DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

(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)

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, 2021 edition, including appendix A and resource A, referred to in these rules as "the code," is adopted by reference as the "Michigan rehabilitation code for existing buildings" with the exception of sections 103.1 to 103.3, 104.8, 104.8.1, 104.10, 105.3 to 105.3.2, 108.2 to 108.6, 110.2, 110.3, 112.1 to 112.4, 113.1 to 113.3, 114.1, 114.3 to 114.4, 705.1.1 to 705.2, 806.2, and Appendix B and C, and as otherwise noted in these rules. The international existing building code, 2021 edition is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 West Ottawa Street, First Floor Ottawa Building, 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 as of the time of adoption of these rules of $77.50.

101.3 Purpose: The purpose of the code and the act is to provide the use of alternative approaches to achieve compliance with minimum requirements to provide a reasonable level of safety, health, property protection, and general welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings. The act takes precedence over all provisions of the code.

History: 2002 AACS; 2003 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2016 AACS; 2024 AACS.

R 408.30552 References to international codes.

Rule 552. All references to the code, national electrical code, international energy code, international building code, international residential code, international mechanical code, and international plumbing code in the international existing building code shall mean the Michigan building code, Michigan electrical code, Michigan uniform energy code, Michigan residential code, Michigan mechanical code and Michigan plumbing code, respectively.

History: 2002 AACS; 2014 AACS.

R 408.30553 Title.

Rule 553. Section 101.1 of the code is amended as follows:

101.1 Title. These rules shall be known as the Michigan rehabilitation code for existing buildings, hereinafter referred to as "this code."

History: 2002 AACS.

R 408.30554 Scope.

Rule 554. Section 101.2 of the code is amended as follows:

101.2 Scope. The provisions of this code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building which has not been previously occupied or used for its intended purpose shall comply with the provisions of the Michigan building code for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the Michigan building code, the Michigan electrical code, the Michigan residential code, the Michigan mechanical code, and the Michigan plumbing code shall be considered to be in compliance with this code.

History: 2002 AACS.

R 408.30555 Rescinded.

History: 2002 AACS; 2003 AACS.

R 408.30556 Rescinded.

History: 2002 AACS; 2008 AACS; 2014 AACS; 2024 AACS.

R 408.30557 Definitions.

Rule 557. The definition of act and registered design professional in the act are added to section 202 of the code to read as follows:

202. Definitions.

(a) "Act" means the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(b) "Registered design professional" means an individual who is licensed under the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

History: 2002 AACS; 2008 AACS; 2010 AACS; 2024 AACS.

R 408.30558 Preliminary meeting.

Rule 558. Section 104.2.2 of the code is amended and 104.6 is added to read as follows:

104.2.2. Preliminary meeting. When requested by the owner or owner's agent, the building official shall meet with the owner or the owner's agent to discuss plans for the proposed work or change of occupancy before the application for a construction permit in order to establish the specific applicability of the provisions of the code. The building official shall notify the appropriate fire official of the meeting.

Exception: Repairs, and alterations level 1.

104.6 Right of entry: If a building or premises are occupied, the code official shall present their credentials to the occupant and request entry. If a building or premises are unoccupied, the code official shall first make a reasonable effort to locate either the owner, the owner's authorized agent, or another individual having care or control of the building or premises and request entry. If entry is refused, the code official has recourse to every remedy provided by law to secure entry. When a code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, the owner, the owner's authorized agent, the occupant, or the individual having charge, care, or control of the building or premises shall not fail or neglect, after a proper request is made as provided in this rule, to allow the code official prompt entry into the building or premises to inspect or examine the building or premises pursuant to the code.

History: 2002 AACS; 2003 AACS; 2016 AACS; 2024 AACS.

R 408.30559 Rescinded.

History: 2002 AACS; 2003 AACS; 2016 AACS; 2024 AACS.

R 408.30560 Permits.

Rule 560. Section 105.1 of the code is being added and 105.2 of the code is amended as follows:

105.1 Required: Owners or their authorized agents shall obtain the required permit from a building official before undertaking any construction, enlargement, alteration, repair, relocation, demolition, change of occupancy, erection, installation, enlargement, alteration, repair, removal, conversion, or replacement of electrical, gas, mechanical, plumbing, or solar panel systems regulated by the code.

