

Legislative Analysis



UPDATE UNIFORM CONSTRUCTION CODE AT LEAST EVERY 6 YEARS, RATHER THAN 3 YEARS

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House Bill 4561 (Substitute H-1)
Sponsor: Rep. Joe Haveman
Committee: Regulatory Reform

Complete to 10-12-11

A SUMMARY OF HOUSE BILL 4561 AS REPORTED FROM COMMITTEE

Section 4 of the Stille-DeRossett-Hale Single State Construction Code (known as the Uniform Construction Code) gives the director of the Department of Consumer and Industry Services, now known as Licensing and Regulatory Affairs (LARA), the authority to promulgate the state construction code. The code consists of rules governing the construction, use, and occupation of buildings and structures, including land area incidental to the buildings and structures, the manufacture and installation of building components and equipment, the construction and installation of pre-manufactured units, the standards and requirements for materials to be used in connection with the units, and other requirements relating to the safety, including safety from fire, and sanitation facilities of the buildings and structures.

The statute says that the code is to consist of the International Residential Code, the International Building Code, the International Mechanical Code, the International Plumbing Code published by the International Code Council, the National Electrical Code published by the National Fire Prevention Association, and the Michigan Uniform Energy Code with amendments, additions, or deletions as the director determines appropriate.

House Bill 4561 (H-1) would make the following changes (at MCL 125.1504):

****Add** the International Existing Building Code and the International Energy Conservation Code published by the International Code Council to the list of codes that will make up the Construction Code. It would also remove reference to the Michigan Uniform Energy Code. Additionally, the bill would allow the director to adopt all or any part of the above mentioned codes or the standards contained within the codes by reference (this was not allowed under the originally introduced version).

**** The LARA director (or a person designated by the director) is required to add, amend, and rescind rules to update the code not less than once every three years "to coincide with the national code change cycle." The bill, instead, would increase that time frame to not less than once every six years or more than once every three years. The bill would also eliminate the language on the national code change cycle.**

****Add a provision stating if a listed code is updated on a six year cycle, use of a material, product, method of manufacture, or method or manner of construction or installation provided for in an interim edition of the relevant code is acceptable in Michigan but cannot be mandated by an enforcing agency or its building official or inspector.**

FISCAL IMPACT:

House Bill 4561 can be expected to have a modest fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) by marginally reducing expenditures for the Bureau of Construction Codes. The reduction would be caused by changes the bill makes to the frequency that the Director must update the State Construction Code: from not less than once every three years to not less than once every six years. It can be expected that the Director's review and the revision process of the Code entails administrative costs that would be reduced by a modest amount since the process would be carried out more infrequently. Other changes made by the bill are not expected to have a fiscal impact on LARA.

POSITIONS:

The Associated Builders and Contractors of Michigan support the bill. (9-14-11)

The Coalition for Fair Energy Codes submitted written testimony supporting the bill. (9-14-11)

The Michigan Association of Home Builders supports the bill. (9-14-11)

National Federation of Independent Business - Michigan supports the bill. (9-13-11)

The Midwest Energy Efficiency Alliance is neutral on the bill. (9-14-11)

The American Chemistry Council submitted written testimony opposing the bill. (9-21-11)

Arvron, Inc. submitted written testimony opposing the bill. (9-21-11)

BASF submitted written testimony opposing the bill. (9-21-11)

The Code Officials Conference of Michigan submitted written testimony opposing the bill. (9-23-11)

The Dow Chemical Company opposes the bill. (9-14-11)

Guardian Industries opposes the bill. (9-14-11)

Huntsman Corporation submitted written testimony opposing the bill. (9-21-11)

The International Association of Electrical Inspectors submitted written testimony opposing the bill. (9-20-11)

The International Code Council opposes the bill. (9-14-11)

The Michigan Chemistry Council submitted written testimony opposing the bill. (9-21-11)

The Michigan Manufacturing Association opposes the bill. (9-14-11)

The National Fire Sprinkler Association opposes the bill. (9-14-11)

The Responsible Energy Codes Alliance opposes the bill. (9-14-11)

WRJ Associates opposes the bill. (9-14-11)

Several building and fire inspectors testified in opposition to the bill.

Legislative Analyst: Jeff Stoutenburg
Fiscal Analyst: Paul Holland

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.