

Acts, Rules, 2023 Updates
Program #CP-23-00065
Class Category: Acts & Rules
1 Hour (ALL)



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COCM– September 29, 2023



1972 PA 230 Exemptions

What buildings and structures are exempt from construction code requirements?

How can 1972 PA 230 apply to property owned by the federal government or sovereign nations?

1972 PA 230 Exemptions

Exemptions from the code (entire act)

- Public universities (1972 PA 230)
- Federal buildings
- Sovereign nations



Exemptions from permit and inspections (code applies without enforcement)

- Agricultural buildings (1972 PA 230)
- Heavy civil construction (bridges, dams, harbors, mines) (1972 PA 230)
- Facilities generating, transmitting, or distributing electricity (1972 PA 230)

Jurisdictional Boundaries

Construction Code Enforcement Authority

Three levels of jurisdiction (possible third party at county or local level)

State

County

Local (city, village, township)

Four code disciplines (includes energy, rehabilitation, and residential)

Building

Electrical

Mechanical

Plumbing



Jurisdictional Boundaries

Construction Code Enforcement Authority

State owned buildings are strictly under the authority of the Bureau of Construction Codes. School buildings are under the authority of the Bureau of Construction Code unless delegated by the BCC.

Life Safety and Fire Code Enforcement Authority

State owned buildings and school buildings are strictly under the authority of the Bureau of Fire Safety, and this authority cannot be delegated by BFS.

Jurisdictional Boundaries

Elevator Licensing and Code Enforcement Authority

Elevator licensing and code enforcement are strictly under the authority of the Bureau of Construction Codes except for the City of Detroit. Per 1967 PA 227, the city must have elevator inspection regulations comparable to state.

Boiler Licensing and Code Enforcement Authority

Boiler licensing and code enforcement are strictly under the authority of the Bureau of Construction Codes except for the City of Detroit. Per 2016 PA 407, the act does not apply to any city with a population of 600,000 or more.

Code Violation Notification Process

Do code violations need to be put in writing and provided to the contractor/permit holder?



If so, where is the authority for this requirement?

What happens if violations are found, but they are not issued in writing?

Code Violation Notification Process

While there are many instances in 1972 PA 230 supporting that violations need to be in writing and provided to those responsible for construction, MCL 125.1509b and MCL 125.1512 provide the clearest direction for this requirement. Inspection records include correction notices that must be provided to the permit holder or person doing the construction.

Existing violations found but are not documented become risk liabilities for the code official and permit holder if they are not corrected and result in harm to an individual. Situations of this nature can lead to litigation and determination of the party at fault.

Documenting Code Violations

Must be in writing

Must cite standard/regulation

Violations expressed verbally or lack regulatory reference can be deemed arbitrary and capricious (can impose high risk and liability to code official and code enforcement agency)

Documenting Code Violations (incorrectly)

“Because I said so.”

“Because it doesn’t meet my code.”

Because = Cause is yet to be determined

Appealing Code Violations

Code appeals are a code enforcement issue. Appeals must be filed with the enforcing agency. ([MCL 125.1514](#))

Code appeals do not automatically become a licensing matter. A licensing complaint is not the first step in this process. The code appeal process must be exhausted before the issue may become a licensing matter.

Filing a license complaint should be a last resort.

Appealing Code Violations

Differing application or different interpretations of the code do not automatically warrant a licensing action against a code official.

Variations typically arise as circumstances differ.

Practitioners and regulators strive for predictability and consistency.

Solutions – embrace code flexibility, network, training.

1972 PA 230

MCL 125.1514 – Appeals of Code Decisions

Governmental subdivision must have construction board of appeals
Interested party may file an appeal in writing (no application or form is necessary; however, enforcing agency should provide a form)

Failure by the board to hear appeal within 30 days of submission allows the construction code commission to hear appeal

1972 PA 230

MCL 125.1516 – Appeal to the commission

Interested party may appeal board decision

Within 10 business days after filed decision

Or for failure of local board of appeals to act within prescribed time

1972 PA 230

Code Appeal Process

Appeals principally related to an electrical, mechanical, or plumbing issue are referred to the applicable board

Appeals of a state board decision are directed to the State Construction Code Commission

Governmental Taking

Be aware of MCL 125.1512(3) and (4) and follow appropriately.

