

HOUSE BILL No. 4771

May 15, 2001, Introduced by Reps. DeRossett and Woronchak 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 section 16 (MCL 125.1516).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) An interested person, or the interested
2 person's authorized agent, may appeal a decision of a board of
3 appeals to the commission within 10 business days after filing of
4 the decision with the enforcing agency or, in case of an appeal
5 because of failure of a board of appeals to act within the pre-
6 scribed time, at any time before filing of the decision. The
7 hearing of an appeal based on the denial of a request for a vari-
8 ance by a board of appeals is within the sole discretion of the
9 commission. If deciding an appeal, the commission may act either
10 as a whole or by a panel of 3 or more of the commission members
11 designated by the commission's ~~chairman~~ CHAIRPERSON to hear and

1 decide the appeal. A majority of a panel constitutes a quorum
2 and a decision by a panel requires concurrence of at least a
3 majority of the panel's members. If an appeal has been presented
4 to the commission within the time prescribed, the appeal shall be
5 heard de novo by the commission. The commission may affirm,
6 modify, or reverse a decision of the board of appeals or the
7 enforcing agency. Except if modified or reversed by a court of
8 competent jurisdiction, a decision of the commission made
9 ~~pursuant to~~ UNDER this section is binding on the applicant and
10 the affected board of appeals and enforcing agency. An appeal to
11 the commission shall be decided within 30 days after receipt of
12 the appeal by the commission. A copy of the decision and a
13 statement of reasons for the decision ~~—~~ shall be sent to the
14 applicant and filed with the affected board of appeals and
15 enforcing agency within 5 business days after the making of the
16 decision. A record of decisions made by the commission ~~pursuant~~
17 ~~to~~ UNDER this section, properly indexed, shall be kept in the
18 office of the commission, and be open to public inspection during
19 business hours in compliance with ~~Act No. 442 of the Public Acts~~
20 ~~of 1976~~ THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231
21 TO 15.246.

22 (2) Notwithstanding subsection (1), the executive director
23 of the commission shall refer an appeal to the commission
24 ~~pursuant to~~ UNDER subsection (1) which in the executive
25 director's judgment relates principally to a MECHANICAL, plumb-
26 ing, electrical, or barrier free design matter to the appropriate
27 board. The board shall hear and decide the appeal in the same

1 manner as an appeal is heard and decided by the commission
2 ~~pursuant to section 16~~ UNDER THIS SECTION, except that a board
3 shall meet as a whole and not in a panel. A person aggrieved by
4 a decision of a board on any appeal ~~pursuant to~~ UNDER this sub-
5 section may petition the commission to review the decision. The
6 commission shall act on the petition within 5 business days after
7 receipt, and may grant the petition at the commission's discre-
8 tion except that the commission shall grant the petition if it
9 appears that the appeal involves a question of major significance
10 to the people of this state and that the case of the appellant
11 has substantial merit. If the commission grants the petition,
12 the commission acting as a whole shall review the decision in
13 accordance with a procedure ~~to be~~ established by the
14 commission's rules.