

CR 85-55

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Rental Unit Energy Efficiency Standards were duly approved and adopted by this department on 9/27/85.

(Subject)

(Date)

I further certify that said copy has been compared by me with the original on file in this 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 and affixed the official seal of the department at 8:30 am in the city of Madison, this 27th day of September A.D. 19 85.

Howard S. Bellman

Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.122, Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

~~XXX~~ ILHR 67 and 68 Rental Unit Energy Efficiency
(Number) (Title)

The attached rules shall take effect on December 1, 1985

_____, pursuant to section 227.026, Stats.

Adopted at Madison, Wisconsin, this 27th
day of September, A.D., 1985.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellman
Secretary



RULES in FINAL DRAFT FORM

Rule: Chapters ILHR 67 & ILHR 68

Relating to: Rental Unit Energy Efficiency Standards

Clearinghouse Rule No.: 85-55

AN ORDER to renumber ILHR 67.04 (18) to (23), ILHR 67.04 (14), ILHR 67.04 (12) and (13), ILHR 67.04 (11), ILHR 67.04 (5) to (10), ILHR 67.04 (4), ILHR 67.04 (2) and (3), ILHR 67.08 (3) (c) and (d), ILHR 68.12 (4) and (5), and ILHR 68.12 (2) and (3); to renumber and amend ILHR 67.04 (15), ILHR 67.04 (16), ILHR 67.04 (17), and ILHR 67.08 (3) (b); to amend ILHR 67.03 (2), ILHR 67.04 (a), ILHR 67.04 (22) (intro.), ILHR 67.04 (22) (k), ILHR 67.05 (intro.), ILHR 67.05 (2), ILHR 67.05 (3), ILHR 67.05 (4), ILHR 67.05 (5), ILHR 67.05 (7), ILHR 67.06 (2) (b), ILHR 67.06 (3) (a) to (c), ILHR 67.06 (6), ILHR 67.08 (2) (intro.), ILHR 67.08 (2) (a), ILHR 67.08 (3) (a), ILHR 67.08 (1) (c) 2., ILHR 67.10, ILHR 68.05 (4), and ILHR 68.12 (intro); to repeal and recreate ILHR 67.03 (4) and ILHR 67.05 (1), 67.06 (3), and to create ILHR 67.04 (22) (n), ILHR 67.04 (22), ILHR 67.04 (18), ILHR 67.04 (2), ILHR 67.04 (4), ILHR 67.08 (3) (b), ILHR 67.08 (3) (c), ILHR 68.12 (5) and ILHR 68.12 (2) relating to rental unit energy efficiency standards.

* * * * *

ANALYSIS OF RULES

The proposed rules contain additions and amendments to the existing rules covering Rental Unit Energy Efficiency Standards. The Rental Unit Energy Efficiency Standards were originally promulgated in November, 1982 under s. 101.122 Stats. The rules as originally proposed under Clearinghouse Rule 85-55, contained changes in the insulation requirements for foundations as well as numerous clarifications throughout the standards. Some of the more significant revisions contained in Clearinghouse Rule 85-55 are described below.

Changes Relating to Insulation

Note: The Joint Committee for Review of Administrative rules has prohibited adoption of the proposed rules which require foundation insulation. All rules pertaining to foundation insulation have been removed from Clearinghouse Rule 85-55.

1. The insulation requirements remain in a tabular form. In place of one large table, however, the requirements for different building components have been set aside in separate tables for improved clarity.
2. "Unheated" is not used to describe crawl spaces and other areas which may be near or at ambient temperature. In the proposed rules, insulation is required to isolate heated or living areas from "vented" spaces. Vented spaces are defined in the proposed rules as those spaces supplied with outside air via permanent openings.
3. Clarifications have been made regarding insulation of garages located in rental units.

