

# HOUSE BILL No. 6363

August 13, 2008, Introduced by Reps. Brown, Espinoza, Alma Smith, Hopgood and Opsommer 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 8a (MCL 125.1508a), as added by 1999 PA 245.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 8a. (1) This act and the code apply throughout the state.

2       (2) Within 10 days after the effective date of this  
3 subsection, the director shall provide a notice of intent form to  
4 all governmental subdivisions administering and enforcing a  
5 nationally recognized model code other than the code established by  
6 the commission under this act. This form shall set forth the date  
7 return receipt is required, which date shall not be less than 60  
8 days after receipt. The chief elected official of the governmental  
9 subdivision that receives this notice shall indicate on the form  
10 the intention of the governmental subdivision as to whether it

1 shall administer and enforce the code and transmit this notice to  
2 the director within the prescribed period. If a governmental  
3 subdivision fails to submit a notice of intent to administer and  
4 enforce the code within the date set forth in the notice, the  
5 director shall send a notice by registered mail to the clerk of  
6 that governmental subdivision. The registered notice shall indicate  
7 that the governmental subdivision has 15 additional days in which  
8 to submit a notice of intent to administer and enforce the code. If  
9 the governmental subdivision does not respond by the end of the 15  
10 additional days, it shall be conclusively presumed that the  
11 governmental subdivision does not intend to administer and enforce  
12 the code, and the director shall assume the responsibility for  
13 administering and enforcing this act and the code in that  
14 governmental subdivision, unless the county within which that  
15 governmental subdivision is located has submitted a notice of  
16 intent to continue to administer and enforce this act and the code.  
17 Governmental subdivisions may provide by agreement for joint  
18 enforcement of the code.

19 (3) A governmental subdivision that has elected to assume  
20 responsibility for the administration and enforcement of this act  
21 and the code, and has submitted a notice of intent to continue to  
22 administer and enforce the code to the director pursuant to section  
23 8b, after ~~the effective date of this subsection~~ **DECEMBER 28, 1999**,  
24 may reverse that election.

25 (4) A governmental subdivision that, before ~~the effective date~~  
26 ~~of this subsection~~ **DECEMBER 28, 1999**, has elected to exempt itself  
27 pursuant to section 8(1) may reverse that election, making itself

1 subject to the act and the code. However, that action shall not  
2 take effect until 60 days after passage of an ordinance to that  
3 effect. A structure commenced under an effective code shall be  
4 completed under that code.

5 (5) A governmental subdivision that, before ~~the effective date~~  
6 ~~of this subsection~~ **DECEMBER 28, 1999**, has not administered and  
7 enforced either this act and the code or another nationally  
8 recognized model code may elect to enforce this act and the code  
9 pursuant to subsection (1) by the passage of an ordinance to that  
10 effect. A governmental subdivision that makes this election after  
11 ~~the effective date of this subsection~~ **DECEMBER 28, 1999** shall  
12 submit, in addition to the ordinance, an application to the  
13 commission for approval to administer and enforce that code within  
14 its jurisdiction. This application shall be made on the proper form  
15 to be provided by the commission. The standards for approval shall  
16 include, but not be limited to, the certification by the  
17 governmental subdivision that the enforcing agency is qualified by  
18 experience or training to administer and enforce the code and all  
19 related acts and rules, that agency personnel are provided as  
20 necessary, administrative services are provided, plan review  
21 services are provided, and timely field inspection services shall  
22 be provided. The director shall seek additional information if the  
23 director considers it necessary. The commission shall render a  
24 decision on the application for approval to administer and enforce  
25 the code that has been adopted and transmit its findings to that  
26 governmental subdivision within 90 days of receipt of the  
27 application. The commission shall document its reasons if the

1 commission disapproves an application. A governmental subdivision  
2 that receives a disapproval may resubmit its application for  
3 approval. Upon receipt of approval from the commission for the  
4 administration and enforcement of the code, the governmental  
5 subdivision shall administer and enforce the code within its  
6 jurisdiction pursuant to the provisions of its approved  
7 application.

8 (6) The code or any of its sections shall take effect 6 months  
9 after the code's initial promulgation. The 6-month delay does not  
10 apply to rules promulgated to implement sections 13a, 13b, 13c, 19,  
11 and 21 and the requirements of barrier free design and energy  
12 conservation of this act and code. The 6-month delay does not apply  
13 to amendments to the code or any of the code's sections after the  
14 initial promulgation.

