

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to s. 101.96 Stats., as created by 2005 Wisconsin Act 45, the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 5, 20, 21 and 27 relating to installation of manufactured homes and affecting small business.

The public hearing will be held as follows:

Date and Time:

Monday, July 17, 2006 at 1:00 p.m.

Location:

201 W. Washington Ave, Conference Room 3C
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until July 28, 2006, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Jim Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

The Wisconsin Department of Commerce proposes an order to repeal chapter Comm 27; to renumber Comm 5.32 (3m), Comm 20.01, and Comm 20.22 (2); to renumber and amend Comm 20.04 (2); to amend Comm 5.003 (27w) and Note, Comm 5.323 (6) (h), Comm 5.325 (4) (a), Comm 5.63 (1) (a) (intro.), Comm 20.07 (52) (b), Comm 20.10 (1) (b) (intro.), Comm 20.24 Table 20.24-1, Comm 20.24 Table 20.24-2 line 1., Comm 20.24 Table 20.24-3, Comm 20.24 Table 20.24-6, Comm 20.24 Table 20.24-7, Comm 20.24 Table 20.24-8, Comm 20.24 Table 20.24-11, Comm 20.24 Table 20.24-12, Comm 21.02 (3) (d), and Comm 22.06 (10); to repeal and recreate Comm 5.003 (27m) Note, Comm 5.353 (6) (f), and Comm 20.05 (9); and to create Comm 5.02 Table 5.02 line 11w., Comm 5.06 Table 5.06 line 11w., Comm 5.32 (3m) (b), Comm 5.327, Comm 5.63 (5m), Comm 20.01 (2), Comm 20.04 (2) (b), Comm 20.04 (5), Comm 20.10 (1) (intro.) Note, Comm 20.10 (1) (b) 6., Comm 20.10 (3), Comm 20.22 (2) (b), and ch. Comm 21 subch. XI, relating to the installation and inspection of manufactured homes and affecting small business.

ANALYSIS OF PROPOSED RULES

1. Statutes interpreted.

Section 101.96, Stats., as created by 2005 Wisconsin Act 45

2. Statutory authority.

Section 101.96, Stats., as created by 2005 Wisconsin Act 45

3. Related Statute or Rule.

Section 101.63 (1), Stats.

4. Explanation of Agency Authority.

Section 101.96 (1) (a), Stats., requires the Department of Commerce to establish installation standards for the safe installation of manufactured homes in this state. Section 101.96 (1) (b), Stats., requires the department to establish a method for ensuring compliance with the installation standards, and to establish criteria for the licensure of 3rd party inspectors. Section 101.96 (2), Stats., requires the department to establish a program for the licensure of manufactured home installers. The installer license program must include license eligibility, an examination, an examination waiver procedure, license term, and license fees.

5. Summary of Proposed Rules.

The proposed rules consist of new requirements in chapters Comm 5 and 20 to address the licensure of manufactured home installers, and the installation and inspection of manufactured homes.

The proposed rules for the licensure of manufactured home installers consist of new requirements under section Comm 5.327 in chapter Comm 5. Those rules contain qualification requirements consistent with the provisions in 2005 Wisconsin Act 45. The proposed rules require persons installing manufactured homes to be licensed after January 1, 2007. Completion of educational coursework which includes an exam is required to obtain the license unless the person provides evidence of having actively participated in the installation of at least 10 manufactured homes. The term of the license is 4 years, and a specified number of hours of continuing education are required for renewal of the license.

The proposed rules establishing installation requirements for manufactured homes are incorporated into the current rules in chapter Comm 21 of the Uniform Dwelling Code. The installation of manufactured homes produced on or after the effective date of the rules must utilize acceptable practices that address soil mechanics, site preparation, structural support, anchorage, and connections. The Department anticipates that installation practices being proposed by the federal Department of Housing and Urban Development currently under Title 24 CFR Part 3285 – Model Manufactured Home Installation Standards once finalized will be recognized by the Department of Commerce as an acceptable installation practice. The requirements in chapter Comm 27 are moved to chapters Comm 20 and 21, and chapter Comm 27 is repealed. As part of the Uniform Dwelling Code, the installation of a manufactured home will be administered and enforced by various certified UDC inspectors.