Other Changes and Clarifications

1. The declaration of a condominium does not constitute a transfer, therefore, the definition of transfer is being amended to include the exclusions for condominiums.
2. The section concerning condominiums has been rewritten for clarity and consistency with ch. 703 Stats.
3. The reversion of land contracts to the original owner and the transfer of property due to delinquent taxes are specifically excluded as transfers requiring compliance.
4. The proposed rules require that steam heating pipes and hydronic heating pipes be insulated in all areas except habitable rooms, kitchens and bath or toilet rooms. This will replace the language in the existing rules requiring insulation in all areas except for "dwelling units", which is unclear.
5. The table for wall and floor insulation requirements has been expanded to cover insulation of exterior garage walls of heated garages.
6. The proposed rules expand double glazing and storm window requirements to hopper, awning and metal casement windows. Also, windows in non-habitable basement rooms are allowed to be covered with insulation in lieu of double glazing or storm windows.
7. The language concerning the required examination of equipment for adjustment and maintenance has been clarified, and electric equipment has been excluded from this requirement.
8. Under the proposed rules, analyses for both interior and exterior storm windows are required to be included with the exemption application, along with a request for an exemption.
9. To ease the transition to the new rule changes, a provision has been made for a 30-day grace period. If the effective date of a rule change falls after the date of a notice of noncompliance (inspection field report), then the owner needs only to install the measures listed in the notice provided that the measures are completed and a certificate of compliance is issued within 30 days of the notice of noncompliance.

10. Procedural rules relating to application processing, filing of the certificate, waiver and stipulation are being amended to reflect the procedures being adopted by the program staff. In addition, procedures related to the transfer of stipulation responsibility and the canceling of a stipulation at the beginning of an owner occupancy which was delayed due to an existing lease at the time of transfer are being added.

* * * * *

Pursuant to the authority vested in the State of Wisconsin, Department of Industry, Labor and Human Relations by section 101.122, Stats., the department hereby repeals, renumbers, renumbers and amends, amends, repeals and recreates and creates rules interpreting section 101.122, Stats., as follows:

SECTION 1. ILHR 67.03 (2) is amended to read:

(2) RENTAL UNITS EXCLUDED. The following 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 ~~is will be occupied by the owner~~ 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;
- (f) Hotels and motels used primarily for transient residency; and
- (g) Health care facilities; and.
- ~~(h) Buildings which are declared condominiums under ch. 703, Stats., prior to the effective date of the rules contained in this chapter.~~

SECTION 2. ILHR 67.03 (4) is repealed and recreated to read:

ILHR 67.03 (4) RENTAL UNITS IN CONDOMINIUMS. Any condominium unit, as defined under s. 703.01 (15), Stats., which is a rental unit shall, at the time of transfer, be brought into compliance with the provisions of s. ILHR 67.05. The provisions of s. ILHR 67.05 shall apply to all building elements of the individual unit as defined in s. 703.02 (15), Stats., but not to the common elements which are defined in S. 703.02 (2), Stats., and contained in the condominium declaration as outlined in s. 703.09, Stats.

Note: The definitions of s. 703.02, Stats., which are referred to above, are as follows:

"Common elements" means all of a condominium except its units.; and

"Unit" means a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include 2 or more noncontiguous areas.

SECTION 3. ILHR 67.04 (22) (intro.) is amended to read:

ILHR 67.04 (22) "Transfer" means a conveyance of ownership interest, including a controlling stock or partnership interest, in a rental unit by deed, land contract or judgement; or conveyance of an interest in a lease in excess of one year which was contracted ~~before~~ after January 1, 1985 ~~with an option to purchase~~. Transfer does not mean a conveyance under chs. 851 to 879, Stats., (probate) or mean:

SECTION 4. ILHR 67.04 (22) (k) is amended to read:

ILHR 67.04 (22) (k) ~~Transfers of property to financial institutions~~ pursuant to foreclosure or in lieu of foreclosure provided that, before subsequent transfer, the transferee present a stipulation as described in ~~this chapter~~ s. ILHR 67.08 (3), and that compliance shall be no later than one year after date of the subsequent transfer. These transfers include but are not limited to property which reverts back to financial institutions, land contracts which revert back to the seller and property transferred due to delinquent taxes awaiting sheriff's sale.

SECTION 5. ILHR 67.04 (22) (n) is created to read:

ILHR 67.04 (22) (n) Transfers pursuant to condominium declaration as under ch. 703, Stats.