15 (7) The standards for premanufactured housing shall not be  
16 less than the standards required for nonpremanufactured housing,  
17 except that manufactured homes labeled pursuant to the national  
18 manufactured housing construction and safety standards act of 1974,  
19 title VI of the housing and community development act of 1974,  
20 Public Law 93-383, 42 ~~U.S.C.~~ **USC** 5401 to 5426, shall be considered  
21 to have complied with this requirement.

22 (8) The commission may limit the application of a part of the  
23 code to include or exclude the following:

24 (a) Specified classes or types of buildings or structures,  
25 according to use, or other distinctions as may make differentiation  
26 or separate classification or regulation necessary, proper, or  
27 desirable. The commission shall consider the specific problems of

1 the construction or alteration of a single family, owner-occupied  
2 recreational dwelling that is located in a sparsely populated area  
3 and that is to be occupied on a part-time basis.

4 (b) Specified areas of the state based on size, population  
5 density, special conditions prevailing in the area, or other  
6 factors as may make differentiation or separate classification or  
7 regulation necessary, proper, or desirable.

8 (9) A building or structure that has baby changing stations in  
9 the women's restrooms shall have baby changing stations in the  
10 men's restrooms.

11 (10) The code shall provide, where appropriate, for standards  
12 involving location and construction of ratwalls that are not less  
13 than those standards in existence on ~~the effective date of this~~  
14 ~~section~~ DECEMBER 28, 1999.

15 (11) THE ELECTRICAL PROVISIONS OF THE MICHIGAN RESIDENTIAL  
16 CODE DO NOT APPLY TO A DWELLING UTILIZED BY A MEMBER OR MEMBERS OF  
17 A RECOGNIZED RELIGIOUS SECT IF A CODE ADMINISTRATOR GRANTS AN  
18 EXEMPTION UNDER THE FOLLOWING CIRCUMSTANCES:

19 (A) THE PERMIT APPLICANT SUBMITS AN APPLICATION WITH THE CODE  
20 ADMINISTRATOR STATING THE MANNER IN WHICH AN ELECTRICAL PROVISION  
21 OF THE MICHIGAN RESIDENTIAL CODE CONFLICTS WITH THE APPLICANT'S  
22 RELIGIOUS BELIEFS. THE APPLICATION MUST ALSO CONTAIN AN AFFIDAVIT  
23 BY THE APPLICANT STATING THAT THE PERMIT APPLICANT IS A MEMBER OF A  
24 RELIGIOUS SECT; THAT THE RELIGIOUS SECT HAS ESTABLISHED TENETS OR  
25 TEACHINGS THAT CONFLICT WITH AN ELECTRICAL PROVISION OF THE  
26 MICHIGAN RESIDENTIAL CODE; AND THAT THE PERMIT APPLICANT ADHERES TO  
27 THE ESTABLISHED TENETS OR TEACHINGS OF THE SECT.

1           (B) THE DWELLING WILL BE USED SOLELY AS A RESIDENCE FOR THE  
2 PERMIT APPLICANT AND THE APPLICANT'S HOUSEHOLD.

3           (12) THE CODE ADMINISTRATOR SHALL GRANT THE APPLICATION FOR  
4 THE ELECTRICAL EXEMPTION IF SUBMITTED IN COMPLIANCE WITH SUBSECTION  
5 (11) .

6           (13) IF THE PERMIT APPLICANT RECEIVES AN EXEMPTION FOR A  
7 BUILDING UNDER SUBSECTION (11) AND THE APPLICANT SUBSEQUENTLY SELLS  
8 OR LEASES THE BUILDING, THE APPLICANT SHALL BRING THE BUILDING INTO  
9 COMPLIANCE WITH THE ELECTRICAL PROVISION OF THE MICHIGAN  
10 RESIDENTIAL CODE IN EXISTENCE IN THE YEAR IN WHICH THE BUILDING WAS  
11 CONSTRUCTED BEFORE THE SALE OR LEASE OF THE BUILDING UNLESS THE  
12 PROSPECTIVE SUBSEQUENT OWNER OR LESSEE FILES AN AFFIDAVIT COMPLYING  
13 WITH SUBSECTION (11) (A) .