

# STATEMENT OF SCOPE

## DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

**Rule No.:** SPS 302, 305, and 320 to 325

**Relating to:** Update to 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. The UDC establishes statewide construction and inspection standards for one- and two-family dwellings, including modular homes. This update and clarification should make the UDC 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. Rule revisions throughout the UDC may also require changes to chs. SPS 302 and 305, as those chapters set requirements for certain subject matters contained in chs. SPS 320 to 325. 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 UDC 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 comprehensive update of the UDC began in 2015 and became effective on January 1, 2016, under Clearinghouse Rule 15-041. The Wisconsin Statutes require the Department to review the UDC every three years and authorize the Department to revise the rules after consulting with the Governor-appointed UDC 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 UDC would result in it not being current with nationally recognized construction and inspection practices and standards. Continuing to use the UDC 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 UDC 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., authorizes the Department to "...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 (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 101.63 (2), Stats., requires the Department to adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting building construction, electrical wiring, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. [145.01 \(10\)](#), Stats., of one- and 2-family dwellings. Persons certified as inspectors may be employees of the department, a city, village, town, county, or an independent inspection agency. The department may not adopt any rule that prohibits any city, village, town, or county from licensing persons for performing work on a dwelling in which the licensed person has no legal or equitable interest.

Section 101.63 (2m), Stats., requires the Department to adopt rules for certifying the financial responsibility of contractors under s. [101.654](#), Stats. These rules must include rules providing for the assessment of fees upon applicants for certification of financial responsibility under s. [101.654](#) and for the suspension and revocation of that certification.

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

Section 101.63 (9), Stats., requires the Department to "establish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter."

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.

Section 101.653 (2m), Stats., requires the Department to promulgate rules for the administration of 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 the rules authorized by s. 101.73 (1), Stats., 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:**

450 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 is not likely to have a significant economic impact on small businesses and the state's economy as a whole.

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Approved for publication:



Authorized Signature

01/13/2025

Date Approved

Approved for implementation:

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Date Approved