

RULES CERTIFICATE

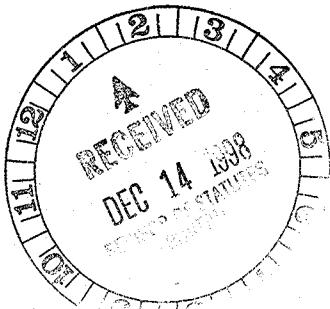
Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Phil Albert, Acting Secretary of the Department of Commerce,
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to
Rental Unit Energy Efficiency Standard
(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and
that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set
my hand at 201 West Washington Avenue
in the city of Madison, this _____
day of 12/08 A.D. 19 98

Phil Albert
Secretary

3-1-99

ORDER OF ADOPTION

Department of Commerce

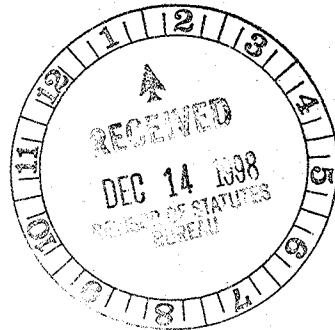
Pursuant to authority vested in the Department of Commerce by section(s) ss. 101.02 (1), 101.122 (2),

and 101.19(1) (i) Stats., the Department of Commerce creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Comm 67 (number) Rental Unit Energy Efficiency (Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register. pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 12/08/98

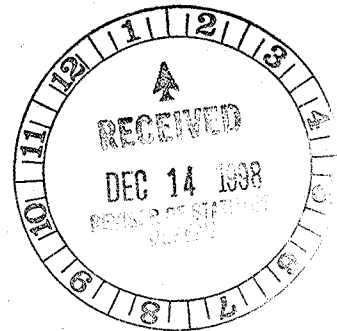
DEPARTMENT OF COMMERCE

Philip Edouard Allard
Secretary



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: Chapter Comm 67

Relating to: Rental Unit Energy Efficiency Standards

Clearinghouse Rule No.: 98-099

The Department of Commerce proposes an order to repeal Comm 67.04 (32)(L) and 67.05 (3) to (8); to renumber Comm 2.35 (5) (b), 67.02 (intro.) to (2), 67.04 (32)(m) and (n), 67.05 (intro.) and (1) to (7), 67.05 (2)(a) to (c), 67.06 (intro.) and (1) to (9), 67.07 (intro.) and (1) to (5), 67.08 (1) to (3), 67.08 (2)(intro.) to (c), and 67.08 (3)(intro.) to (e); to renumber and amend Comm 67.08 (2)(d)(intro.) to 2 and 67.08 (4)(f)(intro.) to 3; to amend Comm 2.35 (5) (a) (intro.), 67.02 (1) and (3)(a) and (c), 67.03 (1) and (2)(intro.) to (f), 67.04 (20), 67.04 (34), 67.05 (1), 67.05 (2)(c) and (d), 67.06 (1), 67.07 (title), 67.07 (1), (2)(title) and (2), (3), (4)(b), (c)(title) and (c), (5)(title) and (5), and (6)(title) and (6), 67.08 (2)(a), 67.08 (3)(a) and (f)2., 67.08 (4)(b), 67.09, and 67.13 (4); to repeal and recreate Figure 67.06 (text); and to create Comm 2.35 (5) (b) 2., 67.03 (2)(h) and (i), 67.04 (8t) and (17g), 67.04 (28m), 67.04 (32t), 67.05 (1)(title), 67.05(2)(a), 67.05 (3) to (6), 67.055, 67.06 (1)(title), 67.07 (1)(title), 67.08 (1), 67.08 (2)(a)(title), and 67.08 (3)(a)(title), relating to rental unit energy efficiency standards.

Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1), 101.122 (2), and 101.19(1) (i)

Statutes Interpreted: ss. 101.122 and 778.25 (1) to (3)

Under section 101.122, Wisconsin Statutes, the Department protects public health, safety, and welfare by promulgating energy efficiency requirements for rental units. These requirements are contained in Chapter Comm 67, Wisconsin Administrative Code. The proposed rule would modify the current chapter Comm 67 to be consistent with 1997 Wisconsin Act 288. These modifications would exclude the following buildings from the rental unit energy efficiency program:

- Buildings of one or two rental units that were constructed after December 1, 1978.
- Buildings of three or more rental units that were constructed after April 15, 1976.
- Condominium buildings of three or more dwelling units.

The modifications would also limit the application of rental unit energy efficiency requirements to the following items: attics; furnaces and boilers; storm windows and doors, with an option to meet an air infiltration performance standard for the thermal envelope of the building; sill boxes; heating and plumbing supply in unheated crawlspaces; and shower heads. The modifications also eliminate the expiration of the certificate of code compliance after 5 years.

The proposed rule would replace an emergency rule which became effective on June 30, 1998, and which also made the above modifications.

The proposed rule has been expanded from the emergency rule to include minor changes necessary for the Department to exercise the citation authority granted under 1997 Wisconsin Act 288, and to include performance standards as an alternative means for demonstrating compliance with the energy efficiency requirements. Related changes have been made to the fee code to allow for the use of the performance standards.

SECTION 1. Comm 2.35 (5) (a) (intro.) is amended to read:

Comm 2.35 (5) (a) (intro.) Maximum fee. The maximum fee for inspection or evaluation and certification of rental units by the department, authorizing municipality or any certified inspector, shall be as follows:

SECTION 2. Comm 2.35 (5) (b) is renumbered (5) (b) 1.

SECTION 3. Comm 2.35 (5) (b) 2. is created to read:

Comm 2.35 (5) (b) 2. The evaluation and certification fee shall cover the cost of preparing necessary forms, the cost of the certification stamp and preparation of the certificate. If the building performance is determined by calculation from fuel use data, the fee shall cover the cost of collecting and verifying the fuel use and building size information and performing necessary calculations. The fee does not cover field measurement of the building performance.

SECTION 1. Comm 67.02 (intro.) to (2) are renumbered (1) to (3).

SECTION 2. Comm 67.02 (1) (title) is created to read:

Comm 67.02 SCOPE. (1) (title) MINIMUM STANDARDS AND PROCEDURES.

SECTION 3. Comm 67.02 (1) and (3) (a) and (c) are amended to read:

Comm 67.02 (1) MINIMUM STANDARDS AND PROCEDURES. The rules contained in this chapter establish minimum energy efficiency standards for rental units that must be met before the ownership of a rental unit may be transferred; inspection or evaluation procedures for determining whether a rental unit complies with the energy efficiency standards specified in this chapter; procedures for certifying that a rental unit meets the energy efficiency standards specified in this chapter; procedures for obtaining an exemption from a specific energy conservation measure based on a 5-year cost payback; procedures for obtaining a stipulation or waiver for rental units that do not meet the standards specified in this chapter; and procedures that the department will use to administer and enforce this chapter.

(3) (a) Department authorization. The department may authorize a municipality in writing to issue the department certificate specified in s. Comm 67.08, if the department determines that the municipality can provide adequate inspection or evaluation service of the standards under subch. III.

(c) Revocation of municipal authority. The department may revoke the authority of a municipality to issue the department certificate at any time that it determines the municipality is

issuing department certificates without adequate inspection or evaluation of the standards under subch. III.

SECTION 4. Comm 67.03 (1) and (2) (intro.) to (f) are amended to read:

Comm 67.03 (1) RENTAL UNITS COVERED. After January 1, 1985, no owner may transfer a rental unit unless an inspector certified by the department has issued a certificate indicating that the rental unit meets the rental unit energy efficiency standards specified in this chapter; or unless a waiver has been issued as specified in s. Comm 67.08 ~~(2)~~ (3); or unless a stipulation is issued as specified in s. Comm 67.08 ~~(3)~~ (4).