SECTION 6. ILHR 67.04 (18) to (23) are renumbered 67.04 (28) to (33).

SECTION 7. ILHR 67.04 (15) is renumbered ILHR 67.04 (24) and is amended to read:

ILHR 67.04 (24) Owner means any person having a legal ~~equitable~~ interest of 50% or more in a rental unit or a purchaser of a rental unit under a land contract, but does not mean a tenant with or without an option to purchase.

SECTION 8. ILHR 67.04 (16) is renumbered 67.04 (25) and is amended to read:

ILHR 67.04 (25) "Owner-occupied" means one dwelling unit in a rental unit building used as the primary residence by the owner for at least one year immediately after the date of transfer.

Note: If a dwelling unit is subject to an existing lease held by a person other than the owner, the dwelling unit cannot be owner-occupied at the time of transfer. The dwelling unit may be owner-occupied on termination of the lease if the requirements of s. ILHR 67.08 (3) (c) are met.

SECTION 9. ILHR 67.04 (17) is renumbered 67.04 (27) and is amended to read:

ILHR 67.04 (27) "Rental unit" means a ~~building or that part of a building used as a home or residence~~ dwelling unit which is rented for a monetary exchange or is part of an agreement between employer and employe where a dwelling unit is provided as part of the remuneration for employment. The definition of a dwelling unit as a rental unit will be based on its use after transfer.

Note: Single family dwellings which are used as rental units after transfer are subject to the provisions of this chapter.

SECTION 10. ILHR 67.04 (14) is renumbered 67.04 (23).

SECTION 11. ILHR 67.04 (22) is created to read:

ILHR 67.04 (22) "Issue" means to authorize a certificate of compliance, stipulation or waiver and give the authorized copy of the form to the owner, owner's representative or other appropriate person who may use it for recording of the property transfer.

SECTION 12. ILHR 67.04 (12) and (13) are renumbered 67.04 (19) and (20)

SECTION 13. ILHR 67.04 (18) is created to read:

ILHR 67.04 (18) "Habitable room" means any room used for sleeping, living or dining purposes, excluding such enclosed places as kitchens, closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

SECTION 14. ILHR 67.04 (11) is renumbered 67.04 (17)

SECTION 15. ILHR 67.04 (5) to (10) are renumbered 67.04 (10) to (15).

SECTION 16. ILHR 67.04 (4) is renumbered 67.04 (8).

SECTION 17. ILHR 67.04 (2) and (3) are renumbered 67.04 (5) and (6)

SECTION 18. ILHR 67.04 (2) is created to read

ILHR 67.04 (2) "Annual fuel utilization efficiency (AFUE)" means the efficiency rating of the heating plant model. Unlike steady-state conditions, this rating is based on average usage conditions, including on and off cycling as set out in the U.S. Department of Energy test procedures.

Note: The higher the AFUE rating, the higher the heating plant efficiency will be.

Section 19. ILHR 67.04 (4) is created to read:

(4) "Authorize" means to affix a DILHR authorization stamp to a form for a Certificate of Compliance, Stipulation or Waiver, sign the form in the space marked "Inspector Signature" or "Signature of Agency Office" and write the relevant dates, identification of the signing official and authorization stamp number in the appropriate spaces.

SECTION 20. ILHR 67.04 (34) is created to read:

ILHR 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, exhausting fumes or for providing combustion air.

SECTION 21. ILHR 67.05 (intro.) is amended to read:

ILHR 67.05 ENERGY EFFICIENCY STANDARDS. Any building containing rental units, except those specified in s. ILHR 67.03 (2), transferring ownership after January 1, 1985, shall meet the minimum prescriptive energy conservation measures specified in this section, unless an exemption has been issued under s. ILHR 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. ILHR 67.08 (2) and (3).

SECTION 22. ILHR 67.05 (1) is repealed and recreated to read:

ILHR 67.05 (1) INSULATION. (a) Insulation of attic areas and access panels or doors. Insulation shall be provided in all accessible areas as specified in Table 67.05-A.

