



2011 ASSEMBLY BILL 335

October 24, 2011 - Introduced by Representatives ENDSLEY, SPANBAUER, THIESFELDT, RINGHAND and VAN ROY, cosponsored by Senators LEIBHAM, GROTHMAN and HOLPERIN. Referred to Committee on Housing.

1 **AN ACT to repeal** 254.61 (1) (f) and 254.74 (1m); and **to amend** 101.63 (1) (b) and
2 254.61 (1) (intro.) and (a) to (e) of the statutes; **relating to:** changing the
3 definition of and the applicability of one-family and two-family dwelling rules
4 to a bed and breakfast.

Analysis by the Legislative Reference Bureau

Under current law, no person may maintain, manage, or operate a bed and breakfast for more than ten nights in a year without obtaining a permit from the Department of Health Services (DHS). A bed and breakfast is defined as any place of lodging that provides eight or fewer rooms for rent to no more than 20 individuals; provides no meals other than breakfast, which must be provided only to renters; is the owner's personal residence and is occupied by the owner at the time of rental; was originally built and occupied as a single-family residence, or was converted to use and occupied as a single-family residence, before use as a place of lodging; and has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation. The limitation on structural additions does not apply, under current law, to a structural addition, made to a structure that was originally constructed at least 50 years before a permit application was made and for which no use other than as a bed and breakfast is proposed as long as the addition complies with the rules for one-family and two-family dwelling construction and inspection, or to a structural addition made to a structure after May 11, 1990, that is within the dimensions of the original structure. Current law requires that bed and breakfasts be operated and maintained

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with strict regard to public health and safety and requires bed and breakfasts to comply with rules relating to public health and safety, as prescribed by DHS. The rules DHS prescribes for public health and safety in bed and breakfasts must be less stringent than similar rules for other establishments, such as hotels and restaurants, and cannot require a second exit from a floor above the first floor of the bed and breakfast. Bed and breakfasts are subject to laws similar to other establishments, including requiring a preinspection by DHS or a local health department before a permit to operate is issued. This bill changes the definition of a bed and breakfast to eliminate the requirement that a bed and breakfast has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure.

Under current law, the one-family and two-family dwelling construction and inspection rules do not apply to bed and breakfasts, except that the rules do apply to the third-floor level of a bed and breakfast that uses that level other than as storage and to a structural addition that is made to a structure that was originally constructed at least 50 years before applying for a permit from DHS to operate the bed and breakfast and for which no use other than as a bed and breakfast is proposed. Under this bill, the one-family and two-family dwelling construction and inspection rules apply to a structural addition made to a bed and breakfast that alters the dimensions of the structure instead of applying only to additions to structures that are at least 50 years old before the permit application to DHS is made.

For further information see the *state and local* 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:

1 **SECTION 1.** 101.63 (1) (b) of the statutes is amended to read:

2 101.63 (1) (b) A structural addition that is specified under s. 254.61 (1) (f) 2.
3 made to a bed and breakfast establishment that alters the dimensions of the
4 structure.

5 **SECTION 2.** 254.61 (1) (intro.) and (a) to (e) of the statutes are amended to read:

6 254.61 (1) (intro.) “Bed and breakfast establishment” means any place of
7 lodging that satisfies all of the following:

8 (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or
9 transients;.

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1 (b) Provides no meals other than breakfast and provides the breakfast only to
2 renters of the place;_

3 (c) Is the owner's personal residence;_

4 (d) Is occupied by the owner at the time of rental;_

5 (e) Was originally built and occupied as a single-family residence, or, prior to
6 use as a place of lodging, was converted to use and occupied as a single-family
7 residence; ~~and.~~

8 **SECTION 3.** 254.61 (1) (f) of the statutes is repealed.

9 **SECTION 4.** 254.74 (1m) of the statutes is repealed.

10 **SECTION 5. Initial applicability.**

11 (1) The treatment of section 101.63 (1) (b) of the statutes first applies to
12 structural additions proposed on the effective date of this subsection.

13 (END)