

HOUSE BILL No. 4812

May 22, 2007, Introduced by Reps. Leland, Warren, Brown, Bieda, Miller, Alma Smith, Gillard, Clack, Vagnozzi, Young, Polidori, Farrah, Gonzales, Gaffney, Tobocman, Condino, Brandenburg, Dean and Virgil Smith and referred to the Committee on Energy and Technology.

A bill to amend 1972 PA 230, entitled
"Stille-DeRossett-Hale single state construction code act,"
by amending sections 2a and 4 (MCL 125.1502a and 125.1504), section
2a as added by 1999 PA 245 and section 4 as amended by 2004 PA 584.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. (1) As used in this act:

2 (a) "Agricultural or agricultural purposes" means of, or
3 pertaining to, or connected with, or engaged in agriculture or
4 tillage which is characterized by the act or business of
5 cultivating or using land and soil for the production of crops for
6 the use of animals or humans, and includes, but is not limited to,
7 purposes related to agriculture, farming, dairying, pasturage,
8 horticulture, floriculture, viticulture, and animal and poultry

1 husbandry.

2 (b) "Application for a building permit" means an application
3 for a building permit submitted to an enforcing agency pursuant to
4 this act and plans, specifications, surveys, statements, and other
5 material submitted to the enforcing agency together or in
6 connection with the application.

7 (c) "Barrier free design" means design complying with legal
8 requirements for architectural designs which eliminate the type of
9 barriers and hindrances that deter persons with disabilities from
10 having access to and free mobility in and around a building or
11 structure.

12 (d) "Board of appeals" means the construction board of appeals
13 of a governmental subdivision provided for in section 14.

14 (e) "Boards" means the state plumbing **BOARD**, board of
15 mechanical rules, ~~and THE electrical administrative boards BOARD,~~
16 and the barrier free design board. ~~created in section 5 of 1966 PA~~
17 ~~1, MCL 125.1355.~~

18 (f) "Building" means a combination of materials, whether
19 portable or fixed, forming a structure affording a facility or
20 shelter for use or occupancy by persons, animals, or property.
21 Building does not include a building, whether temporary or
22 permanent, incidental to the use for agricultural purposes of the
23 land on which the building is located if it is not used in the
24 business of retail trade. Building includes the meaning "or part or
25 parts of the building and all equipment in the building" unless the
26 context clearly requires a different meaning.

27 (g) "Building envelope" means the elements of a building which

1 enclose conditioned spaces through which thermal energy may be
2 transferred to or from the exterior.

3 (h) "Business day" means a day of the year, exclusive of a
4 Saturday, Sunday, or legal holiday.

5 (i) "Chief elected official" means the chairperson of the
6 county board of commissioners, the city mayor, the village
7 president, or the township supervisor.

8 (j) "Code" means the state construction code provided for in
9 section 4 or a part of that code of limited application and
10 includes a modification of or amendment to the code.

11 (k) "Commission" means the state construction code commission
12 created by section 3-3A.

13 (l) "Construction" means the construction, erection,
14 reconstruction, alteration, conversion, demolition, repair, moving,
15 or equipping of buildings or structures.

16 (m) "Construction regulation" means a law, act, rule,
17 regulation, or code, general or special, or compilation thereof,
18 enacted or adopted before or after January 1, 1973, by this state
19 including a department, board, bureau, commission, or other agency
20 thereof, relating to the design, construction, or use of buildings
21 and structures and the installation of equipment in the building or
22 structure. Construction regulation does not include a zoning
23 ordinance or rule issued pursuant to a zoning ordinance and related
24 to zoning.

