

# SENATE BILL No. 490

May 11, 2005, Introduced by Senators HARDIMAN, GILBERT, CROPSEY, HAMMERSTROM and JELINEK and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 8a and 24 (MCL 125.1508a and 125.1524), section 8a as added by 1999 PA 245 and section 24 as amended by 1980 PA 371.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8a. (1) This act and the code apply throughout the state.  
2       **HOWEVER, A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY ENACT AND ENFORCE**  
3       **A MAINTENANCE OR FIRE PREVENTION CODE PURSUANT TO SECTION 3(J) AND**  
4       **(K) OF THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.3, SECTION 8 OF**  
5       **THE HOUSING LAW OF MICHIGAN, 1917 PA 167, MCL 125.408, OR ANOTHER**  
6       **LAW OF THIS STATE, AS APPLICABLE.**

7       (2) Within 10 days after ~~the effective date of this~~

1 ~~subsection~~ **DECEMBER 28, 1999**, the director shall provide a notice  
2 of intent form to all governmental subdivisions administering and  
3 enforcing a nationally recognized model code other than the code  
4 established by the commission under this act. This form shall set  
5 forth the date return receipt is required, which date shall not be  
6 less than 60 days after receipt. The chief elected official of the  
7 governmental subdivision that receives this notice shall indicate  
8 on the form the intention of the governmental subdivision as to  
9 whether it shall administer and enforce the code and transmit this  
10 notice to the director within the prescribed period. If a  
11 governmental subdivision fails to submit a notice of intent to  
12 administer and enforce the code within the date set forth in the  
13 notice, the director shall send a notice by registered mail to the  
14 clerk of that governmental subdivision. The registered notice shall  
15 indicate that the governmental subdivision has 15 additional days  
16 in which to submit a notice of intent to administer and enforce the  
17 code. If the governmental subdivision does not respond by the end  
18 of the 15 additional days, it shall be conclusively presumed that  
19 the governmental subdivision does not intend to administer and  
20 enforce the code, and the director shall assume the responsibility  
21 for administering and enforcing this act and the code in that  
22 governmental subdivision, unless the county within which that  
23 governmental subdivision is located has submitted a notice of  
24 intent to continue to administer and enforce this act and the code.  
25 Governmental subdivisions may provide by agreement for joint  
26 enforcement of the code.

27 (3) A governmental subdivision that has elected to assume

1 responsibility for the administration and enforcement of this act  
2 and the code, and has submitted a notice of intent to continue to  
3 administer and enforce the code to the director pursuant to section  
4 8b, after ~~the effective date of this subsection~~ **DECEMBER 28,**  
5 **1999,** may reverse that election.

6 (4) A governmental subdivision that, before ~~the effective~~  
7 ~~date of this subsection~~ **DECEMBER 28, 1999,** has elected to exempt  
8 itself pursuant to **FORMER** section 8(1) may reverse that election,  
9 making itself subject to the act and the code. However, that action  
10 shall not take effect until 60 days after passage of an ordinance  
11 to that effect. A structure commenced under an effective code shall  
12 be completed under that code.

13 (5) A governmental subdivision that, before ~~the effective~~  
14 ~~date of this subsection~~ **DECEMBER 28, 1999,** has not administered  
15 and enforced either this act and the code or another nationally  
16 recognized model code may elect to enforce this act and the code  
17 pursuant to subsection (1) by the passage of an ordinance to that  
18 effect. A governmental subdivision that makes this election after  
19 ~~the effective date of this subsection~~ **DECEMBER 28, 1999** shall  
20 submit, in addition to the ordinance, an application to the  
21 commission for approval to administer and enforce that code within  
22 its jurisdiction. This application shall be made on the proper form  
23 to be provided by the commission. The standards for approval shall  
24 include, but not be limited to, the certification by the  
25 governmental subdivision that the enforcing agency is qualified by  
26 experience or training to administer and enforce the code and all  
27 related acts and rules, that agency personnel are provided as

1 necessary, administrative services are provided, plan review  
2 services are provided, and timely field inspection services shall  
3 be provided. The director shall seek additional information if the  
4 director considers it necessary. The commission shall render a  
5 decision on the application for approval to administer and enforce  
6 the code that has been adopted and transmit its findings to that  
7 governmental subdivision within 90 days of receipt of the  
8 application. The commission shall document its reasons if the  
9 commission disapproves an application. A governmental subdivision  
10 that receives a disapproval may resubmit its application for  
11 approval. Upon receipt of approval from the commission for the  
12 administration and enforcement of the code, the governmental  
13 subdivision shall administer and enforce the code within its  
14 jurisdiction pursuant to the provisions of its approved  
15 application.

16 (6) The code or any of its sections shall take effect 6 months  
17 after the code's initial promulgation. The 6-month delay does not  
18 apply to rules promulgated to implement sections 13a, 13b, 13c, 19,  
19 and 21 and the requirements of barrier free design and energy  
20 conservation of this act and code. The 6-month delay does not apply  
21 to amendments to the code or any of the code's sections after the  
22 initial promulgation.

23 (7) The standards for premanufactured housing shall not be  
24 less than the standards required for nonpremanufactured housing,  
25 except that manufactured homes labeled pursuant to the national  
26 manufactured housing construction and safety standards act of 1974,  
27 ~~title VI of the housing and community development act of 1974,~~

1 ~~Public Law 93-383, 42 U.S.C.~~ **42 USC** 5401 to 5426, shall be  
2 considered to have complied with this requirement.

3 (8) The commission may limit the application of a part of the  
4 code to include or exclude the following:

5 (a) Specified classes or types of buildings or structures,  
6 according to use, or other distinctions as may make differentiation  
7 or separate classification or regulation necessary, proper, or  
8 desirable. The commission shall consider the specific problems of  
9 the construction or alteration of a single family, owner-occupied  
10 recreational dwelling that is located in a sparsely populated area  
11 and that is to be occupied on a part-time basis.

12 (b) Specified areas of the state based on size, population  
13 density, special conditions prevailing in the area, or other  
14 factors as may make differentiation or separate classification or  
15 regulation necessary, proper, or desirable.

16 (9) A building or structure that has baby changing stations in  
17 the women's restrooms shall have baby changing stations in the  
18 men's restrooms.

19 (10) The code shall provide, where appropriate, for standards  
20 involving location and construction of ratwalls that are not less  
21 than those standards in existence on ~~the effective date of this~~  
22 ~~section~~ **DECEMBER 28, 1999.**

23 Sec. 24. Until 6 months after promulgation of the code,  
24 construction regulations ~~heretofore or hereafter~~ adopted by a  
25 governmental subdivision continue in effect unless repealed by  
26 local law or ordinance. Six months after the promulgation of the  
27 code and thereafter, construction regulations adopted by a

1 governmental subdivision shall be considered repealed and invalid,  
2 except as provided in section ~~8~~ **8A**. A building permit validly  
3 issued under local construction regulations within 6 months before  
4 promulgation of the code is valid, and the construction of a  
5 building or structure may be completed pursuant to that building  
6 permit. The construction of a building or structure started before  
7 promulgation of the code in an area of the state that did not as of  
8 the date of beginning of construction require a building permit may  
9 be completed without a building permit. Except as provided in  
10 section 28, construction regulations incorporated in any act of  
11 this state in effect or validly promulgated by any board,  
12 department, commission, or agency continue in effect until  
13 promulgation of the code at which time they ~~shall be considered to~~  
14 ~~be~~ **ARE** superseded.