

SENATE BILL NO. 452

July 20, 2023, Introduced by Senator HERTEL and referred to the Committee on Regulatory Affairs.

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~~**this**
2 state.

3 (2) Within 10 days after ~~the effective date of this~~
4 ~~subsection,~~**December 28, 1999**, the director shall provide a notice
5 of intent form to all governmental subdivisions administering and
6 enforcing a nationally recognized model code other than the code
7 established by the commission under this act. ~~This~~**The notice of**

1 **intent** form ~~shall~~**must** set forth the date **the** return receipt is
 2 required ~~, which and that~~ date ~~shall~~**must** not be less than 60 days
 3 after receipt **of the notice of intent form**. The chief elected
 4 official of the governmental subdivision that receives ~~this~~**the**
 5 notice **of intent form** shall indicate on the **notice of intent** form
 6 the intention of the governmental subdivision as to whether it
 7 shall administer and enforce the code and transmit ~~this~~**the** notice
 8 **of intent form** to the director within the prescribed period. If a
 9 governmental subdivision fails to submit a notice of intent **form**
 10 **that indicates that the governmental subdivision intends** to
 11 administer and enforce the code within the date set forth in the
 12 notice **of intent form**, the director shall send a notice **of intent**
 13 **form** by registered mail to the clerk of that governmental
 14 subdivision. The registered notice ~~shall~~**of intent form must**
 15 indicate that the governmental subdivision has 15 additional days
 16 in which to submit a notice of intent **form that indicates that the**
 17 **governmental subdivision intends** to administer and enforce the
 18 code. If the governmental subdivision does not respond by the end
 19 of the 15 additional days, it ~~shall be~~**is** conclusively presumed
 20 that the governmental subdivision does not intend to administer and
 21 enforce the code, and the director shall assume the responsibility
 22 for administering and enforcing this act and the code in that
 23 governmental subdivision, unless the county within which that
 24 governmental subdivision is located has submitted a notice of
 25 intent **form that indicates that the county intends** to continue to
 26 administer and enforce this act and the code. Governmental
 27 subdivisions may provide by agreement for joint enforcement of the
 28 code.

29 (3) A governmental subdivision that has elected to assume

1 responsibility for the administration and enforcement of this act
 2 and the code, and has submitted a notice of intent **form that**
 3 **indicates that it intends** to continue to administer and enforce the
 4 code to the director ~~pursuant to~~ **under** section 8b, after the
 5 ~~effective date of this subsection,~~ **December 28, 1999**, may reverse
 6 that election.

7 (4) A governmental subdivision that, before ~~the effective date~~
 8 ~~of this subsection,~~ **December 28, 1999**, has elected to exempt itself
 9 ~~pursuant to~~ **under former** section 8(1) may reverse that election,
 10 making itself subject to the act and the code. However, that action
 11 ~~shall~~ **must** not take effect until 60 days after passage of an
 12 ordinance to that effect. A structure commenced under an effective
 13 code ~~shall~~ **must** be completed under that code.

14 (5) A governmental subdivision that, before ~~the effective date~~
 15 ~~of this subsection,~~ **December 28, 1999**, has not administered and
 16 enforced either this act and the code or another nationally
 17 recognized model code may elect to enforce this act and the code
 18 ~~pursuant to~~ **under** subsection (1) by the passage of an ordinance to
 19 that effect. A governmental subdivision that makes this election
 20 after ~~the effective date of this subsection~~ **December 28, 1999** shall
 21 submit, in addition to the ordinance, an application to the
 22 commission for approval to administer and enforce that code within
 23 its jurisdiction. ~~This~~ **The** application ~~shall~~ **must** be made on the
 24 proper form to be provided by the commission. The standards for
 25 approval ~~shall~~ **must** include, but **are** not be limited to, the
 26 certification by the governmental subdivision that the enforcing
 27 agency is qualified by experience or training to administer and
 28 enforce the code and all related acts and rules, that agency
 29 personnel are provided as necessary, administrative services are

1 provided, plan review services are provided, and timely field
2 inspection services ~~shall~~**must** be provided. The director shall seek
3 additional information if the director considers it necessary. The
4 commission shall render a decision on the application for approval
5 to administer and enforce the code that has been adopted and
6 transmit its findings to that governmental subdivision within 90
7 days of receipt of the application. The commission shall document
8 its reasons if the commission disapproves an application. A
9 governmental subdivision that receives a disapproval may resubmit
10 its application for approval. ~~Upon~~**On** receipt of approval from the
11 commission for the administration and enforcement of the code, the
12 governmental subdivision shall administer and enforce the code
13 within its jurisdiction ~~pursuant to~~**under** the provisions of its
14 approved application.

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

22 (7) The standards for premanufactured housing ~~shall~~**must** not
23 be less than the standards required for nonpremanufactured housing,
24 except that manufactured homes labeled ~~pursuant to~~**under** the
25 national manufactured housing construction and safety standards act
26 of 1974, ~~title VI of the housing and community development act of~~
27 ~~1974, Public Law 93-383, 42 U.S.C. USC~~ 5401 to 5426, ~~shall~~**must** be
28 considered to have complied with this requirement.

29 (8) The commission may limit the application of a part of the

1 code to include or exclude the following:

2 (a) Specified classes or types of buildings or structures,
3 according to use, or other distinctions as may make differentiation
4 or separate classification or regulation necessary, proper, or
5 desirable. The commission shall consider the specific problems of
6 the construction or alteration of a single family, owner-occupied
7 recreational dwelling that is located in a sparsely populated area
8 and that is to be occupied on a part-time basis.

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

13 (9) A building or structure that has baby changing stations in
14 the women's restrooms ~~shall~~**must** have baby changing stations in the
15 men's restrooms.

16 (10) The code ~~shall~~**must** provide, where appropriate, for
17 standards involving location and construction of ~~ratwalls~~**rat walls**
18 that are not less than those standards in existence on ~~the~~
19 ~~effective date of this section.~~**December 28, 1999.**

20 (11) **This act, the code, an ordinance provision enacted**
21 **pursuant to this act or the code, or a construction regulation may**
22 **not prohibit or otherwise limit the use of a refrigerant designated**
23 **as acceptable under 42 USC 7671k, if the equipment containing the**
24 **refrigerant is listed and installed in accordance with the safety**
25 **standards and use conditions imposed pursuant to 42 USC 7671k. This**
26 **subsection does not apply after December 31, 2026.**