



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0482/P2
KRP:ahc

DOA:.....Potts, BB0057 - Rental unit energy efficiency

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

This bill eliminates rental unit energy efficiency standards and certification requirements and certain powers of DSPS related to those standards and requirements. The bill eliminates the authority and obligation of DSPS to do all of the following: 1) establish a code of minimum energy efficiency standards for rental units; 2) establish requirements for rental units to be inspected and certified as meeting those standards; 3) provide for the certification of inspectors of rental units for compliance with those standards; and 4) issue special orders and hear petitions to secure compliance with those standards. However, the bill allows DSPS to take enforcement action related to violations of those standards that occur before the effective date of the bill.

The bill also eliminates the requirement that an owner of a rental unit, before transferring an ownership interest in the unit, must do one of the following:

1. Have the unit inspected by a certified inspector who issues a certificate stating that the unit meets the minimum energy efficiency standards.
2. If the unit is scheduled for demolition within two years, obtain a waiver of the certification requirement from DSPS or a certified inspector.
3. Obtain a stipulation between the transferee of the unit and DSPS or the city, village, or town in which the unit is located stating that the transferee will bring the

unit into compliance with the minimum energy efficiency standards no later than one year after the date of the transfer.

Under current law, the register of deeds may not record a document that transfers real estate that contains a rental unit unless the document is accompanied by that certificate, waiver, or stipulation. The bill eliminates that restriction.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 77.22 (2) (c) of the statutes is repealed.

SECTION 2. 77.22 (2) (d) of the statutes is repealed.

SECTION 3. 101.02 (20) (a) of the statutes is amended to read:

101.02 **(20)** (a) For purposes of this subsection, “license” means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. ~~101.122 (2) (e)~~, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

SECTION 4. 101.02 (21) (a) of the statutes is amended to read:

101.02 **(21)** (a) In this subsection, “license” means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. ~~101.122 (2) (e)~~, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

SECTION 5. 101.02 (24) (a) 2. of the statutes is amended to read:

101.02 **(24)** (a) 2. “License” means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. ~~101.122 (2) (e)~~, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

SECTION 6. 101.122 of the statutes is repealed.

SECTION 7. 101.19 (1g) (i) of the statutes is repealed.

SECTION 8. 101.19 (1r) of the statutes is amended to read:

101.19 **(1r)** Notwithstanding subs. (1g) and (1m), the department shall waive any fee imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44 for a license, permit, or certificate of certification or registration issued by the department under s. ~~101.122 (2) (e)~~, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

SECTION 9. 706.05 (12) of the statutes is amended to read:

706.05 **(12)** Every conveyance of any interest in real property offered for recordation shall be accompanied by the form under s. 77.22 (2). ~~If the property is subject to certification under s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4) (c), the documents of conveyance offered for recordation shall have appended the certificate required under s. 101.122 (4) (a), a waiver under s. 101.122 (4) (b) or a stipulation under s. 101.122 (4) (c).~~

SECTION 10. 778.25 (1) (a) 7. of the statutes is repealed.

SECTION 11. 778.25 (1) (b) of the statutes is amended to read:

778.25 (1) (b) The citation form provided by this section may serve as the initial pleading for the action and, ~~except as provided in par. (e)~~, is adequate process to give a court jurisdiction over the person if the citation is filed with the court.

SECTION 12. 778.25 (1) (c) of the statutes is repealed.

SECTION 13. 846.167 (2) (a) of the statutes is amended to read:

846.167 (2) (a) If the purchaser is not the judgment creditor, before the court may confirm the sale, the purchaser shall provide the judgment creditor with any information required for the judgment creditor to complete the real estate transfer return under s. 77.22 and, ~~if applicable, any information required for a certificate, waiver, or stipulation required under s. 101.122.~~

SECTION 14. 846.167 (2) (b) 2. b. of the statutes is amended to read:

846.167 (2) (b) 2. b. Any other document required for the register of deeds to record the deed, ~~including any certificate, waiver, or stipulation required under s. 101.122.~~

SECTION 15. 846.167 (2) (c) of the statutes is amended to read:

846.167 (2) (c) No later than 10 days after the court confirms the sale, the judgment creditor shall provide to the court the receipt for submitting a transfer return under s. 77.22 and ~~any certificate, waiver, or stipulation required under s. 101.122.~~

SECTION 16. 846.167 (3) of the statutes is amended to read:

846.167 (3) Upon the court confirming the sale of mortgaged premises located in a county and upon compliance by the purchaser with the terms of the sale and the payment of any balance of the sale price to be paid, unless otherwise ordered by the

court, the clerk of the court shall transmit the deed to the mortgaged premises received under s. 846.16, the receipt for submitting a transfer return under s. 77.22, ~~any certificate, waiver, or stipulation required under s. 101.122,~~ the amount due under s. 59.43 (2) to record the deed and any other document required to record the deed, and the transfer fee, if any, to the register of deeds of the county.

