

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Construction Codes

Name of person completing this form:

Amanda Johnson

Phone number of person completing this form:

517-241-3408

E-mail of person completing this form:

JohnsonA39@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2019-125 LR

Title of proposed rule set:

Part 4 Building Code

3. Purpose for the proposed rules and background:

Part 4 of the Construction Code currently adopts by reference the 2015 edition of the International Building Code (IBC), which is developed by the International Code Council and is based on building principles used in building codes across the country. Part 4 also includes rules that amend the IBC to address laws and climate conditions that are specific to Michigan. The proposed rules will adopt by reference the 2018 edition of the IBC with amendments, deletions, and additions deemed necessary for use in Michigan.

The proposed rules provide the latest standards to protect the health and promote the safety and welfare of the people by regulating the construction, reconstruction, and alteration of buildings within the state.

Adoption of the 2018 edition of the IBC as well as an update of the rules could result in cost savings for homeowners and contractors who will be able to use the latest materials and technology as a result of the revision of the rules.

4. Summary of proposed rules:

The proposed rule set (2019-125 LR) will adopt by reference the 2018 International Building Code (IBC) with amendments, deletions, and additions deemed necessary for use in Michigan. The 2018 International Building Code provides the latest standards to protect the health and promote the safety and welfare of the people by regulating the construction, reconstruction, and alteration of buildings within the state.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Newberry News- Published on September 2, 2020
MLive Ann Arbor- Published on August 30, 2020
The Morning Sun- Published on September 3, 2020

6. Date of publication of rules and notice of public hearing in Michigan Register:

9/15/2020

7. Date, time, and location of public hearing:

9/24/2020 09:00 AM at Zoom & Conference Call , Zoom: <https://zoom.us/j/97849509623?pwd=RjFNTzVLWDVBVnpQK3lMVEEdSdEVzUT09> Conference Call: (877) 873-8017 Conference Code: 109987

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=111>

9. List of the name and title of agency representative(s) attending public hearing:

Amanda Johnson- Analyst in BCC
Kevin Kalakay- Mechanical Chief in BCC
Johnathan Paradine- Building Chief in BCC
Anthony Snyder- Administrative Law Specialist in BCC
Dean Austin- Electrical Chief in BCC

10. Persons submitting comments of support:

None.

11. Persons submitting comments of opposition:

Jason Wadaga - Burglar Fire Alarm ASSN MI

Mr. Wadaga does not like the way 901.6.4 is worded because it can be interpreted different ways.

Dan Zechmeister- Masonry Institute of Michigan

Mr. Zechmeister and the Michigan Masonry Coalition (MMC) is in support of the section 423 in the 2018 IBC. They do not like that 423.4 and 423.4.1 regarding storm shelters are not being included in the rules.

William Hordyk- Building Inspector and Plans Examiner

Agency Report to JCAR-Page 3

Mr. Hordyk does not like the deletion of 104.2, 104.3, 104.5, 104.7, 105.3, 105.3.1, 105.3.2, 105.6, 109.2, 109.3, 109.4, 109.5, 109.6, 113.2, 113.3, 114.1, 114.2, 114.3, 115.1, 115.2, 115.3 and the definition of Agricultural Building, Occupiable Space and Recreational Vehicle. He also inquired why 101.3, 103.3, 104.6, 107.5, 12303.1 were amended.

The reason sections 104.2, 104.3, 104.5, 104.7, 105.3, 105.3.1, 105.3.2, 105.6, 113.3, 114.1, and 114.2 are being deleted because they are provided for in PA 230.

The reason sections 109.2, 109.3, 109.4, 109.5, 113.3, 114.3, 115.1, 115.2, and 115.3 are being deleted because they exceed the scope of PA 230 and are not currently in the code. This is a holdover exception from previous codes.

The following definitions: Agricultural Building and Recreational Vehicle are being deleted because they are provided for in PA 230. Occupiable Space is being amended because a new term was added to the code.

Michael Vandervennet- Business Manager/ Financial Secretary for the International Union of Elevator Constructors, Local 36, Detroit, MI.

Mr. Vandervennet does not like rescinding section 3001.2 (other devices), 3001.2.1 (conveyers), 3001.2.2 (automotive lifts), 3002.6 (prohibited doors),

He did not like the specific wording in 1109.8 and 3001.5 and wanted to reword it.

