

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Construction Codes

Name of person filling out RIS:

Amanda Johnson

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Rule Set Information:

ARD assigned rule set number:

2019-125 LR

Title of proposed rule set:

Part 4 Building Code

Comparison of Rule(s) to Federal/State/Association Standard:

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

There are no federal rules or standards that regulate construction codes. The proposed rules update the Part 4 Building rules.

A. Are these rules required by state law or federal mandate?

These rules are required by state law, Stille-DeRossett-Hale Single State Construction Code Act of 1972 PA 230.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

There are no federal standards that regulate construction codes.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules incorporate by reference the 2018 edition of the International Business Code (IBC) with Michigan amendments, additions, or deletions published by the International Code Council (ICC). All surrounding Great Lakes states follow the International Business Code and have similar regulations.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The International Building Code is a nationally recognized model code used throughout the United States as a minimum standard. The Michigan rules do not exceed the standards of any of the other Great Lake States.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no federal, state, or local laws, rules, or other legal requirements that may duplicate, overlap, or conflict with the proposed rule.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

There are no federal, state, or local laws, rules, or other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

There are no federal rules or standards that regulate construction codes. The proposed rules update the Part 4 Building rules of the Construction Code as mandated by 1972 PA 230.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

There are no federal rules or standards that regulate construction codes. The proposed rules update the Part 4 Building rules of the Construction Code as mandated by 1972 PA 230.

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

MCL 125.1504(5) of the Stille-DeRossett-Hale Single State Construction Code Act required the department to add, amend, and rescind rules to update the Michigan Building code not less than once every 3 years to coincide with the national code change cycle. The proposed rules will adopt the 2018 edition of the IBC with amendments, deletions, and additions deemed necessary for use in Michigan. The proposed rules provide the latest standards to protect the health and promote the safety and welfare of the people by regulating the installation and inspection of electrical, plumbing, and mechanical installations within the state.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The proposed rules will adopt the 2018 edition of the IBC with amendments, deletions, and additions deemed necessary for use in Michigan.

B. Describe the difference between current behavior/practice and desired behavior/practice.

The proposed rules will adopt the 2018 edition of the IBC with amendments, deletions, and additions deemed necessary for use in Michigan.

C. What is the desired outcome?

The desired outcome is to bring the administrative application of the Michigan Building Code rules in line with actual practices, to eliminate unnecessary requirements in the code, and to have an easier interpretation and clarification of these codes.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Without the implementation of the proposed rules, building owners and contractors may not be able to take advantage of new methods, materials, technology, and the flexibility allowed.

A. What is the rationale for changing the rules instead of leaving them as currently written?

This may result in denial of economic advantages to construction projects in the state.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

The following rule numbers are administrative in nature and are amended to bring the administrative application of the Michigan Building Code rules in line with actual practices R 408.30401, R 408.30418, R 408.30419, R 408.30428, R 408.30429, R 408.30429 and R 408.30446. Once the administrative rule are in line with the actual practices this will protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

The following rule numbers are being rescinded: R 408.30408, R 408.30410, R 408.30411, R 408.30412, R 408.30418, and R 408.30443.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

There is no additional fiscal impact to the agency beyond the current operational costs.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

The proposed rules will not result in additional fiscal impact on the agency. Thus, there is no need for an additional appropriate or funding source as a result of the changes in the rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 4. Building Code of the Construction Code currently adopts by reference the 2018 edition of the International Code Council and is based on building principles used in building codes across the country.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The amendments will clarify code requirements which will make compliance less burdensome.

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There is no anticipated increase or decrease in revenues to other state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

The proposed rules do not require any additional or new responsibilities on behalf of governmental units to be in continued compliance with the rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

The proposed rules do not require any additional or new responsibilities on behalf of governmental units to be in continued compliance with the rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

There is no appropriation to state or local governmental units required.

