the Uniform Dwelling Code mentioned by Leroy Stublaski was because of a graphical error in the rules, which has now been corrected.

No other resulting changes were made to the proposed rule revisions based on the public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2.g.

Response: Section 210.70(A)(2)(b) of the 2011 National Electrical Code (NEC) reads in part:

"For dwelling units, attached garages, and detached garages with electrical power, at least one wall switch-controlled lighting outlet shall be installed to provide illumination on the exterior side of outdoor entrances or exits with grade level access".

To be in compliance with the NEC, per the paragraph above, a deck needs lights at the door "outdoor entrance" and at the stair "exit with grade level access"; the new paragraph, SPS 324.01 (2), exempts deck stairways. The Note is meant to clarify for the lay person the implications of the exemption without them needing to reference the NEC.

Comment: 2.h.

Response: The rules were developed in collaboration with the deck sub-committee of the Uniform Dwelling Code Council. The deck sub-committee was comprised of subject matter experts. The Department does not feel that review by additional subject matter experts is necessary.

All of the other recommendations in the Clearinghouse Report were accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules were not submitted to the Small Business Regulatory Review Board.

These rules will not have an economic impact on small businesses.