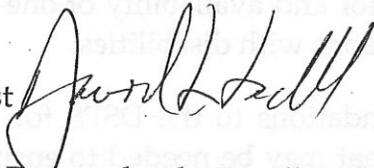




WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR PAUL FARROW

FROM: David L. Lovell, Senior Analyst 

RE: 2013 Senate Bill 72, Relating to Reports by the Dwelling Code Council

DATE: May 9, 2013

2013 Senate Bill 72 relates to reports by the Dwelling Code Council (Council) regarding the one- and two-family dwelling code. Your staff has asked two questions regarding the bill:

1. What effect does the bill have on the electrical code and the plumbing code?
2. What ability does the Department of Safety and Professional Services (DSPS) have to modify the one- and two-family dwelling code between reviews by the Council?

BACKGROUND

Building Codes

The State Building Code is actually several separate codes, maintained by the DSPS. Each code is authorized under separate statutes:

- One- and two-family dwelling code, subch. II. of ch. 101, Stats.
- Modular home code, subch. III. of ch. 101, Stats.
- Electrical code, subch. IV. of ch. 101, Stats.
- Manufactured housing code, subch. V. of ch. 101, Stats.
- Multifamily dwelling code, subch. VI. of ch. 101, Stats.
- Conveyance safety code, subch. VII. of ch. 101, Stats.
- Plumbing code, ch. 145, Stats.

Code Councils

The Council advises the DSPS on various matters relating to the one- and two-family dwelling code. Its specific duties are to:

- Review the standards and rules for one- and two-family dwelling construction and recommend a uniform dwelling code for adoption by the DSPS.
- Study the need for and availability of one-family and two-family dwellings that are accessible to persons with disabilities.
- Make recommendations to the DSPS for any changes to the one- and two-family dwelling code that may be needed to ensure an adequate supply of one-family and two-family dwellings.
- Consider and make recommendations to the department pertaining to rules and any other matters related to subch II of ch. 101, Stats.
- Recommend variances for different climate and soil conditions throughout the state.

[s. 101.62, Stats.]

The Council also advises the DSPS regarding the modular dwelling code. Additional code councils advise the DSPS regarding other codes. These are the Multifamily Dwelling Code Council, the Manufactured Housing Code Council, the Conveyance Safety Code Council, and the Plumbers Council. Note that there is no council that advises the DSPS regarding the electrical code.

Clearly, the various codes must interact, as they apply, in many cases, to the same structures. Thus, for example, the electrical and plumbing codes contain provisions specific to one- and two-family dwellings. DSPS staff indicate that, when revising those provisions of the electrical and plumbing codes, they inform the Council of the proposed changes and consider any feedback provided by the Council.

SENATE BILL 72

The Bill

Senate Bill 72 directs the Council to prepare a report once every six years. The report is to consist of the Council's review of the one- and two-family dwelling code and its recommendations for changes to that code that are required under current law. The Council must prepare its first report under the bill within one year of the bill's enactment.

Effect of the Bill on the Electrical Code and the Plumbing Code

* As described above, the electrical and plumbing codes are distinct from the one- and two-family dwelling code. The bill applies specifically to the one- and two-family dwelling code. It does not, directly or indirectly, affect the electrical or plumbing code.

Ability of the DSPS to Modify the One- and Two-Family Dwelling Code Between Reviews by the Council

Under current law, the DSPS is required to adopt rules establishing the one- and two-family dwelling code [s. 101.63 (1) (intro.), Stats.] and to review the code biennially [s. 101.63 (5), Stats.], and is authorized to revise the code, after consulting with the Council. Also under current law, the Council must review the code and make certain recommendations.* The bill does not interfere with these functions, but only adds a requirement that the Council make a report of its recommendations every six years. Although the DSPS must consult the Council regarding code revisions, its responsibilities relative to the code are not limited or conditioned in any way on the report required under the bill.