The proposed rules clarify administrative procedures regarding record keeping of permit applications, plan approvals, inspections and enforcement actions. A proposed rule revision also clarifies the application of thermal envelop requirements with respect to ground source heat pumps. Proposed rules also update various national standards to the latest editions that are currently referenced in the Uniform Dwelling Code.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations.

An Internet-based search of the *Code of Federal Regulations* (CFR) found the following existing federal regulations relating to the installation and inspection of manufactured homes.

- Title 24 CFR Part 3282 – Manufactured Home Procedural and Enforcement Regulations. This regulation in the federal Department of Housing and Urban Development contains the procedures for conducting inspections and investigations necessary to enforce the federal manufactured home construction and safety standards under Title 24 CFR Part 3280.
- Title 24 CFR Part 3280 – Manufactured Home Construction and Safety Standards. This regulation in the federal Department of Housing and Urban Development contains the standards for the design, construction, transportation, fire safety, plumbing, heat-producing and electrical systems of manufactured homes which are designed to be used as dwelling units.

These federal regulations apply to different subjects and do not address the same activities as compared to the proposed rules.

An Internet-based search of the 2004 and 2005 issues of the *Federal Register* found the following proposed regulations relating to the installation and inspection of manufactured homes.

- Federal Register, Vol. 70, No. 79, Tuesday, April 26, 2005, 24 CFR Parts 3280 and 3285, Model Manufactured Home Installation Standards, proposed rule. The proposed regulations under Part 3285 contain standards for the installation of new manufactured homes, including standards for the completion of certain aspects necessary to join all sections of multi-section homes.

7. Comparison with Rules in Adjacent States.

An Internet-based search of adjacent states' rules found the following regulations that include requirements relating to the installation and inspection of manufactured homes.

- Illinois has state regulations requiring manufactured homes to be tied down in accordance with the state tie down installation requirements, the home manufacturer's instructions and the tie down manufacturer's instructions. Illinois also requires manufactured homes to be installed by a licensed installer. Licensed installers must complete a 10-hour installation course approved by the Department of Public Health. Inspections of new community sites are required before placement of homes.
- Iowa has state regulations applying to the installation of manufactured homes and the licensure of home installers, administered by the Department of Public Safety. The state installation regulations consist of standards for piers and tie downs, and require installations to be performed by a certified manufactured home installer. Installer certification consists of submitting an application describing the applicant's training and experience related to manufactured home installation. Inspections of home installations are made upon request of the home owner.
- Michigan has state regulations applying to the installation of manufactured homes and the licensing of home installers, administered by the Department of Consumer and Industry Services. The regulations require installation in accordance with the manufacturer's installation instructions. Applicants for the installer license must complete a department-approved installation instruction program. Field inspections of manufactured home communities are performed by the department.
- Minnesota has state regulations applying to the installation of manufactured homes and the licensure of manufactured home installers, administered by the Department of Administration. The regulations require installation in accordance with the manufacturer's installation instructions and specified support and stabilizing requirements. Passage of an examination is required for the installer license. Inspections of home installations are made upon request of the home owner.

8. Summary of Factual Data and Analytical Methodologies.

In developing the proposed rules the Department reviewed the federal regulations under the Manufactured Housing Improvement Act of 2000 relating to Model Manufactured Home Installation Standards.

The Department also utilizes advisory councils in analyzing and developing proposed revisions for manufactured homes. The councils involved in the review of the proposed rules were the Manufactured Homes, and Home Parks Advisory Council, the Manufactured Housing Council, and the Uniform Dwelling Code Council. These councils involve a variety of organizations whose memberships include many types of small businesses. The Department utilizes these councils to gather information on potential impacts in complying with the both the technical and administrative requirements of the codes. A responsibility of council members is to bring forth concerns their respective organizations may have with the requirements, including concerns regarding economic impacts. (Copies of the council meetings summaries are on file in the Safety and Building Division.)

