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Bureau of Construction Codes Technical Bulletin

Publication Number 3

Updated: May 22, 2008

Requirements for Submission of Sealed Plans for Single Family Dwellings

“Providing for Michigan’s Safety in the Built Environment”

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REQUIREMENT FOR SUBMISSION OF SEALED PLANS FOR SINGLE FAMILY DWELLINGS

Issue

Requirement for sealed plans submitted to code enforcing agencies for construction approvals for single-family dwellings, particularly as it relates to calculation of habitable space.

Law

The Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230:

The Stille-DeRossett-Hale Single State Construction Code Act requires the submissions of plans as provided by Section 10(1) which states, in part:

“Except as otherwise provided in the code, before construction of a building or structure, the owner, or the owner’s builder, architect, engineer, or agent shall submit an application in writing to the appropriate enforcing agency for a building permit...The application shall contain a detailed statement in writing...specifications for the building or structure, and full and complete copies of the plans drawn to scale of the proposed work....”

Michigan Occupational Code, 1980 PA 299:

The provisions of architecturally sealed plans are found in Section 2008(1) of the Michigan Occupational Code which states, in part:

“A plan, plat, drawing, map, and the title sheet of specifications, an addendum, bulletin, or report or...if prepared by a licensee and required to be submitted to a governmental agency for approval or record, shall carry the embossed or printed seal of the person in responsible charge.”

Section 2012(d) sets forth certain exemptions to this requirement:

“A person not licensed under this article who is planning, designing, or directing the construction of a detached 1- and 2-family residence building not exceeding 3,500 square feet in calculated floor area.”

“. . . As used in this subdivision and Section 2014(e), ‘calculated floor area’ means that portion of the total gross area measured to the outside surfaces of exterior walls intended to be habitable space”

This technical bulletin is amended to reflect language contained in AGO 7208, issued on October 3, 2007.

Code

Michigan Building Code:

Section 106.1 of the Michigan Building Code provides:

“Construction documents, special inspection and structural programs and other data shall be submitted in 1 or more sets with each application for a permit. The construction documents shall be prepared by, or under the direct supervision of, a registered design professional when required by article 20 of 1980 PA 299, MCL 339.101 et seq. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.”

Discussion

The Michigan Occupational Code and the Stille-DeRossett-Hale Single State Construction Code provide an exemption for sealed plans for single-family dwellings, specifically those containing more than 3,500 square feet of area. The Michigan Occupational Code exempts from this calculated area certain areas of the structure that are defined as uninhabitable. PA 299 does not provide guidance on the term “habitable”.

The Michigan Building Code provides clarification in this area. Habitable space is defined as “a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.”

It is noted that the Occupational Code exempts basements from the calculated floor area that are unfinished or uninhabitable.

The Construction Code Commission reviewed and rendered a decision on what constitutes a habitable basement (*Edward Rose v Ypsilanti Township*, Appeal Docket No. CCC 79-01). The Commission determined that in order to qualify as a habitable space, a basement would be required to meet all code criteria for a habitable space including the provisions for height, means of egress, light and ventilation, and interior finishes.

Conclusion

It is abundantly clear that sealed plans are required for residential structures exceeding 3,500 square feet in area. The remaining question is what constitutes “nonhabitable space” for the purposes of exempting areas from the area calculation.

1980 PA 299 as amended, provides that unfinished and uninhabitable portions of basements should not be included in the calculation. Without specific criteria within this Act, reliance is given on the ruling rendered by the Construction Code Commission for purposes of determining when plans are required to be submitted under the State Construction Code Act and what constitutes a habitable basement.

AGO 7208 issued on October 3, 2007 concludes, “. . . basements are not included in the definition of “calculated floor area” under section 2012 (1)(d) of the Occupational Code, MCL

339.2012(1)(d), irrespective of whether they are finished or unfinished. Unless the plans were prepared by a licensed architect or engineer, the seal requirements for architects or engineers set forth in Article 20 of the Occupational Code, MCL 339.2001 - MCL 339.2014, do not apply to plans prepared for a one- or two-family residence not exceeding 3500 square feet in calculated floor area as defined in that act." [For additional clarification please see this Attorney Generals Opinion]

Therefore, basements which are finished and uninhabitable, as provided by the Michigan Building Code criteria, should not be included in the area determination for purposes of requiring sealed plans.

Questions regarding this technical bulletin may be directed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Construction Codes, Plan Review Division, P.O. Box 30254, Lansing, MI 48909 or by calling (517) 241-9328.