If you have any questions regarding the building code and code councils or Senate Bill 72, please contact me at the Legislative Council staff offices.

DLL:jal

Matthias, Mary

From: Schneider, Alicia
Sent: Thursday, May 02, 2013 9:06 AM
To: Rep.Bewley; Rep.Genrich; Rep.Jagler; Rep.Murphy; Rep.Nass; Rep.Sanfelippo;
Rep.Swearingen; Rep.Young
Cc: Matthias, Mary; Florian, Mark; Handrick, Diane; Hoey, Joseph; Mikalsen, Mike; Perchinsky,
Dan; Peters, Steve; Stewart, Greg
Subject: FW: Public Hearing for AB77

Good Morning,

I received this testimony from Joe Jameson last night. He is opposed to AB 77. I will also be bringing copies to the hearing.

Thank you,

Alicia Schneider

Research Assistant

Office Of State Representative John Murtha

(608) 266-7683

alicia.schneider@legis.wisconsin.gov

I stand in opposition to AB77, unless the 6 years term is changed to 3 years.
Thank you, Joe Jameson

As a Wisconsin Code Official, I urge you to support SB72 with amendment #3 offered by Senator Erpenbach concerning the mandatory review of the Wisconsin Uniform Dwelling Code (UDC)(AB77 at this time does not appear to have a similar amendment).

Chapters SPS 320-325 of the UDC establish statewide construction and inspection rules for one-and 2-family dwellings, including manufactured and modular homes. To ensure the health, safety and welfare of Wisconsin citizens, it is important that the adopted rules and standards are comprehensive, coordinated and current.

The lack of updating rules on a regular basis will result in chapters SPS 320-325 lagging behind nationally recognized codes which utilize more current construction methods, technologies and energy efficiency standards in the construction of homes. Utilization of outdated codes creates confusion among designers, builders, and local inspectors as to how newer materials, methods and standards should be regulated and applied. A delay of more than 3 years in updating rules could jeopardize the health, safety and welfare of our citizens who expect their homes to be built to the most current building safety codes and energy efficiency standards available.

I would further recommend that the State of Wisconsin promote interstate uniformity in construction codes and move toward the adoption of the International Code Council's International Residential Code (IRC). Such change would be consistent with s. 101.63(1) which requires the department, where feasible, to adopt "nationally recognized" standards. The IRC is a nationally recognized code adopted by state and local governments in every state except Wisconsin. Nationally recognized codes are reviewed and updated once every three years. The State of Wisconsin has successfully utilized the International Code Council's commercial building codes since 2002.

In light of Governor Walker's regulatory reform initiative "Right the Rules", it would seem fiscally responsible to eliminate the duplication of efforts that currently exists and adopt, by reference, a nationally recognized code which is developed by an organization of thousands of industry professionals utilizing an open consensus process of code development.

Respectfully submitted,

Joe Jameson
Electrical/Building Inspector
City of Middleton

8597 County Road A
Belleville WI 53508



Wisconsin State Fire Chiefs' Association, Inc.

Together We Can Make A Difference

- Education
- Prevention
- Safety
- Suppression
- EMS

DATE: May 2, 2013
TO: Assembly Committee on Housing and Real Estate
FROM: Wisconsin State Fire Chiefs Association
RE: Assembly Bill 77

The Wisconsin State Fire Chiefs Association asks that the Committee on Housing and Real Estate support a change in the proposed review process of Assembly Bill 77 from six years to three years. The six-year review process that is proposed under AB 77 could put Wisconsin several years behind in the code update process. Technology in all fields is changing almost daily, as you all know, and the building industry is no different than other fields. Reviewing the Uniform Dwelling Code every three years will put Wisconsin on the same track that the national model codes have taken by reviewing the national model codes every three years.

Changing the Uniform Dwelling Code review process from six years to three years will keep Wisconsin up with the important changes occurring in the building industry. The three-year review process will keep our Wisconsin codes up to date creating safe residential buildings for our residents and the fire service personnel who must enter those building under fire conditions.