105.2. Work exempt from permit. Exemptions from permit requirements of the code shall not grant authorization for work done in any manner in violation of the code or other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

(a) Building permits shall not be required for the following:

(i) One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, 11.15 square meters.

(ii) A fence that is not more than 7 feet, 134 millimeters, high.

(iii) Oil derricks.

(iv) A retaining wall that is not more than 4 feet, 1,219 millimeters, in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II, or III-A liquids.

(v) A water tank supported directly on grade if the capacity is not greater than 5,000 gallons, 18 925 liters, and the ratio of height to diameter or width is not greater than 2 to 1.

(vi) A sidewalk and driveway not more than 30 inches, 762 millimeters, above adjacent grade and not over any basement or story below and are not part of an accessible route.

(vii) Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.

(viii) Temporary motion picture, television, and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, that are less than 24 inches, 610 millimeters, deep, are not greater than 5,000 gallons, 18,925 liters, and are installed entirely above ground.

(x) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

(xi) Swings and other playground equipment accessory to detached 1- and 2-family dwellings.

(xii) Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches, 1,372 millimeters, from the exterior wall and do not require additional support, as applicable in section 101.2.

(xiii) Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches, 1,753 millimeters, in height.

(b) Electrical permits shall not be required, pursuant to R 408.30801 to R 408.30880, for the following:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but they do apply to equipment and wiring for power supply and to the installation of towers and antennas.

(iii) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Mechanical permits shall not be required for the following:

(i) A portable gas heating or gas appliance that has inputs of less than 30,000 Btu’s per hour.

(ii) Portable ventilation appliances and equipment.

(iii) A portable cooling unit.

(iv) Steam, hot water, or chilled water piping within heating or cooling equipment or appliances regulated by the code.

(v) Replacement of a minor part that does not alter the approval of equipment or an appliance or make the equipment or appliance unsafe.

(vi) A portable evaporative cooler.

(vii) Self-contained refrigeration systems that contain 10 pounds, 4.5 kilograms, or less of refrigerant, or that are actuated by motors of 1 horsepower, 0.75 kilowatts, or less.

(viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(ix) An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.

(x) A portable gas burner that has inputs of less than 30,000 Btu’s per hour.

(xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet, 3,005 millimeters, in length and not more than 6 fittings.

(xii) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in heating, ventilation and air conditioning, "HVAC", as long as the company meets both of the following:

(A) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

(B) Has installed the geothermal vertical closed loops pursuant to the department of environment, Great Lakes, and energy best practices regarding geothermal heat pump closed loops.

Exemption from the permit requirements of the code shall not be deemed to grant authorization for work done in violation of the provisions of the code or other laws or ordinances of this jurisdiction.

(d) Plumbing permits shall not be required for either of the following:

(i) The stopping of leaks in drains, water, soil, waste, or vent pipe. However, if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the drain or pipe with new material, the work is considered new work and a permit shall be obtained and inspection made as provided in the code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

History: 2002 AACS; 2003 AACS; 2010 AACS; 2014 AACS; 2024 AACS.

Editor's Note: An obvious error in R 408.30560 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2024 MR 23. The memorandum requesting the correction was published in Michigan Register, 2025 MR 20.

R 408.30561 Accessibility.

Rule 561. Sections 306.1, 306.7, 306.7.1, 306.7.7, and 306.7.8 of the code are amended as follows:

306.1. Scope. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356, and R 408.30401 to R 408.30499a.

306.7. Alterations. A building, facility, or element that is altered shall comply with the applicable provisions in chapter 11 of the Michigan building code and ICC/A117.1 listed in chapter 16, of the Michigan building code unless technically infeasible. When compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

(1) The altered element or space is not required to be on an accessible route, unless required by section 306.7.1 of the code.

(2) Accessible means of egress required by chapter 10 of the Michigan building code are not required to be provided in existing buildings and facilities.

(3) Buildings, structures, or improved areas that exist on or before the effective date of these rules and comply with the code at the time of the issuance of the certificate of occupancy unless the alteration specifically modifies an area covered by sections 306.7 to 306.7.7 of the code.

(4) The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the provisions for a type B dwelling unit and shall comply with the applicable provisions in chapter 11 of the Michigan building code and ICC/A 117.1 listed in chapter 16 of the Michigan building code.

306.7.1 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function.

Exceptions:

(a) This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.

(b) This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems, and abatement of hazardous materials.

(c) This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility, or element.

