

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:

Part 5 Residential Code

5. Rule numbers or rule set range of numbers:

R 408.30500- R 408.30501a, R 408.30503-R 408.30506, R 408.30508- R 408.30514

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 rules currently adopt by reference Chapters 1 and 2 of the International Residential Code. The bureau is revising the above rules that are in Part 5. Residential Code, to correct conflicts and inconsistencies between the two chapters of the Residential Code and the Stille-DeRossett-Hale Single State Construction Code Act 230 PA 1972 and the Skilled Trades Regulation Act, 407 PA 2016.

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 to promulgate the proposed rules is found in section 4 of 1972 PA 230, MCL 125.1504 and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. In addition, MCL 125.1504(6) of 230 PA 1972.

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

These rules are mandated pursuant to Section 4 of 1972 PA 230, the Executive Reorganization Order and MCL 125.1504(6) of PA 230 1972. MCL 125.1504(6) of PA 1792 required that beginning with the 2015 national code change cycle, the director shall add, amend, and rescind rules to simultaneously update all chapters of the residential code at least once every 6 years or more frequently than once every 3 years as the director determines is appropriate.

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, regional, or federal level.

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 contained in any guideline, handbook, manual, instructional bulletin, form with the 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 listed in the department's 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, regional, 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.

The Part 5. Residential Code rule set does incorporate the recommendations received from the public regarding any complaints or comments regarding these rules. The comments or complaints from the public came from either the Public Informal Advisory Meeting or from the Proposal Code 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 time this rule set was amended was an estimated 3 years ago. This rule set gets revised every 3 years to make sure the rules are consistent with the Stille- DeRossett- Hale Single State Construction Code Act 230 PA 1972.

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.

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