

HOUSE BILL No. 5656

March 11, 1998, Introduced by Reps. Rison, Martinez, Hale, Bogardus, Quarles, Curtis, Thomas, Varga, DeHart, Wojno, Price, Gagliardi, Parks, Murphy, Mathieu, Ciaramitaro, Freeman, Baird, Brater, Scott, Baade, LaForge, Brewer, Cherry, Leland, Schermesser, Hanley, Prusi, Hood, Profit, Schroer, Emerson, Brown, Willard, Vaughn, Harder, Schauer, Callahan and Stallworth and referred to the Committee on Health Policy.

A bill to provide for the regulation of persons engaged in lead abatement; to create certain boards; to provide for the assessment and abatement of lead-based paint hazards in certain housing and public buildings; to create certain funds; to establish powers and duties of certain state departments and agencies; to provide for standards for certain activities; to define rights and duties of certain persons; to prohibit certain discriminatory practices; to provide for the promulgation of rules; to provide for certain fees; and to provide for remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "lead abatement act".

3 Sec. 3. As used in this act:

4 (a) "Abatement" means a set of measures designed to
5 permanently eliminate lead-based paint hazards. Abatement does

1 not include renovation, remodeling, landscaping, or other
2 activities when such activities are not designed to permanently
3 eliminate lead-based paint hazards but are designed to repair,
4 restore, or remodel a given structure or dwelling, even though
5 these activities may incidentally result in a reduction in
6 lead-based paint hazards and does not include interim controls,
7 operations, and maintenance activities designed to temporarily
8 reduce lead-based hazards. Abatement includes but is not limited
9 to all of the following:

10 (i) The removal of lead-based paint and lead-contaminated
11 dust, the permanent encapsulation of lead-based paint, the
12 replacement of lead-painted surfaces or fixtures, and the removal
13 or covering of lead-contaminated soil.

14 (ii) All preparation, cleanup, disposal, and post-abatement
15 clearance testing activities associated with the measures in sub-
16 paragraph (i).

17 (iii) Projects for which there is a written contract or
18 other documentation, which provides that an individual or firm
19 will be conducting activities in or to a residential dwelling or
20 child-occupied facility that is any of the following:

21 (A) Designed to result in the permanent elimination of
22 lead-based paint hazards.

23 (B) Designed to permanently eliminate lead-based paint haz-
24 ards and are described in subparagraphs (i) and (ii).

25 (iv) Projects resulting in the permanent elimination of
26 lead-based paint hazards, conducted by firms or individuals
27 licensed under this act.

1 (v) Projects resulting in the permanent elimination of
2 lead-based paint hazards, conducted by firms or individuals who,
3 through their company name or promotional literature, represent,
4 advertise, or hold themselves out to be in the business of per-
5 forming lead-based paint activities as identified and defined by
6 this section.

7 (vi) Projects resulting in the permanent elimination of
8 lead-based paint hazards, that are conducted in response to state
9 or local abatement orders.

10 (b) "Accredited training program" means a training program
11 that the department accredits to provide training for individuals
12 engaged in lead-based paint activities.

13 (c) "Adequate quality control" means a plan or design which
14 ensures the authenticity, integrity, and accuracy of samples,
15 including dust, soil, and paint chip or paint film samples.
16 Adequate quality control also includes provisions for representa-
17 tive sampling.

18 (d) "Board" means the lead abatement contractors licensing
19 board created in part 2.

20 Sec. 5. As used in this act:

21 (a) "Child-occupied facility" means a building, or portion
22 of a building, constructed prior to 1978, visited regularly by
23 the same child, 6 years of age or under, on at least 2 different
24 days within any week, provided that each day's visit lasts at
25 least 3 hours and the combined weekly visit lasts at least 6
26 hours, and the combined annual visits last at least 60 hours.

1 Child-occupied facilities include, but are not limited to,
2 day-care centers, preschools, and kindergarten classrooms.

3 (b) "Clearance levels" are values that indicate the maximum
4 amount of lead permitted in dust on a surface following comple-
5 tion of an abatement activity.

6 (c) "Common area" means a portion of a building generally
7 accessible to all residents and users, including but not limited
8 to the hallway, stairway, laundry and recreational rooms, play-
9 ground, community center, garage, and boundary fence.

