



Memorandum

Date: February 26, 2021

To: DSPS Customers

From: Department of Safety and Professional Services

RE: DSPS to Resume Enforcement of Fire Sprinkler Requirement in Multi-Family Dwellings

On April 19, 2021, the Department of Safety and Professional Services will resume enforcing a code provision that requires fire sprinkler systems in certain multi-family dwellings.

Any building plans submitted directly to the department (or municipalities with delegated authority to review plans on behalf of the department) or delivered with a postmark on or after April 19, 2021, will need to reflect compliance with fire sprinkler requirements established in [Wis. Admin. Code SPS § 362.0903](#). Specifically, a multi-family dwelling with three or more attached dwelling units will need to have an automatic fire sprinkler system installed unless the building meets the narrowly defined exceptions outlined in Wis. Admin. Code SPS § 362.0903(5). More recently, automatic fire sprinkler systems were required in multi-family dwellings with more than 20 attached dwelling units.

The provision requiring fire sprinkler systems in multi-family dwellings has a unique procedural history. It is not a new provision—it is currently part of the administrative code and had previously been enforced. However, in 2017, the Wisconsin attorney general issued an opinion specifically stating that the fire sprinkler requirements in Wis. Admin. Code SPS § 362.0903 could not be enforced. The department stopped enforcing the requirement but did not remove it from the administrative code.

Last year, Wisconsin Attorney General Josh Kaul revisited the issue. He determined and [issued an opinion](#) that the provision is enforceable. After careful consideration and review with internal staff, administration partners, and industry stakeholders, the department decided, in the interest of public safety, to resume enforcement of the code requirement beginning on April 19, 2021. You can find our [enforcement memo](#) on our website.

Many department customers continued to include fire sprinkler systems in their plans even though DSPS was not enforcing the requirement. Last year, 530 plans that would be subject to enforcement of this code provision were submitted to the department for approval. Of those, only 79 did not include fire sprinkler systems.