

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Construction Code - Part 10a. Michigan Energy Code

5. Rule numbers or rule set range of numbers:

R 408.31087 R 408.31099

6. Estimated time frame:

12 months

Name of person filling out RFR:

Amanda Johnson

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Address of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Michigan Energy Code Part 10a, which applies to buildings and structures, currently adopts the 2015 edition of the International Energy Conservation Code (IECC). The current Michigan Energy Code rules for commercial compliance are outdated and require revision to reflect the latest in accepted technology and materials. The rules currently being applied do not reflect the current technology or materials available to achieve efficient use of energy.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director and Boards & Commission.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

The authority for the proposed rules is Section 4 of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504 and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, 445.2025 and MCL 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

These rules are mandated pursuant to MCL 125.1504(5), which 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.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

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

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, these rules are included in LARA's 2021- 2022 Annual Regulatory Plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

These rules do incorporate the recommendations received from the public regarding any complaints or comments reading these rules. The comments or complaints from the public come from either the Public Informal Advisory Meeting or from the Proposed Rule/Code Change Request Form.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The last amendment to these rules was in 2017. These rules are being changed to adopt the newest International Energy Conservation Code (IECC).

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No, there have been no changes or developments since implementation that indicate the rules or any portion of the rules to be discontinued.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No