10 (d) "Component or building component" means specific design
11 or structural elements or fixtures of a building, residential
12 dwelling, or child-occupied facility that are distinguished from
13 each other by form, function, and location. These include, but
14 are not limited to, interior components such as ceilings, crown
15 molding, walls, chair rails, doors, door trim, floors, fire-
16 places, radiators and other heating units, shelves, shelf sup-
17 ports, stair treads, stair risers, stair stringers, newel posts,
18 railing caps, balustrades, windows and trim, built-in cabinets,
19 columns, beams, bathroom vanities, countertops, air conditioners,
20 and exterior components.

21 (e) "Containment" means a process to protect workers and the
22 environment by controlling exposures to the lead-contaminated
23 dust and debris created during an abatement.

24 (f) "Course test blueprint" means written documentation of
25 the proportion of course test questions devoted to each major
26 topic in the course curriculum.

1 (g) "Deleading" means the process of eliminating lead-based
2 paint or a lead-based paint hazard.

3 (h) "Demolition" means the act of pulling down or destroying
4 a building or structure.

5 (i) "Department" means the department of consumer and indus-
6 try services.

7 (j) "Deteriorated paint" means paint that is cracking, flak-
8 ing, chipping, or peeling from a building component.

9 (k) "Distinct painting history" means the record of applica-
10 tion, over time, of paint or other surface coatings to a compo-
11 nent of a building structure.

12 Sec. 7. As used in this act:

13 (a) "Elevated blood lead level" means an excessive absorp-
14 tion of lead that is a confirmed concentration of lead in whole
15 blood of 20 ug/dl (micrograms of lead per deciliter of whole
16 blood) for a single venous test or of 15-19 ug/dl in 2 consecu-
17 tive tests taken 3 to 4 months apart.

18 (b) "Encapsulation" means a process that makes lead-based
19 paint inaccessible by providing a barrier between the lead-based
20 paint and the environment and includes a liquid-applied coating
21 or an adhesively bonded covering material.

22 (c) "Enclosure" means the use of rigid, durable construction
23 materials that are mechanically fastened to the substrate in
24 order to act as a barrier between lead-based paint and the
25 environment.

26 (d) "Hazardous waste" means waste as it is defined in 40
27 C.F.R. 261.3.

1 (e) "Inspection" means a surface-by-surface investigation
2 for the presence of lead-based paint and the provision of a
3 report explaining the results of the investigation.

4 (f) "Interim controls" means a set of measures designed to
5 reduce temporarily human exposure or likely exposure to a
6 lead-based paint hazard. Interim controls include, but are not
7 limited to, specialized cleaning, repair, maintenance, painting,
8 temporary containment, ongoing monitoring of a lead-based paint
9 hazard or potential hazard, and the establishment and operation
10 of management and resident education programs.

11 Sec. 9. As used in this act:

12 (a) "Lead-based paint" means paint or other surface coating
13 that contains lead equal to or in excess of 1.0 milligrams per
14 square centimeter or more than 0.5% by weight.

15 (b) "Lead-based paint activity" means, in the case of target
16 housing or child-occupied facilities, risk assessment, inspec-
17 tion, and abatement.

18 (c) "Lead-based paint hazard" means any condition that
19 causes exposure to lead from lead-contaminated dust,
20 lead-contaminated soil, or lead-contaminated paint that is dete-
21 riorated or present in accessible surfaces, friction surfaces, or
22 impact surfaces that would result in adverse human health effects
23 as identified by the administrator pursuant to TSCA section 403.

24 (d) "Lead-contaminated dust" means surface dust in residen-
25 tial dwellings or child-occupied facilities that contains an area
26 or mass concentration of lead at or in excess of levels
27 identified by the administrator pursuant to TSCA section 403.

1 (e) "Lead-contaminated soil" means bare soil on residential
2 real property and on the property of a child-occupied facility
3 that contains lead at or in excess of levels identified by the
4 administrator pursuant to TSCA section 403.

5 (f) "License" means an authorization issued by the depart-
6 ment upon recommendation by the board for activities regulated by
7 this act.

8 (g) "Licensed contractor" means a person who has met the
9 requirements for licensure under this act as a lead abatement
10 contractor.

11 (h) "Living area" means an area of a target housing unit
12 that is most often frequented by a child under the age of 6,
13 including but not limited to the living room, kitchen, den, play-
14 room, and the child's bedroom.

15 Sec. 11. (a) "Multifamily housing" means a structure that
16 contains more than 1 separate residential dwelling unit, which is
17 used or occupied, or intended to be used or occupied, in whole or
18 in part, as the home or residence of 1 or more persons.