(2) RENTAL UNITS EXCLUDED. (intro.) ~~The~~ All of the following buildings and rental units are excluded from the provisions of this chapter:

- (a) Any dwelling unit not rented at any time from November 1 to March 31;
- (b) Any building which contains up to 4 rental units and one of the dwelling units will be owner-occupied;
- (c) Any building constructed after December 1, 1978, which contains up to 2 dwelling units ~~and which is less than 10 years old;~~
- (d) Any building constructed after April 15, 1976, which contains more than 2 dwelling units ~~and which is less than 10 years old;~~
- (e) Mobile homes and manufactured homes;
- (f) Hotels and motels used primarily for transient residency; ~~and.~~

SECTION 5. Comm 67.03 (2) (h) and (i) are created to read:

Comm 67.03 (2) (h) Bed and breakfast establishments.

(i) Condominium buildings of three or more dwelling units.

SECTION 6. Comm 67.04 (8t) and (17g) are created to read:

Comm 67.04 (8t) "Degree day" means a unit based upon temperature difference and time, used in estimating annual heating energy consumption. One degree day accrues for each degree of difference between the daily mean temperature and a reference temperature of 65°F.

(17g) "Gross floor area" means the sum of the floor areas of the spaces within the building including basements, mezzanine and intermediate-floored tiers, and penthouses of headroom height 7.5 feet or greater.

SECTION 7. Comm 67.04 (20) is amended to read:

Comm 67.04 (20) "Inspector" means a person certified by the department to perform inspections or evaluations for energy efficiency in rental units.

SECTION 8. Comm 67.04 (28m) is created to read:

Comm 67.04 (28m) "Thermal envelope" means the collective assemblies of a building that enclose the heated, unvented spaces. The components that make up the thermal envelope form a continuous, unbroken surface.

SECTION 9. Comm 67.04 (32) (L) is repealed.

SECTION 10. Comm 67.04 (32) (m) and (n) are renumbered 67.04 (32) (l) and (m).

SECTION 11. Comm 67.04 (32t) is created to read:

Comm 67.04 (32t) "Unvented space" means a space that is not vented.

SECTION 12. Comm 67.04 (34) is amended to read:

Comm 67.04 (34) "Vented" means provided with outside air by natural or mechanical means via permanent openings. This venting may be for purposes of removing moisture, or exhausting fumes ~~or for providing combustion air~~.

SECTION 13. Comm 67.05 (intro.) and (1) to (7) are renumbered Comm 67.05 (1) to (8) and Comm 67.05 (1), as renumbered, is amended to read:

Comm 67.05 (1) (title) GENERAL. Any building containing rental units, except those specified in s. Comm 67.03 (2), transferring ownership after January 1, 1985, shall meet either the minimum prescriptive energy conservation measures specified in this section or the performance standards specified in s. Comm 67.055, unless an exemption has been issued under s. Comm 67.06, unless a petition for variance has been granted as specified in s. 101.02 (6), Stats., or unless a waiver or stipulation has been issued as specified in s. Comm 67.08 ~~(2)~~ (3) and ~~(3)~~ (4).

SECTION 14. Comm 67.05 (2) (a) to (c) are renumbered 67.05 (2) (b) to (d).

SECTION 15. Comm 67.05 (2) (a) is created to read:

Comm 67.05 (2) (a) R-value. For the purpose of this section, "R-value" applies only to the amount of insulation. R-value does not refer to the total overall R-values of all components of an assembly such as framing, finish materials or air films.

SECTION 16. Comm 67.05 (2) (c) and (d) are amended to read:

Comm 67.05 (2) (c) (title) Insulation of box sills. Insulation shall be provided in all accessible areas that form a portion of the thermal envelope as specified in Table 67.05-B.

(d) Insulation of ducts and pipes. Insulation shall be provided in all accessible ~~areas~~ vented crawl spaces as specified in Table 67.05-C.

SECTION 17. Comm 67.05 (3) to (8) are repealed.

SECTION 18. Comm 67.05 (3) to (6) are created to read:

Comm 67.05 (3) STORM WINDOWS AND DOORS. (a) General. Except as provided in sub. (4), storm windows and doors shall be provided and weatherized in accordance with this subsection.