An economic impact report has not been required pursuant to s. 227.137, Stats.

9. Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report.

The proposed rules reflect the mandates of 2005 Wisconsin Act 45 which was proposed and supported by the Wisconsin Housing Alliance. Members of this group include manufactured home installers, dealers, manufacturers and manufactured home community owners. Act 45 was the result of a federal HUD initiative under 24 CFR Part 3285.

The requirements relating to the installation of manufactured homes impact businesses of all sizes. The rules impact a variety of businesses, including small businesses, particularly those businesses that produce, sell, install or inspect manufactured homes.

The potential compliance effects of the rules occur on two basic levels, administrative and technical. Pursuant to federal law and 2005 Wisconsin Act 45, beginning on January 1, 2007 the installation of manufactured homes must occur under the supervision of licensed installers. The Department believes that the number of manufactured home installer businesses to be less than 50 based upon an estimate from the Wisconsin Housing Alliance. The renewal of an installer's license will be contingent upon fulfilling continuing education obligations.

The installation of a manufactured home under the UDC program will necessitate acquiring a permit and inspections. In those portions of the state where administration and enforcement of the program is by the Department through contracts with independent inspection agencies, the Department anticipates the permit and inspection fees to be approximately \$350 per installation. The application for the permit may be made by the home owner or their designated agent which could be the installer, manufacturer, the dealer or some one else.

The code establishes technical standards that are to be adhered to when installing manufactured homes.

The Department believes that the proposed rules would have a minimal additional impact on small business based upon a determination from HUD which indicated that the costs and cost impacts do not represent a significant economic effect on either an industry wide or per-home basis. (Federal Register/Vol. 70, No. 79/ Tuesday, April 26, 2005 p. 21516)

Advisory Council

The proposed rules have been developed with the assistance of the following Advisory Councils:

Manufactured Homes and Home Parks Advisory Council

<u>Name</u>	<u>Representing</u>
Phil Blazkowski	Inspector
Brian Brown	Sewer/Water Service Provider
Gregg Cleveland	Fire Chief
Joseph Dentice, Jr.	Community Operator
Mark Flood	Community Owner
John Geise	Manufacturer
Pete Halverson	Manufactured Home Dealer/Salesperson
Ron Middleton	Community Owner
Al Rhinerson	Installer
Tom Schrader	Public
Kristen Zehner	Manufactured Home Owner

Manufactured Housing Code Council

<u>Name</u>	<u>Representing</u>
Steve Andreske	Manufacturer
Dan Curran	Inspector
John Geise	Manufacturer
Bart Huntington	Manufactured Home Dealer
Ross Kinzler	Manufactured Housing Industry Association
Bob Kluwin	Manufactured Housing Industry Supplier
Harry Kreuser	Labor
Ron Middleton	Manufactured Home Community Owners
Jim Reitzner	Manufactured Home Community Owners
Al Rhinerson	Manufactured Home Installers
Al Schwoerer	Manufactured Home Installers
Mark Theide	Manufactured Home Dealers
Kristen Zehner	Public

Uniform Dwelling Code Council

<u>Name</u>	<u>Representing</u>
Allan Bachmann	Remodeling Contractor
Jeffrey Bechard	Labor
Ken Dentice	Building Inspector
David Dolan-Wallace	Architect
Dan Gorski	Contractor
Robert Jakel	Public
Steve Levine	Public
Daniel Nowak	Building Inspector
Frank Opatik	Housing Manufacturer
Tom Palecek	Housing Manufacturer
William Roehr	Labor
Gary Ruhl	Labor

Mary Schroeder	Contractor
Kathleen Stadtherr	Building Inspector
William Turner	Supplier
John Vande Castle	Supplier
Mike Wallace	Building Inspector
Paul Welnak	Labor

SECTION 1. Comm 5.003 (27m) Note is repealed and recreated to read:

Comm 5.003 (27m) Note: Under s. 101.91 (2), Stats., "manufactured home" means any of the following:

(am) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

SECTION 2. Comm 5.003 (27w) and Note are amended to read:

Comm 5.003 (27w) "Manufactured home ~~park~~ community" has the meaning specified under s. 101.91 (5m), Stats.

