



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 23, 2024

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #21-049-LR)
Legislative Service Bureau (Secretary of State Filing #24-12-05)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-049-LR (Secretary of State Filing #24-12-05) on this date at 10:08 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Construction Code – Part 10a. Michigan Energy Code".

These rules become effective 120 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

December 23, 2024

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Michigan Administrative Rules #: 2021-49 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated May 7, 2024 for the Department of Licensing and Regulatory Affairs **“Construction Code - Part 10a. Michigan Energy Code”**. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



Since 1941

Legal Division

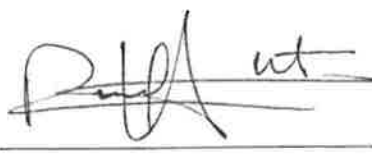
Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated May 7, 2024, amending R 408.31087, R 408.31088a, R 408.31093 and R 408.31098c, rescinding R 408.31087a, R 408.31087b, R 408.31088, R 408.31090, R 408.31091, R 408.31092a, R 408.31094, R 408.31095, R 408.31096, R 408.31097, R 408.31098, R 408.31098a, and R 408.31098b, and adding R 408.31091a of the Department's rules entitled "Construction Code Part 10a. Michigan Energy Code." I approve the rules as to form, classification, and arrangement.

Dated: June 3, 2024

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated May 7, 2024, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Construction Code Part 10a. Michigan Energy Code**” by:

- ◆ Amending R 408.31087, R 408.31088a, R 408.31093, and R 408.31098c.
- ◆ Adding R 408.31091a.
- ◆ Rescinding R 408.31087a, R 408.31087b, R 408.31088, R 408.31090, R 408.31091, R 408.31092a, R 408.31094, R 408.31095, R 408.31096, R 408.31097, R 408.31098, R 408.31098a, and R 408.31098b.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: June 4, 2024

Michigan Office of Administrative Hearings and Rules

By: 

Emily Leik,
Attorney



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Section 4 of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030.

R 408.31087, R 408.31088a, 408.31093 and R 408.31098c of the Michigan Administrative Code are amended, R 408.31091a is added, and R 408.31087a, R 408.31087b, R 408.31088, R 408.31090, R 408.31091, R 408.31092a, R 408.31094, R 408.31095, R 408.31096, R 408.31097, R 408.31098, R 408.31098a, and R 408.31098b are rescinded.

Date: 05/20/2024

Adopted by: Marlon I. Brown

Marlon I. Brown, DPA

Director

Department of Licensing and Regulatory Affairs

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the secretary of state on December 23, 2024

These rules become effective 120 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, 445.2025, and 445.2030)

R 408.31087, R 408.31088a, R 408.31093 and R 408.31098c of the Michigan Administrative Code are amended, R 408.31091a is added, and R 408.31087a, R 408.31087b, R 408.31088, R 408.31090, R 408.31091, R 408.31092a, R 408.31094, R 408.31095, R 408.31096, R 408.31097, R 408.31098, R 408.31098a, and R 408.31098b are rescinded, as follows:

PART 10a. MICHIGAN ENERGY CODE

R 408.31087 Applicable code.

Rule 1087. Rules governing the energy efficiency for the design and construction of buildings and structures, not including residential buildings, shall be those contained in the international energy conservation code, 2021 edition except for sections C104.2 to C104.5, C109.1 to C109.4, C110.1 to C110.3, and appendix CA and the ASHRAE energy standard for buildings, except low-rise residential buildings, ANSI/ASHRAE/IESNA standard 90.1-2019, referred to as the standard in these rules, including appendices A, C, E, F, G, H, and I. With the amendments noted, the international energy conservation code and the standard are adopted by reference in these rules. The provisions contained in Appendix CB are specifically adopted and authorized as mandatory requirements. The provisions contained in Appendix CC are specifically adopted and authorized as permissive guidelines and shall not be mandated by an enforcing agency. The Michigan energy code is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa Street, Lansing, Michigan 48933. The code may be purchased from the International Code Council, through the bureau's website at www.michigan.gov/bcc, at a cost of \$52.00. The ASHRAE 90.1-2019 standard is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 West Ottawa Street, Lansing, Michigan 48933. The standard may be purchased from the American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc., 180 Technology Parkway North West, Peachtree Corners, Georgia 30092, or from <https://www.ashrae.org> at a cost of \$177.00 each.

May 7, 2024

R 408.31087a Rescinded.

R 408.31087b Rescinded.

R 408.31088 Rescinded.

R 408.31088a Scope; requirements.

Rule 1088a. Section C101.1 is amended to read as follows:

C101.1. Title. This code shall be known and cited as the “Michigan Commercial Energy Code.” It is referred to as “this code” in these rules.

R 408.31090 Rescinded.

R 408.31091 Rescinded.

R 408.31091a Lighting systems.

Rule 1091a. Section C503.5 is added to read as follows:

C503.5 Lighting systems. New lighting systems that are part of the alteration shall comply with sections C405 and C408.

Exception: Alterations that replace less than 50% of the luminaries in a space, if these alterations do not increase the installed interior lighting power.

R 408.31092a Rescinded.

R 408.31093 Permits.

Rule 1093. Section C104.1 of the code is amended to read as follows:

C104.1. Permits. An owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, plumbing, or solar panel system, the installation that is regulated by this code, or to cause the work to be performed, shall first apply to the building official and obtain the required permit.

R 408.31094 Rescinded.

R 408.31095 Rescinded.

R 408.31096 Rescinded.

R 408.31097 Rescinded.

R 408.31098 Rescinded.

R 408.31098a Rescinded.

R 408.31098b Rescinded.

R 408.31098c Lighting alterations.

Rule 1098b. Section 9.1.2 of the standard is amended to read as follows:

9.1.2. Lighting alterations. For the alteration of any lighting system in an interior space, that space shall comply with the lighting power density, LPD, allowances of section 9.5.1 or 9.6.1 and the control requirements of section 9.4.1.1 (a) to (d) and (g) to (i) as applicable to that space. For the alteration of any lighting system for the exterior of a building application, that lighting system shall comply with the LPD allowances of section 9.4.2 applicable to the area illuminated by that lighting system and the applicable control requirements of sections 9.4.1.4 and 9.4.2.

Exception: Alterations that involve 50% or less of the connected lighting load in a space or area need not comply with these requirements, provided that the alterations do not increase the installed lighting power.

FILED WITH SECRETARY OF STATE

ON 12/23/24 AT 10:08 A.M.