(b) Storm windows. All windows shall be double glazed or shall be provided with exterior or interior storm windows except that windows of store fronts are exempt from the requirements of this subsection. Where exterior storms are installed over operable windows required for natural ventilation, a portion of the storm shall be operable from the inside. Windows located in boiler or furnace rooms do not need to be double glazed or equipped with storms. Windows located in basement areas that are not habitable rooms may be permanently sealed and insulated in lieu of double glazing or installing exterior or interior storm windows.

(c) Storm doors. Patio doors shall be insulated, double glazed or equipped with storm doors. Where no vestibule exists, inward swinging exterior doors shall be insulated, double glazed or equipped with storm doors. Door lites need not be double glazed if they are part of the door. All storm doors shall be equipped with self-closing devices.

(d) Openings or cracks. All accessible openings or cracks in storm windows or doors shall be caulked, gasketed or otherwise sealed.

(4) BLOWER DOOR TESTING. (a) Storm window and door requirements of sub. (3) are not required to be met when blower door testing shows that the air infiltration limits of this subsection are met.

(b) The blower door testing shall be conducted in accordance with ASTM E 779, "Standard Practice For Measuring Air Leakage By The Fan Pressurization Method," as adopted by reference in s. ILHR 20.24.

(c) The blower door test results and documentation shall show one of the following:

1. The natural air change rate of the thermal envelope is 1.0 air change per hour or less.
2. Work has been done to reduce the natural air change rate of the thermal envelope by at least 10%.

(c) Testing done on any date prior to certification shall be acceptable, provided no change has occurred to the building that would impact the test results in a negative or indeterminate way.

(5) **MOISTURE CONTROL.** (a) Ceilings. Vented spaces shall be provided with minimum ventilation in accordance with this paragraph. The ventilation shall be provided above any ceiling or attic insulation. The free area of ventilation shall be at least 1/300 of the horizontal area. Where overhangs with soffits are provided, one-half of the free area shall be at the eaves and one-half in the upper one-third of the roof or gable. Where it is impractical to install gravity venting, power vent systems may be used to provide equivalent ventilation. Power vents shall be connected to a humidistat.

(b) Crawl spaces. Vented crawl spaces shall be provided with minimum ventilation in accordance with this paragraph. The area of ventilation shall be at least 1/300 of the floor space. The area of ventilation shall be distributed equally to at least 2 openings in the foundation wall. The openings shall be located to provide cross ventilation. Where accessible, a vapor barrier shall be applied to cover the exposed earth.

**TABLE 67.05-B
INSULATION OF BOX SILLS**

	If insulation of an R-Value less than or equal to R-2.5 is present	If insulation of an R-Value greater than R-2.5, but less than or equal to R-10 is present	If Insulation of an R-Value greater than R-10 is present
Box Sills (a)	Insulation shall be added to bring the total insulation level to R-19	R-11 insulation shall be added to the existing insulation	No additional insulation is required

(a) Box sills that separate the rental unit from a garage which is unvented or is vented with outside air shall be insulated, if accessible.

(6) **EQUIPMENT.** (a) Combustion air. Combustion air openings shall be unobstructed.

(b) Flow restricters. All showers shall be equipped with flow restricters rated at three gallons per minute or less.

TABLE 67.05-C
INSULATION OF DUCTS AND PIPES

BUILDING ELEMENT	TOTAL AMOUNT OF INSULATION REQUIRED
Heating Supply Ducts Located in Vented Crawl Spaces	R-5
Steam Heating Supply Pipes Located in Vented Crawl Spaces	R-4
Hydronic Heating Supply Pipes Located in Vented Crawl Spaces	R-2
Domestic Hot Water Pipes:	
Circulating, Along Entire Accessible Length in Vented Crawl Spaces	R-2
Noncirculating Hot and Cold Water Pipes Within 5 Feet of Water Heater in Vented Crawl Spaces	R-2

SECTION 19. Comm 67.055 is created to read:

Comm 67.055 PERFORMANCE ENERGY EFFICIENCY STANDARDS. The following performance standards may be met in place of the prescriptive standards specified in s. Comm 67.05:

(1) **PERFORMANCE STANDARD.** Buildings shall have an annual space heating energy use, in BTUs per square foot, per heating degree day, which is no greater than the value shown in Table 67.055. The annual heating energy use shall be determined in accordance with sub. (2) or (3).