19 (b) "Paint in poor condition" means more than 10 square feet
20 of deteriorated paint on exterior components with large surface
21 areas, more than 2 square feet of deteriorated paint on interior
22 components with large surface areas, or more than 10% of the
23 total surface area of the component is deteriorated on interior
24 or exterior components with small surface areas.

25 (c) "Permanently covered soil" means soil which has been
26 separated from human contact by the placement of a barrier
27 consisting of solid, relatively impermeable materials, such as

1 pavement or concrete, grass, mulch, and other landscaping
2 materials that are not considered permanent covering.

3 (d) "Person" means an individual, firm, partnership, corpo-
4 ration, association, limited liability company, governmental
5 entity, or other legal entity.

6 (e) "Recognized laboratory" means an environmental labora-
7 tory recognized by the department as capable of performing an
8 analysis for lead compounds in paint, soil, and dust.

9 (f) "Reduction" means measures designed to reduce or elimi-
10 nate human exposure to lead-based paint hazards through methods
11 including interim controls and abatement.

12 (g) "Renovation" means the modification of target housing or
13 a public building. Renovation does not include a modification
14 that is performed as part of a lead abatement program by a
15 licensed contractor.

16 (h) "Residential dwelling" means 1 or both of the
17 following:

18 (i) A single-family dwelling, including attached structures
19 such as porches and stoops.

20 (ii) A single-family dwelling unit in a structure that con-
21 tains more than 1 separate residential dwelling unit which is
22 used or occupied, or intended to be used or occupied, in whole or
23 in part as the residence of 1 or more persons.

24 (i) "Risk assessment" means an on-site investigation to
25 determine the existence, nature, severity, and the provision of a
26 report by a person conducting risk assessment explaining the

1 results of the investigation and the options for reducing
2 lead-based paint hazards.

3 Sec. 13. As used in this act:

4 (a) "Target housing" means housing constructed before 1978
5 but does not include a dwelling without a bedroom or housing for
6 the elderly or persons with a disability unless 1 or more chil-
7 dren 6 years of age or under resides in that housing.

8 (b) "TSCA" means the toxic substances control act, Public
9 Law 94-469, 15 U.S.C. 2601 to 2629, 2641 to 2656, 2661 to 2671,
10 and 2681 to 2692.

11 (c) "Visual inspection for clearance testing" means the
12 visual examination of a residential dwelling or a child-occupied
13 facility following an abatement to determine whether or not the
14 abatement has been successfully completed.

15 (d) "Visual inspection for risk assessment" means the visual
16 examination of a residential dwelling or a child-occupied facil-
17 ity to determine the existence of deteriorated lead-based paint
18 or other potential sources of lead-based paint hazards.

19 Sec. 15. (1) There is created a lead abatement contractors
20 licensing board within the department. The lead abatement con-
21 tractors board consists of 7 members appointed by the governor
22 with the advice and consent of the senate. At least 3 members
23 appointed to the board shall represent lead abatement contrac-
24 tors, 3 shall represent lead abatement laborers, and 1 shall rep-
25 resent the general public and be experienced in public health
26 areas. A member representing lead abatement laborers shall not
27 belong to the same labor organization as any other member. As

1 used in this section, "labor organization" means that term as
2 defined in section 2 of 1939 PA 176, MCL 423.2.

3 (2) The governor shall appoint each member within 90 days
4 after the effective date of this act and, except as provided in
5 subsection (3), each member shall serve for a term of 3 years, or
6 until his or her successor is appointed.

7 (3) The members first appointed to the board shall serve the
8 following terms:

9 (a) One representative of lead abatement laborers and 1 rep-
10 resentative of lead abatement contractors shall serve a term of 1
11 year.

12 (b) One representative of lead abatement laborers and 1 rep-
13 resentative of lead abatement contractors shall serve a term of 2
14 years.

15 (c) One representative of lead abatement laborers, 1 repre-
16 sentative of lead abatement contractors, and 1 member representa-
17 tive of the general public shall serve a term of 3 years.

18 (4) If a vacancy occurs on the board, the governor shall
19 make an appointment for the balance of the unexpired term in the
20 same manner as the original appointment.

21 (5) The governor may remove a member of the lead abatement
22 contractors licensing board for incompetency, dereliction of
23 duty, malfeasance, misfeasance, or nonfeasance in office, or any
24 other good cause.

