

# HOUSE BILL NO. 4648

April 15, 2021, Introduced by Reps. Tate, Whitsett, Neeley, Weiss, Brenda Carter, O'Neal, Anthony, Breen, Sabo, Young, Aiyash, Bolden, Hood, Steenland, Tyrone Carter, Hertel, Kuppa and Manoogian 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,

1 the construction and installation of premanufactured units, the  
2 standards and requirements for materials to be used in connection  
3 with the units, and other requirements relating to the safety,  
4 including safety from fire, and sanitation facilities of the  
5 buildings and structures.

6 (2) The code shall consist of the ~~international residential~~  
7 ~~code, the international building code, the international mechanical~~  
8 ~~code, the international plumbing code, the international existing~~  
9 ~~building code, and the international energy conservation code~~  
10 **International Residential Code, the International Building Code,**  
11 **the International Mechanical Code, the International Plumbing Code,**  
12 **the International Existing Building Code, and the International**  
13 **Energy Conservation Code** published by the ~~international code~~  
14 ~~council~~ **International Code Council** and the ~~national electrical code~~  
15 **National Electrical Code** published by the ~~national fire prevention~~  
16 ~~association,~~ **National Fire Protection Association**, with amendments,  
17 additions, or deletions as the director determines appropriate. The  
18 director may adopt all or any part of these codes or the standards  
19 contained within these codes by reference.

20 (3) ~~The code shall be designed~~ **The director shall design the**  
21 **code** to effectuate the general purposes of this act and the  
22 following objectives and standards:

23 (a) To provide standards and requirements for construction and  
24 construction materials consistent with nationally recognized  
25 standards and requirements.

26 (b) To formulate standards and requirements, to the extent  
27 practicable in terms of performance objectives, so as to make  
28 adequate performance for the use intended the test of  
29 acceptability.

1 (c) To permit to the fullest extent feasible the use of modern  
2 technical methods, devices, and improvements, including  
3 premanufactured units, consistent with reasonable requirements for  
4 the health, safety, and welfare of the occupants and users of  
5 buildings and structures.

6 (d) To eliminate restrictive, obsolete, conflicting, or  
7 unnecessary construction regulations that tend to increase  
8 construction costs unnecessarily or restrict the use of new  
9 materials, products, or methods of construction, or provide  
10 preferential treatment to types or classes of materials or products  
11 or methods of construction.

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

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

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

19 (h) To develop a voluntary consumer information system  
20 relating to energy efficiencies.

21 ~~(4) The code shall be divided into sections as the director~~  
22 ~~considers appropriate including, without limitation, building,~~  
23 ~~plumbing, electrical, and mechanical sections. The boards shall~~  
24 ~~participate in and work with the staff of the director in the~~  
25 ~~preparation of parts relating to their functions. Before the~~  
26 ~~promulgation of an amendment to the code, the boards whose~~  
27 ~~functions relate to that code may draft and recommend to the~~  
28 ~~director proposed language. The director shall consider all~~  
29 ~~submissions by the boards. However, the director has final~~

1 ~~responsibility for the promulgation of the code.~~ Subject to  
2 subsection (5), before promulgation of a new edition of the code  
3 described in subsection (2), the director shall appoint advisory  
4 committees for each of the codes listed in subsection (2).  
5 Membership in each of the separate advisory committees must be as  
6 follows:

7 (a) The advisory committee for the International Building Code  
8 shall be composed of the following members appointed by the  
9 director:

10 (i) Two representatives from fire services.

11 (ii) Two licensed architects.

12 (iii) One registered engineer.

13 (iv) Three registered building officials or inspectors.

14 (v) One registered plan reviewer.

15 (vi) Two commercial contractors.

16 (vii) One multifamily contractor.

17 (viii) Two building owners or managers.

18 (ix) One representative of persons with disabilities.

19 (x) One representative of material suppliers or material  
20 manufacturers.

21 (xi) One representative of a labor union or a division of a  
22 labor union whose members regularly perform work in the areas  
23 governed by the code for which the committee is responsible.

24 (xii) The chief of the building division or his or her  
25 representative who shall serve as a nonvoting member of the  
26 advisory committee.

27 (b) The advisory committee for the National Electrical Code  
28 shall be composed of the following members appointed by the

1 **director:**

2 (i) One licensed electrical contractor.

3 (ii) One journey person electrician.

4 (iii) One master electrician.

5 (iv) Two registered electrical inspectors.

6 (v) One building owner or manager.

7 (vi) One commercial contractor.

8 (vii) One representative of material suppliers or material  
9 manufacturers.

10 (viii) One representative of a labor union or a division of a  
11 labor union whose members regularly perform work in the areas  
12 governed by the code for which the committee is responsible.

13 (ix) The chief of the electrical division or his or her  
14 representative who shall serve as a nonvoting member of the  
15 advisory committee.

