

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:

MCL 24.244 (1)

4. Title of proposed rule set:

Part 5. Residential

5. Rule numbers or rule set range of numbers:

R 408.30500

6. Estimated time frame:

3 months

Name of person filling out RFR:

Amanda Johnson

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

Rule 408.30500 is being amended due to an administrative error in the edition year of the code being adopted. The rule currently indicates the edition from 2018 is being adopted, and it should be 2015.

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, MCL 125.1504(5). Also, MCL 125.1504(6) of PA 230 1972. MCL 125.1504(6) of PA 1972 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 at 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?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

For the solely formal purpose of correcting an administrative error in the edition year of the code being adopted.