

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Construction Codes

Name of person completing this form:

Amanda Johnson

Phone number of person completing this form:

517-582-5519

E-mail of person completing this form:

JohnsonA39@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2021-49 LR

Title of proposed rule set:

Construction Code - Part 10a. Michigan Energy Code

3. Purpose for the proposed rules and background:

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 The current Michigan Energy Code rules for commercial compliance are outdated and require revision to reflect the latest in accepted technology and materials.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.

4. Summary of proposed rules:

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 The current Michigan Energy Code rules for commercial compliance are outdated and require revision to reflect the latest in accepted technology and materials.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.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Newberry News- Published on 06/22/2022.

The Morning Sun- Published on 6/16/2022.

Macomb Daily- Published on 6/16/2022.

Oakland Press- Published on 06/16/2022.

6. Date of publication of rules and notice of public hearing in Michigan Register:

7/1/2022

7. Date, time, and location of public hearing:

7/5/2022 09:00 AM at Michigan Library & Historical Center, First Floor Forum , 702 W. Kalamazoo St., Lansing, MI 48915

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1307>

9. List of the name and title of agency representative(s) who attended the public hearing:

Amanda Johnson- Departmental Analyst, BCC
Jonathan Paradine- Building Chief, BCC
Lance Ash- Code Inspection Supervisor, BCC
Alesha Gensler- Deputy Director, BCC
Keith Lambert- Bureau Director, BCC

10. Persons submitting comments of support:

Abigail Wallace- Michigan Environmental Council
Amy Schmidt- American Chemistry Council
Justin Koscher- PIMA
Stacey Paradis- Midwest Energy Efficiency Alliance
Michael Alaimo- Michigan Chamber of Commerce

11. Persons submitting comments of opposition:

None

12. Persons submitting other comments:

Andrew Queenan- Pure Architects and AIA Grand Rapids
Don Nelson- D.R. Nelson & Associates
Michigan Energy Innovation Business Council
Jan Culbertson- A3C
Justin James Bialek- AIA, NCARB, BC&RC Chair
Jeffrey Ferweda- AIA
Megan Martin-Campbell & Katie Johnson of AIA Detroit
Lauren Reeg- RMI
Roger Papineau- Self
Zach Waas Smith- City of Ann Arbor

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Abigail Wallace - Michigan Environmental Council		Add Back the Energy Monitoring Requirement into the Commercial Code Unfortunately, the draft commercial code released by LARA removed a key section from the IECC commercial energy conservation code – Section C405.12 to C405.12.5, which requires energy monitoring for buildings over 25,000 square feet. The undersigned organizations and communities strongly oppose this weakening amendment. You can't manage what you don't measure. The ability to understand how much energy your building is using is key to the operation and maintenance of buildings, particularly for	The bureau was going to except this section out, but we received a lot of feedback regarding keeping the Energy Monitoring section in the code. In order for the companies to know how much energy they are using this section must stay in the code. With businesses being able to monitor their energy use this could help with energy savings.	R 408.31087: C405.12 to C 405.12.5

large complex buildings that are regulated under the commercial code. Energy monitoring also increases awareness of, and engagement with, energy efficiency measures and other energy and emissions savings opportunities. Energy monitoring has been shown to reduce energy consumption in buildings by 2 to 8% by giving building owners the information they need to understand how much energy is being used and by what building operations. This is because building performance, if not properly monitored and maintained, erodes over time, and energy monitoring ensures that high performance buildings continue to perform as designed over the building's lifetime. In

addition, a growing number of communities in Michigan are working to achieve carbon neutrality by 2030. For these communities to be successful they must address the energy use of existing buildings which will be much harder without energy monitoring in place. Additionally, energy monitoring requirements provide tremendous data sets for energy management professionals to study, allowing more improvement in both the predictive energy modeling efforts in the design phase and the retro-commission process post building occupancy, which can help to further Michigan's progress toward the 2030 goal. Given the importance of

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			energy monitoring we recommend Michigan add back in the energy monitoring requirement in the commercial code and strengthen it by requiring end use monitoring of EV chargers so operators can better manage both building and vehicle energy consumption.		
2	Jan Culbertson-A3C		Additionally, Appendix CC of the international energy conservation code, 2021 edition, is included as a voluntary appendix that authorities having jurisdictions, at their discretion, may choose to adopt by ordinance as a supplement to the international energy conservation code, 2021 edition, to require renewable energy systems of adequate capacity to achieve net zero carbon	The bureau was going to except out this sections, however we received a lot of feedback about how important it is for us to keep it in the code. By keeping this in the code it will give cities and states a flexible framework to use to help reach their building decarbonization goals.	R 408.31087: Section 8.4.3 to 8.4.3.2.

emissions in applicable new buildings as defined in the scope of Appendix CC within that jurisdiction. IECC 2021 Appendix CC (aka Zero Code) is a flexible framework that cities and states can use to help reach their building decarbonization goals. IECC 2021 Appendix CC combines energy efficiency and renewable energy to support the construction of code-compliant, zero carbon buildings that use clean energy. It applies to new commercial, industrial and mid- to high-rise residential buildings—the dominant building types being constructed in cities today. As a VOLUNTARY Appendix, it gives any Authorities Having Jurisdiction the option of

adopting the appendix.
Keeping the appendix voluntary provides jurisdictions an important framework to reach their decarbonization goals, if they choose to adopt the appendix. In summary we support Appendix CC because:

- o Voluntary for jurisdictions to adopt
- o Compliance with 2021 IECC is required
- o Sets a minimum renewable energy requirement based on energy simulations or default values
- o Provides an incentive for buildings to be designed to be more energy efficient than code requires
- o Encourages on-site renewable energy when feasible
- o Supports off-site renewable energy procurement when necessary
- o 2021 IECC energy efficiency

			<p>requirements cannot be traded with renewable energy o Establishes a consistent framework that local governments can adjust for their specific needs and conditions All three Michigan 2030 Districts, in collaboration with AIA Michigan, are prepared to provide ongoing education for developers, architect, engineers and code officials who choose to implement Appendix CC. We need to bring on new buildings with no additional carbon emission to give existing buildings the time to increase their efficiency, electrify and procure/install renewables</p>	
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14.Date report completed:

1/31/2023