

HOUSE BILL No. 5011

September 27, 2011, Introduced by Reps. Ouimet, Poleski, Daley, Damrow, Pscholka, Haugh, McMillin, Lane, Foster, Nesbitt, MacGregor, Wayne Schmidt and Rutledge 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 2a (MCL 125.1502a), as added by 1999 PA 245,
and by adding section 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. (1) As used in this act:

2 (a) "Agricultural or agricultural purposes" means of, or
3 pertaining to, or connected with, or engaged in agriculture or
4 tillage ~~which~~ **THAT** is characterized by the act or business of
5 cultivating or using land and soil for the production of crops for
6 the use of animals or humans, and includes, but is not limited to,
7 purposes related to agriculture, farming, dairying, pasturage,
8 horticulture, floriculture, viticulture, and animal and poultry

1 husbandry.

2 (b) "Application for a building permit" means an application
3 for a building permit submitted to an enforcing agency pursuant to
4 this act and plans, specifications, surveys, statements, and other
5 material submitted to the enforcing agency together or in
6 connection with the application.

7 (c) "Barrier free design" means design complying with legal
8 requirements for architectural designs ~~which~~ **THAT** eliminate the
9 type of barriers and hindrances that deter persons with
10 disabilities from having access to and free mobility in and around
11 a building or structure.

12 (d) "Board of appeals" means the construction board of appeals
13 of a governmental subdivision provided for in section 14.

14 (e) "Boards" means the state plumbing **BOARD CREATED IN SECTION**
15 **13 OF THE STATE PLUMBING ACT, 2002 PA 733, MCL 338.3523, THE** board
16 of mechanical rules **CREATED IN SECTION 3 OF THE FORBES MECHANICAL**
17 **CONTRACTORS ACT, 1984 PA 192, MCL 338.973, and** ~~THE~~ electrical
18 administrative boards **BOARD CREATED IN SECTION 2 OF THE ELECTRICAL**
19 **ADMINISTRATIVE ACT, 1956 PA 217, MCL 338.882,** and the barrier free
20 design board created in section 5 of 1966 PA 1, MCL 125.1355.

21 (f) "Building" means a combination of materials, whether
22 portable or fixed, forming a structure affording a facility or
23 shelter for use or occupancy by persons, animals, or property.
24 Building does not include a building, whether temporary or
25 permanent, incidental to the use for agricultural purposes of the
26 land on which the building is located if it is not used in the
27 business of retail trade. Building includes ~~the meaning "or~~ **A** part

1 or parts of the building and all equipment in the building ~~—~~unless
2 the context clearly requires a different meaning.

3 (g) "Building envelope" means the elements of a building ~~which~~
4 **THAT** enclose conditioned spaces through which thermal energy may be
5 transferred to or from the exterior.

6 (H) **"BUILDING OFFICIAL" MEANS A PERSON WHO IS EMPLOYED BY A**
7 **GOVERNMENTAL SUBDIVISION AND IS CHARGED WITH THE ADMINISTRATION AND**
8 **ENFORCEMENT OF THE CODE AND WHO IS REGISTERED IN COMPLIANCE WITH**
9 **THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, 1986 PA 54,**
10 **MCL 338.2301 TO 338.2313. THIS PERSON MAY ALSO BE AN EMPLOYEE OF A**
11 **PRIVATE ORGANIZATION.**

12 (I) ~~(h)~~—"Business day" means a day of the year, exclusive of a
13 Saturday, Sunday, or legal holiday.

14 (J) ~~(i)~~—"Chief elected official" means the chairperson of the
15 county board of commissioners, the city mayor, the village
16 president, or the township supervisor.

17 (K) ~~(j)~~—"Code" means the state construction code provided for
18 in section 4 or a part of that code of limited application and
19 includes a modification of or amendment to the code.

20 (L) ~~(k)~~—"Commission" means the state construction code
21 commission created by section ~~3~~**3A**.

22 (M) ~~(l)~~—"Construction" means the construction, erection,
23 reconstruction, alteration, conversion, demolition, repair, moving,
24 or equipping of buildings or structures.

