

Starting January 1, 1985, most residential properties in Wisconsin have had to meet minimum energy conservation standards at the time of ownership transfer. Private state-certified inspectors are hired by owners to check properties for compliance with the standards. The Register of Deeds in your county will not record the transfer of a property unless:

- An inspector has certified the property; or
- The buyer has filed a Stipulation to bring it up to Code within a year; or
- The property or transfer is shown on the Real Estate Transfer Return to be excluded from the Code; or
- The buyer has filed a Waiver with the Department of Commerce stating that the building will be demolished within two years.

The standards are the result of State legislation (s.101.122, Wis. Stats.) directing the Department of Commerce to develop energy conservation standards for rental units that have a payback of five years or less.

The benefits of these weatherization standards for residential rental properties include:

- Overall demand for heating fuels is reduced, thereby helping to stabilize fuel costs for everyone.
- Wisconsin's dependence on imported heating fuels is decreased. (Wisconsin imports over 95% of its energy.)
- The utilization of Wisconsin's weatherization workforce and products is increased.
- The burden of energy-inefficient rental units is shifted from tenants, who are necessarily limited in any corrective action, to landlords by requiring them to upgrade their buildings at the time of property transfer.
- The cost of upgrading the building to the carefully chosen standards is recovered within five years in lowered heating costs. Thereafter, the savings continue and the building is more valuable.
- The following is a summary of the standards contained in Chapter Comm 67 of the Wisconsin Administrative Code. For specific details, consult the Code itself. (See ordering information at the end of this brochure)

When Owners Must Comply

The code only applies to residential property when its ownership is being transferred, and when its use after the sale will be rental. "Transfer" means a transfer of ownership by deed, land contract, or judgment. In the case of a land contract, transfer occurs when the contract is entered into, not when the deed is transferred. Ownership conveyance also includes transfer of a controlling stock or controlling partnership interest or an interest in a lease in excess of one year, which was contracted after January 1, 1985. The Code applies to rehabilitations, even though buildings may be vacant during the period of renovation. It also applies to buildings purchased for resale. If buildings are not resold within one year, they must meet the standards of the Code.

The Weatherization Standards

The following weatherization standards are code requirements:

- Windows must be double-glazed or equipped with storm windows. Exempted are windows in doors and furnace rooms. Windows located in basements, which are not habitable rooms may be permanently sealed and insulated to R-5 in lieu of double-glazing or installing storm windows.
- Patio doors and inward-swinging exterior doors must be insulated and double-glazed; or be equipped with a storm door, unless they are provided with a vestibule. Storm doors must have self-closing devices.
- Weatherstripping must be installed on exterior doors and windows where operable parts meet.

- Caulking must be applied to exterior joints, including around doors and windows for the first three stories of the building, as well as around the sill plate and utility penetrations. The Department will accept blower door testing of the building, per Comm 67.05(4), in lieu of the prescriptive infiltration measures.
- Moisture Control - Ventilation must be installed in attics and crawl spaces at a rate of 1 sq. ft. of free area of ventilation per 300 sq. ft. of floor area. A vapor barrier must cover the ground in crawl spaces.
- Insulation must be installed in "accessible" areas to the levels shown in Tables 67.05-A through C of the Code (see the following condensed table). "Accessible" means the space can be reached without removal or alteration of any finish materials of the permanent structure. For example, enclosed wall cavities are considered inaccessible and do not require insulation. However, an unfinished attic with floorboards must be insulated under the boards, if not insulated on top.

Exemptions to a Standard

If an owner can show that a specific weatherization measure for a building will take more than 5 years to achieve payback, Commerce may issue an exemption from that measure. When filing for an Exemption, the cost of compliance with such a requirement must be documented and reasonable. An application form with a step-by-step payback calculation is available from Commerce. After issuance, the Exemption number is transcribed onto the Certificate of Compliance by the inspector.

How to Satisfy a Stipulation

Integrated Home Inspections, LLC is a State-certified Rental Weatherization Inspector who can inspect the property and determine what requirements are needed to meet the State Code. Actual fees are based on rental size in and number of units. However, the maximum fee for inspection and certification is set by code. This fee includes an initial inspection, the Field Inspection Report, a final inspection for compliance, and the issuing of the certificate.

At the end of the inspection, we will leave you a copy of a Field Inspection Report and will discuss the requirements with you.

1. Either hire a contractor, or perform the work yourself, to bring the building into code compliance.
2. After completion of the work, you contact the inspector and request a final inspection. The inspector will re-inspect the property, and then issue a Certificate of Compliance if all requirements are satisfied. The owner will receive the original Certificate, which should be recorded at the County Register of Deeds. The inspector will send a copy of the Certificate to the Dept. of Commerce, which then satisfies the stipulation.
3. Work must be completed and the Certificate issued within 1 year of the date of the Stipulation.

Information was taken from the Wisconsin Rental Weatherization Program Code Comm 67.