

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

MOAHR-Rules@michigan.gov

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 4. Building Code

5. Rule numbers or rule set range of numbers:

R 408.30401 - R 408.30499a

6. Estimated time frame:

12 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.

Part 4 of the Construction Code currently adopts by reference the 2015 edition of the International Building Code (IBC), which is developed by the International Code Council and is based on building principles used in building codes across the country. Part 4 also includes rules that amend the IBC to address laws and climate conditions that are specific to Michigan. The proposed rules will adopt by reference the 2021 edition of the IBC with amendments, deletions, and additions deemed necessary for use in Michigan.

The proposed rules provide the latest standards to protect the health and promote the safety and welfare of the people by regulating the construction, reconstruction, and alteration of buildings within the state.

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. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2011, MCL 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.

The International Building Code (IBC) is a model code in which each jurisdiction can establish the codes within their state. Among the Great Lakes States, Illinois has adopted the 2021 International Building Code (IBC). The Bureau is not aware of other state, regional, or federal standards and requirements.

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 of these rules currently contained in any guideline, handbook, manual, instruction 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.

Among the Great Lakes region, Illinois has adopted the 2021 International Building Code (IBC), and the Bureau is not aware of any proposed rules or revisions to current rules that may exceed standards within the Great Lakes region, the state, federal, or otherwise.

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 regarding these rules. The comments or complaints from the public came 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 approximately 6 years ago. These rules are being changed to adopt the newest International Building Code (IBC).

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