25 ~~— (n) "Cost effective", in reference to section 4(3)(f) and (g),~~
26 ~~means, using the existing energy efficiency standards and~~
27 ~~requirements as the base of comparison, the economic benefits of~~

~~the proposed energy efficiency standards and requirements will exceed the economic costs of the requirements of the proposed rules based upon an incremental multiyear analysis. All of the following provisions apply:~~

~~—— (i) The analysis shall take into consideration the perspective of a typical first time home buyer.~~

~~—— (ii) The analysis shall consider benefits and costs over a 7-year time period.~~

~~—— (iii) The analysis shall not assume fuel price increases in excess of the assumed general rate of inflation.~~

~~—— (iv) The analysis shall assure that the buyer of a home who qualifies to purchase the home before the addition of the energy efficient standards would still qualify to purchase the same home after the additional cost of the energy saving construction features.~~

~~—— (v) The analysis shall assure that the costs of principal, interest, taxes, insurance, and utilities will not be greater after the inclusion of the proposed cost of the additional energy saving construction features required by the proposed energy efficiency rules as opposed to the provisions of the existing energy efficiency rules.~~

~~(N) (e) "Department" means the department of consumer and industry services~~ **LABOR AND ECONOMIC GROWTH.**

~~(O) (p) "Director" means the director of the department or an authorized representative of the director.~~

~~(P) (q) "Energy conservation" means the efficient use of energy by providing building envelopes with high thermal resistance~~

1 and low air leakage, and the selection of energy efficient
2 mechanical, electrical service, and illumination systems,
3 equipment, devices, or apparatus.

4 (Q) ~~(r)~~-"Enforcing agency" means the enforcing agency, in
5 accordance with section 8a or 8b, which is responsible for
6 administration and enforcement of the code within a governmental
7 subdivision, except for the purposes of section 19 enforcing agency
8 means the agency in a governmental unit principally responsible for
9 the administration and enforcement of applicable construction
10 regulations.

11 (R) ~~(s)~~-"Equipment" means plumbing, heating, electrical,
12 ventilating, air conditioning, and refrigerating equipment.

13 (S) ~~(t)~~-"Governmental subdivision" means a county, city,
14 village, or township which in accordance with section ~~8~~-8A has
15 assumed responsibility for administration and enforcement of this
16 act and the code within its jurisdiction.

17 (T) ~~(u)~~-"Mobile home" means a vehicular, portable structure
18 built on a chassis pursuant to the national manufactured housing
19 construction and safety standards act of 1974, title VI of the
20 housing and community development act of 1974, Public Law 93-383,
21 42 U.S.C.—USC 5401 to 5426, and designed to be used without a
22 permanent foundation as a dwelling when connected to required
23 utilities and which is, or is intended to be, attached to the
24 ground, to another structure, or to a utility system on the same
25 premises for more than 30 consecutive days.

26 (U) ~~(v)~~-"Other laws and ordinances" means other laws and
27 ordinances whether enacted by this state or by a county, city,

1 village, or township and the rules issued under those laws and
2 ordinances.

3 (V) ~~(w)~~—"Owner" means the owner of the freehold of the
4 premises or lesser estate in the premises, a mortgagee or vendee in
5 possession, an assignee of rents, receiver, executor, trustee,
6 lessee, or any other person, sole proprietorship, partnership,
7 association, or corporation directly or indirectly in control of a
8 building, structure, or real property or his or her duly authorized
9 agent.

10 (W) ~~(x)~~—"Person with disabilities" means an individual whose
11 physical characteristics have a particular relationship to that
12 individual's ability to be self-reliant in the individual's
13 movement throughout and use of the building environment.

14 (X) ~~(y)~~—"Premanufactured unit" means an assembly of materials
15 or products intended to comprise all or part of a building or
16 structure, and which is assembled at other than the final location
17 of the unit of the building or structures by a repetitive process
18 under circumstances intended to insure uniformity of quality and
19 material content. Premanufactured unit includes a mobile home.

20 (Y) ~~(z)~~—"Structure" means that which is built or constructed,
21 an edifice or building of any kind, or a piece of work artificially
22 built up or composed of parts joined together in some definite
23 manner. Structure does not include a structure incident to the use
24 for agricultural purposes of the land on which the structure is
25 located and does not include works of heavy civil construction
26 including, but not limited to, a highway, bridge, dam, reservoir,
27 lock, mine, harbor, dockside port facility, an airport landing

1 facility and facilities for the generation or transmission, or
2 distribution of electricity. Structure includes the meaning "or
3 part or parts of the structure and all equipment in the structure"
4 unless the context clearly requires a different meaning.