TABLE 67.05-A

INSULATION OF ATTICS AND ACCESS PANELS OR DOORS

	If Insulation of an R-Value less than or equal to R-5 is present	If Insulation of an R-Value greater than R-5, but less than or equal to R-10 is present	If Insulation of an R-Value greater than R-10, but less than or equal to R-19 is present	If Insulation of an R-Value greater than R-19 is present
Attics (a)(b)(c)	Insulation shall be added to bring the total insulation level to R-38	Insulation shall be added to bring the total insulation level to R-38	R-19 insulation shall be added to the existing insulation	No additional insulation is required
Horizontal Access Panels or Doors to Attics or Other Vented Spaces	Insulation shall be added to bring the total insulation level to R-19	Insulation shall be added to bring the total insulation level to R-19	Insulation shall be added to bring the total insulation level to R-19	No additional insulation is required
Vertical Access Panels or Doors to Attics or Other Vented Spaces	Insulation shall be added to bring the total insulation level to R-5	No additional insulation is required	No additional insulation is required	No additional insulation is required

(a) Wall and ceiling cavities open to the attic area shall be insulated.

(b) If knob and tube wiring is present, insulation shall be installed in such a way as not to cause a hazard. The owner may wish to consult the municipal inspector or an insulation contractor for the correct insulation procedure.

(c) If floor boards are present, insulation shall be installed over the floor boards to the required R-value or the cavities below the floor boards shall be completely filled with insulation.

(b) Insulation of box sills, side walls and floors. Insulation shall be provided in all accessible areas as specified in Table 67.05-B.

TABLE 67.05-B

INSULATION OF BOX SILLS, SIDE WALLS AND FLOORS

	If Insulation of an R-Value less than or equal to R-2.5	If Insulation of an R-Value greater than R-2.5, but less than or equal to R-10	If Insulation of an R-Value greater than R-10
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
Side Walls (a)(b) (c)(d)	Insulation shall be added to bring the total insulation level to R-11	No additional insulation is required	No additional insulation is required
Floors over Vented Spaces (a)(e)	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) Walls or floors which separate the rental unit from a garage which is unvented or is vented with outside air shall be insulated, if accessible.

(b) If a garage is attached to a rental unit and the garage is vented with outside air which is heated or supplied with heated air from another source, then the exterior walls of the garage shall be insulated, if accessible.

(c) Wall and ceiling cavities open to the attic area shall be insulated.

(d) If knob and tube wiring is present, insulation shall be installed in such a way as not to cause a hazard. The owner may wish to consult the municipal inspector or an insulation contractor for the correct insulation procedure.

(e) Structural concrete floors or ceilings are considered to be inaccessible due to the difficulty of attaching insulation and fire barriers.

(c) Insulation of ducts and pipes. Insulation shall be provided in all accessible areas as specified in Table 67.05-C.

TABLE 67.05-C

INSULATION OF DUCTS AND PIPES

BUILDING ELEMENT	AMOUNT OF INSULATION REQUIRED
Heating Supply and Return Ducts Located In:	
Vented Spaces	R-5
Uninsulated Basements	R-5
Crawl Spaces Which Have Insulated Ceilings	R-5
Basements Which Have Insulated Ceilings	R-5
Steam Heating Pipes Not Located In Habitable	
Rooms, Kitchens or Bath or Toilet Rooms	R-4
Hydronic Heating Pipes Not Located In	
Habitable Rooms, Kitchens or Bath or Toilet	
Rooms	R-2
Domestic Hot Water Pipes	
Circulating	R-2
Noncirculating Hot and Cold Water Pipes	
Within 5 Feet of Water Heater	R-2

SECTION 23. ILHR 67.05 (2) is amended to read:

(2) WINDOWS. All windows shall be double glazed or shall be provided with exterior or interior storm windows except that ~~hopper, awning and metal case-~~
~~ment, type windows~~ and windows of store fronts are exempt from the requirements of this subsection. Where exterior storms are installed over openable windows required for natural ventilation, a portion of the storm shall be openable from the inside. Windows located at boiler or furnace rooms do not need to be double glazed or equipped with storms. Windows located in basement areas which are not habitable rooms may be permanently sealed and insulated in lieu of double glazing or installing exterior or interior storm windows.

