

RE: DATCP Pool Rule

April 26, 2022

Members of the Joint Committee on the Review of Administrative Rules,

Thank you for accepting my testimony today in support of the committee's action to temporarily suspend a portion DATCP's pool rule, which unfairly regulates swimming pools at short-term rentals. My name is Mike Warecki and I reside in Milwaukee, WI.

In 2018, my wife and I purchased a home in Sturgeon Bay, Wisconsin with the hopes of marketing the property for short-term rentals. The property was a perfect destination for families or large groups looking to get away to Door County. One of the major selling points was its pool. This amenity was something that helped differentiate our property from others in Door County, and was something that families appreciated and shared was often the highlight of their summer vacation.

When we purchased the property, we thought we would have the ability to rent out the home with the pool included, not being familiar with the unique characteristics of Wisconsin's legislation. The previous owner rented the home and pool out with no trouble for years and did not disclose otherwise. However, shortly after listing the home on VRBO we were contacted by the State Department of Agriculture, Trade and Consumer Protection, who informed us we would need to get a commercial pool permit from the state if we wished to offer the pool.

Having been informed of this, we disallowed use of the pool for guests, which was a major disappointment for families, and began to pursue obtaining a permit. We quickly realized that in order to obtain this permit, we'd be subjected to the same rules that waterparks like Noah's Ark must comply with. We met with the agency to try and determine what issues needed correcting in order to obtain a permit. Throughout the process, the agency continually moved the goal posts. They would tell us that we need to correct a particular issue. We'd turn around and spend time and money to try and comply with the regulations, only to be told that we hadn't done enough.

Needless to say, the standards were virtually impossible to comply with. In fact, the pool inspector seemed to take pride in the fact that the department forced people to spend thousands trying to bring their pools up to code, only to be denied. He even gloated that no one had ever been able to get their home pools up to code. It was incredibly frustrating.

Throughout all of this, we continued to rent out the home and unfortunately had to inform guests that the pool was not available for use. Many of the guests had rented the house in previous years and had used the pool with no issues, so there was an expectation that they would be able to use it. We did our best to close the pool off and inform guests of this unfortunate situation. Despite clear signage the pool was not available for use, other verbal and written communication, and a locked entrance gate, some guests who'd been renting since several years before we purchased the property ultimately used the pool and left a review stating so. Ultimately, DATCP issued fines on two different occasions based on these reviews and even threatened legal action against us. This led to us selling the property in April of 2021. The last thing we wanted to was issues with the state, even if it meant walking away from a fulfilling and successful venture.

Selling the property was not our desire, but we decided that it was the right thing to do given all the troubles we had with the state. While I no longer have a personal or financial interest in having this rule suspended, I don't want to see other property owners go through the same experience we did. In no other state, have I heard of such stringent and unobtainable pool standards. To this day, it's difficult to reconcile how so many other states allow vacation homes to safely offer pools and hot tubs as an amenity to guests, while from our personal experience, the state of Wisconsin had little interest in helping small businesses, such as ours, do the same. The state must exercise common sense when it comes to this issue. Rental marketplaces like Airbnb and VRBO include robust review systems that give homeowners the incentive to offer a superior experience. We took great pride in ensuring our pool was safe and clean and spent thousands a season ensuring it was professionally cared for. Why? Because our guests demanded it and they would have let us know if we didn't meet their standards.

We sincerely appreciate the committee taking action on this issue, and hope that no-one else has to endure what we did.

Sincerely,



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