5 (2) Unless the context clearly indicates otherwise, a
6 reference to this act, or to this act and the code, means this act
7 and rules promulgated pursuant to this act including the code.

8 Sec. 4. (1) The director shall prepare and promulgate the
9 state construction code consisting of rules governing the
10 construction, use, and occupation of buildings and structures,
11 including land area incidental to the buildings and structures, the
12 manufacture and installation of building components and equipment,
13 the construction and installation of premanufactured units, the
14 standards and requirements for materials to be used in connection
15 with the units, and other requirements relating to the safety,
16 including safety from fire, and sanitation facilities of the
17 buildings and structures.

18 (2) The code shall consist of the international residential
19 code, the international building code, the international mechanical
20 code, the international plumbing code published by the
21 international code council, the national electrical code published
22 by the national fire prevention association, and the Michigan
23 uniform energy code with amendments, additions, or deletions as the
24 director determines appropriate. **THE MICHIGAN UNIFORM ENERGY CODE**
25 **SHALL BE THE 2004 INTERNATIONAL ENERGY CONSERVATION CODE, AND NO**
26 **AMENDMENTS, ADDITIONS, OR DELETIONS TO THAT CODE THAT DECREASE**
27 **ENERGY EFFICIENCY OR INCREASE ENERGY USE IN BUILDINGS SHALL BE**

1 **PERMITTED.**

2 (3) The code shall be designed to effectuate the general
3 purposes of this act and the following objectives and standards:

4 (a) To provide standards and requirements for construction and
5 construction materials consistent with nationally recognized
6 standards and requirements.

7 (b) To formulate standards and requirements, to the extent
8 practicable in terms of performance objectives, so as to make
9 adequate performance for the use intended the test of
10 acceptability.

11 (c) To permit to the fullest extent feasible the use of modern
12 technical methods, devices, and improvements, including
13 premanufactured units, consistent with reasonable requirements for
14 the health, safety, and welfare of the occupants and users of
15 buildings and structures.

16 (d) To eliminate restrictive, obsolete, conflicting, and
17 unnecessary construction regulations that tend to increase
18 construction costs unnecessarily or restrict the use of new
19 materials, products, or methods of construction, or provide
20 preferential treatment to types or classes of materials or products
21 or methods of construction.

22 (e) To insure adequate maintenance of buildings and structures
23 throughout this state and to adequately protect the health, safety,
24 and welfare of the people.

25 (f) To provide standards and requirements for ~~cost-effective~~
26 energy efficiency that will be effective April 1, 1997.

27 (g) Upon periodic review, to continue to seek ever-improving 7

1 ~~cost-effective~~ energy efficiencies.

2 (h) The development of a voluntary consumer information system
3 relating to energy efficiencies.

4 (4) The code shall be divided into sections as the director
5 considers appropriate including, without limitation, building,
6 plumbing, electrical, and mechanical sections. The boards shall
7 participate in and work with the staff of the director in the
8 preparation of parts relating to their functions. Before the
9 promulgation of an amendment to the code, the boards whose
10 functions relate to that code shall be permitted to draft and
11 recommend to the director proposed language. The director shall
12 give consideration to all submissions by the boards. However, the
13 director has final responsibility for the promulgation of the code.

14 (5) The code may incorporate the provisions of a code,
15 standard, or other material by reference. The director shall add,
16 amend, and rescind rules to update the ~~code~~ **CODES IN SUBSECTION (2)**
17 not less than once every 3 years to coincide with the national code
18 change cycle.

19 (6) Before the Michigan building code, the Michigan
20 residential code, the Michigan plumbing code, the Michigan
21 mechanical code, the Michigan uniform energy code, and the Michigan
22 rehabilitation code may be enforced, the director shall make each
23 Michigan-specific code available to the general public for at least
24 45 days in printed, electronic, or other form that does not require
25 the user to purchase additional documents or data in any form in
26 order to have an updated complete version of each specific code,
27 excluding other referenced standards within each code. This

1 subsection does not apply to any code effective before April 1,
2 2005.