

HOUSE BILL No. 4575

March 12, 2009, Introduced by Reps. Ebli, Miller, Roberts, Kennedy, Valentine and Meadows and referred to the Committee on Regulatory Reform.

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 1, 4, and 8a (MCL 125.1501, 125.1504, and 125.1508a), section 1 as amended and section 8a 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. 1. This act shall be known and may be cited as the
2 "Stille-DeRossett-Hale ~~single~~ state construction code act".

3 Sec. 4. (1) The director shall prepare and promulgate, **OR**
4 **ALLOW THE ADOPTION OF,** the state construction code **OR ANOTHER**
5 **APPROVED CODE** consisting of rules governing the construction, use,
6 and occupation of buildings and structures, including land area
7 incidental to the buildings and structures, the manufacture and
8 installation of building components and equipment, the construction

1 and installation of premanufactured units, the standards and
2 requirements for materials to be used in connection with the units,
3 and other requirements relating to the safety, including safety
4 from fire, and sanitation facilities of the buildings and
5 structures.

6 (2) The **STATE CONSTRUCTION** code shall consist of the
7 international residential code, the international building code,
8 the international mechanical code, the international plumbing code
9 published by the international code council, the national
10 electrical code published by the national fire prevention
11 association, and the Michigan uniform energy code with amendments,
12 additions, or deletions as the director determines appropriate. **A**
13 **GOVERNMENTAL SUBDIVISION MAY ADOPT ITS OWN CODE CONSISTING OF THE**
14 **NATIONAL GREEN BUILDING STANDARD, ICC-700, PUBLISHED BY THE**
15 **INTERNATIONAL CODE COUNCIL OR THE CURRENT VERSION OF LEADERSHIP IN**
16 **ENERGY AND ENVIRONMENTAL DESIGN (LEED) GREEN BUILDING RATING SYSTEM**
17 **AT A SPECIFIED LEVEL. THE ADOPTION SHALL BE EXECUTED BY AN**
18 **ORDINANCE DULY ADOPTED BY THE GOVERNMENTAL SUBDIVISION AND**
19 **SUBMITTED TO THE DIRECTOR.**

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

22 (a) To provide standards and requirements for construction and
23 construction materials consistent with nationally recognized
24 standards and requirements.

25 (b) To formulate standards and requirements, to the extent
26 practicable in terms of performance objectives, so as to make
27 adequate performance for the use intended the test of

1 acceptability.

2 (c) To permit to the fullest extent feasible the use of modern
3 technical methods, devices, and improvements, including
4 premanufactured units, consistent with reasonable requirements for
5 the health, safety, and welfare of the occupants and users of
6 buildings and structures.

7 (d) To eliminate restrictive, obsolete, conflicting, and
8 unnecessary construction regulations that tend to increase
9 construction costs unnecessarily or restrict the use of new
10 materials, products, or methods of construction, or provide
11 preferential treatment to types or classes of materials or products
12 or methods of construction.

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

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

18 (g) Upon periodic review, to continue to seek ever-improving,
19 cost-effective energy efficiencies.

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

22 (4) The **STATE CONSTRUCTION** code shall be divided into sections
23 as the director considers appropriate including, without
24 limitation, building, plumbing, electrical, and mechanical
25 sections. The boards shall participate in and work with the staff
26 of the director in the preparation of parts relating to their
27 functions. Before the promulgation of an amendment to the code, the

1 boards whose functions relate to that code shall be permitted to
2 draft and recommend to the director proposed language. The director
3 shall give consideration to all submissions by the boards. However,
4 the director has final responsibility for the promulgation of the
5 code.

6 (5) The code may incorporate the provisions of a code,
7 standard, or other material by reference. The director shall add,
8 amend, and rescind rules to update the code not less than once
9 every 3 years to coincide with the national code change cycle.

10 (6) Before the Michigan building code, the Michigan
11 residential code, the Michigan plumbing code, the Michigan
12 mechanical code, the Michigan uniform energy code, and the Michigan
13 rehabilitation code may be enforced, the director shall make each
14 Michigan-specific code available to the general public for at least
15 45 days in printed, electronic, or other form that does not require
16 the user to purchase additional documents or data in any form in
17 order to have an updated complete version of each specific code,
18 excluding other referenced standards within each code. This
19 subsection does not apply to any code effective before April 1,
20 2005. **IN THE CASE OF A CODE ADOPTED BY A GOVERNMENTAL SUBDIVISION
21 AND BEFORE ENFORCEMENT OF THAT CODE, THE GOVERNMENTAL SUBDIVISION
22 SHALL MAKE THE CODE AVAILABLE TO THE GENERAL PUBLIC FOR AT LEAST 45
23 DAYS IN PRINTED, ELECTRONIC, OR OTHER FORM THAT DOES NOT REQUIRE
24 THE USER TO PURCHASE ADDITIONAL DOCUMENTS OR DATA.**

25 Sec. 8a. (1) ~~This~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
26 **(11), THIS** act and the code apply throughout the state.

27 (2) Within 10 days after **DECEMBER 28, 1999, OR** the effective

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

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

13 (5) A governmental subdivision that, before **10 DAYS AFTER**
14 **DECEMBER 28, 1999, OR** the effective date of ~~this~~-subsection (11),
15 has not administered and enforced either this act and the code or
16 another nationally recognized model code may elect to enforce this
17 act and the code pursuant to subsection (1) by the passage of an
18 ordinance to that effect. A governmental subdivision that makes
19 this election after the effective date of this subsection **OR**
20 **SUBSECTION (11)** shall submit, in addition to the ordinance, an
21 application to the commission for approval to administer and
22 enforce that code within its jurisdiction. This application shall
23 be made on the proper form to be provided by the commission. The
24 standards for approval shall include, but not be limited to, the
25 certification by the governmental subdivision that the enforcing
26 agency is qualified by experience or training to administer and
27 enforce the code and all related acts and rules, that agency

1 personnel are provided as necessary, administrative services are
2 provided, plan review services are provided, and timely field
3 inspection services shall be provided. The director shall seek
4 additional information if the director considers it necessary. The
5 commission shall render a decision on the application for approval
6 to administer and enforce the code that has been adopted and
7 transmit its findings to that governmental subdivision within 90
8 days of receipt of the application. The commission shall document
9 its reasons if the commission disapproves an application. A
10 governmental subdivision that receives a disapproval may resubmit
11 its application for approval. Upon receipt of approval from the
12 commission for the administration and enforcement of the code, the
13 governmental subdivision shall administer and enforce the code
14 within its 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.—**USC** 5401 to 5426, shall be considered
2 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.

23 **(11) A GOVERNMENTAL SUBDIVISION MAY ADOPT ITS OWN CODE**
24 **CONSISTING OF THE NATIONAL GREEN BUILDING STANDARD, ICC-700,**
25 **PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR THE CURRENT VERSION**
26 **OF LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GREEN**
27 **BUILDING RATING SYSTEM AT A SPECIFIED LEVEL. THE ADOPTION SHALL BE**

1 EXECUTED BY AN ORDINANCE DULY ADOPTED BY THE GOVERNMENTAL
2 SUBDIVISION AND SUBMITTED TO THE DIRECTOR. UPON ADOPTION AND
3 SUBMITTAL TO THE DIRECTOR, THAT CODE SHALL BE CONSIDERED IN EFFECT
4 WITHIN THE GOVERNMENTAL SUBDIVISION AND SHALL BE ENFORCED BY THAT
5 GOVERNMENTAL SUBDIVISION.