(3) If construction is being undertaken contrary to a building permit, this act, or other applicable laws or ordinances, the enforcing agency shall give written notice to the holder of the building permit, or if a permit has not been issued then to the person doing the construction, notifying him of the violation of this act, or other applicable laws and ordinances, and to appear and show cause why the construction should not be stopped. If the holder of the permit or the person doing the construction fails to appear and show good cause within 1 full working day after notice is delivered, the enforcing agency shall cause a written order to stop construction to be posted on the premises. A person shall not continue, or cause or allow to be continued, construction in violation of a stop construction order, except with permission of the enforcing agency to abate the dangerous condition or remove the violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the circuit court for the county in which the premises are located for an order enjoining the violation of the stop construction order.

Governmental Taking

Be aware of MCL 125.1512(3) and (4) and follow appropriately.

(4) Without limitation on other available remedies, an interested person may apply for an order, enjoining the continuation of construction undertaken in violation of a building permit, this act, the code or other applicable laws or ordinances, to the circuit court for the county in which the premises are located.

Licensing Enforcement, 2016 PA 407

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.5201(3) At the request of a building official, inspector, or employee of an enforcing agency, acting in his or her official capacity, an individual who is licensed under this act must present to that building official, inspector, or employee proof of licensure and a government-issued photo identification.

Plumbing Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.6107(1) A person shall not engage in or work at the business of a plumbing contractor, master plumber, journey plumber, or apprentice plumber unless that person is licensed or registered under this article.

MCL 339.6117(4) An apprentice plumber shall, as his or her principal occupation, be engaged in learning and assisting in the installation of plumbing under the direct on-site jobsite supervision of a journey or master plumber.

Plumbing Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.6125(5) Master plumbers, journey plumbers, and apprentice plumbers shall carry their licenses and a form of identification that includes his or her photograph. If requested by an enforcing agency, a licensee or apprentice registrant shall present his or her license or registration and a form of identification that includes his or her photograph.

Licensing Enforcement, 2016 PA 407

License matters must be filed with the licensing authority for investigation and appropriate action.

BCC has licensing authority for building, electrical, mechanical, and plumbing except City of Detroit which has licensing authority for electrical within its city limits.

These matters can be reported to the Licensing Compliance Section at BCC.

Email: LARA-BCC-Compliance@Michigan.Gov

A statement of complaint form is not necessary but can be utilized.

Licensing Enforcement, 2016 PA 407

Action to be taken:

Request individual to leave job site until license can be provided

Report facts to licensing authority including:

Name, email address and phone number of code official making report

Job Location (address) and date of observation

Township, city, village and county of job location

Name and address of company/person not properly licensed

Work observed being performed (electrical, plumbing)

Permit worked formed under

Licensing Action, 2016 PA 407

Action to be taken:

Reach out to individual to assist them with obtaining proper licensure

If licensure is not applied for, BCC to initiate one of the following options:

File a formal complaint

Issue a cease-and-desist order

Issue a citation

Skilled Trades Regulation Rules

Became effective May 3, 2023.

Significant changes of note are the following:

- Fee changes for boiler licenses, permits, inspections, and certificates of operation.
- Fees are now required for license verifications and license reprints.
- License renewals submitted 60 days after expiration are subject to a \$100 late renewal fee.
- Examinees must score 75% to successfully pass an examination.
- If a qualifying licensed individual ceases to represent the associated electrical or plumbing contractor, the contractor license will summarily be suspended until another qualified licensed individual represents the contractor.

Skilled Trades Regulation Rules

- Boiler codes are updated to the following editions:
 - NBIC 2019.
 - ASME boiler and pressure vessel code, 2019.
 - ASME B31.1, 2018.
 - ASME CSD-1, 2018.
- Exams are now required for each registration to become a code official, inspector, and plan reviewer.
 - Exams are conducted by our third-party vendor, PSI.