25 (6) The board shall meet within 30 days after all members
26 have been appointed. At the first meeting, the board shall elect
27 from among its members a chairperson and other officers as it

1 considers appropriate or necessary. After the first meeting, the
2 board shall meet at least quarterly or more frequently at the
3 call of the chairperson or if requested by 4 or more members. A
4 special meeting of the board may be called by the chairperson and
5 shall be called upon the chairperson's receipt of a written
6 request signed by 2 or more members of the board.

7 (7) A majority of the board constitutes a quorum for the
8 transaction of business at a meeting of the board. A majority
9 vote of the members present and serving is required for official
10 action of the lead abatement contractors licensing board.

11 (8) The business of the board shall be conducted at a public
12 meeting of that board held in compliance with the open meetings
13 act, 1976 PA 267, MCL 15.261 to 15.275.

14 (9) A writing prepared, owned, used, in the possession of,
15 or retained by the board in the performance of an official func-
16 tion is subject to the freedom of information act, 1946 PA 442,
17 MCL 15.231 to 15.246.

18 (10) Members of the board shall serve without compensation.
19 However, members of the board may be reimbursed for their actual
20 and necessary expenses incurred in the performance of their offi-
21 cial duties as members of the board pursuant to the standard
22 travel regulations of the department of management and budget.

23 Sec. 17. The board shall do all of the following:

24 (a) Establish rules governing the board's formal and infor-
25 mal procedures.

1 (b) Make recommendations to the department concerning the
2 denial, suspension, or revocation of licenses required under this
3 act, and other enforcement matters under this act.

4 (c) Upon request by the department, advise the department on
5 the preparation and distribution of information on lead.

6 (d) Advise the department on the promulgation of administra-
7 tive rules pursuant to this act.

8 Sec. 19. (1) Following the submission of an application
9 meeting all the requirements of this section and a determination
10 by the department that an individual has met all applicable
11 requirements to perform lead-based paint activities, the depart-
12 ment shall issue a license to the applicant in 1 or more of the
13 disciplines described in section 21.

14 (2) A person shall not engage or offer to engage in
15 lead-based activities unless licensed in the appropriate category
16 under this act. A person conducting lead-based paint activities
17 shall comply with the standards for performing lead-based paint
18 activities in section 21.

19 (3) It is considered a violation of TSCA for an individual
20 to conduct any of the lead-based paint activities described in
21 this act unless that individual has received the appropriate
22 license from the department.

23 Sec. 21. The following are adopted and incorporated by
24 reference:

25 (a) Those standards related to training program accredit-
26 ation contained in 40 C.F.R. 745.225.

1 (b) Those standards related to certification of individuals
2 and firms contained in 40 C.F.R. 745.226.

3 (c) Those standards related to work practice contained in
4 40 C.F.R. 745.227.

5 Sec. 23. (1) The department shall promulgate a schedule of
6 monetary administrative fines of not more than \$10,000.00 for
7 each violation or each day that a violation continues that may be
8 assessed for a specified violation of this act or rule promul-
9 gated under this act. For violation of the lead abatement
10 licensing provisions of this act, the department shall establish
11 monetary penalties in substantial compliance with the EPA's civil
12 penalty policy for lead abatement, but not more than \$25,000.00
13 for each violation or day that the violation continues.

14 (2) If the department believes that a person has violated
15 this act or a rule promulgated under this act, the department may
16 issue a citation at the time or not more than 90 days after dis-
17 covery of the alleged violation. The citation shall include ref-
18 erence to the section of this act or the rule alleged to have
19 been violated, the administrative fine established for the viola-
20 tion, if any, and the right to appeal the citation. The citation
21 shall be personally delivered or sent by registered mail to the
22 alleged violator.

23 (3) Not more than 20 days after receipt of a citation issued
24 under this part, the alleged violator may petition the department
25 for an administrative hearing under the administrative procedures
26 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that shall be
27 held before the board or the board's designated representative

1 within 30 days after receipt of the petition. The department
2 shall notify the alleged violator's employees or employee repre-
3 sentative that an administrative hearing will be held and the
4 date, time, and place of the hearing. The alleged violator shall
5 permit the attendance of an employee representative at the admin-
6 istrative hearing. After the administrative hearing, the direc-
7 tor of the department may affirm, dismiss, or modify the
8 citation.

9 (4) An alleged violator aggrieved by a decision of the
10 director of the department under this section may petition the
11 circuit court of the county in which the violation was alleged to
12 have occurred for review. The petition shall be filed not later
13 than 60 days following receipt of the director's final decision.