(2) **CALCULATION FROM FUEL USE DATA.** The annual space heating energy use may be calculated from one year of representative fuel use data using a department-provided form or an equivalent method approved by the department prior to use. The building area used in the calculation shall be the total gross floor area, including any basement floor area. The gross floor area is measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, excluding covered walkways, open roofed-over areas, porches and similar spaces, pipe trenches, exterior terraces or steps, chimneys, roof overhangs, and similar features. The determination of annual space heating energy use per square foot shall be performed by or verified by an inspector.

(3) **MEASUREMENT OF BUILDING PERFORMANCE.** The annual space heating energy use may be determined in accordance with field measurement methods approved by the department prior to use. At a minimum, the method must be nationally recognized, meet a national standard, or be demonstrated to have equivalent accuracy.

Note: The department approves use of the Wisconsin Energy Bureau Home Energy Rating System for buildings of four dwelling units or less provided a blower door test is used to estimate the building infiltration. Information demonstrating the accuracy of other field measurement methods may be submitted to the department for review.

TABLE 67.055
MAXIMUM ANNUAL SPACE HEATING ENERGY USE

Number of Dwelling Units	Certificate of Compliance Issued Prior to Sale ¹	Certificate of Compliance Issued after Sale ¹
8 or Fewer Dwelling Units	9.0	7.0
9 or More Dwelling Units	7.0	5.0

¹Refers to property transfers after the effective date of this section, [Revisor inserts date].

SECTION 20. Comm 67.06 (intro.) and (1) to (9) are renumbered Comm 67.06 (1) to (10).

SECTION 21. Comm 67.06 (1) (title) is created to read:

Comm 67.06 (1) (title) GENERAL.

SECTION 22. Comm 67.06 (1) is amended to read:

Comm 67.06 (1) GENERAL. No specific energy conservation measure may be required under s. Comm 67.05 ~~(1)(2)~~ to ~~(5)(4)~~ and ~~(7)(6)~~ where the cost payback obtained from installing the specific energy measure exceeds 5 years. In order to receive an exemption for a specific energy measure, the owner shall submit evidence to the department to demonstrate that the cost payback for the specific energy measure exceeds 5 years. Envelope cost payback calculations shall be made in accordance with this section unless otherwise approved by the department. All calculations and analyses shall be based on the actual conditions to which the specific energy measure is subject. Other nonenvelope cost payback calculations utilizing principles and concepts outlined in this section may be approved by the department. The final acceptance of any cost payback shall be made by the department.

SECTION 23. Figure 67.06 (text) is repealed and recreated to read:

FIGURE 67.06
HEATING DEGREE DAYS PER YEAR - BASE 65°F
Wisconsin Division of State Energy Degree Day Zones

Zone 1—8960	Zone 5—8354	Zone 8—7872
Zone 2—9128	Zone 6—8089	Zone 9—7466
Zone 3—8608	Zone 7—8330	Zone 10—7673
Zone 4—8686		Zone 11—7324

SECTION 24. Comm 67.07 (title) is amended to read:

Comm 67.07 (title) REQUEST FOR ENERGY EFFICIENCY INSPECTION OR EVALUATION.

SECTION 25. Comm 67.07 (intro.) and (1) to (5) are renumbered Comm 67.07 (1) to (6).

SECTION 26. Comm 67.07 (1) (title) is created to read:

Comm 67.07 (1) (title) REQUEST.

SECTION 27. Comm 67.07 (1); (2) (title) and (2); (3); (4) (b), (c) (title) and (c); (5) (title) and (5); and (6) (title) and (6) are amended to read:

Comm 67.07 (1) REQUEST. An owner of a rental unit may request an energy efficiency inspection or evaluation from the department or any person certified by the department as a rental weatherization inspector under ch. Comm 5 for the purpose of determining whether the rental unit meets the energy efficiency standards specified in this chapter. If an owner, after reasonable effort, is unable to procure an inspection or evaluation from an authorized municipality or an independent certified rental weatherization inspector, a request for an inspection or evaluation may be made to the department.

