



# Code Officials Conference of Michigan

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September 23, 2011

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Standing Committee Chair Crawford &  
Standing Committee Members  
521 house Office Building  
Lansing, MI

RE: HB 4561 –Construction; Code; Promulgation of rules; modify to a 6-year cycle

Dear Chair Crawford & Committee Members

The Executive Board for the Code Officials Conference of Michigan, COCM appreciates your consideration of rules that apply to our enforcement of PA 230 of 1972 (building code rules). We would like to take this opportunity to represent some points you might consider in your discussion of the proposed language in House Bill 4561 that would modify the construction code cycle from every 3 years to every 6 years.

Michigan adopts (modifications to) the International Code Council (ICC) Building Code Standards. The ICC is a private, not-for-profit organization dedicated to building safety and fire prevention. They develop the model codes to construct residential and commercial buildings, including homes and schools. The mission of the Code Council is to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the building environment.

Michigan currently benefits from the most recent and up-to-date building safety and efficiency requirements developed by the nation's leading building scientists, fire and life safety officials, home builders, contractors, commercial builders, architects, structural and mechanical engineers, product manufacturers, and associations. Current statute requires that Michigan update its building and life safety codes every three years, which coincides with the national model code cycle. HB 4561 will change this process preventing the State from its ability to update the codes as necessary. New and emerging technologies, building materials, and cost effective construction methods are just a few of the many advantages to adopting new codes.

**The negative impacts of House Bill 4561 will be considerable.** Michigan is one of many states that values public safety and the protection of our built environment by updating building, fire, and energy codes every three years. By adopting such codes, Michigan provides the safest and economically prudent climate for its citizens. HB 4561 will place Michigan well behind the national standard on building safety since it will limit the use of new construction standards or methods as well as utilizing newly developed cost-effective building materials.

A lack of updating our building codes can result in a downgrade of ISO ratings, which could increase insurance premiums for communities. This also has a negative impact on attracting business to Michigan, as companies looking to base themselves in-state may opt to locate elsewhere to avoid paying higher insurance premiums.

Homes built with the most current and up to date codes save significant dollars on energy usage as well. Research studies have shown that home owners save considerably on their energy bills, negating the argument that newly developed codes unnecessarily increase the cost of construction. The Building Codes Assistance Project (BCAP) has issued many reports on this caveat and I encourage you to carefully review their analyses.

This legislation will impair Michigan-based industry as many of these companies manufacture energy efficient products. Significant resources are invested to become market leaders in a growing industry. Extending the date of adoption harms these companies as it hinders their ability to bring new energy efficient products to market.

HB 4561 creates unnecessary administrative expenses and impairs Michigan's ability to effectively regulate the safety and efficiency of buildings. Movement to a six-year cycle will create much confusion and additional regulatory review. The code updates are carefully integrated documents meant to complement each other every three years.

The bill also attempts to eliminate the ability to "incorporate the provisions of a code, standard, or other material by reference." Yet, current state building code includes hundreds of references to established national standards. Michigan may not have the capacity or the funding necessary to recreate these codes or standards. The inability to reference standards would also make the building process much more difficult and confusing for builders, design professionals, and code enforcement officials.

In a time of economic regression, reforms are necessary to improve the economic vitality of the State, and ICC respects each States' authority to make those changes. However, it is our belief that HB 4561 will create a greater burden on the taxpayers and businesses, and put at risk the safety of its citizens by extending the timing of updating your building and life safety codes.

The ICC code development cycle is a three-year consensus based process, based upon specific changes recommended by anyone wishing to participate in the process. These proposals are deliberated by representatives from virtually every affected industry or organization in addition to government officials. However, final approval is reserved for government officials appointed by their jurisdictions, and responsible for the administration and enforcement of the codes in those respective jurisdictions.

The ICC respectfully requests that this Committee carefully consider the negative impact of bill. HB 4561 on the States' ability to attract new business, provide affordable, safe, and energy efficient housing, and ensure the public safety of its communities where we live, work, and play.

As the building code is the legal basis, used in courts of law, to litigate insurance claims, injuries, and building safety issues, we would ask that the rules be made current. If a change is considered, we (the Code Officials) would wish that Michigan adopt the International Codes automatically, without change, in the year of their promulgation. That is, it would be nice to use the 2009 Codes starting January of 2009, and so on. As it is, Michigan adopted the 2009 Codes to be effective March 9, 2011. We would ask that the committee consider bringing a bill to the house floor to adopt the published ICC codes when ready without modification.

The Building and Life Safety (fire, etc) Codes are often tied to events. After 9/11, the codes made significant changes to high-rise buildings (structural and non-structural). After significant fire events in which scores of people died, pyrotechnic and exiting rules reacted to those events. After gas-line explosions, the fuel gas industry strengthened their requirements. After pool drownings and disembowelments, the pool industry re-set their rules. It is daunting to even think that we should limit the enactment of life safety codes in Michigan to await the end of the next 6 year cycle, this while codes are being updated regularly across the rest of the country.

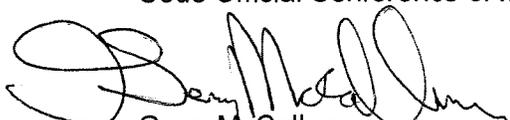
We understand that there have been several committee meetings which have already taken place, and the final committee meeting is scheduled for September 28, 2011. COCM represents some 450 Code Officials throughout the State of Michigan. The consensus of our membership feels the proposed language would do the following:

- a) Cause delays for consumers wanting to use the latest building methods to reduce construction costs and improve construction techniques; construction technology is changing rapidly and Codes need to change rapidly to keep up.
- b) Codes are developed by Code Officials for the safety of the occupants in a built environment. Extending the time line for code development, may result in structures being less safe (see notes above relating to events). That is, the Codes are reactive to a need for change immediately.
- c) Some Federal programs condition the acceptance of the monies upon adoption of the latest codes. That is, the recent stimulus monies were conditioned upon adoption of the current (2009) energy codes. Those were included in the 2009 Code cycle. Had the energy codes been adopted a year prior to that would we have waited for 5 years to take advantage of that program?
- d) The Home Builder's Association is supporting this bill. Does that mean that only the residential code will be adopted every 6 years? Or will the building codes, fire codes, fuel gas codes, plumbing codes, etc also be pushed into a 6 year cycle?
- e) We are told that the reason this is happening is because of code book costs. Residential Code books currently cost approximately \$81.50 (member price available through most building departments).

We have not opined prior to this because we did not consider this possible or viable or remotely recommendable and did not think it would come out of committee. Furthermore, with staff reductions within our communities it is difficult to be involved in these type of committee dialogues without having an effect on the citizens that we serve, but do recognize the importance of such hearings.

We would like to thank-you for your consideration in our objection to House Bill 4561.

Code Official Conference of Michigan (COCM)



Gerry McCallum  
President