

HOUSE BILL No. 5680

May 24, 2016, Introduced by Rep. Glenn 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 sections 4c and 13c (MCL 125.1504c and 125.1513c), section 4c as added by 2004 PA 65 and section 13c as added by 1994 PA 106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4c. (1) Beginning 1 year after the effective date of the
2 rules promulgated under subsection (2), the owner of an existing
3 building or structure constructed before November 6, 1974 shall
4 install 1 or more smoke alarms in that building or structure, as
5 provided in those rules.

6 (2) The director shall promulgate rules that establish
7 standards and requirements for the installation of smoke alarms in

1 a building or structure described in subsection (1). The rules
2 shall include both of the following:

3 (a) For a single family dwelling, 1 or 2 family detached
4 dwelling, or multiple family dwelling, a requirement for the
5 installation of at least 1 single-station smoke alarm in each
6 dwelling unit.

7 (b) For a building or structure that is not a single family
8 dwelling, 1 or 2 family detached dwelling, or multiple family
9 dwelling, a requirement for the installation of smoke alarms as
10 provided in the code.

11 (3) A building that is **CONSTRUCTED**, renovated, reconstructed,
12 or added to or whose use or occupancy is changed shall meet the
13 requirements contained in the code for installation of smoke
14 alarms. **SMOKE ALARMS INSTALLED UNDER THIS SUBSECTION ON OR AFTER**
15 **THE EFFECTIVE DATE OF THE 2016 ACT THAT AMENDED THIS SECTION MUST**
16 **HAVE PHOTOELECTRIC DETECTION TECHNOLOGY.**

17 (4) As used in this section, "smoke alarm" and "single-station
18 smoke alarm" mean those terms as defined in section 82a of the
19 housing law of Michigan, 1917 PA 167, MCL 125.482a.

20 Sec. 13c. (1) As used in this section:

21 (a) "Board and room facility" means a residential building
22 that does not provide separate cooking facilities for individual
23 occupants and that is arranged for primarily nontransient shelter
24 and sleeping accommodations for 3 or more adults. Board and room
25 facility does not include any of the following:

26 (i) A residential facility for students attending a college or
27 university.

1 (ii) A facility operated, licensed, or regulated by the state
2 or the federal government.

3 (iii) A bed and breakfast regulated under section 4b.

4 (iv) A hotel or motel.

5 (v) A private dwelling as that term is defined in section 2 of
6 the housing law of Michigan, ~~Act No. 167 of the Public Acts of~~
7 ~~1917, being section 125.402 of the Michigan Compiled Laws.1917 PA~~
8 **167, MCL 125.402.**

9 (b) "Operator" means a person who has charge, care, control,
10 or management of a board and room facility.

11 (c) "Owner" means a person who knows that a residential
12 building in which that person has a legal or equitable interest is
13 being used as a board and room facility, regardless of whether the
14 person has possession of the facility. Owner includes an executor,
15 administrator, trustee, or guardian of the estate of an owner of a
16 residential building if the executor, administrator, trustee, or
17 guardian knows that the residential building is being used as a
18 board and room facility.

19 (d) "Person" means an individual, partnership, corporation,
20 association, governmental entity, or other legal entity.

21 (2) A board and room facility shall comply with the minimum
22 property maintenance standards set forth in this act and in the
23 ~~BOCA national property maintenance code,~~ **NATIONAL PROPERTY**
24 **MAINTENANCE CODE**, 1993 edition, as published by the ~~building~~
25 ~~officials and code administrators international, inc.,~~ **BUILDING**
26 **OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, INC.** or the
27 ~~uniform housing code,~~ **UNIFORM HOUSING CODE**, 1991 edition, as

1 published by the ~~international conference of building officials,~~
2 **INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS**, which codes are
3 adopted by reference. ~~and made a part of this section as if fully~~
4 ~~set out in this section.~~ In addition, a board and room facility
5 shall comply with all of the following:

6 (a) Interior stairways shall be enclosed by fire separation
7 assemblies having a 1-hour fire resistance rating with all openings
8 protected with smoke-actuated automatic-closing or self-closing
9 doors having a fire resistance comparable to that required for the
10 enclosure.

11 (b) Vertical openings shall be protected so that no primary
12 exit route is exposed to an unprotected vertical opening. The
13 vertical opening is protected if the opening is cut off and
14 enclosed in a manner that provides a smoke and fire resisting
15 capability of not less than 1 hour. Any doors or openings shall
16 have fire and smoke resisting capability equivalent to that of the
17 enclosure and shall be automatic-closing on detection of smoke or
18 shall be self-closing.

19 (c) A fire alarm system shall be installed in accordance with
20 the building code, except in buildings that have a smoke detection
21 system meeting or exceeding the requirements of subdivision (f) if
22 that detection system includes at least 1 manual fire alarm station
23 per floor arranged to initiate the smoke detection alarm.

