

Michigan Department of Licensing and Regulatory Affairs  
**Office of Regulatory Reinvention**  
611 W. Ottawa Street; 2nd Floor, Ottawa Building  
Lansing, MI 48909  
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**REQUEST FOR RULEMAKING (RFR)**

In accordance with MCL 24.239(1): "Before initiating any changes or additions to rules, an agency shall file with the Office of Regulatory Reinvention (ORR) a request for rulemaking." The agency will complete this form and send an electronic copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov). The ORR will review the request for rulemaking and send its response to the agency (see last page).

The ORR is "not required to approve a request for rule-making and shall do so only after it has indicated in its response to the request for rule-making submitted by an agency that there are appropriate and necessary policy and legal bases for approving the request for rule-making." MCL 24.239(3).

Department or agency	Licensing and Regulatory Affairs
Bureau/Division	Construction Codes/Building Division
Address	2501 Woodlake Circle, Okemos, MI 48864
Contact person	Shannon Matsumoto, Rules Specialist
Telephone	(517) 241-6312
Email	matsumotos@michigan.gov

**1. Title of proposed rule(s) or rule set:**

Michigan Rehabilitation Code for Existing Buildings

**2. Rule number(s) or rule set range of numbers:**

R 408.30551 – R 408.30577

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

Committee work will begin on June 10, 2015, with draft language to be submitted in December of 2015. It is anticipated that the rules will be promulgated by mid to late 2016.

**4. Describe the general goal/purpose of these rules. Include a discussion of the problem(s) the rule rescissions, additions, or amendments intend to address:**

The proposed rules will adopt the 2015 edition of the International Existing Building Code, as developed by the International Code Council with amendments, deletions, and additions deemed necessary for use in Michigan. This will provide the latest standards to protect the health, safety, and welfare of the people by regulating the construction, reconstruction, and alteration of

existing building within the state.

Adoption of these standards may provide cost savings for building owners as a result of the use of the latest materials and technology.

**5. Please cite the specific promulgation authority for these rules (i.e. department director, commission, board, etc.), listing all applicable statutory references. Are these rules mandated by any applicable constitutional or statutory provision? If so, 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. 2003-1, 2008-20, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. MCL 125.1504 (5) states: "The code may incorporate the provisions of a code, standard, or other material by reference. The director shall add, amend, and rescind rules to update the code not less than once every 3 years to coincide with the national code change cycle."

**6. Please describe the extent to which the rules conflict with or duplicate similar rules or regulations adopted by the state or federal government [include statutory references and public acts, as applicable]:**

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

**7. Is the subject matter of these 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.

**8. Will these proposed rules be promulgated under Sections 44 or 48 of the Administrative Procedures Act, 1969 PA 306, as amended, being MCL 24.244 or 24.248? Please explain. Or, will these rules be promulgated under the full rulemaking process?**

These rules will be promulgated under the full rulemaking process.

**Note:** If this request for rulemaking applies to rules that will be promulgated pursuant to **Sections 44 or 48** of the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.244 or 24.248, you do not have to answer questions 9 to 13.

**9. Please describe the extent to which the rules exceed national or regional compliance requirements or other standards:**

The proposed rules will adopt the 2015 International Existing Building Code as the base for the rehabilitation code with amendments, deletions, and additions deemed necessary for use in Michigan. The Bureau is not aware of any rules

that may exceed national or regional standards. The rules committee does not intend to write a code that exceeds national or regional standards. Until the committee has the opportunity to review the newly established standards, the Bureau is unable to describe the extent to which the rules may differ from the national standards.

**10. Do these rules incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, please explain.**

Rehabilitation rules are not being reviewed by an Advisory Rules Committee formed pursuant to Executive Order 2011-5 at this time.

**11. Do these rules incorporate the recommendations received by the public regarding any complaints or comments regarding the rules? If yes, please explain.**

Yes. The Rehabilitation Code is being reviewed by a code review committee, which is made up of representatives of the Construction Code Commission, accessibility interests, fire services, the general public, a labor and trades carpenter's council, residential builders, commercial builders, architects, county building officials, small businesses, structural engineers and insurance companies. In addition, as part of the rulemaking process, the Bureau will hold a public hearing to incorporate recommendations received from the public.

**12. 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 rehabilitation rules were last updated on October 9, 2014. At that time, the updates were based on the 2012 International Existing Building Code. The International Code Council updates its codes every three years to provide the latest standards to protect the health and promote the safety and welfare of the people by regulating the construction, reconstruction, and the alteration of buildings within the state.

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

There have been no changes or developments since implementation that indicate the rules or any portion of the rules should be discontinued.

**14. 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.**

There is no applicable decision record.

**15. Reviewed by the following Departmental Regulatory Affairs Officer (RAO):**

Liz Arasim  
Department of Licensing and Regulatory Affairs

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↓ To be completed by the ORR ↓

**Date RFR received:**

6-8-2015

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

<b>ORR assigned rule set number:</b>	<b>2015-036 LR</b>
<b>Date of approval:</b> <b>6/8/2015</b>	Explanation: This Request for Rulemaking satisfies the requirements of the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., and Executive Order 2011-5.

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

<b>Date of disapproval:</b>	Explanation:
<b>More information needed:</b>	Explanation:

(ORR-RFR March 2014)