



Question:

May municipalities require a building permit and dwelling contractor credentials to repair a dwelling?
Also, does the Uniform Dwelling Code apply to repairs to dwellings?

Answer:

A municipality may require a building permit for a repair by ordinance, per Wis. Admin. Code § SPS 320.09(2)(b)1. However, Wis. Admin. Code § SPS 320.05(3) exempts repairs from the Uniform Dwelling Code. A municipality is unable, due to this provision, from applying the Uniform Dwelling Code to a repair.

A repair is defined as “the act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs or maintenance, or the replacement of existing fixtures, systems or equipment with the equivalent fixture, system or equipment.” Wis. Admin. Code § SPS 320.07(61). A repair includes; reroofing, residing, replacement of windows or doors, painting, or replacing drywall. Examples of what is not a repair are: changing the size of windows or doors, adding a third layer of singles to the roof, altering the structure of the roof, or changing the internal layout of the home. These lists are not inclusive and are intended to service as examples.

To contrast, an alteration is defined as “an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a dwelling.” Wis. Admin. Code § SPS 320.07(4). An alteration on a reroofing job would be performing work on the structural elements of the roof, such as the trusses. Changing the venting system, for example, from pot venting to ridge venting, would also qualify as an alteration.

Wis. Admin. Code § SPS 320.09(9)(a)3. States that dwelling contractor credentials are only required when a permit for work covered under Wis. Admin. Code chs. SPS 321 and 322 is required. As repairs are exempted from the Uniform Dwelling Code, municipalities cannot require dwelling contractor credentials for repairs.

This FAQ is meant to provide clarification on this specific question, and should not be broadly construed to apply to other matters.