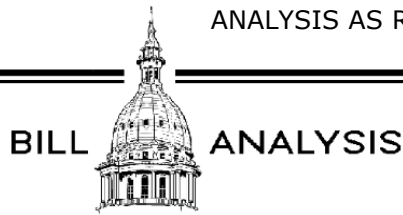




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Senate Bill 309 (as reported without amendment)
Sponsor: Senator Jim Stamas
Committee: Local Government

Date Completed: 5-26-15

RATIONALE

The Condominium Act requires the condominium subdivision plan for each condominium project to be prepared by, and bear the signature and seal of, an architect, surveyor, or engineer. Since the Act does not use the specific occupational titles of "licensed architect", "professional surveyor", and "professional engineer", however, individuals other than those professionals reportedly have sometimes signed off on condominium subdivision plans. Some believe that the requirement should include the official titles that are used for those professions in the Occupational Code. In addition, a complete condominium subdivision plan must contain items specified in the Act. Revisions to some of those items have been suggested.

CONTENT

The bill would amend the Condominium Act to do the following:

- **Require condominium subdivision plans to be prepared by licensed professionals.**
- **Require a condominium subdivision plan's cover sheet to contain a notice about detailed project design plans and a list of documents included in the subdivision plan.**
- **Delete a requirement that a condominium subdivision plan contain the volume of each unit of enclosed air space.**
- **Require a condominium subdivision plan's survey plan to be signed and sealed by the licensed professional surveyor preparing the boundary survey for the project.**

The Act requires the condominium subdivision plan for each condominium project to be prepared by an architect, surveyor, or engineer, and requires the plan to bear the signature and seal of the architect, surveyor, or engineer. The bill specifies that the condominium subdivision plan would have to be prepared by a licensed architect, professional surveyor, or professional engineer.

A complete condominium subdivision plan must contain certain items specified in the Act, including a cover sheet and a survey plan. Under the bill, the cover sheet would have to list all documents included in the condominium subdivision plan and contain a notice reading substantially as follows:

This condominium subdivision plan is not required to contain detailed project design plans prepared by a licensed professional engineer. Such project design plans are filed, as part of the construction permit application, with the enforcing agency for the state construction code in the relevant governmental subdivision. The enforcing agency may be a local building department or the state department of licensing and regulatory affairs.

The Act also requires the condominium subdivision plan to include the vertical boundaries and volume for each unit of enclosed air space. The bill would delete reference to the volume.

The bill would take effect 90 days after enactment.

MCL 559.166

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By using the official titles for an architectural, surveying, or engineering professional, the bill would ensure that licensed professionals in those fields prepared the subdivision plans for condominium projects. Without the official titles, people who are not licensed in one of those disciplines evidently sometimes sign off on those plans. To protect the integrity of condominium projects, it should be clear that licensed professionals have to prepare the plans. Similarly, since the condominium subdivision plan must contain a survey plan, the Act should specifically require that the licensed professional surveyor who prepared the boundary survey for the project sign and seal the survey plan.

A condominium subdivision plan is not the same as an architectural or infrastructure design plan for the housing project. The design plans are much more technical and detailed than a subdivision plan. To ensure that consumers who might be interested in purchasing a condominium unit are aware of the difference in the plans, professional surveyors have recommended that the cover sheet for a condominium subdivision plan be required to specify that design plans are not included but are available from the local or State agency responsible for enforcing the State Construction Code in the area where the condominium project is located. The bill would add this requirement.

Also, a condominium subdivision plan must include the size, location, area, and horizontal boundaries of each condominium unit, as well as the vertical boundaries and volume for each unit of enclosed airspace. Requiring the plan to include the volume of each unit apparently has caused some confusion. This specific information, which would no longer be required under the bill, is not needed because the plan already requires the other area measurements.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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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.