Note: Under s. 101.91 (5m), Stats., "manufactured home ~~park~~ community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home ~~park~~ community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

SECTION 3. Comm 5.02 Table 5.02 line 11w. is created to read:

Partial Table 5.02

**Table 5.02
FEES**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
11w.	Manufactured Home Installer	License	\$10	NA	\$100

SECTION 4. Comm 5.06 Table 5.06 line 11w. is created to read:

Partial Table 5.06

**Table 5.06
TERMS**

	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
11w.	Manufactured Home Installer	4 years	Date of Issuance	3 Months Prior to Date of Expiration

SECTION 5. Comm 5.32 (3m) is renumbered Comm 5.32 (3m) (a).

SECTION 6. Comm 5.32 (3m) (b) is created to read:

Comm 5.32 (3m) (b) A person who holds a manufactured home manufacturer license shall comply with the warranty and disclosure responsibilities under s. 101.953, Stats.

Note: See appendix for a reprint of section 101.953, Stats.

SECTION 7. Comm 5.323 (6) (f) is repealed and recreated to read:

Comm 5.323 (6) (f) *Warranties*. Warranties and disclosures shall be provided in accordance with s. 101.953, Stats.

Note: See appendix for a reprint of section 101.953, Stats.

SECTION 8. Comm 5.323 (6) (h) is amended to read:

Comm 5.323 (6) (h) *On-site sales*. If the manufactured home is displayed for sale on a rental lot site or if a licensee represents that a manufactured home may occupy a site in a specified manufactured home ~~park~~ community, the manufactured home dealer shall:

1. Clearly state on the purchase contract whether or not the manufactured home may have to be moved from the site.

2. Clearly state on the purchase contract that the contract is voidable by the retail purchaser if the retail purchaser is rejected by, or the purchaser's manufactured home is not permitted in, the manufactured home ~~park~~ community.

3. If the manufactured home may remain on site, inform the prospective retail purchaser in writing prior to the execution of the contract that a copy of the current manufactured home ~~park~~ community lease and rules may be obtained from the current manufactured home owner or manufactured home ~~park~~ community operator.

SECTION 9. Comm 5.325 (4) (a) is amended to read:

Comm 5.325 (4) (a) A person who holds a manufactured home salesperson license shall comply with the responsibilities under s. ~~ss.~~ 101.952 (3), and 101.953, Stats.

Note: Section 101.952 (3), Stats., indicates that every licensee shall carry his or her license when engaged in his or her business and display the same upon request. The license shall name his or her employer, and, in case of a change of employer, the manufactured home salesperson shall immediately mail his or her license to the department, which shall endorse that change on the license without charge.

Note: See appendix for a reprint of section 101.953, Stats.

SECTION 10. Comm 5.327 is created to read:

Comm 5.327 Manufactured home installer. (1) GENERAL. (a) Except as provided in par. (b), beginning on January 1, 2007, pursuant to s. 101.96, Stats., no person may install a manufactured

home onto a foundation or other support system unless the person complies with one of the following conditions:

1. The person holds a license issued by the department as a licensed manufactured home installer.

2. The person is under the general supervision of another person who holds a license issued by the department as a licensed manufactured home installer.

(b) 1. The owner of a manufactured home who will reside in the home may install his or her own manufactured home without holding a license as a licensed manufactured home installer. This exemption does not apply to the owner who contracts for or otherwise arranges for the installation.

2. A person is not required to hold a license as a licensed manufactured home installer for electrical, plumbing or HVAC work associated with the installation of a manufactured home.

Note: There may be other state or local licensing requirements involved in the installation of manufactured homes.

(2) QUALIFICATIONS FOR LICENSE. A person applying for a manufactured home installer license shall comply with all of the following conditions:

(a) The person is at least 18 years old.

(b) The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the 2 years before the date on which the person's license application is submitted.

Note: See appendix for a reprint of section 101.96, Stats.