14 (5) A civil penalty becomes final if a petition for adminis-
15 trative hearing or review is not received within the time speci-
16 fied in this section. A civil penalty imposed under this act
17 shall be payable to the department. A civil penalty may be
18 recovered in a civil action brought in the county in which the
19 violation occurred or the defendant resides.

20 (6) The department may bring an administrative action for
21 suspension or revocation of a license issued under this act
22 against a person alleged to have violated this act or a rule
23 promulgated under this act.

24 Sec. 25. (1) In addition to other sanctions described in
25 this act, a person conducting lead-based paint activities without
26 a license under this act or a person who violates this act or a
27 rule promulgated under this act and who fails to correct the

1 violation after notice is guilty of a misdemeanor, punishable by
2 a fine of not more than \$500.00, and upon conviction for a second
3 or subsequent offense not more than \$1,000.00 or imprisonment for
4 not more than 6 months, or both. A violation of this act may be
5 prosecuted by either the attorney general or the prosecuting
6 attorney of the judicial district in which the violation was
7 committed.

8 (2) The remedies under this act are cumulative and the
9 application of sanctions under this act does not preclude the
10 application of other sanctions, penalties, or provisions of any
11 other federal, state, or political subdivision.

12 Sec. 27. A person may commence an action in a court of com-
13 petent jurisdiction to do either or both of the following:

14 (a) Restrain a person, including the state or other govern-
15 ment agency, from violating this act or a rule promulgated under
16 this act.

17 (b) Compel the department to perform a mandatory duty set
18 forth under this act.

19 Sec. 29. (1) After consultation with appropriate agencies
20 and not more than 12 months from the effective date of this act,
21 the department shall establish eligibility criteria and other
22 rules or criteria that may be necessary to administer financial
23 assistance programs in the form of grants, loan guarantees, or
24 low interest loans to qualified persons for lead hazard evalu-
25 ation and control activities in target housing and child care
26 facilities. The conditions for receipt of a grant or loan shall
27 include all of the following:

1 (a) The recipient or beneficiary of the grant or loan meets
2 appropriate financial criteria set forth in the rules or regula-
3 tions designed to target assistance to low- and moderate-income
4 persons.

5 (b) No more than 80% of the costs of evaluation and lead
6 hazard control incurred will be paid for by the grant, although
7 the remainder may be provided in the form of a loan.

8 (c) Only a licensed person shall conduct evaluation and lead
9 hazard control activities financially assisted under this
10 section.

11 (2) The department may contract with public, state, or local
12 agencies, nonprofit community housing organizations, or licensed
13 financial institutions to administer grants and loans provided by
14 this section.

15 (3) The department shall coordinate the issuance of grants
16 and loans under this section with other federal and state lead
17 hazard control, residential rehabilitation and weatherization
18 funding programs. The department shall seek to sustain program
19 funding through revolving loan funds and recapture of deferred
20 loans upon the sale of property.

21 Sec. 31. (1) The department shall establish a lead poison-
22 ing prevention program that has the powers and responsibilities
23 described in this section.

24 (2) The program shall create and implement a coordinated and
25 comprehensive plan to prevent childhood lead poisoning and to
26 control exposure to lead-based paint hazards.

1 (3) The program shall develop a comprehensive educational
2 and community outreach program regarding lead poisoning
3 prevention that shall, at a minimum, include the development of
4 appropriate educational materials targeted to health care provid-
5 ers, child care providers, public schools, owners and tenants of
6 residential dwellings, and parents of young children. These edu-
7 cational materials shall be made available, upon request, to
8 local and state community groups, legal services organizations,
9 and tenants' groups.

10 (4) The program shall develop a case management system to
11 ensure that all cases of childhood lead poisoning receive serv-
12 ices appropriate to the severity of lead poisoning. Case manage-
13 ment services shall to the extent practicable include the
14 following:

15 (a) Timely diagnosis and appropriate medical follow-up.

16 (b) Parental education.

17 (c) Occupant protection, including temporary or permanent
18 relocation to lead safe housing as needed.

19 (d) Lead-based paint hazard evaluation and control in appro-
20 priate circumstances.

21 Sec. 33. (1) There is created a lead poisoning prevention
22 program fund as a restricted fund within the department of trea-
23 sury to be administered by the department for the purposes
24 described in subsection (2).

25 (2) The fund shall be used for expenses related to the
26 development, implementation, and operation of the program created
27 in section 31.