Thank you for your consideration on this issue. If you have any questions you may contact Dave Bloom, Legislative Liaison, Wisconsin State Fire Chiefs Association at 608-444-3324.

2120 Fish Hatchery Rd. • Madison, WI 53713
Phone: 608-210-7261 • Fax: 608-210-7235
Email: bloomd@town.madison.wi.us



Wisconsin Committee of Housing and Real Estate
Assembly Bill 77
May 2, 2013

Good morning, I am Daniel Gengler, Chairman of the nonprofit Wisconsin Alliance for Fire Safety. The WAFS (www.wafs.org) is a nonprofit twenty-two year statewide organization with a mission *to promote, encourage and foster fire safety, burn prevention and public fire safety education. We support burn survivors of all ages as well as sponsorship of the Summer Camp for Burn Injured Youth.* On behalf of our members, we implore this legislative body to seriously revise AB 77.

Specifically the proposal to create a six-year adoption schedule for the Wisconsin Uniform Dwelling Code we find there to be a safety challenge for future buyers of newly constructed homes in our state. I would believe that all members of this committee understand that Wisconsin is the only state in the union not to have adopted the International Residential Code (IRC) as the model construction code for one- and two-family dwellings. The IRC is one of the suite of codes that the International Code Council authors that is internationally accepted as the premier resource for code creation. Input to all of the ICC codes is provided by the most learned designers, engineers and construction influences in our country and beyond. Wisconsin has adopted several of the ICC model codes like the International Commercial Building Code.

The one of a kind Wisconsin Uniform Dwelling Code (UDC) is a home grown code that traditionally has been scrutinized by the UDC Council and after their review and recommendations is moved to the legislature for adoption. This practice had a history of being accomplished approximately every three years. The ICC and the National Fire Protection Association, who also provides construction and fire standards incorporate a required three year adoption cycle. The Insurance Service Office (ISO) rates communities for insurance premium suggestions partly based on the currency of building codes. One backlash of codes not being three years or newer is that if a city/town is more than one code cycle behind when they get reviewed, ISO can not only raise their residential rating but also their commercial rating. It also would mean much higher insurance rates for anyone within a flood zone as FEMA uses the ISO schedule to set those rates.

The UDC Council was well on its way to adopt new standards in 2011 when a change in the council's structure was legislatively adopted reducing the council to eleven members and Department of Safety & Professional Services advisers. The new council was to have been appointed by the governor but has yet to either have been appointed or even meet. Thus an overdue update of the UDC has been the result.

Wisconsin Code Chapters SPS 320-325 of the UDC dictate statewide construction and inspection rules for one-and 2-family dwellings, including manufactured and modular homes. To meet the health, safety

Wisconsin Alliance for Fire Safety
P.O. Box 1442
Brookfield, Wisconsin 53008
(800) 315-0911

and welfare needs of Wisconsin citizens, it is critical that the Chapter's adopted rules and standards be comprehensive, coordinated and current. A delay of more than 3 years in updating rules could jeopardize the health, safety and welfare of our citizens who expect their homes to be built to the most current building safety codes and energy efficiency standards available. Much of the UDC is modeled after the International Residential Code and modified to meet certain Wisconsin construction requirements.

The lack of updating rules on a scheduled three year increment will result in Wisconsin lagging behind nationally recognized codes. Codes that will utilize more current construction methods, newer technologies and energy efficiency standards in the construction of homes. Utilization of outdated codes creates confusion to all players of the home building process. Again we encourage this committee to seriously consider the long term ramifications and suggest a mandated three year review and adoption process. We also encourage the department of Safety and Professional Services to again convene the Wisconsin Uniform Dwelling Code Council.

Sincerely,


Daniel J. Gengler, Chairperson
Wisconsin Alliance for Fire Safety