(c) The person has not been found responsible in any judicial or administrative forum during the 2 years before the date on which the person's license application is submitted for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

(3) APPLICATION FOR LICENSE. (a) A person may apply for a license as a licensed manufactured home installer by submitting an application, an application fee and the license fee in accordance with ss. Comm 5.01 and 5.02 and one of the following:

1. Evidence that the person holds a manufactured home installer license issued by the federal department of housing and urban development.

2. Evidence that the person holds a manufactured home installer license issued by a state administrative agency (SAA) state that has an installer licensing program that is equivalent to the rules under this section.

3. Evidence that the person has completed at least 12 hours in an approved course or courses in the installation of manufactured homes within one year prior to the date of application. The course or courses shall include instruction in at least the following subject matter and one or more tests on the subject matter:

- a. Soil mechanics.
- b. Site preparation.
- c. Structural support, stabilization and anchorage.
- d. Setting.
- e. Ventilation of crawl spaces.
- f. Connections, plumbing, electrical, HVAC.
- g. Joining of home sections.

(b) 1. A person may apply for a license as a licensed manufactured home installer by submitting an application, an application fee and the license fee in accordance with ss. Comm 5.01 and 5.02 and evidence that the person has actively participated in the installation of at least 10 manufactured homes.

2. This paragraph does not apply after June 1, 2007.

(4) RESPONSIBILITIES. A person who installs or supervises the installation of manufactured homes as a licensed manufactured home installer shall be responsible for compliance with the installation requirements in ch. Comm 21.

(5) RENEWAL. (a) 1. A person may renew his or her license as a manufactured home installer.

2. A manufactured home installer license shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a license as a manufactured home installer shall be contingent upon the manufactured home installer obtaining at least 12 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a license as a manufactured home installer may apply to the department for waiver of the continuing education requirements under subd. 1. on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.

(c) The renewal of a license as manufactured home installer shall be contingent upon all of the following conditions:

1. The person has not been found responsible in any judicial or administrative forum for any violation of s. 101.96, Stats., during the previous 2 years.

2. The person has not been found responsible in any judicial or administrative forum during the previous 2 years for any failure to perform an installation of a manufactured home as required under contract or for defrauding any person with regard to the provision of installation services.

SECTION 11. Comm 5.63 (1) (a) (intro.) is amended to read:

Comm 5.63 Dwelling inspectors. (1) GENERAL. (a) Pursuant to ~~s.~~ ss. 101.66 (2) and 101.96 (1), Stats., no person may conduct the inspection of one- and 2-family dwellings for the purpose of administering and enforcing chs. Comm 20 to 25, unless the person holds one or more of the following certifications issued by the department:

SECTION 12. Comm 5.63 (5m) is created to read:

Comm 5.63 (5m) LIMITATIONS. A person who inspects the installation of manufactured homes as a certified UDC-construction inspector may not perform the inspection of a particular manufactured home if the person is, is employed by, or is an independent contractor of any of the following:

- (a) A manufactured home manufacturer who was directly involved in the sale of the particular manufactured home.
- (b) A manufactured home salesperson who was directly involved in the sale of the particular manufactured home.
- (c) An installer who was directly involved in the sale of the particular manufactured home.

SECTION 13. Comm 20.01 is renumbered Comm 20.01 (1).

SECTION 14. Comm 20.01 (2) is created to read:

Comm 20.01 (2) The purpose of this code is to establish uniform installation and inspection procedures for manufactured homes in accordance with the requirements of s. 101.96, Stats.

Note: The design and construction of manufactured homes is regulated by the federal Department of Housing and Urban Development under Title 24 CFR Part 3280.

Note: See ch. Comm 5 for licensing requirements for manufactured home manufacturers and manufactured home installers.

SECTION 15. Comm 20.04 (2) is renumbered Comm 20.04 (2) (a) and amended to read:

Comm 20.04 (2) ADDITIONS AND ALTERATIONS. (a) Additions or alterations to dwellings covered by this code shall comply with all provisions of ~~this the current code, including the soil erosion provisions, at the time of the permit application for addition and alteration.~~ this the current code.