16 (c) The advisory committee for the commercial chapters of the  
17 International Energy Conservation Code shall be composed of the  
18 following members appointed by the director:

19 (i) One energy rater or modeler.

20 (ii) Three licensed architects.

21 (iii) One registered engineer.

22 (iv) One licensed electrical contractor.

23 (v) One licensed mechanical contractor.

24 (vi) Three registered building officials or inspectors.

25 (vii) One commercial contractor.

26 (viii) One multifamily contractor.

27 (ix) One building owner or manager.

28 (x) One electrical utility representative.

1           (xi) One gas utility representative.

2           (xii) One representative of a material suppliers association or  
3 a material manufacturers association.

4           (xiii) One expert specializing in energy efficiency.

5           (xiv) One representative of low-income tenants as nominated by  
6 the executive director of the state housing development authority.

7           (xv) One representative of a labor union or a division of a  
8 labor union whose members regularly perform work in the areas  
9 governed by the code for which the committee is responsible.

10           (xvi) The director of the office of climate and energy or his  
11 or her representative who shall serve as a nonvoting member of the  
12 committee.

13           (d) The advisory committee for the International Existing  
14 Building Code shall be composed of the following members appointed  
15 by the director:

16           (i) Two representatives from fire services.

17           (ii) One licensed architect.

18           (iii) One registered engineer.

19           (iv) One licensed electrical contractor.

20           (v) One registered plan reviewer.

21           (vi) Two registered building officials or inspectors.

22           (vii) One representative of persons with disabilities.

23           (viii) One contractor specializing in renovation and  
24 rehabilitation of existing buildings.

25           (ix) One building owner or manager.

26           (x) One representative of material suppliers or material  
27 manufacturers.

28           (xi) One representative of a labor union or a division of a

1 labor union whose members regularly perform work in the areas  
2 governed by the code for which the committee is responsible.

3 (xii) The chief of the plan review division or his or her  
4 representative who shall serve as a nonvoting member of the  
5 committee.

6 (e) The advisory committee for the International Mechanical  
7 Code shall be composed of the following members appointed by the  
8 director:

9 (i) One licensed professional mechanical engineer.

10 (ii) Three licensed mechanical contractors.

11 (iii) Two registered mechanical inspectors.

12 (iv) One building owner or manager.

13 (v) One representative of material suppliers or material  
14 manufacturers.

15 (vi) One representative of a labor union or a division of a  
16 labor union whose members regularly perform work in the areas  
17 governed by the code for which the committee is responsible.

18 (vii) The chief of the mechanical division or his or her  
19 representative who shall serve as a nonvoting member of the  
20 committee.

21 (f) The advisory committee for the International Plumbing Code  
22 shall be composed of the following members appointed by the  
23 director:

24 (i) Two licensed master plumbers.

25 (ii) Three registered plumbing inspectors.

26 (iii) One building owner or manager.

27 (iv) One plumbing contractor.

28 (v) One representative of material suppliers or material

1 manufacturers.

2 (vi) One representative of a labor union or a division of a  
3 labor union whose members regularly perform work in the areas  
4 governed by the code for which the committee is responsible.

5 (vii) The chief of the plumbing division or his or her  
6 representative who shall serve as a nonvoting member of the  
7 committee.

8 (g) The advisory committee for all chapters of the  
9 International Residential Code shall be composed of the following  
10 members appointed by the director:

11 (i) One licensed architect.

12 (ii) One registered engineer.

13 (iii) One representative from fire services.

14 (iv) One licensed electrical contractor.

15 (v) One licensed mechanical contractor.

16 (vi) One licensed plumbing contractor.

17 (vii) One licensed residential builder specializing in new  
18 construction.

19 (viii) One licensed builder specializing in remodeling,  
20 renovation, or rehabilitation.

21 (ix) One contractor specializing in multifamily housing.

22 (x) One contractor specializing in energy efficiency.

23 (xi) Three registered building officials or inspectors.

24 (xii) One registered plan reviewer.

25 (xiii) One energy rater or modeler.

26 (xiv) One representative of persons with disabilities.

27 (xv) One representative of a material suppliers association or  
28 a material manufacturers association.



1           (xvi) One representative of low-income homeowners and tenants  
2 as nominated by the executive director of the state housing  
3 development authority.

4           (xvii) One representative of a labor union or a division of a  
5 labor union whose members regularly perform work in the areas  
6 governed by the code for which the committee is responsible.

7           (xviii) The chief of the building division or his or her  
8 representative who shall serve as a nonvoting member of the  
9 committee.

10           (xix) The director of the office of climate and energy or his  
11 or her representative who shall serve as a nonvoting member of the  
12 advisory committee.

13           (5) An individual may be appointed to serve on more than 1  
14 advisory committee.

