

Legislative Analysis



BUILDING ALTERATIONS AFFECTING ACCESSIBILITY

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Senate Bill 1207 as reported from committee

Sponsor: Sen. Ken Horn

House Committee: Regulatory Reform

Senate Committee: Economic Development and International Investment

Complete to 12-14-18

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 478 of 2018)

SUMMARY:

Senate Bill 1207 would add a new section to the Stille-DeRossett-Hale Single State Construction Code Act to require that when alterations to a building are made that affect accessibility to, or contain, a primary function area, the route to the primary function area must be accessible. The accessible route to the primary function area would have to include toilet facilities and drinking fountains serving the area of primary function. However, the bill would not require the costs of providing the accessible route to exceed 20% of the total costs of the alterations affecting the area of primary function. The bill would define “alteration” and “primary function” as those terms are defined in the Michigan Rehabilitation Code for Existing Buildings or as otherwise provided by departmental rule.

[According to information on the Americans with Disabilities Act (ADA) provided at ADA.gov, the terms generally refer to renovations or repairs to any area where people carry out one or more of the major activities for which a facility is used. Under the ADA, when a primary function area is altered, both the path of travel to the altered area and also to amenities serving it (e.g., toilets) must be made accessible, unless the costs are considered disproportionate to the total cost of the alterations (considered as greater than 20% of the total cost).]

The bill would take effect 90 days after being enacted.

Proposed MCL 125.1513g

HOUSE COMMITTEE ACTION:

The House Committee on Regulatory Reform reported the Senate-passed version of the bill without amendment.

BRIEF DISCUSSION:

The bill would provide a technical fix to a problem created when certain provisions relating to accessibility under the Americans with Disabilities Act (ADA) were inadvertently omitted from the current update of the Michigan Residential Code. Under the ADA, if a primary function area of an existing building is being remodeled or renovated, all routes in and out of that area must be made accessible to those with disabilities, as well as amenities that serve that area. For example, if a building’s lobby is renovated, bathrooms and drinking

fountains that serve the lobby must also be made accessible. However, this requirement generally only applies if the costs to bring the accessible route up to code would be less than 20% of the total cost of the renovation project to the lobby. Without the “fix,” accessible route changes would have to be made even if they far exceeded the actual cost of the renovation to a primary function area. The bill would bring Michigan’s building code requirements into line with federal law and international building codes.

FISCAL IMPACT:

Senate Bill 1207 would not have a fiscal impact on any unit of state or local government, as the bill would be in line with the existing 2010 Americans with Disabilities Act Standards for Accessible Design.

POSITIONS:

A representative of the Building Owners and Managers Association (BOMA) testified in support of the bills. (12-12-18)

The Home Builders Association of Michigan indicated support for the bill. (12-12-18)

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