Skilled Trades Regulation Rules

R 339.5116 Renewal for licensure application.

Rule 116. Unless otherwise specified in the act, a licensee who fails to submit the renewal for licensure application within 60 days after the license's expiration date shall pay to the department, in addition to the renewal fee, a late renewal fee of \$100.00 for renewal.

Skilled Trades Regulation Rules

R 339.5119 Code update courses; instructors; standards.

Rule 119. (1) Unless otherwise provided in the act, the department shall approve instructor-provided code update courses that comply with the act and these rules. Instructors shall be approved by the department. A certificate of completion must be issued, either electronically or by paper, by a course provider to an individual who has successfully completed the code update class by required attendance. The certificate must contain all of the following information: A course approval number granted by the department. The name and address of the individual, school, organization, or company who sponsors or administers the course. The date the certificate was issued. The student's name and license number.

Skilled Trades Regulation Rules

R 339.5264 Registration and reregistration; required hours of training; training categories

Rule 264. (1) An individual who is applying for renewal or reregistration shall complete not less than the required number of hours of continuing education in an approved educational or training program, as described in table 264 of this rule, in all the following categories:

State public acts and state administrative rules (admin/communication)

Technical

Plan review

Specialty

Skilled Trades Regulation Rules

R 339.5301 Acts and rules; continuing education.

Rule 301. (1) An individual who attends the acts and rules continuing education training, specified in [R 339.5502](#), during his or her 3-year registration cycle will have satisfied the required training for all other registrations he or she may hold as an official, inspector, plan reviewer, or any other combination of those registrations for his or her renewal requirement. An individual who holds multiple registrations shall take the acts and rules continuing education training only once every 3-year registration cycle.

(2) All other courses must be tailored to either the specific trade inspector classification, the trade plan reviewer classification, or the building official registration, to attain the total number of continuing education training hours required for each registration renewal.

Skilled Trades Regulation Rules

R 339.5502 Rule is non-existent.

Rule 412 (R 339.5412) is last rule in rule set.

Any references to R 339.5502 mean Rule 264 (R 339.5264).



Skilled Trades Regulation Rules

R 339.5411 Master plumber and plumbing contractors; changes in employment status; license suspension.

Rule 411. (1) If a master plumber ceases to represent a plumbing contractor, both the plumbing contractor and the master plumber who was employed by the plumbing contractor shall notify the department immediately of any changes in the employment status of the master plumber.

(2) The contractor license may be summarily suspended pursuant to section 507 of the act, MCL 339.5507, until the contractor designates an employee or officer who is a licensed master plumber to represent the plumbing contractor license.

2023 Updates

BCC has a received a grant from the US Department of Energy (DOE) to provide training to state code officials concerning the adoption of the upcoming 2021 energy code.



More details to follow as we implement a plan.

2023 Updates

BCC has hired 2 regulation agents to assist with decreasing the backlog of complaints against residential builders.

Open cases have held steady at around 1,000 complaints since the 2018 program transfer.

BCC is in the process of hiring 2 more regulation agents.

Regulation agents will conduct in the field investigations for complaints regrading all licensees including boiler tradesman, builders, code officials, electricians, elevator mechanics, mechanical contractors, mobile home park operators, and plumbers.

2023 Updates (Helpful Hints)

The [Statewide Jurisdiction List](#) per 1972 PA 230 identifies enforcing agencies for all disciplines. Please make sure your authority agrees with this list. Performing plan reviews, issuing permits, or conducting inspections in conflict with the jurisdiction list is a violation of MCL 125.1508b, and subject to penalties under MCL 125.1523.

According to 1972 PA 230, the department director is responsible for promulgation of the construction code. Local updates or modifications of the construction code are in violation of MCL 125.1504, and subject to penalties under MCL 125.1523.

2023 Updates (Helpful Hints)

According to 1972 PA 230, the legislative body of the governmental subdivision is responsible for establishing reasonable fees charged for the acts and services performed by the enforcing agency. Fees set by the enforcing agency, third party entities, or code officials are in violation MCL 125.1522, and subject to penalties under MCL 125.1523.