1 (3) Deposit of money in the fund is authorized as follows:

2 (a) The department shall assess fees for licensure under
3 this act and, after payment of the expenses related to adminis-
4 tering and enforcing this act, deposit the remainder of the money
5 into the fund.

6 (b) The department shall assess civil fines for violations
7 of specific provisions of this act and deposit that money into
8 the fund.

9 (c) The state legislature may, through appropriations or
10 other means, contribute to the fund.

11 (d) The fund may accept money, including federal grants and
12 appropriations.

13 (4) The state treasurer shall direct the investment of the
14 fund. All interest and earnings of the fund shall be retained by
15 the fund. Money in the fund at the close of the fiscal year
16 shall remain in the fund and not revert to the general fund.

17 (5) Not more than 1 year after the establishment of the
18 fund, and annually thereafter, the department shall prepare a
19 written report regarding the fund, including the amounts and
20 sources of money contributed to the fund in the previous year and
21 a complete accounting of its use. This report shall be given to
22 the appropriate committees of the legislature and be made avail-
23 able to members of the public upon request.

24 Sec. 35. (1) The department may delineate geographical
25 areas within the state, known as priority areas, in which the
26 risk of lead poisoning in children is believed to be especially
27 high. Priority areas may be targeted for community outreach and

1 screening efforts, be given high priority for state inspection
2 resources, be targeted for early lead hazard control efforts, and
3 be given priority in allocation of public financial assistance
4 for lead hazard control.

5 (2) The department shall make available to the public a list
6 of and a map showing the priority areas.

7 Sec. 37. (1) The department shall establish guidelines set-
8 ting priorities for scheduling and conducting inspections by
9 state inspectors.

10 (2) Inspections shall take place during reasonable business
11 hours or at a time as the inspector and the owner, occupant, or
12 operator may agree. If the department determines that a residen-
13 tial dwelling, residential dwelling unit, premises or child care
14 facility may present an imminent hazard, a state or local inspec-
15 tor is authorized to conduct an inspection at any time.

16 (3) State or local inspectors shall prepare and file written
17 inspection report, which shall be available to the public, except
18 that confidential medical information and the identity of persons
19 supplying enforcement-related information shall be deleted from
20 publicly available records.

21 Sec. 39. Not more than 6 months from the effective date of
22 this act, the department shall propose rules regarding the post-
23 ing of lead hazard warnings, and the provision of the results of
24 risk assessments and lead inspections to occupants. The rules
25 shall be issued finally no later than 12 months from the effec-
26 tive date of this act.

1 Sec. 41. This act does not prohibit an unlicensed owner
2 from performing lead-based paint abatement on a single family
3 dwelling that is occupied solely by the owner.

4 Sec. 43. (1) The department shall establish and maintain a
5 registry of target housing for which a certificate has been
6 obtained showing that the premises are lead-free or lead-safe.
7 The housing registry shall be indexed geographically. The
8 department may require the filing of other relevant documents,
9 including public lead inspection reports and administrative and
10 judicial orders, in the registry.

11 (2) All copies of certificates of lead safety and other rel-
12 evant documents in the possession of the registry shall be con-
13 sidered public records.

14 Sec. 45. (1) The department may promulgate rules necessary
15 to administer this act including, but not limited to, the assess-
16 ment of license fees.

17 (2) Rules under this act may be more stringent, but in no
18 event less stringent, than comparable federal regulations, stan-
19 dards, and guidelines.

20 (3) Unless otherwise required by this act, the department
21 shall propose rules to implement this act not more than 12 months
22 after its effective date and promulgate rules in final form not
23 more than 18 months after the effective date of this act.

24 Sec. 47. (1) This act does not diminish the responsibili-
25 ties of an owner or occupant, or the authority of enforcing
26 agents under state, county, city, municipal, or other local
27 building, housing, or health and safety codes.

1 (2) The requirements of this act are in addition to other
2 pertinent provisions of a code listed in subsection (1).

3 (3) In addition to the enforcement authority granted under
4 this act, the department shall have the authority to use perti-
5 nent provisions of state, county, city, municipal, or other local
6 building, housing, or health and safety codes.

7 Sec. 49. Except for the provisions of this act relating to
8 penalties and appeals, after filing notice with the secretary of
9 state, the department may delegate to another state agency the
10 act's administrative duties, including accreditation and licen-
11 sure, if a delegation of duties would provide a more effective
12 and efficient administration of the provisions of this act.
13 Notwithstanding any other law, the director may allocate money
14 appropriated to the department to the delegate agency for the
15 purpose of funding the delegation.