SECTION 9139. Nonstatutory provisions; Safety and Professional Services.

(1) ORDERS RELATED TO RENTAL UNIT ENERGY EFFICIENCY REMAIN IN EFFECT. All orders issued by the department of safety and professional services under its authority under section 101.122, 2015 stats., that are in effect on the effective date of this subsection remain in effect until their specified expiration dates or until modified or rescinded by the department of safety and professional services.

(2) SPECIAL ORDERS RELATED TO PRIOR VIOLATIONS OF RENTAL UNIT ENERGY EFFICIENCY STANDARDS. Notwithstanding the repeal of section 101.122 (2) (f) of the statutes, the department of safety and professional services may issue special orders under section 101.122 (2) (f), 2015 stats., related to violations of section 101.122, 2015 stats., that occur before the effective date of this subsection.

(3) ENFORCEMENT, AND HEARING PETITIONS REGARDING ENFORCEMENT, OF SPECIAL ORDERS. Notwithstanding the repeal of section 101.122 (2) (f) and (g) of the statutes, the department of safety and professional services may enforce under section 101.122 (2) (f), 2015 stats., special orders issued by the department of safety and professional services under section 101.122 (2) (f), 2015 stats., and may hear petitions under section 101.122 (2) (g), 2015 stats., regarding the enforcement of rules and special orders under section 101.122, 2015 stats., related to violations that occur before the effective date of this subsection.

(4) **HEARINGS AND SUBPOENAS RELATED TO PRIOR VIOLATIONS OF RENTAL UNIT ENERGY EFFICIENCY STANDARDS.** Notwithstanding the repeal of section 101.122 (3) (b) of the statutes, the department of safety and professional services may hold hearings and issue subpoenas under section 101.122 (3) (b), 2015 stats., related to violations of section 101.122, 2015 stats., that occur before the effective date of this subsection.

(5) **USE OF CITATION PROCEDURE TO ENFORCE PRIOR STIPULATIONS.** Notwithstanding the repeal of sections 101.122 (3) (c) and (7) (d) and (e) and 778.25 (1) (a) 7. and (c) of the statutes, the department of safety and professional services or a city, village, or town may enforce under section 101.122 (3) (c) and (7) (d) or (e), 2015 stats., stipulations entered into before the effective date of this subsection under section 101.122 (4) (c), 2015 stats., by use of the citation procedure under section 778.25 of the statutes.

SECTION 9339. Initial applicability; Safety and Professional Services.

(1) **INFORMATION INCLUDED ON REAL ESTATE TRANSFER RETURN FORM.** The treatment of section 77.22 (2) (c) and (d) of the statutes first applies to a real estate transfer return form submitted for recording on the effective date of this subsection.

(2) **CERTIFICATION OF RENTAL UNIT ENERGY EFFICIENCY.** The treatment of section 101.122 (4) of the statutes first applies to a transfer of a rental unit on the effective date of this subsection.

(3) **FORMAL REQUISITES FOR RECORDING CONVEYANCE.** The treatment of sections 101.122 (6) and 706.05 (12) of the statutes first applies to a deed, conveyance, or other document of transfer submitted for recording on the effective date of this subsection.

(4) **CITATION PROCEDURE FOR CERTAIN LIMITED VIOLATIONS.** The treatment of section 778.25 (1) (a) 7., (b), and (c) of the statutes first applies to an action to recover a forfeiture commenced on the effective date of this subsection.

(5) CONFIRMATION OF SALE AND TRANSMITTAL OF DEED IN POPULOUS COUNTIES. The treatment of section 846.167 (2) (a), (b) 2. b., and (c) and (3) of the statutes first applies to a sale made by a sheriff or referee that is confirmed on the effective date of this subsection.

SECTION 9439. Effective dates; Safety and Professional Services.

(1) RENTAL UNIT ENERGY EFFICIENCY. The treatment of sections 77.22 (2) (c) and (d), 101.02 (20) (a), (21) (a), and (24) (a) 2., 101.122, 101.19 (1g) (i) and (1r), 706.05 (12), 778.25 (1) (a) 7., (b), and (c), and 846.167 (2) (a), (b) 2. b., and (c) and (3) of the statutes and SECTIONS 9139 (1), (2), (3), (4), and (5) and 9339 (1), (2), (3), (4), and (5) of this act take effect on the first day of the 4th month beginning after publication.

(END)