(2) (title) APPLICATION FOR INSPECTION OR EVALUATION FROM THE DEPARTMENT OR MUNICIPALITY. Where an owner requests the inspection or evaluation from the department or municipality, the owner shall apply for the inspection or evaluation on forms obtained from the department or municipality.

(3) FILING OF APPLICATION. No application for inspections or evaluations will be accepted by the department or municipality that does not contain all of the information requested on the application form. The application shall be filed with the department or municipality enforcing this chapter.

(4) (b) Department fees. Where the department administers and enforces this chapter, the fees required for inspection or evaluation and certification shall be submitted at the time the application is filed with the department.

(c) (title) Certified inspection or evaluation fees. Where inspections or evaluations are performed by a certified inspector, other than the department or municipality, the certified inspector may charge a fee to cover the cost of the inspection or evaluation and issuance of the certificate as specified in ch. Comm 2, Fee Schedule.

(5) (title) INSPECTIONS OR EVALUATIONS. All energy efficiency inspections or evaluations for the purpose of certifying rental units under this chapter shall be performed by the department, municipality or inspector certified by the department.

(6) (title) ACTION TO INSPECT OR EVALUATE. The municipality or department performing inspection or evaluation services under this chapter shall perform inspections or evaluations within 10 business days after an application is filed.

SECTION 28. Comm 67.08 (1) to (3) are renumbered Comm 67.08 (2) to (4).

SECTION 29. Comm 67.08 (1) is created to read:

Comm 67.08 (1) PARCELS PER DOCUMENT. No stipulation, waiver or certificate of compliance may be issued using more than one legal description or parcel per document.

SECTION 30. Comm 67.08 (2) (intro.) to (c) are renumbered Comm 67.08 (2) (a) to (d).

SECTION 31. Comm 67.08 (2) (a) (title) is created to read:

Comm 67.08 (2) (a) (title) GENERAL.

SECTION 32 Comm 67.08 (2) (a) is amended to read:

Comm 67.08 (2) (a) General. If upon inspection or evaluation, the inspector determines that the building conforms to the energy conservation measures or performance standard specified in this chapter, the inspector shall authorize the certificate of compliance by signing and affixing the Commerce Transfer Authorization label and then issue the certificate prescribed by the department and file a copy of the certificate with the department. The ~~department~~ inspector shall issue the certificate within 10 business days of determination that the building conforms to the energy conservation measures or performance standard.

SECTION 33. Comm 67.08 (2) (d) (intro.) to 2 are renumbered Comm 67.08 (2) (d) 1 to 3 and amended to read:

Comm 67.08 (2) (d) 1. If upon inspection or evaluation, an inspector determines that the rental unit does not conform to the energy measures specified in this chapter, the inspector shall specify in writing the energy conservation measures necessary to make the rental unit comply with the energy efficiency standards specified in this chapter and notify the owner of the findings. The department shall specify the energy conservation measures necessary to make the rental unit comply with the energy efficiency standards within 10 business days of completion of the inspection or evaluation.

2. Stipulation may be issued where the energy efficiency standards are not met as specified in sub. ~~(3)~~ (4).

3. A certification may be issued after a reinspection or reevaluation if all the required energy measures have been installed. Any request for reinspection or reevaluation performed by the department shall be accompanied with a fee for reinspection or reevaluation. If the effective date of any rule in this chapter occurs after a notice of noncompliance (inspection or evaluation field report) has been issued, then only the energy measures specified in the notice of noncompliance need be installed provided that a certificate of compliance is issued within 30 days after the date of the notice of noncompliance.

SECTION 34. Comm 67.08 (3) (intro.) to (e) are renumbered Comm 67.08 (3) (a) to (f).

SECTION 35. Comm 67.08 (3) (a) (title) is created to read:

Comm 67.08 (3) (a) (title) General.