16. In general, what impact will the rules have on rural areas?

The proposed rules do not have any impact on rural areas.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules do not have any impact on public or private interests in rural areas.

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment.

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The proposed rules provide no disproportionate economic impact on small businesses. Small businesses would not be exempt from these rules. The bureau does not expect small business to be affected by these proposed rules.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

Small businesses are not anticipated to be adversely affected by the change to R 408.30401, R 408.30418, R 408.30419, R 408.30428, R 408.30429, R 408.30441 and R 408.30446 as these rules are for greater clarity of the Michigan Building Code.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

Generally, the bureau does not expect small businesses to be affected by these proposed rules.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

It is not practical to establish differing compliance or reporting requirements or timetables for small businesses. Small businesses are not expected to be adversely affected by these rules. There is no additional reporting, record keeping, or other administrative costs associated with the implementation of the proposed rules.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The compliance and reporting requirements are unchanged.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

R 408.30401- The proposed rule adopts by reference the 2018 International Building Code which is a nationally recognized model code. There are no design or operation standards in the proposed rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

R 408.20401, R 408.30418, R 408.30419, R 408.30428, R 408.30429, R 408.30441 and R 408.30446 have no disproportionate impact on small business because of their size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

There are no anticipated reports or increased costs to small businesses that are required to comply with the proposed rules.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

Small businesses are not expected to be adversely affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no legal, consulting, or accounting service costs that small businesses would incur in complying with the proposed rules.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

R 408.30401, R 408.30418, R 408.30419, R 408.30428, R 408.30429, R 408.30429 and R 408.30446 are administrative in nature and are amended to bring the administrative application of the Michigan Building Code rules in line with actual practices.

The amendments put into rule language are the actual administrative practices. There are no additional costs or harm anticipated by the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules do not exempt or set lesser standards for compliance by small businesses. There is no additional cost to the agency beyond the current operational cost.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

Exempting or setting lesser standards of compliance for small business with respect to these rules may have a negative effect on the health, safety, and welfare of the citizens of the State of Michigan.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The bureau involved small businesses through the rules review committee process.

A. If small businesses were involved in the development of the rules, please identify the business(es).

The bureau involves small businesses such as residential builders, commercial builders, architects, city and townships, accessibility, small business, structural engineer and Fire Services.

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

The proposed rules will not result in statewide compliance costs of these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

The businesses or groups that could possibly be directly affected by or benefit by these rules are residential builders, commercial builders, architects, city and townships, small businesses, structure engineering and Fire Services.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

The proposed rules will not add any additional costs on businesses and other groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The proposed rules will not result in statewide compliance costs of these rules on individuals.

A. How many and what category of individuals will be affected by the rules?

The category of individuals that could possibly be affected by these rules are residential builders, commercial builders, architects, small business owners, and engineers.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The proposed rules will not have a qualitative or quantitative impact on individuals.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules will provide greater clarity to the code and an increase in health and safety to the citizens of the State of Michigan and its visitors.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The proposed rules will not impact business growth or job creation in Michigan.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The bureau does not expect any business or individual to be disproportionately affected by these proposed rules.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

The bureau worked with the board and had an Advisory Meeting with stakeholders involved to help compile the regulatory impact statement, including determining the existence and extent of the impact of the proposed rules and the cost benefit analysis of these proposed rules.

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rules.

The bureau relied on the commission and stakeholders when determining the existence and extent of the impact of the proposed rules.

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

No reasonable alternatives to the proposed rules have been identified that would achieve the same or similar goals.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

There are no reasonable alternatives to the proposed rules that have been identified.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

The proposed rules are implemented through regulatory agencies at the state and local level. There are mechanisms for third-party inspections as specified in the State Construction Code Act, PA 230 of 1972. There is not a way to establish a program similar to what the rules establish that would operate solely through private market-based mechanisms.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

There were no significant alternatives presented for the bureau and rules review committee to consider.

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

There are no instructions regarding the method of complying with the rules.