

CR 88-196

# RULES CERTIFICATE

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John T. Coughlin, 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 foundation and basement ceiling insulation were duly approved and adopted by this department on 4/24/89.

*(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 3:00 p.m. in the city of Madison, this \_\_\_\_\_ day of April A.D. 19 89.

Michael W. Mahoney  
Deputy Secretary

# ORDER OF ADOPTION

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Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.122 (2) (a) 3, Stats., the Department of Industry, Labor and Human Relations  creates;  amends;  repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter (s):

ILHR 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 Admin Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin, this

date: 4/24/89

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

Michael W. Mahoney  
Deputy Secretary



# RULES in FINAL DRAFT FORM

**Rule:** Chapter ILHR 67

**Relating to:** Foundation and Basement Ceiling Insulation

**Clearinghouse Rule No.:** 88-196

The Wisconsin Department of Industry, Labor and Human Relations proposes to repeal ILHR 67.04 (3), (7), (9), (16), (21) and (26), ILHR 67.05 (1) (d), Table 67.05-D, Table 67.05-E, ILHR 67.05 (1) (e), and ILHR 67.06 (3); to amend Table 67.05-B; and to repeal and recreate ILHR 67.08 (3) (a), relating to foundation and basement ceiling insulation.

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Analysis of Proposed Rules

Statutory Authority: s. 101.122 (2) (a) 3, Stats., as created by 1987 Wisconsin Act 399.

Statutes Interpreted: s. 101.122 (2) (a) 3, Stats., as created by 1987 Wisconsin Act 399.

The Safety and Buildings Division within the Department is responsible for administering and enforcing the rental unit energy efficiency standards contained in chapter ILHR 67. These standards apply to various weatherization items such as insulation, windows, doors, caulking and weatherstripping.

Section 101.122 (2) (a) 3, Stats., as created by 1987 Wisconsin Act 399, prohibits the department from adopting in chapter ILHR 67 any requirement for interior or exterior foundation insulation or basement ceiling insulation. The proposed rules consist of changes in chapter ILHR 67 in order to comply with 1987 Wisconsin Act 399.

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SECTION 1. ILHR 67.04 (3), (7), (9), (16), (21) and (26) are repealed.

SECTION 2. Table 67.05-B is amended to read:

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 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
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 including Crawl Spaces (a)(e) (f)(g)	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.

(f) Precautions shall be taken to prevent the freezing of water service pipes located in that space. The water pipes shall be insulated to R-5 or a suitable alternative shall be provided to prevent freezing.

(g) If a ceiling over a crawl space which has an earth floor is insulated, then a vapor barrier shall be installed over the floor of the crawl space.

SECTION 3. ILHR 67.05 (1) (d) is repealed.

SECTION 4. Table 67.05-D is repealed.

SECTION 5. Table 67.05-E is repealed.

SECTION 6. ILHR 67.05 (1) (e) is repealed.

SECTION 7. ILHR 67.06 (3) is repealed.

SECTION 8. ILHR 67.08 (3) (a) is repealed and recreated to read:

ILHR 67.08 (3) STIPULATION. (a) Stipulation requirements. 1. If a rental unit does not meet the provisions of this chapter, the transferee or new owner may present a signed stipulation issued by the department, department agent or authorized municipality to the register of deeds for recording.

2. Any rental unit for which a stipulation was issued, but for which no certificate of compliance has been issued, is exempt from any requirement for interior or exterior foundation insulation or basement ceiling insulation.

3. If a stipulation is issued after February 17, 1986, the new owner of the rental unit shall be responsible for bringing the rental unit into compliance with the provisions of this chapter which are in effect on the date of issuance of the stipulation, except for any requirement for interior or exterior foundation insulation or basement ceiling insulation.

(END)

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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.

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State of Wisconsin \ Department of Industry, Labor and Human Relations

Office of the Secretary  
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April 25, 1989

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Douglas LaFollette  
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Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 88-196

RULE NO. Chapter ILHR 67

RELATING TO Foundation and Basement Ceiling Insulation

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,

John T. Coughlin  
Secretary