



VIRTUAL/TELECONFERENCE
UNIFORM DWELLING CODE COUNCIL
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
September 26, 2024

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of August 25, 2022 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
 - 1) Introductions
 - a. Scott Kobb – Building Labor Representative (Succeeds: Lotegeluaki)
 - 2) Recognitions
 - a. Joseph Lotegeluaki – Building Trade Labor Representative, Seat 11 (Resigned: 4/25/2022)
 - b. Edmund Weaver – Public Member (Deceased: 8/4/2024)
 - c. Virge Temme – Architect Representative, Seat 9 (Resigned: 7/29/2024)
- E. Administrative Matters – Discussion and Consideration**
 - 1) Staff Introductions
 - 2) Election of Officers
 - 3) Department, Staff and Council Updates
 - 4) Council Members – Term Expiration Dates
 - a. Brunner, Donald
 - b. Degnan, Abe
 - c. Etrheim, Mark A.
 - d. Juarez, Brian
 - e. Kobb, Scott
 - f. McIntosh, Dawn
 - g. Satula, W. Scott
 - h. Wald, Daniel
 - i. Wert, Brian E.
 - 5) Advisory Council Role and Overview
- F. Legislative and Policy Matters – Discussion and Consideration**

- G. **Administrative Rules Matters – Discussion and Consideration (7-10)**
 - 1) Presentation and Discussion on International Codes – Tim Schmitz, International Code Council
 - 2) Discussion of Proposed New Scope Statement
 - 3) Pending or Possible Rulemaking Projects

- H. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters
 - 8) Legislative and Policy Matters
 - 9) Administrative Rule Matters
 - 10) Council Liaison Training and Appointment of Mentors
 - 11) Informational Items
 - 12) Division of Legal Services and Compliance (DLSC) Matters
 - 13) Motions
 - 14) Petitions
 - 15) Appearances from Requests Received or Renewed

I. Public Comments

CONVENE TO CLOSED SESSION to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

- J. Deliberation of Items Added After Preparation of the Agenda
 - 1) Education and Examination Matters
 - 2) Credentialing Matters
 - 3) DLSC Matters
 - 4) Council Liaison Training
 - 5) Motions
 - 6) Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: NOVEMBER 7, 2024

Board Member Training: November 15

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
UNIFORM DWELLING CODE COUNCIL
MEETING MINUTES
AUGUST 25, 2022**

PRESENT: Donald Brunner, Abe Degnan, Mark Etrheim, Brian Juarez, Dawn McIntosh, W. Scott Satula, Virge Temme, Daniel Wald, Brian Wert

STAFF: Brad Wojciechowski, Executive Director, Joseph Ricker, Legal Counsel, Michael McNally, Section Chief, Integrated Services Section; Garry Krause, Bureau Director, Safety and Buildings; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department staff

Brian Wert, Chairperson, called the meeting to order at 10:00 a.m. A majority was confirmed with nine (9) members present.

ADOPTION OF AGENDA

MOTION: Brain Juarez moved, seconded by Mark Etrheim, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 27, 2021

MOTION: W. Scott Satula moved, seconded by Virge Temme, to adopt the Minutes of April 27, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

NOMINATION: Abe Degnan nominated the Brian Wert for the Office of Chairperson and Mark Etrheim for the Office of Vice Chairperson for the Office of Chairperson.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

Brian Wert was reelected as Chairperson and Mark Etrheim was reelected as Vice Chairperson by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Brian Wert
Vice Chairperson	Mark Etrheim
Secretary	Michael McNally <i>(Non-member)</i>

EDUCATION AND EXAMINATION MATTERS

Wisconsin Statutes Chapter 101.654 as it Relates to Regulation, Industry and Building Safety and Potential Rulemaking

MOTION: Brian Wert moved, seconded by Brian Juarez, to recommend that DSPS staff draft a Scope Statement revising SPS 305, relating to Dwelling Contractor education requirements. Motion carried unanimously.

ADMINISTRATIVE RULES MATTERS

Potential Scope Statement for SPS 320 to 325, Wis. Admin. Code, Relating to the Uniform Dwelling Code

MOTION: Brian Wert moved, seconded by W. Scott Satula, to recommend that DSPS staff draft a Scope Statement for SPS 320 to 325, Wis. Admin. Code, relating to update of the Uniform Dwelling Code. Motion carried unanimously.

CLOSED SESSION

MOTION: Brian Wert moved, seconded by Brian Juarez, to convene to closed session to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Brian Wert, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Donald Brunner-yes; Abe Degnan-yes; Mark Etrheim-yes; Brian Juarez-yes; Dawn McIntosh-yes; W. Scott Satula-yes; Virge Temme-yes; Daniel Wald-yes; and Brian Wert-yes. Motion carried unanimously.