15           (6) A notice of the time and place of an advisory committee  
16 meeting along with an agenda must be posted on the department's  
17 website at least 5 business days in advance of the meeting. The  
18 notice must specify the date, time, and place of the meeting. All  
19 meetings must be held in a place available to the general public.  
20 All persons are permitted to attend the meeting. All persons  
21 desiring to do so shall be afforded a reasonable opportunity at the  
22 meeting to present their views on the matters before the advisory  
23 committee prior to any vote on that matter.

24           (7) An advisory committee shall review and compare the latest  
25 edition of the code for which the committee is responsible to the  
26 existing Michigan code and shall consider any proposal submitted  
27 for revision or amendment.

28           (8) Each advisory committee shall prepare a report for the  
29 director's consideration. The report must be submitted to the

1 director and must contain the advisory committee's recommendations  
2 for changes to the existing Michigan code in effect at the time of  
3 the review, including the adoption of any new language or  
4 requirements from the latest edition of the relevant model code.  
5 Each committee shall submit its report to the director not more  
6 than 45 days after completing its deliberations of any proposed  
7 revisions or amendments. In making its recommendations, the  
8 committee shall consider all of the following:

9 (a) The reason for each proposed revision or amendment.

10 (b) The existence of a demonstrated need in Michigan for each  
11 proposed revision or amendment.

12 (c) The impact that the revision or amendment may have upon  
13 the health, safety, and welfare of the public.

14 (d) The economic reasonableness and financial impact of the  
15 revision or amendment.

16 (e) The technical feasibility of the revision or amendment.

17 (9) Each advisory committee shall vote publicly and by roll  
18 call on each proposed revision or amendment brought before the  
19 committee. Revisions or amendments may be voted on individually or  
20 in groups. A majority of committee members present and casting  
21 votes are needed to approve any revision or amendment. All votes  
22 must be posted on the department's website within 48 hours of each  
23 meeting.

24 (10) The director shall consider all submissions and  
25 recommendations provided by an advisory committee. However, the  
26 director has final responsibility for the promulgation of the code.

27 (11) A member of an advisory committee may participate in an  
28 advisory committee meeting in person or through use of electronic  
29 or telephonic means, as determined by the director.

1           (12) ~~(5)~~—The director shall add, amend, and rescind rules to  
2 update the Michigan building code, the Michigan mechanical code,  
3 the Michigan plumbing code, the Michigan rehabilitation code for  
4 existing buildings, the Michigan electrical code, and the  
5 commercial chapters of the Michigan energy code not less than once  
6 every 3 years to coincide with the national code change cycle.

7           (13) ~~(6)~~ ~~Within 90 days after the effective date of the 2012~~  
8 ~~act that amended this section,~~ **Not later than June 28, 2013,** the  
9 director shall begin the process to add, amend, or rescind rules to  
10 update the 2009 Michigan residential code, including the  
11 residential energy code chapter. Commencing with the 2015 national  
12 code change cycle, the director shall add, amend, and rescind rules  
13 to simultaneously update all chapters of the Michigan residential  
14 code not less frequently than once every 6 years or more frequently  
15 than once every 3 years, ~~as the director determines is appropriate.~~  
16 **determined by the director.** Not more than 200 days after the  
17 printed publication of the latest edition of the ~~international~~  
18 ~~residential code~~ **International Residential Code** book is made  
19 available to the general public, the director shall hold a public  
20 meeting in Lansing and offer persons an opportunity to present data  
21 and comments on the general need to update the Michigan residential  
22 code. The department shall give 30 days' advance notice of a  
23 meeting under this subsection on the department's website. Not more  
24 than 30 days after the meeting, the director shall issue a written  
25 determination whether to update the Michigan residential code. The  
26 department shall post notice of the determination on its website  
27 for at least 45 days.

28           (14) ~~(7)~~—If the director makes the determination not to update  
29 the Michigan residential code, a person may, within 45 days after

1 the determination, request the director to promulgate a rule to  
2 amend a section or sections of the Michigan residential code.  
3 Within 90 days after the filing of a request, the director shall  
4 initiate the processing of a rule or ~~shall~~ issue to the requestor a  
5 concise written statement of the principal reasons for denial of  
6 the request and post the denial statement on the department's  
7 website until the Michigan residential code is next updated. The  
8 denial of the request is not subject to judicial review.

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

1 ~~code~~**International Residential Code** is used, the use ~~shall~~**must**  
2 comply with all applicable requirements set forth in the interim  
3 edition of the ~~international residential code~~**International**  
4 **Residential Code**.

5 (16) As used in this section:

6 (a) "Office of climate and energy" means the office of climate  
7 and energy of the department of environment, Great Lakes, and  
8 energy.

9 (b) "State housing development authority" means the Michigan  
10 state housing development authority created under section 21 of the  
11 state housing development authority act of 1966, 1966 PA 346, MCL  
12 125.1421.