



CODE WORKS!

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ATTENTION READERS!

WORDS FROM DIRECTOR IRVIN J. POKE, AIA

Every governmental subdivision...

OFFICE OF ADMINISTRATIVE SERVICES

PRIVATE INSPECTION COMPANIES AND 1972 PA 230

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The bureau has been receiving questions regarding local units of government contracting with private companies for construction code enforcement services. Although this is not a new practice within the State of Michigan, construction code enforcing agencies within local units of government must understand and abide by the requirements of The Stille-DeRossett-Hale Single State Construction Code Act, known as 1972 PA 230.

Section 8b (3) of the Act states, in part:

"...an enforcing agency is any official or agent of a governmental subdivision that is registered under the building officials and inspectors registration act, 1986 PA 54...qualified by experience or training to perform the duties associated with construction code administration and enforcement."

Statute requires that individuals conducting plan reviews and performing building, electrical, mechanical, and plumbing code inspections throughout the State be properly registered as code officials in accordance with 1986 PA 54.

Construction code enforcing agencies within local units of government must provide documentation of properly registered inspection personnel, administrative services, plan review services, timely field inspections, and assure enforcement

of all related acts and rules in order to be approved by the State Construction Code Commission to enforce the State construction codes at the county, city, township, and village levels.

Attorney General Opinion #4885 states in part:

"...it is my opinion that the designated enforcing agency must be a public official or governmental agency and that inspection functions or other technical assistance may be performed under a contract with private organizations, but all decisions and official actions based on such inspections or technical advice must be made by the enforcing agency."

The power of the enforcing agency to issue, suspend, revoke, or cancel a building permit is a governmental function which is not delegable to private third parties. This standard also extends into other official regulated responsibilities such as the collection of fees for construction code services, recordkeeping, providing written code violation notices and orders to stop construction, and the issuance of Certificates of Use and Occupancy. Therefore, these duties may not be delegated to a private entity.

Please contact Michael Somers at (517) 241-9302 with questions or for additional information.