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SFA**BILL ANALYSIS**

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Senate Bill 463 (as introduced 3-23-99)
Sponsor: Senator Leon Stille
Committee: Local, Urban and State Affairs

Date Completed: 5-12-99

CONTENT

The bill would amend the State Construction Code Act to provide for a statewide application of the Act and the State Construction Code. The bill specifies, however, that the statewide code would apply to the plumbing, electrical, mechanical, and building codes only after rules promulgated under the Act to update each code were filed with the Secretary of State after January 31, 2000.

Currently, the Act and Code apply throughout the State, except that a county, city, village, or township may elect to exempt itself from certain parts of the Act and the Code by adopting and enforcing a nationally recognized model building code or other nationally recognized model code.

In addition, the Act's definition provisions (MCL 125.1502), and those provisions on the State Construction Code Commission (MCL 125.1503), the statewide application of the Act and the Code and a local government's exemption from certain parts of the Act and the Code (MCL 125.1508), enforcement of the Act and the Code (MCL 125.1509), and performance evaluations (MCL 125.1509a) would apply to the plumbing, electrical, mechanical, and building codes until the rules to update each code and promulgated after January 31, 2000, took effect. These provisions would be repealed when the last rules updating these codes were filed with the Secretary of State. (The bill would reenact provisions similar to these, with references to local enforcement deleted.)

The bill also would make changes to several of the reenacted provisions, as described below. Except in regard to the Construction Code Commission, the amendments described below would take effect upon the bill's enactment.

Construction Code Commission

Currently, the State Construction Code Commission includes, among others, three members representing municipal building inspection, one of whom enforces the Act and the Code, one of whom enforces the Building Officials and Code Administrators (BOCA) building code, and one of whom enforces the international conference of building officials building code. The bill would retain three members representing municipal building inspection, but would not designate the specific members.

Appeals

The Act currently specifies certain provisions that apply throughout the State without local modifications. The bill would add to this, the Act's provisions on appeals to the State Construction Code Commission (MCL 125.1516), the effect of appeals on stop construction orders (MCL 125.1517), and claims of appeals filed with the Court of Appeals (MCL 125.1518).

Agricultural Buildings

Notwithstanding the Act's provisions on building permit applications, the bill would not require a permit for a building that was incidental to the use for agricultural purposes of the land on which the building was located, if it were not used in the business of retail trade.

The bill also specifies that the term "building" would not include a building, "whether temporary or permanent",

incidental to the use for agricultural purposes of the land on which the building was located, if it were not used in the business of retail trade.

Stairwell Geometry

Notwithstanding any provision in the Act, the bill specifies that a governmental subdivision could not enforce a requirement for stairwell geometry in occupancies in use group R-3 structures and within dwelling units in occupancies in use group R-2 structures that differed from the stairwell geometry described in the bill.

("Stairwell geometry" would refer to the configuration of a stairwell of a building in which the maximum riser height was eight and one-quarter inches (210 mm), the minimum tread depth was nine inches (229 mm), and a one-inch (25 mm) nosing on stairwells with solid risers. "Use group R-2 structures" would mean all multiple-family dwellings having more than two dwelling units including, but not limited to, boarding houses and similar buildings arranged for shelter and sleeping accommodations in which the occupants were primarily not transient in nature and dormitory facilities that accommodated more than five persons over two and one-half years of age. "Use group R-3 structures" would mean all buildings arranged for occupancy as one-family or two-family dwelling units including, but not limited to, not more than five lodgers or boarders per family; multiple single-family dwellings where each unit had an independent means of egress and were separated by a two-hour fire separation assembly; and a child care facility that accommodated up to five children of any age.)

Cost-Effective Energy Efficiency

The Act specifies that the Code is designed to effectuate the Act's general purposes and certain objectives and standards, including providing standards and requirements for cost-effective energy efficiency that took effect April 1, 1997; and, upon periodic review, continuing to seek ever-improving, cost-effective energy efficiencies.

Under the bill, "cost effective", in reference to the above provisions, would mean using the existing energy efficiency standards and requirements as the base of comparison, the economic benefits of the proposed energy efficiency standards and requirements would exceed the economic costs of the requirements of the proposed rules based on an incremental multiyear analysis. The analysis would have to: take into consideration the perspective of a typical first-time home buyer; consider benefits and costs over a seven-year time period; not assume fuel price increases in excess of the assumed general rate of inflation; assure that the buyer who qualified to purchase a 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; and, assure that the costs of principal, interest, taxes, insurance, and utilities would 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.

MCL 125.1502 et al.

Legislative Analyst: L. Arasim

FISCAL IMPACT

This bill could result in savings at the local level as currently local governments are required to update their codes every three years. This bill would transfer that responsibility to the State, therefore reducing an administrative burden on local governments.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.