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April 10, 2020

The Honorable Governor Tony Evers  
Office of the Governor 2 East Main Street  
Madison, Wisconsin 53703

The Honorable Governor Evers:

On behalf of its 634 governmental and construction industry members in Wisconsin, the International Code Council requests that Wisconsin utilize federal funding under the recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act to assist building and fire prevention departments in continuing their essential functions during the COVID-19 pandemic through virtual solutions. Both Wisconsin and the U.S. Department of Homeland Security (DHS) have determined that code officials are essential to our response.

According to Wisconsin building and fire prevention departments, 95% of offices are still performing inspections. Yet, while 76%<sup>1</sup> of those department plan reviewers and inspectors in Wisconsin report working remotely, many do not possess the capability to remotely carry out critical aspects of their work. One third of departments lack needed hard copy code books, over half of the departments allowed under statute do not have the capability to conduct electronic/remote plan review, 2 in 10 departments do not have the capability to conduct electronic/remote permitting and nearly 5 in 10 departments do not have the capability for electronic/remote inspections<sup>1</sup>. These local officials were responding to a survey conducted by the International Code Council between March 22 and April 1, 2020.

These departments, and the building, fire, plumbing, and mechanical officials and inspectors that comprise them, conduct critical work. They enforce regulations that require disinfection of ventilation through mechanical systems in hospitals, adequate facilities to ensure handwashing, and safe and sanitary plumbing systems that mitigate the spread of contagions, including water, sanitary, drainage, and medical gas systems. They also ensure healthcare centers are structurally sound, a critical function given reports of a facility collapsing and the call for temporary healthcare facilities to create additional medical surge capacity.

Code officials and property maintenance officials inspect existing infrastructure, including plumbing, mechanical, ancillary, and fire and life safety systems to verify that they are being maintained in a safe

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<sup>1</sup> <https://www.iccsafe.org/about/periodicals-and-newsroom/survey-of-u-s-code-officials-shows-trends-in-code-compliance-during-covid-19/>

and sanitary condition within their original design parameters. More broadly, code officials protect the health and welfare of building occupants when dangerous or unsafe sanitary, air quality, structural, or electrical hazards arise.

Wisconsin's public health orders on COVID-19 do not restrict building and fire prevention department work. Similarly, the DHS Cybersecurity and Infrastructure Security Agency's (CISA) latest list of "Essential Critical Infrastructure Workers," which determines critical functions that should continue normal operations in light of the COVID-19 pandemic, expressly recognizes as essential code officials who administer building inspection, plan review, and permitting work.

The CARES Act provides \$150 billion through a Corona Virus Relief Fund to state, local, tribal, and territorial governments for "necessary expenditures" with respect to the pandemic.<sup>2</sup> The CARES Act also provides \$5 billion in Community Development Block Grant (CDBG) funding, which by statute<sup>8</sup> is available for "code enforcement" activities. Finally, the Act allocates \$45 billion to FEMA's Disaster Relief Fund, which, through the Hazard Mitigation Grant Program, has been used to help code departments incorporate electronic permitting solutions.<sup>3</sup> Such solutions will not only work in today's climate, but will continue to serve the public's safety for years to come.

The Code Council strongly encourages Wisconsin to utilize Corona Virus Relief Funds, CDBG, and FEMA allocations to assist building and fire prevention departments in establishing virtual capabilities, including the deployment of technology that enables remote plan review, permitting, and inspections, as well as online access to codes and standards. These investments will allow departments to continue their necessary functions, while protecting both code official and the public, and mitigate permitting challenges for ongoing and future construction—speeding the restart of the economy and producing lasting reductions in departmental operation costs and permitting timelines.

Thank you for your consideration. If you have any questions concerning the Code Council's recommendations, please do not hesitate to contact me.

Sincerely,

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<sup>2</sup> <sup>9</sup> Pub. L. 116-136.

<sup>3</sup> <sup>10</sup> 42 U.S.C. § 5305.