The Council convened into Closed Session at 11:18 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Review of Building Inspector Complaints

MOTION: Mark Etrheim moved, seconded by Virge Temme, to acknowledge review of the complaint against T.D., DLSC Case Number 20 COM 092. Pursuant to 101.62(5)(b), Wis. Stat., the Council does not recommend suspension or revocation. Motion carried unanimously.

(Brian Wert recused and left the meeting connection for deliberation and voting in the matter concerning T.D., DLSC Case Number 20 COM 092.)

RECONVENE TO OPEN SESSION

MOTION: Abe Degnan moved, seconded by W. Scott Satula, to reconvene in Open Session. Motion carried unanimously.

The Council reconvened to Open Session at 11:53 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Brian Juarez moved, seconded by Mark Etrheim, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Mark Etrheim moved, seconded by Dawn McIntosh, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:01 p.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 9/13/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Uniform Dwelling Code Advisory Council			
4) Meeting Date: 9/26/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Discussion on International Codes - Tim Schmitz, International Code Council 2. Discussion of proposed new scope statement 3. Pending or possible rulemaking items	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: -Proposed new scope statement			
11) <i>Jake Pelegrin</i>		Authorization 9/13/24	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Rule No.: SPS 320 to 325

Relating to: Update of the Uniform Dwelling Code

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of this rulemaking is to update and clarify Wisconsin's Uniform Dwelling Code (UDC), as contained in chs. SPS 320 to 325. This Code establishes statewide construction and inspection standards for one- and two-family dwellings, including modular homes. This update and clarification should make this Code consistent with contemporary construction practices, products, and materials; model standards and codes; and regulatory practices — in order to protect the health, safety, and welfare of the occupants and owners of these dwellings. These rule changes may be incorporated into more than one rule package and may include revisions to other chapters affected by the proposal.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Uniform Dwelling Code establishes statewide, uniform construction and inspection standards; includes references to many national standards and codes; and reflects national building and energy-efficiency trends. The most recent update of this Code began in 2005 and became effective on April 1, 2009. The Wisconsin Statutes require the Department to review this Code every three years, and authorize the Department to revise the rules after consulting with the Governor-appointed Uniform Dwelling Code Council.

Working with the UDC Council, the Department plans to correct code-clarity problems; incorporate code interpretations that have been developed since the last code-change cycle; update currently adopted standards; incorporate new construction practices, products, standards, or materials; and incorporate any needed new requirements.

The alternative of not updating the Code would result in it not being current with nationally recognized construction and inspection practices and standards. Continuing to use the Code as it exists now may create confusion among designers, builders, and local inspectors about how newer materials and standards should be used, regulated, or applied. Not updating the Code could also jeopardize the health, safety, or welfare of the occupants and owners of one- and two-family dwellings.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 101.63 (5), Stats., reads, "Review the rules adopted under this subchapter once every 3 years."

Section 101.63 (1), Stats., requires the Department to establish standards for the construction and inspection of one- and two-family dwellings and components thereof. Where feasible, the standards used must be nationally recognized. No set of rules may be adopted that has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions.

Section 101.64 (1) (c), Stats., authorizes the Department to revise these rules after consultation with the Uniform Dwelling Code Council.

Section 101.64 (1) (f), Stats., authorizes the Department to adopt rules prescribing procedures for approving new building materials, methods, and equipment.

Section 101.653 (2), Stats., requires the Department to promulgate rules that establish standards for practices to prevent soil erosion related to the construction of one- and two-family dwellings at sites which have a land-disturbance area of less than one acre.

Section 101.653 (2m), Stats., requires the Department to promulgate rules for the administration of this erosion control, by counties, cities, villages, and towns, including provisions regarding the issuance of building permits and the collection and distribution of fees.

Section 101.73 (1), Stats., requires the Department to adopt rules that establish standards for the use of building materials, methods, and equipment in the manufacture and installation of modular homes for use as dwellings.

Section 101.74 (3), Stats., authorizes the Department to revise these rules after consultation with the Uniform Dwelling Code Council.

Section 101.74 (6), Stats., requires the Department to adopt rules prescribing procedures for approving new building materials, devices, and methods for the manufacture or installation of modular homes as dwellings.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

800 hours.

6. List with description of all entities that may be affected by the proposed rule:

Any entity that is involved in the construction, remodeling, or inspection of one- and two-family dwellings, including modular homes.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

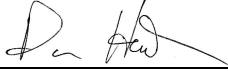
Title 16, Part 1201 of the *Code of Federal Regulations* contains safety requirements for glazing materials in storm doors or combination doors, doors, bathtub doors and enclosures, shower doors and enclosures, and sliding-glass doors. Any rule changes that are advanced under this scope statement are not expected to infringe on these federal requirements. No other current or proposed federal regulations were found relating to this rulemaking.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Sofia Anderson, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4463.

Approved for publication:



Authorized Signature

11/9/2022

Date Approved

Approved for implementation:

Authorized Signature

Date Approved