He did not like the specific wording in 3001.5 and wanted to add information regarding a repurposed building or structure to this rule.

He wanted Rule 458 to be edited and add in some sections that are being deleted from the rule.

In R 408.30499, R 408.30427, R 408.30458, and R 408.30459 he wanted the words Michigan Elevator Code changed to Michigan Elevator Rules.

Also, in R 408.30458 section 3003.2 he wanted Fire-Fighters' written differently.

Scott Walkowicz- Michigan Structural Masonry Coalition

Mr. Walkowicz spoke on behalf of himself and the Michigan Masonry Coalition. They do not like that the storm shelter mandate was excluded for primary education facilities.

Steven Hoekzema- TowerPinkster

Mr. Hoekzema does not like the separation between storm shelter facilities.

Trudy Wilder

Agency Report to JCAR-Page 4

Mrs. Wilder concurs with the statement of William Hordyk.

Scott Hulstrom- National Coordinator Elevator Industry Work Preservation Fund

Mr. Hulstrom had many amendments he would like to see in the rules in sections 1109.8, 3001.4, 3001.5, 3001.2, 3001.1, 1102.1, 3002.5, 3003.2, 1104.3, R 408.30459 and R 408.30499

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	William Hordyk - Building Inspector and Plans Examiner	My name is William Hordyk. I am a registered Building inspector and plans examiner in the State of Michigan. I also hold 11 national certifications with the International Code Council including Residential and Commercial Inspector, Residential and Commercial Plans Examiner and Building Code Specialist. I come to you duly elected by the Metro Building Inspectors Association of Greater of Grand Rapids to speak on their behalf regarding this mater. The Metro association is a group of over 130 registered building officials and inspectors performing their duties for over 70 delegated authorities in the state of Michigan. In review of the proposed rule changes,		Section's 104.8, 109.1, 111.1, 111.2 and 114.4 are going to be kept in the rules. These sections were going to be excepted out before the public hearing, but after Mr. Hordyk's statement at the public hearing as well as his written statement the department has decided it is best to keep these sections in the rule set. These provisions will remain in the Code, as drafted. These sections which include fees, certificate of use and occupancy, and violations, have been kept in the rule set because the department believes it will	104.8 109.1 111.1 111.2 114.4

I would like to raise an objection to the deletion of substantial portions of the administrative section (chapter 1) of the Building Code. These sections identified for deletion have existing in the model code and MI versions of that code since the promulgation of the 2000 codes. Similar language has also been a part of the MI adopted codes from the formation of PA 230 of 1972 without being modified by administrative rules. Why is it now that the director has determined to throw out 50 years of precedence and claim that these sections of code are in contradiction to the Act?

Apart from the objection to the letter of the proposed rule changes, I raise objection to the stated reasoning for these administrative changes. In the Bureau's Rules Impact Statement, it is claimed that the proposed changes are intended to bring the rules "...in line with actual practices." I present to you that, as

help keep an easier interpretation and clarification of these rules.

a representative of over 130 registered code officials, the proposed changes at best indifferent to actual practices at more likely in direct contradiction to actual practices of those who daily serve to protect the people of this great state from a hazardous built environment.

I ask the director to respond with reasoning for the deletions, and specific reasoning for each of the following sections identified for deletion from the 2018 International Building Code indicating what specific language of PA 230 is purported to be contradicted.

Section:

104.2, 104.3 , 104.5 ,
104.7 , 104.8 , 104.10 ,
105.3 , 105.3.1 ,
105.3.2 , 105.6 ,109.1 ,
109.2 , 109.3 , 109.4 ,
109.5 , 109.6 ,
110.3.9 , 111.1, 111.2 ,
111.3 , 113.2 , 113.3 ,
114.1 , 114.2 ,
114.3 ,114.4 , 115.1 ,
115.2, 115.3

I also request substantiation for the proposed amending of 101.3 , 103.3 , 104.6 , 107.5 , 1203.1

And to the Deletion of the definition of

Agency Report to JCAR-Page 7

		<p>“Agricultural Building” “Recreational Vehicle” I also ask for explanation and substantiation of rule 415a which appears to add, modify, duplicate and delete definitions of words within the code beyond the enacting language of rule 401, including the redefining of “Occupiable space” which alone will have an unimaginable impact to the enforcement of all the construction codes.</p>		
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13.Date report completed:

3/4/2021