

HOUSE BILL No. 5068

October 5, 2017, Introduced by Reps. Griffin, Iden, Reilly, LaFave, Crawford and Kelly 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 4 (MCL 125.1504), as amended by 2012 PA 504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The director shall prepare and promulgate the
2 state construction code consisting of rules governing the
3 construction, use, and occupation of buildings and structures,
4 including land area incidental to the buildings and structures, the
5 manufacture and installation of building components and equipment,
6 the construction and installation of premanufactured units, the
7 standards and requirements for materials to be used in connection
8 with the units, and other requirements relating to the safety,
9 including safety from fire, and sanitation facilities of the
10 buildings and structures.

11 (2) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE** code

1 shall consist of the international residential code, the
2 international building code, the international mechanical code, the
3 international plumbing code, the international existing building
4 code, and the international energy conservation code published by
5 the international code council and the national electrical code
6 published by the national fire prevention association, with
7 amendments, additions, or deletions as the director determines
8 appropriate. The director may adopt all or any part of these codes
9 or the standards contained within these codes by reference.

10 (3) The code shall be designed to effectuate the general
11 purposes of this act and the following objectives and standards:

12 (a) To provide standards and requirements for construction and
13 construction materials consistent with nationally recognized
14 standards and requirements.

15 (b) To formulate standards and requirements, to the extent
16 practicable in terms of performance objectives, so as to make
17 adequate performance for the use intended the test of
18 acceptability.

19 (c) To permit to the fullest extent feasible the use of modern
20 technical methods, devices, and improvements, including
21 premanufactured units, consistent with reasonable requirements for
22 the health, safety, and welfare of the occupants and users of
23 buildings and structures.

24 (d) To eliminate restrictive, obsolete, conflicting, or
25 unnecessary construction regulations that tend to increase
26 construction costs unnecessarily or restrict the use of new
27 materials, products, or methods of construction, or provide

1 preferential treatment to types or classes of materials or products
2 or methods of construction.

3 (e) To ensure adequate maintenance of buildings and structures
4 throughout this state and to adequately protect the health, safety,
5 and welfare of the people.

6 (f) To provide standards and requirements for cost-effective
7 energy efficiency that will be effective April 1, 1997.

8 (g) Upon periodic review, to continue to seek ever-improving,
9 cost-effective energy efficiencies.

10 (h) To develop a voluntary consumer information system
11 relating to energy efficiencies.

12 (4) The code shall be divided into sections as the director
13 considers appropriate including, without limitation, building,
14 plumbing, electrical, and mechanical sections. The boards shall
15 participate in and work with the staff of the director in the
16 preparation of parts relating to their functions. Before the
17 promulgation of an amendment to the code, the boards whose
18 functions relate to that code may draft and recommend to the
19 director proposed language. The director shall consider all
20 submissions by the boards. However, the director has final
21 responsibility for the promulgation of the code.

22 (5) The director shall add, amend, and rescind rules to update
23 the Michigan building code, the Michigan mechanical code, the
24 Michigan plumbing code, the Michigan rehabilitation code for
25 existing buildings, the Michigan electrical code, and the
26 commercial chapters of the Michigan energy code not less than once
27 every 3 years to coincide with the national code change cycle.

1 (6) ~~Within 90 days after the effective date of the 2012 act~~
2 ~~that amended this section,~~ **NOT LATER THAN JUNE 26, 2013,** the
3 director shall begin the process to add, amend, or rescind rules to
4 update the 2009 Michigan residential code, including the
5 residential energy code chapter. Commencing with the 2015 national
6 code change cycle, the director shall add, amend, and rescind rules
7 to simultaneously update all chapters of the Michigan residential
8 code not less frequently than once every 6 years or more frequently
9 than once every 3 years as the director determines is appropriate.
10 Not more than 200 days after the printed publication of the latest
11 edition of the international residential code book is made
12 available to the general public, the director shall hold a public
13 meeting in Lansing and offer persons an opportunity to present data
14 and comments on the general need to update the Michigan residential
15 code. The department shall give 30 days' advance notice of a
16 meeting under this subsection on the department's website. Not more
17 than 30 days after the meeting, the director shall issue a written
18 determination whether to update the Michigan residential code. The
19 department shall post notice of the determination on its website
20 for at least 45 days.

21 (7) If the director makes the determination not to update the
22 Michigan residential code, a person may, within 45 days after the
23 determination, request the director to promulgate a rule to amend a
24 section or sections of the Michigan residential code. Within 90
25 days after the filing of a request, the director shall initiate the
26 processing of a rule or shall issue to the requestor a concise
27 written statement of the principal reasons for denial of the

1 request and post the denial statement on the department's website
2 until the Michigan residential code is next updated. The denial of
3 the request is not subject to judicial review.

4 (8) Before the Michigan building code, the Michigan
5 residential code, the Michigan plumbing code, the Michigan
6 mechanical code, the Michigan uniform energy code, and the Michigan
7 rehabilitation code may be enforced, the director shall make each
8 Michigan-specific code available to the general public for at least
9 45 days in printed, electronic, or other form that does not require
10 the user to purchase additional documents or data in any form in
11 order to have an updated complete version of each specific code,
12 excluding other referenced standards within each code. This
13 subsection does not apply to any code effective before April 1,
14 2005. If the Michigan residential code is updated on a 6-year
15 cycle, then use of a material, product, method of manufacture, or
16 method or manner of construction or installation provided for in an
17 interim edition of the international residential code is authorized
18 throughout this state and shall be permitted, but shall not be
19 mandated, by an enforcing agency or its building official or
20 inspectors. However, the enforcing agency or its building official
21 or inspectors may require that if such a material, product, method
22 of manufacture, or method or manner of construction or installation
23 provided for in an interim edition of the international residential
24 code is used, the use shall comply with all applicable requirements
25 set forth in the interim edition of the international residential
26 code.

27 **(9) THE CODE SHALL NOT REQUIRE THE BUILDING OF STORM SHELTERS**

- 1 WHEN CONSTRUCTING PUBLIC SCHOOLS OR CRITICAL GOVERNMENTAL EMERGENCY
- 2 OPERATIONS BUILDINGS IN THIS STATE.