25 (N) ~~(m)~~—"Construction regulation" means a law, act, rule,
26 regulation, or code, general or special, or compilation thereof,
27 enacted or adopted ~~before or after January 1, 1973,~~ by this state

1 including a department, board, bureau, commission, or other agency
2 thereof, relating to the design, construction, or use of buildings
3 and structures and the installation of equipment in the building or
4 structure. Construction regulation does not include a zoning
5 ordinance or rule issued pursuant to a zoning ordinance and related
6 to zoning.

7 (O) ~~(n)~~ "Cost-effective", in reference to section 4(3)(f) and
8 (g), means, using the existing energy efficiency standards and
9 requirements as the base of comparison, the economic benefits of
10 the proposed energy efficiency standards and requirements will
11 exceed the economic costs of the requirements of the proposed rules
12 based upon an incremental multiyear analysis ~~. All~~ **THAT MEETS ALL**
13 of the following ~~provisions apply~~ **REQUIREMENTS**:

14 (i) ~~The analysis shall take into consideration~~ **CONSIDERS** the
15 perspective of a typical first-time home buyer.

16 (ii) ~~The analysis shall consider~~ **CONSIDERS** benefits and costs
17 over a 7-year time period.

18 (iii) ~~The analysis shall~~ **DOES** not assume fuel price increases in
19 excess of the assumed general rate of inflation.

20 (iv) ~~The analysis shall assure~~ **ENSURES** that the buyer of a home
21 who qualifies to purchase the home before the addition of the
22 energy efficient standards ~~would~~ **WILL** still qualify to purchase the
23 same home after the additional cost of the energy-saving
24 construction features.

25 (v) ~~The analysis shall assure~~ **ENSURES** that the costs of
26 principal, interest, taxes, insurance, and utilities will not be
27 greater after the inclusion of the proposed cost of the additional

1 energy-saving construction features required by the proposed energy
 2 efficiency rules ~~as opposed to~~ **THAN UNDER** the provisions of the
 3 existing energy efficiency rules.

4 (P) ~~(e)~~ "Department" means the department of ~~consumer and~~
 5 ~~industry services~~ **LICENSING AND REGULATORY AFFAIRS.**

6 (Q) ~~(p)~~ "Director" means the director of the department or an
 7 authorized representative of the director.

8 (R) ~~(q)~~ "Energy conservation" means the efficient use of
 9 energy by providing building envelopes with high thermal resistance
 10 and low air leakage, and the selection of energy efficient
 11 mechanical, electrical service, and illumination systems,
 12 equipment, devices, or apparatus.

13 (S) ~~(r)~~ "Enforcing agency" means the ~~enforcing~~ **GOVERNMENTAL**
 14 agency **THAT**, in accordance with section 8a or 8b, ~~which is~~
 15 responsible for administration and enforcement of the code within a
 16 governmental subdivision. ~~, except~~ **HOWEVER**, for the purposes of
 17 section 19, enforcing agency means the agency in a governmental
 18 unit principally responsible for the administration and enforcement
 19 of applicable construction regulations.

20 (T) ~~(s)~~ "Equipment" means plumbing, heating, electrical,
 21 ventilating, air conditioning, and refrigerating equipment.

22 (U) ~~(t)~~ "Governmental subdivision" means a county, city,
 23 village, or township ~~which~~ **THAT**, in accordance with section ~~8-8A~~,
 24 has assumed responsibility for administration and enforcement of
 25 this act and the code within its jurisdiction.

26 (V) ~~(u)~~ "Mobile home" means a vehicular, portable structure
 27 **THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

1 (i) **IS** built on a chassis pursuant to the national manufactured
 2 housing construction and safety standards act of 1974, ~~title VI of~~
 3 ~~the housing and community development act of 1974, Public Law 93-~~
 4 ~~383, 42 U.S.C. USC 5401 to 5426. , and~~

5 (ii) **IS** designed to be used without a permanent foundation as a
 6 dwelling when connected to required utilities. ~~and which is,~~

7 (iii) **IS** or is intended to be, attached to the ground, to
 8 another structure, or to a utility system on the same premises for
 9 more than 30 consecutive days.