SECTION 24. ILHR 67.05 (3) is amended to read:

ILHR 67.05 (3) WEATHERSTRIPPING. Windows, including basement windows, which are designed to be opened, doors exposed to the exterior, and doors and access panels to ~~unheated~~ attic or other vented spaces shall be provided with weatherstripping. All swinging exterior doors shall be equipped with a doorsweep. The Any crack where the weatherstripping is installed may not exceed that exceeds 0.10 inches shall be weatherstripped. Windows located in boiler or furnace rooms need not be weatherstripped.

SECTION 25. ILHR 67.05 (4) is amended to read:

ILHR 67.05 (4) CAULKING. All accessible exterior joints within the first 3 stories between the foundation and box sill; around the windows, including basement windows, and door frames; at penetrations from utility services and pipes, dryer vents and all other openings or cracks in the exterior building envelope shall be caulked, gasketed or otherwise sealed. This requirement does not apply to openings for combustion air and joints in the siding.

SECTION 26. ILHR 67.05 (5) is amended to read:

ILHR 67.05 (5) DOORS. Patio doors shall be insulated, double glazed or equipped with a storm door. Where no vestibule exists, inward swinging exterior doors shall be insulated, double glazed or equipped with a storm door. Door lites need not be double glazed if they are part of the door. All storm doors shall be equipped with a self-closing device.

SECTION 27. ILHR 67.05 (7) is amended to read:

ILHR 67.05 (7) EQUIPMENT. All heating equipment which is not electric and all water heaters which are not electric shall have been ~~inspected~~ examined within the past 6 months prior to the date of the energy efficiency inspection by a contractor, service technician, or energy supplier to ensure that the equipment is properly adjusted and maintained. Water heaters located in ~~unheated~~ vented spaces and in basements and crawl spaces which are uninsulated or have insulated ceilings shall be provided with insulated jackets with a minimum insulating value of R-5. Insulated jackets are not required for water ~~Water~~ heaters stamped as meeting ASHRAE 90-75, 90-77 or 90A-80 ~~may be located in unheated spaces without insulating blankets.~~ Combustion air openings shall be unobstructed. All showers shall be equipped with flow restricters rated at three gallons per minute or less. Through-wall air conditioners shall be fully covered, and effectively sealed from the inside or outside or both during the heating season.

Note: The department will accept as evidence a service report signed and dated by the contractor, service technician or energy supplier that the heating equipment and water heater is properly adjusted and maintained.

Note: ASHRAE is an acronym for the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. Copies of ASHRAE standards for domestic water heating systems may be purchased from the ASHRAE Publications Sales Department, 1791 Tullie Circle, N.E. Atlanta, Georgia 30329.

SECTION 28. ILHR 67.06 (2) (b) is amended to read:

ILHR 67.06 (2) (b) Department processing. The department shall evaluate and process the application in accordance with this section and shall process the applications for exemption in the order of the date the applications are received by the department. All forms shall be completed and all information requested shall be received by the department before processing of the exemption will occur. Submitted cost estimates which differ significantly from the average or typical costs established by the department, will be subject to department examination. The applicant may be asked for additional information concerning the particular energy conservation measure. Analyses submitted on department worksheets or pre-approved analyses shall receive priority over alternative analysis methods.

SECTION 29. ILHR 67.06 (3) is repealed and recreated to read:

ILHR 67.06 (3) EXEMPTION FOR STORM WINDOWS. Any request for an exemption from storm windows shall include an analysis of the cost pay back for each of the following conditions:

- (a) Installing storm windows from the exterior, if accessible; and
- (b) Installing storm windows from the interior, if accessible.

SECTION 30. ILHR 67.06 (4) (a) is amended to read:

ILHR 67.06 (4) (a) Energy savings calculations. The following energy savings equation shall be used to calculate the heat loss of the specific energy measure:

$$ES = \frac{(U_i - U_f) \times A \times D \times 24}{K \times V}$$

where:

ES = The fuel or energy savings in the appropriate energy units for the estimated period; e.g., hundreds of cubic feet of natural gas, gallons of fuel oil, or kilowatt-hours of electricity.

