

State Budget Office
Office of Regulatory Reinvention
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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Construction Codes/Building Division
Agency contact person name, e-mail, and phone:	Shannon Matsumoto, Rules Specialist, matsumotos@michigan.gov , (517) 241-6312

2. Rule Set Information

Title of proposed rule set:	Construction Codes – Part 4. Building Code
Rule number(s) or range of numbers:	R 408.30401 – R 408.30499
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

The rules are expected to be completed by early 2020.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

Part 4 of the Construction Code currently adopts by reference the 2015 edition of the International Building Code (IBC), which is developed by the International Code Council and is based on building principles used in building codes across the country. Part 4 also includes rules that amend the IBC to address laws and climate conditions that are specific to Michigan. The proposed rules will adopt by reference 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 construction, reconstruction, and alteration of buildings within the state.

Adoption of the 2018 edition of the IBC as well as an update of the rules could result in cost savings for homeowners and contractors who will be able to use the latest materials and technology as a result of the revision of the rules.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

The authority to promulgate the proposed rules is found in Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 445.2025, and MCL 445.2030. MCL 125.1504(5) provides that the director shall add, amend, and rescind rules to update the code not less than once every three years to coincide with the national code change cycle.

- 6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.**

There are no similar rules or regulations adopted by the state or federal government.

- 7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?**

There is no subject matter in these rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

- 8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

These rules will be promulgated under the full rulemaking process.

- 9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

The Building Code is not being reviewed by and Advisory Rules Committee formed pursuant to Executive Order 2011-5 at this time.

- 10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

There is no applicable decision record.

- 11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received: 9-20-2018

- ☒ **Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	2018-059 LR
Date of approval:	9/25/18

- ☐ **Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	