10 (W) ~~(v)~~ "Other laws and ordinances" means other laws and
 11 ordinances whether enacted by this state or by a county, city,
 12 village, or township and the rules issued under those laws and
 13 ordinances.

14 (X) ~~(w)~~ "Owner" means the owner of the freehold of the
 15 premises or lesser estate in the premises, a mortgagee or vendee in
 16 possession, an assignee of rents, receiver, executor, trustee,
 17 lessee, or any other person, sole proprietorship, partnership,
 18 association, or corporation directly or indirectly in control of a
 19 building, structure, or real property or his or her duly authorized
 20 agent.

21 (Y) ~~(x)~~ "Person with disabilities" means an individual whose
 22 physical characteristics ~~have a particular relationship to LIMIT~~
 23 that individual's ability to be self-reliant in the individual's
 24 movement throughout and use of the building environment.

25 (Z) ~~(y)~~ "Premanufactured unit" means an assembly of materials
 26 or products intended to comprise all or part of a building or
 27 structure, and ~~which~~ **THAT** is assembled at other than the final

location of the unit of the building or structures by a repetitive process under circumstances intended to ~~insure~~ **ENSURE** uniformity of quality and material content. Premanufactured unit includes a mobile home.

(AA) ~~(z)~~ "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction including, but not limited to, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation or transmission, or distribution of electricity. Structure includes ~~the meaning "or a~~ part or parts of the structure and all equipment in the structure ~~"~~ unless the context clearly requires a different meaning.

(2) Unless the context clearly indicates otherwise, a reference to this act, or to this act and the code, means this act and rules promulgated pursuant to this act including the code.

SEC. 9. A GOVERNMENTAL SUBDIVISION MAY CONTRACT WITH A PRIVATE ORGANIZATION TO DO 1 OR MORE OF THE FOLLOWING ON BEHALF OF THE ENFORCING AGENCY:

(A) RECEIVE APPLICATIONS FOR BUILDING PERMITS.

(B) RECEIVE PAYMENTS OF FEES AND FINES ON BEHALF OF THE GOVERNMENTAL SUBDIVISION.

(C) PERFORM PLAN REVIEWS USING PLAN REVIEWERS, REGISTERED UNDER THE BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, 1986

1 PA 54, MCL 338.2301 TO 338.2313.

2 (D) PERFORM INSPECTIONS.

3 (E) APPROVE TEMPORARY SERVICE UTILITIES.

4 (F) MAKE DETERMINATIONS THAT STRUCTURES OR EQUIPMENT ARE
5 UNSAFE.

6 (G) PROCESS AND DELIVER CORRECTION NOTICES.

7 (H) IN EMERGENCY SITUATIONS, ISSUE ORDERS TO CONNECT OR
8 DISCONNECT UTILITIES.

9 (I) IN EMERGENCY SITUATIONS, ISSUE ORDERS TO VACATE PREMISES.

10 (J) PROCESS AND DELIVER ANY OF THE FOLLOWING AFTER ITS
11 ISSUANCE HAS BEEN APPROVED BY THE BUILDING OFFICIAL:

12 (i) IN NONEMERGENCY SITUATIONS, ORDERS TO CONNECT OR DISCONNECT
13 UTILITIES.

14 (ii) IN NONEMERGENCY SITUATIONS, ORDERS TO VACATE PREMISES.

15 (iii) BUILDING PERMITS.

16 (iv) TEMPORARY OR PERMANENT CERTIFICATES OF USE AND OCCUPANCY.

17 (v) ORDERS TO SUSPEND, REVOKE, OR CANCEL A BUILDING PERMIT OR
18 CERTIFICATE OF OCCUPANCY.

19 (vi) VIOLATION NOTICES.

20 (vii) NOTICES TO APPEAR OR SHOW CAUSE.

21 (viii) STOP WORK ORDERS.

22 (ix) ORDERS TO REMEDY NONCOMPLIANCE.