U_i = U value of the existing building element, including any insulation that is already contained in the building element being evaluated, expressed in Btu/hr - ft²-F°.

U_f = U value of the existing building element, including the level of insulation required in Table 67.05 for the specific building element being evaluated, expressed in Btu/hr - ft²-F°.

A = The gross area of the building element being evaluated, in square feet.

V = The heating value of the fuel type:

Oil	138,500 Btu/Gal
Gas	100,000 Btu/CCF
Electricity	3413 Btu/Kilowatt Hr
LP (Propane & Butane)	91,500 Btu/Gal
Coal	10,000 Btu/lb
Wood	4,000 Btu/lb or 25,000,000 Btu/cord

K = A correction factor which includes the effects of rated full load efficiency, part load performance, oversizing and energy conservation devices. The following factors shall be used unless higher ~~efficiencies~~ AFUE's for newer equipment can be substantiated:

LP	.55
Gas	.55
Oil	.55
Electricity	1.00
Wood	0.50
Coal	0.50

D = Number of 65° F degree days for the estimated period based on geographical zones in Figure 67.06.

SECTION 31. ILHR 67.06 (6) is amended to read:

ILHR 67.06 (6) PAYBACK EXCEEDS 5 YEARS. If the payback period (P.B.) is more than 5 years, the department shall issue an exemption. Although an exemption may be issued for any requirement the department may specify an alternative requirement.

SECTION 32. ILHR 67.08 (1) (c) 2. is amended to read:

ILHR 67.08 (1) (c) 2. A certification may be issued after a reinspection if all the required energy measures have been installed. Any request for reinspection performed by the department shall be accompanied with a fee for reinspection. If the effective date of any rule in this chapter occurs after a notice of noncompliance (inspection 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 33. ILHR 67.08 (2) (intro.) is amended to read:

ILHR 67.08 (2) WAIVER OF CERTIFICATE. 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 department and 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).

SECTION 34. ILHR 67.08 (2) (a) is amended to read:

ILHR 67.08 (2) (a) Filing of waiver. The waiver shall be on department forms and signed by the purchaser and ~~filed with~~ submitted to the ~~department and~~ authorized municipality or department agent or the department for authorization. The department, department agent, or authorized municipality shall place a transfer authorization stamps stamp on the waiver. ~~Municipalities~~ Authorized municipalities and department agents shall obtain transfer authorization stamps from the department. Where a waiver is issued by the authorized municipality or a department agent, a copy shall be filed with the department.

Note: A copy of the waiver of certificate form (SBD-7116) is contained in the Appendix.

SECTION 35. ILHR 67.08 (3) (a) is amended to read:

ILHR 67.08 (3) (a) Stipulation requirements. If the rental unit does not meet the provisions of this chapter, the transferor of a rental unit may present a stipulation signed by the transferee and issued by the department, department agent, or authorized municipality ~~in which the rental unit is located~~ stating the new owner of the rental unit shall bring the rental unit into compliance with the energy measures specified in this chapter and receive a certificate of compliance from a certified inspector, no later than one year after the date of the transfer. 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 lastest stipulation of waiver under sub. (2).

SECTION 36. ILHR 67.08 (3) (c) and (d) are renumbered 67.08 (3) (e) and (f).

SECTION 37. ILHR 67.08 (3) (b) is renumbered 67.08 (3) (d) and is amended to read:

ILHR 67.08 (3) (d) Filing stipulation. The stipulation shall be on department forms signed by the purchaser and be ~~filed with~~ submitted to an authorized municipality, a department agent or the department for authorization. Where a stipulation is ~~made~~ issued by the authorized municipality or by a department agent, a copy shall be filed with the department. Only the department, department agent, or authorized municipality may place transfer authorization stamps on the stipulation. ~~Municipalities~~ Authorized municipalities and department agents shall obtain transfer authorization stamps from the department.