24 (d) Initiation of the required fire protective signaling
25 system shall be by manual means as provided by the building code,
26 except in buildings protected throughout with an approved fire
27 suppression system installed in accordance with the building code,

1 with initiation upon actuation of the extinguishing system
2 operation.

3 (e) Occupant notification of a fire shall be provided
4 automatically, without delay by internal audible alarm in
5 accordance with the building code. Presignal systems are
6 prohibited.

7 (f) Approved single station or multiple station smoke
8 detectors powered by the building electrical service shall be
9 installed in accordance with the building code on every level. In
10 addition, approved single station smoke detectors powered by the
11 building electrical service shall be provided in each sleeping
12 room, except that existing battery powered detectors shall be
13 accepted if, in the opinion of the code official, they are in
14 operating condition. **SMOKE DETECTORS INSTALLED UNDER THIS**
15 **SUBDIVISION ON OR AFTER THE EFFECTIVE DATE OF THE 2016 ACT THAT**
16 **AMENDED THIS SECTION MUST HAVE PHOTOELECTRIC DETECTION TECHNOLOGY.**

17 (g) Portable fire extinguishers shall bear the label of an
18 approved agency, be of an approved type, and be installed in a
19 visible and accessible location on each occupied floor and
20 basement.

21 (h) Fire exit drills shall be conducted at least once every 2
22 months in each facility. Each occupant shall be provided with a
23 written evacuation plan filed with the local authority having
24 jurisdiction. An egress plan shall be posted in each sleeping room
25 showing the building diagram, the room location, and the location
26 of exits.

27 (i) The interior finish on wall and ceilings and trim

1 materials shall be a minimum class III, tested in accordance with
2 ASTM E-84.

3 (3) An enforcing agency shall inspect a board and room
4 facility after receiving a complaint alleging a violation by that
5 board and room facility of the minimum standards described in
6 subsection (2), and shall determine whether the board and room
7 facility is in compliance with this act.

8 (4) If, following an inspection described in subsection (3),
9 an enforcing agency determines that a board and room facility is
10 not in compliance with this act, the enforcing agency shall issue
11 an order to remedy the noncompliance and may issue an order to
12 vacate the premises. The enforcing agency shall serve the order or
13 orders upon the operator of the board and room facility and, if
14 known, the owner of the residential building in which the board and
15 room facility is situated.

16 (5) This section prescribes minimum standards for board and
17 room facilities. It does not invalidate ordinances or regulations
18 that impose higher standards or stricter requirements.

19 (6) The enforcing agency may adopt a schedule of ~~monetary~~
20 ~~civil penalties,~~ **CIVIL FINES**, not to exceed \$500.00 for each
21 violation or day that a violation continues, ~~which may be assessed~~
22 for a violation of this section. If the enforcing agency believes
23 that an owner or operator has violated this section, it may issue a
24 citation. ~~after discovery of the alleged violation.~~ The citation
25 shall be written and shall state with particularity the nature of
26 the violation, the civil ~~penalty~~ **FINE** established for the
27 violation, and the right to appeal the citation pursuant to

1 subsection (7). The citation shall be delivered or sent by
2 registered mail to the alleged violator.

3 (7) Not later than 20 days after receipt of the citation, the
4 alleged violator may petition the enforcing agency for an
5 administrative hearing, which shall be held within 60 days after
6 the enforcing agency receives the petition. The administrative
7 hearing may be conducted by a hearing officer, who may affirm,
8 dismiss, or modify the citation. The decision of the hearing
9 officer is final and is not subject to appeal.

10 (8) A civil ~~penalty~~ **FINE** assessed by the issuance of a
11 citation under subsection (6) becomes final if a petition is not
12 received within the time specified in subsection (7). A civil
13 ~~penalty imposed~~ **FINE** shall be paid to the governmental subdivision
14 that has the responsibility of enforcing this section. A civil
15 ~~penalty~~ **FINE** may be recovered ~~in a civil action brought by the~~
16 governmental subdivision in the county in which the violation
17 occurred or the defendant resides **BY ANY MEANS AUTHORIZED FOR THE**
18 **ENFORCEMENT OF A JUDGMENT UNDER CHAPTER 60 OF THE REVISED**
19 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6001 TO 600.6098.**

20 ~~—— (9) This section applies to a board and room facility~~
21 ~~constructed or converted for use as a board and room facility after~~
22 ~~the effective date of this section. Beginning 6 months after the~~
23 ~~effective date of this section, this section also applies to a~~
24 ~~board and room facility constructed or converted for use as a board~~
25 ~~and room facility before the effective date of this section.~~

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.