(d) This provision does not apply to altered areas limited to type B dwelling and sleeping units.

306.7.7. Elevators. Altered elements of existing elevators shall comply with the Michigan elevator code, R 408.7001 to R 408.8695. These elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

306.7.8. Platform lifts. Platform or wheelchair lifts complying with ICC/A 117.1 listed in chapter 16 of the Michigan building code, and installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695 shall be allowed as a component of an accessible route.

History: 2002 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2016 AACS; 2024 AACS.

R 408.30562 Rescinded.

History: 2002 AACS; 2008 AACS; 2024 AACS.

R 408.30563 Rescinded.

History: 2002 AACS; 2003 AACS; 2014 AACS; 2016 AACS.

R 408.30564 Elevator control.

Rule 564. Section 1301.6.14 of the code is amended as follows:

1301.6.14. Elevator control. Evaluate the passenger elevator equipment and controls that are available to the fire department to reach all occupied floors. Elevator recall controls

shall be provided pursuant to the Michigan elevator code, R 408.7001 to R 408.8695. Under the categories and occupancies in table 1301.6.14, determine the appropriate value and enter that value into table 1401.7 under safety parameter 1301.6.14, elevator control, for fire safety, means of egress, and general safety. The values shall be zero for a single-story building.

History: 2002 AACS; 2008 AACS; 2014 AACS; 2024 AACS.

Editor's Note: An obvious error in R 408.30564 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2024 MR 23. The memorandum requesting the correction was published in Michigan Register, 2025 MR 20.

R 408.30565 Rescinded.

History: 2002 AACS; 2008 AACS; 2024 AACS.

R 408.30565a Rescinded.

History: 2014 AACS; 2016 AACS; 2024 AACS.

R 408.30566 Rescinded.

History: 2002 AACS; 2003 AACS; 2005 AACS; 2008 AACS; 2014 AACS; 2016 AACS; 2024 AACS.

R 408.30567 Rescinded.

History: 2002 AACS; 2003 AACS.

R 408.30568 Rescinded.

History: 2002 AACS; 2008 AACS; 2014 AACS; 2024 AACS.

R 408.30569 Rescinded.

History: 2002 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2016 AACS.

R 408.30570 Rescinded.

History: 2002 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2024 AACS.

R 408.30571 Violation penalties.

Rule 571. Section 109.6 is added and section 113.4 of the code is amended as follows:

109.6 Approval required: Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official on notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or agent of the permit holder where a portion of the construction fails to comply with the code. The notification shall include specific reference to the code chapter and section numbers in violation in writing. Any portions that no do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. Neither the code official or the authority having jurisdiction are liable for expense entailed in the removal or replacement of material required to allow inspection.

113.4 Violation penalties.

(1) It is unlawful for any person, firm, or corporation to violate a provision of the code or fail to conform with the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause work to be performed or done in conflict with or in violation of the approved construction documents or directive of the enforcing agency or a permit or certificate issued under the code.

(2) A violator shall be assessed a fine in accordance with the act and may be subject to a review that could result in licensing action pursuant to the skilled trades regulation act, 2016 PA 407, MCL 339.5101 to 339.6133.

History: 2002 AACS; 2008 AACS; 2024 AACS.

R 408.30572 Rescinded.

History: 2002 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2024 AACS.

R 408.30573 Rescinded.

History: 2002 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2024 AACS.

R 408.30574 Rescinded.

History: 2002 AACS; 2008 AACS; 2014 AACS; 2024 AACS.

R 408.30575 Rescinded.

History: 2002 AACS; 2008 AACS; 2014 AACS; 2016 AACS; 2024 AACS.

R 408.30576 Rescinded.

History: 2002 AACS; 2003 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2024 AACS.

R 408.30577 Applicability.

Rule 577. Sections 806.1 and 906.1 are added to the code and 1401.2 and 1401.2.5 of the code are amended as follows:

806.1. General. A building, facility, or element that is altered shall comply with section 410.

906.1. General. A building, facility, or element that is altered shall comply with section 410.

1401.2. Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters 5 to13 of the code. The provisions in sections 1401.2.1 to 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, I-2, M, R, and S. This rule shall not apply to buildings with occupancies in group H or I-1, I-3, or I-4.

1401.2.5. Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of section 410.

History: 2002 AACS; 2003 AACS; 2008 AACS; 2010 AACS; 2014 AACS; 2016 AACS.