SECTION 16. Comm 20.04 (2) (b) is created to read:

Comm 20.04 (2) (b) Additions to or alterations to additions to a manufactured home that was produced after June 1, 1980 shall comply with all provisions of the current code.

SECTION 17. Comm 20.04 (5) is created to read:

Comm 20.04 (5) MANUFACTURED HOME INSTALLATIONS. The installation of a manufactured home produced before, on or after the effective date of this code shall comply with this code.

SECTION 18. Comm 20.05 (9) is repealed and recreated to read:

Comm 20.05 (9) MANUFACTURED DWELLINGS AND HOMES. The provisions of this code do not apply to manufactured dwellings and manufactured homes used exclusively for display purposes.

SECTION 19. Comm 20.07 (52) (b) is amended to read:

Comm 20.07 (52) (b) The term manufactured dwelling does not include a building of open construction which is not subject to par. (a) 2. ~~A single or double width manufactured (mobile) home is not considered a manufactured dwelling and is not subject to this code.~~

SECTION 20. Comm 20.10 (1) (intro.) Note is created to read:

Comm 20.10 (1) Note: The design and construction of manufactured homes is regulated by the federal Department of Housing and Urban Development under Title 24 CFR Part 3280.

SECTION 21. Comm 20.10 (1) (b) (intro.) is amended to read:

Comm 20.10 (1) (b) *Inspection types.* The following ~~sequence~~ of inspections shall be performed for the purpose of determining if the work complies with this code:

SECTION 22. Comm 20.10 (1) (b) 6. is created to read:

Comm 20.10 (1) (b) 6. 'Installation inspection.' The installation of a manufactured dwelling or manufactured home.

SECTION 23. Comm 20.10 (3) is created to read:

Comm 20.10 (3) RECORD KEEPING. (a) *Municipal enforcement.* Municipalities that have adopted an ordinance to enforce this code shall maintain records in accordance with the following:

1. A record shall be made of each visit to a site and each inspection type performed.

2. Approved plans shall be retained for 4 years after completion of the dwelling.

3. Application forms, correction orders, correspondence and inspection records shall be maintained for 7 years after completion of the dwelling.

(b) *State enforcement.* Inspectors working under state contract shall maintain records in accordance with the provisions of the contract that was in effect at the time the inspections were completed.

SECTION 24. Comm 20.22 (2) is renumbered Comm 20.22 (2) (a).

SECTION 25. Comm 20.22 (2) (b) is created to read:

Comm 20.22 (2) (b) Any person violating any rule of this code applying to manufactured homes is subject to the penalties prescribed in s. 101.94 (8), Stats.

SECTION 26. Comm 20.24 Table 20.24-1 is amended to read:

Table 20.24-1

ACI	American Concrete Institute P.O. Box 9094 Farmington Hills, MI 48333
Standard Reference Number	Title
1. <u>318-99 05</u>	Building Code Requirements for Structural Concrete
2. <u>530-99 05</u>	Building Code Requirements for Masonry Structures
3. <u>530.1-99 05</u>	Specification for Masonry Structures

SECTION 27. Comm 20.24 Table 20.24-2 line 1. is amended to read:

Partial Table 20.24-2

Table 20.24-2

AF&PA	American Forest & Paper Association 1111 19 th Street, N.W., Suite 800 Washington, D.C. 20036
Standard Reference Number	Title
1. NDS-2004 <u>2005</u>	National Design Specification For Wood Construction Including 2004 <u>2005</u> Supplement

SECTION 28. Comm 20.24 Table 20.24-3 is amended to read:

Table 20.24-3

AISC	American Institute of Steel Construction One E. Wacker Drive, Suite 3100 Chicago, IL 60601
Standard Reference Number	Title
1. ASD 360-05	Specifications for Structural Steel Buildings; Allowable Stress Design And Plastic Design, with Commentary, June, 1989

SECTION 29. Comm 20.24 Table 20.24-6 is amended to read:

Table 20.24-6

ASHRAE	American Society of Heating, Refrigerating, and Air- conditioning Engineers, Inc. 1791 Tullie Circle, N.E. Atlanta, GA 30329
Standard Reference Number	Title
1. 2001 <u>2005</u> Fundamentals	ASHRAE Handbook, Fundamentals
2. 1995 <u>2003</u> HVAC Applications	ASHRAE HVAC Applications Handbook
3. 1996 <u>2004</u> HVAC Systems & Equipment	ASHRAE HVAC Systems & Equipment Handbook

SECTION 30. Comm 20.24 Table 20.24-7 is amended to read:

Table 20.24-7

NAIMA	North American Insulation Manufacturers Association 44 Canal Center Plaza, Suite 310 Alexandria, VA 22314
Standard Reference Number	Title
1. 3 rd Edition, 1998 <u>2002</u>	Fibrous Glass <u>Residential</u> Duct Construction Standards

SECTION 31. Comm 20.24 Table 20.24-8 is amended to read:

Table 20.24-8

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269
Standard Reference Number	Title
1. NFPA 54- 1999, chapters 1-4 <u>2006</u>	National Fuel Gas Code

SECTION 32. Comm 20.24 Table 20.24-11 is amended to read:

Table 20.24-11

SMACNA	Sheet Metal and Air Conditioning Contractors National Association Vienna, VA 22180 4201 Lafayette Center Drive Chantilly, VA 20151-1209
Standard Reference Number	Title
1. Seventh Edition, 1998	Residential Comfort System Installation Standards Manual
2. Second Edition, 1995, Including Addendum No. 1, November 1997	HVAC Duct Construction Standards – Metal And Flexible
3. 2. Sixth <u>Seventh</u> Edition, 1992 <u>2003</u>	Fibrous Glass Duct Construction Standards

SECTION 33. Comm 20.24 Table 20.24-12 is amended to read:

Table 20.24-12

TPI	Truss Plate Institute, Inc. 583 D’Onofrio Drive, <u>Suite 200</u> Madison, WI 53719
Standard Reference Number	Title
1. ANSI/TPI 1-1995 <u>2002</u>	National Design Standard for Metal Plate Connected Wood Truss Construction

SECTION 34. Comm 21.02 (3) (d) is amended to read:

Comm 21.02 (3) (d) Masonry. The design and construction of masonry shall conform to the ~~provisions of the Concrete Masonry Handbook for Architects, Engineers, Builders.~~ following standards:

1. ACI 530, Building Code Requirements for Masonry Structures.
2. ACI 530.1, Specification for Masonry Structures.

SECTION 35. Chapter Comm 21 Subchapter XI is created to read:

Subchapter XI – Installation of Manufactured Homes

Comm 21.40 Installation standards. (1) (a) The installation of a manufactured home produced on or after [the effective date of this rule . . . Revisor to insert date] shall comply with procedures acceptable to the department.

- (b) Acceptable installation procedures shall address all of the following:
1. Soil mechanics.

2. Site preparation.
3. Structural support, stabilization and anchorage.
4. Setting.
5. Ventilation of crawl spaces.
6. Connections, plumbing, electrical, HVAC.
7. Joining of home sections.

Note: Acceptable installation practices can be found through the Safety and Buildings Division's website at www.commerce.state.wi.us/SB or by contacting the Safety and Buildings Division at (608) 266-9596.

Note: The design and construction of basements and perimeter foundations to support manufactured homes is addressed under subchapter V.

(2) (a) Except as provided in par. (b), the installation of a manufactured home produced before [the effective date of this rule . . .Revisor to insert date] shall be installed in conformance with the requirements in effect at the time the manufactured home was produced.