Note: A copy of the stipulation form (SBD-7115) is contained in the Appendix.

SECTION 38. ILHR 67.08 (3) (b) is created to read:

ILHR 67.08 (3) (b) Transfer of stipulation responsibility with property. A purchaser who has agreed to a stipulation may transfer both the property and the stipulation to another person within the intial one year period. The transferee shall sign and date the original stipulation with the notation "I accept the compliance responsibilities to this stipulation". The transferor shall send a copy of the modified stipulation to the department or authorized municipality which issued the original stipulation. Authorized municipalities shall file a copy of the modified stipulation with the department. The stipulation may not be extended beyond the original one year agreement.

SECTION 39. ILHR 67.08 (3) (c) is created to read:

ILHR 67.08 (3) (c) Issuance of stipulations to purchasers who wish to occupy the rental unit on termination of an existing lease. A purchaser of a rental unit who intends to occupy that rental unit as an owner but is unable to occupy the rental unit because it is leased to another person at the time of transfer, shall obtain a stipulation. The stipulation shall be obtained as specified in this section. The purchaser shall indicate "owner to occupy upon termination of existing lease" in the signature box of the stipulation form. The purchaser, within one year after the date of transfer, shall either:

1. Bring the rental unit into compliance with the energy measures specified in this chapter and obtain a certificate of compliance from a certified inspector; or

2. Take occupancy of the rental unit. The owner must occupy the rental unit for at least 1 year. Upon occupancy, the owner shall notify the department or the authorized municipality which issued the stipulation, in writing stating the date of the occupancy and include a copy of the original stipulation. After review and approval, the department or authorized municipality shall then terminate the stipulation. Where a stipulation is terminated by an authorized municipality, the authorized municipality shall notify the department of the termination of the stipulation.

SECTION 40. ILHR 67.10 is amended to read:

ILHR 67.10 RECORDATION. Pursuant to s. 101.122 (6), Stats., a register of deeds may not accept for recording, any deed or other document of transfer of real estate which includes a rental unit which is not excluded as specified in s. 67.03 (2) unless the deed or document is accompanied by the certificate, a waiver, or a stipulation. The register of deeds shall record the certificate, waiver or stipulation. The register of deeds may require an exclusion determination form to certify that the property being transferred is not subject to the requirements of this chapter.

SECTION 41. ILHR 68.05 (4) is amended to read:

ILHR 68.05 (4) "Conflict of interest" means a certified Rental Unit Energy Efficiency Inspector certifying energy conservation measures required in ILHR 67.05 in which the inspector or the inspector's employer, other than the state or municipality, has or will have a direct monetary or personal interest, or if the inspector has a personal or monetary interest in the transfer of the property.

SECTION 42. ILHR 68.12 (intro.) is amended to read:

ILHR 68.12 SUSPENSION OR REVOCATION OF CERTIFICATION. The department may deny, suspend or revoke the certification of any inspector for any of the following reasons:

SECTION 43. ILHR 68.12 (4) and (5) are renumbered ILHR 68.12 (6) and (7).

SECTION 44. ILHR 68.12 (5) is created to read:

ILHR 68.12 (5) Any misconduct involving the testing or certification process.

SECTION 45. ILHR 68.12 (2) and (3) are renumbered ILHR 68.12 (3) and (4).

SECTION 46. ILHR 68.12 (2) is created to read:

ILHR 68.12 (2) Personal or private use of the department logo or the state seal, including but not limited to use on advertising material, business forms, paper work and business cards;

(END)

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EFFECTIVE DATE

Pursuant to s. 227.026 (1) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

* * * * *

The Wisconsin Department of Industry, Labor and Human Relations

RECEIVED

September 27, 1985

SEP 27 1985

Revisor of Statutes
Bureau

Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
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Madison, Wisconsin

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Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 85-55

RULE NO. chapters ILHR 67 and ILHR 68

RELATING TO: Rental Unit Energy Efficiency Standards

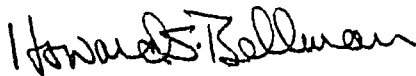
Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

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 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person