Please note the Bureau of Construction Code is not allowed to set fees for performing plan reviews, issuing permits, and conducting inspections.

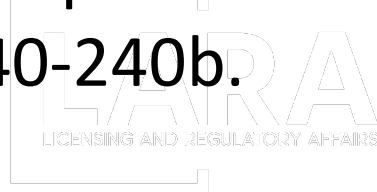
2023 Updates (Helpful Hints)

According to 1972 PA 230, the building official must be an employee of the governmental subdivision or an employee of a private organization. Building officials not employed by a governmental subdivision or private organization are in violation of MCL 125.1502a, and subject to penalties under MCL 125.1523.

Contracts between a governmental subdivision and a private organization must include conflict-of-interest provisions unless the municipality has a conflict-of-interest ordinance. Contracts or ordinances without this provision are in violation of MCL 125.1509, and subject to penalties under MCL 125.1523.

2023 Updates (Helpful Hints)

The Freedom of Information Act, 1976 PA 442, requires the public body to process and respond to FOIA requests. Private organizations and third parties processing and responding to FOIA requests are in violation of MCL 15.235, and subject to penalties under MCL 15.240-240b.



The Occupational Code, 1980 PA 299, does not require residential builders and maintenance and alteration contractors to register their licenses or pay registration fees to municipalities or governmental subdivisions. Municipalities, governmental subdivisions, private organizations, and third parties requiring registration or fees for these licensees are in violation of 1980 PA 299, Article 24, and subject to action under MCL 339.504.

2023 Updates (Helpful Hints)

The Skilled Trades Regulation Act, 2016 PA 407, allows a governmental subdivision or municipality to require registration of electricians, mechanical contractors, and plumbing contractors; however, the governmental subdivision or municipality must grant the registration, determine the fee, and receive the fee. **Furthermore, electricians are not required to pay a fee as a requirement to register their licenses.** Finally, boiler installers are not required to register their licenses or pay registration fees to municipalities or governmental subdivisions. Boiler installer licenses are not required for residential boilers which fall under 1972 PA 230, but are required for commercial boilers under Article 9 of 2016 PA 407 which are under the sole authority of BCC.

2023 Updates (Helpful Hints)

Municipalities, governmental subdivisions, private organizations, and third parties requiring fees for registering electricians or requiring registration or fees for boiler installer licenses are in violation of MCL 339.5733, MCL 339.5817, MCL 339.5915, MCL 339.6125, and subject to action under MCL 339.5507.

LARA
LICENSING AND REGULATORY AFFAIRS

2023 Updates (Prescribed Forms)

Construction permit applications must contain the following statement to satisfy the requirements of MCL 125.1510 and must be signed by the owner or applicant.

I _____(name), _____(title), attest that the statements, specifications, and plans submitted with this application for _____(name of owner of the land in fee) at _____(address by number and street) are true and complete and contain a correct description of the building or structure, lot or parcel, and proposed work. I further attest that this application complies with the requirements of MCL 125.1510 and that I am a person authorized under MCL 125.1510(2) to make the statements and attestations contained in this application under MCL 125.1510(2).

[too be followed by a signature and date line].

2023 Updates (Prescribed Forms)

Construction permit applications should have separate sections for the owner information and the applicant (licensee) information who proposes the construction.

The owner information section must contain:

- (1) Full name of the owner of the land in fee on which the building or structure will be constructed.
- (2) Contact information of the owner which includes address and phone number or email address.

The applicant (licensee) information section must contain:

- (1) Contact information of the applicant which includes address and phone number or email address.
- (2) Additional information pertaining to the licensee and employer as follows:

2023 Updates (Prescribed Forms)

If a person licensed or required to be licensed as a residential builder, residential maintenance and alteration contractor, plumbing contractor, master plumber, journeyman plumber, electrical contractor, master electrician, journeyman electrician, or mechanical contractor applies for a construction permit, the following additional information must be provided:

- (1) Occupational license number and expiration date of license
- (2) Worker's disability compensation insurance
- (3) Employer identification number
- (4) Michigan employment security commission employer number

Contact Information:



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