(b) The installation of a manufactured home produced before [the effective date of this rule . . .Revisor to insert date] to be installed on piers shall conform to at least the following requirements:

1. No footing may be placed upon unprepared fill material, topsoil, alluvial soil or mud. All organic matter shall be removed from the area that will be beneath any footing.
2. The soil bearing capacity shall be determined through test by a pocket penetrometer or other means of analysis. If the soil bearing capacity under each intended pier location is less than 2000 pounds per square foot, piers shall be located in accordance with the manufacturer's instructions.
3. The home site shall be graded to permit water to drain from under the home and away from the home for a minimum of 5 feet from the home.
4. Every pier shall be supported by a footing. Each footing shall be no less than a nominal 16 inches by 16 inches.
5. Each footing shall consist of one of the following:
 - a. One nominal 4-inch by 16-inch by 16-inch solid concrete block or 2 nominal 4-inch by 8-inch by 16-inch solid concrete blocks. If a single block pier and 2 footing blocks are used, the 2 footing blocks shall be positioned with the joint parallel to the main frame. If a double block pier and 2 footing blocks are used, the 2 footing blocks shall be positioned with the joint either parallel or perpendicular to the main frame.
 - b. A 16-inch by 16-inch pad constructed of acrylonitrile-butadiene-styrene (ABS) having a rated load bearing capacity of not less than 6000 pounds.

c. An 18-inch diameter hole bored to below the frost line or to unfractured bedrock and filled with poured concrete.

d. Any other materials and systems approved in advance by the department.

6. Piers shall be constructed of concrete blocks, manufactured steel stands or manufactured concrete stands. Manufactured stands shall be labeled for use as piers for manufactured homes.

7. Piers constructed of single stacked concrete blocks shall be limited to a height of 36 inches. Piers constructed of concrete blocks and exceeding 36 inches but less than 80 inches shall be constructed using double stacked blocks with each layer opposing the direction of the layer underneath it. Piers constructed of concrete blocks and exceeding 80 inches shall be constructed using double blocks laid in concrete mortar with each layer opposing the direction of the layer underneath it and with each core filled with concrete and a 1/2-inch steel reinforcing rod.

8. All concrete blocks shall be 2-core design, construction grade blocks having nominal dimensions of at least 8 inches by 8 inches by 16 inches. All concrete blocks shall be placed with the cores open vertically. The concrete block nearest the main frame of the manufactured home shall be perpendicular to the linear direction of the frame. No concrete block may contact the main frame of the home.

9. Alternative materials may be used for pier installations provided they are approved in advance by the department.

10. Piers shall be placed under the main frame of the chassis at intervals of not more than 7 feet on-center and no more than 3 feet from the exterior side of each end wall. The 7-foot spacing requirement may be varied as permitted by footing, spacing and soil capacity tables provided by the home manufacturer.

11. Piers shall be placed under the bearing points of clear-span openings of 4 feet or more in center mating walls.

12. Piers shall be plumb and centered under the contact area at the point of support.

13. Each pier shall be capped with a solid concrete block or a solid wood block, having a nominal thickness of at least 2 inches. The cap shall be the same width and length as the top of the pier. The cap shall consist of no more than 2 pieces. Two-piece caps shall be positioned with the joint perpendicular to the main frame.

14. Where shims are utilized, wood shims shall be installed between the pier cap and the frame. Shims shall be driven from opposing sides and shall be no less than 4 inches by 8 inches.

15. Wood caps and shims shall be at least equal to No. 2 spruce pine fir having a minimum fiber bending stress rating of 1200 psi. All wood caps shall be the same species of wood, and all shims shall be the same species of wood.

16. The combination of a nominal 2-inch solid concrete block or a nominal 2-inch wood cap plus shims shall not exceed 3 1/2 inches.

17. A minimum clearance of 12 inches shall be maintained beneath the lowest point of the main frame in the area of any utility connection. A minimum clearance of 12 inches shall also be maintained under the home for at least 75% of the home. The remainder of the home may be less than 12 inches above the ground but may not touch the ground.

SECTION 36. Comm 22.06 (10) is amended to read:

Comm 22.06 (10) “Electrically heated” means provided with permanently installed electrical space heating equipment which has an input capacity of 3 kilowatts or more to meet all or part of the space heating requirements. Electrical space heating equipment does not include ground source heat pumps.

SECTION 37. Chapter Comm 27 is repealed.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.) and (b), Stats., SECTIONS 1, 3, 4 and 10 shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, and the remainder of these rules shall take effect on April 1, 2007.