SECTION 36. Comm 67.08 (3) (a) and (f) 2. are amended to read:

Comm 67.08 (3) (a) General. If a rental unit is scheduled for demolition within 2 years, the department, a department agent or an authorized municipality may issue a written waiver to the energy efficiency standards specified in this chapter. A copy of the waiver shall be filed with the authorized municipality or department agent and the department. No waiver may be requested for a rental unit which has been issued a previous waiver or stipulation unless the rental unit had received a certificate of compliance from a certified inspector on some date after the date of issuance of the latest waiver or stipulation under sub. (~~3~~ 4).

(f) 2. 'Order for compliance'. Where the department orders the building to comply with the energy measures in this chapter, the owner shall notify the department that the energy measures have been installed and apply for an inspection or evaluation of the rental unit as specified in s. Comm 67.07.

SECTION 37. Comm 67.08 (4) (b) is amended to read:

Comm 67.08 (4) (b) Owners responsibility. 1. The new owner shall bring the rental unit into compliance and receive a certificate of compliance from a certified inspection or evaluation no later than one year after the date of transfer. The date of transfer is the date the stipulation is validated by the department, department agent or authorized municipality, unless acceptable documentation of another date is provided to the department.

2. No stipulation may be requested for a rental unit which has been issued a previous stipulation or waiver unless the rental unit had received a certificate of compliance from a certified inspector on some date after the date of issuance of the latest waiver or stipulation under sub. (~~2~~ 3). No stipulation may be requested for a rental property in which the owner has been issued orders on that property pursuant to s. 101.122 (7) (b), Stats.

SECTION 38. Comm 67.08 (4) (f) (intro.) to 3 are renumbered Comm 67.08 (4) (f) 1 to 4, and Comm 67.08 (4) (f) (title) and 1 to 3, as renumbered, are amended to read:

Comm 67.08 (4) (f) (title) Stipulation inspection or evaluation. 1. Once the new owner has installed the necessary energy conservation measures, the owner shall apply for inspection or evaluation from a certified inspector, an authorizing municipality or the department.

2. If upon ~~inspections~~ inspection or evaluation, it is determined that the rental unit conforms to the conditions specified in the stipulation, the inspector shall issue a certificate indicating the rental unit conforms to the energy measures specified in this chapter. The department shall issue the certificate within 10 business days after determination that the rental unit conforms to the conditions specified in the stipulation.

3. If upon inspection or evaluation, it is determined that the rental unit does not conform to the conditions specified in the stipulation, the inspector shall notify the owner in writing, specifying the measures necessary for compliance. A certification may be issued after reinspection or reevaluation if all the required energy measures have been installed.

SECTION 39. Comm 67.09 is amended to read:

Comm 67.09 PROOF OF CERTIFICATION. The certificate shall be proof that the rental unit complies with the energy measures specified in this chapter. ~~The certificate shall be valid for a period of 5 years from the date specified on the certificate.~~ The certified inspector shall retain a copy of the inspection report or evaluation report and documentation and certification for at least 5 years. The certificate shall include the results of the inspection or evaluation of the rental unit.

SECTION 40. Comm 67.13 (4) is amended to read:

Comm 67.13 (4) STIPULATION. Pursuant to s. 101.122 (7) (d), Stats., any person who fails to comply with a stipulation issued in accordance with this chapter may be required to forfeit not more than \$500 per dwelling unit for the rental unit for which the stipulation was issued. Pursuant to s. 101.122 (7) (d), Stats., any person who fails to comply with a stipulation issued in accordance with this chapter may be issued a citation for each period of 90 consecutive days of continued failure to comply.

Note: Any forfeitures, penalty assessments, jail assessments, additional penalties or fees pursuant to citations will be assessed by the court assigned to exercise jurisdiction.

(End)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

December 8, 1998

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 98-099

RULE NO.: Ch. Comm 67

RELATING TO: Rental Unit Energy Efficiency Standards

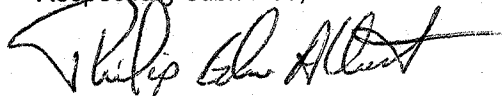
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Philip Edw. Albert
Acting Secretary

