



October 18, 2022

TO: Legislative Council Study Committee on the Commercial Building Permitting Process

FROM: Mike Tierney, Legislative Liaison, Department of Safety and Professional Services

Committee members,

Thank you for the opportunity to provide comment on the four draft proposals being considered by the committee. Please find below comments on each of the proposals for your consideration.

LRB 6532/ P2

Hybrid submission option Preliminary review

- Software development and training will likely cost more than \$1 million and will consume significant amounts of employee time that would otherwise be dedicated to plan review and administration. This will affect productivity and plan review timelines.
- Submitting plans a few days before review requires a complete application. From our experience, submissions tend to have a 40%+ fail rate on completeness. Submitted plans that are incomplete will have their appointments cancelled and fees forfeited.
- General code questions are already answered via a tech email box. These are email boxes for each program area where individuals send questions and historically receive a response within three business days for no charge. Example e-mail tech boxes include, but are not limited to:
 - DSOSSBPIbgTech@wisconsin.gov,
 - dspsbbuildingtech@wisconsin.gov, or
 - dspsbfireprotech@wisconsin.gov
- Preliminary plan review already exists in commercial buildings, and a fee is established for it in eSLA.
- Submitters receive a warning in the eSLA customer portal that they are submitting a plan review application to the Department for a project in which the municipality has been delegated to review. It is only after the submitter has received this alert that they can continue with their submission to the local municipality or DSPS.

LRB 6533/P1

Expedited review and plumbing deregulation

- Identical plans are virtually non-existent. Experience has shown that sites are unique and these unique site factors, such as utility connections and soil makeup, dramatically affect plans even when the buildings outwardly appear to be similar.
- The Department has a policy in place that allows multiple similar buildings on the same site to be submitted.
- A committee member brought up instances where it was perceived the Department took 10 weeks to complete plumbing plan reviews. The Department has completed plan reviews on error free submittals within 30 business or less since January 2022. The committee has not provided the Department with any non-completed examples of plan submissions taking up to 10 weeks, although we would investigate any of those instances if we had specific project information.
- Department experience has shown there is no relationship or correlation between the number of plumbing fixtures to the complexity or difficulty of installation. Based on publicly made comment, most committee members appear to agree that any adjustment to the current plumbing plan review fixture threshold would not increase efficiency. Reducing plumbing plan reviews based on an increased fixture threshold requirement would lead to a rise in local plumbing inspections. This could and likely would lead to an increase in the number of non-compliance violations found due to unreviewed plans. This could delay construction schedules and increase costs.

LRB 6534/P1

Increasing range for delegated municipalities, reduction of rendered fees and requirements on how those fees are spent

- The Department is supportive of allowing municipalities to do more within their capabilities. However, the Department cautions that increased delegation capabilities to municipalities regarding plan review could expose municipalities to different concerns, such as conflicts of interest with contracted inspectors or local business pressure to prioritize timelines and budgets over safety and code compliance.
- Delegated agent fees are meant to insure a consistent standard through complaint investigations, code cycle updates, and audits. The fees are not associated with Department training activities. Also, the information the LRB reported to the committee may misrepresent the delegated agent fees collected by the Department. The fees Department receives are only a fraction of the revenue due from delegated municipalities. Also, the Department does not have the personnel to audit and collect them. Any reduction in this area would not impact operations noticeably.
- It was stated in a prior committee meeting that delegated municipalities did not exist prior to 2000, which is why more department personnel (former Department of Commerce) were needed

previously. That is not correct. Most municipalities in Wisconsin with a population of over 8,000 have been delegated during the past 30 years.

- Delegation does not reduce the need to ensure the Division of Industry Services has staff in place to meet customer needs related to plan reviews. For example, the City of Green Bay had one of their plumbing reviewers recently leave. They are understaffed and DSPS staff are presently assisting customers who would normally have been served by Green Bay. One customer noted that the present timeline for his review would have been approximately 3 to 4 months and if he needed to start early, then a plan submittal should be made to the DSPS.

6535/P1

Permission to start

- Aside from the words “building shell,” all of this is already in place.

A definition of building shell needs to be defined if it will be allowed.

- Underground plumbing in Wis. Stat. § 101.12(7)(a) of LRB-6535 should be referenced in Wis. Stat. § 145. The Department currently offers permission to start for plumbing installations. See https://dsps.my.salesforce.com/sfc/p/#t0000000Laz5/a/8y000002Ct0n/aMCIO5babl0ysuhGm0P3mRktlza4RB5xZjV_qYlj6N0 for more information.
- Permissions to start present challenges because significant investment occurs before errors are located. In some instances, structures can be well underway before a significant structural error is found. The result of finding a significant error on a project can be devastating both to the owner, the contractor, and all others involved. This can lead to needless litigation and substantial delays to projects.