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)

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.

History: 2003 AACS; 2010 AACS; 2017 AACS; 2024 AACS.

R 408.31087a Rescinded.

History: 2010 AACS; 2017 AACS; 2024 AACS.

R 408.31087b Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31088 Rescinded.

History: 2003 AACS; 2010 AACS; 2017 AACS; 2024 AACS.

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.

History: 2017 AACS; 2024 AACS.

R 408.31089 Rescinded.

History: 2003 AACS; 2010 AACS; 2017 AACS.

R 408.31090 Rescinded.

History: 2003 AACS; 2010 AACS; 2017 AACS; 2024 AACS.

R 408.31091 Rescinded.

History: 2017 AACS; 2024 AACS.

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.

History: 2024 AACS.

R 408.31092 Construction documents.

Rule 1092. Sections C102.1.1 and C103.1 of the code are amended to read as follows:

C102.1.1. Above code programs. The state construction code commission may evaluate and approve a national, state, or local energy efficiency program to exceed the energy efficiency required by this code. Buildings approved in writing by an energy efficiency program, such as ICC 700-2012 "silver" or energy star version 3 (rev. 07), shall be

considered in compliance with this code. The requirements identified as “mandatory” in chapter 4 shall be met.

C103.1. Submittal documents. Construction documents, special inspection and structural programs, and other data shall meet both of the following requirements:

(1) Be submitted in 1 or more sets with each application for a permit.

(2) Be prepared by, or under the direct supervision of, a registered design professional when required by the Occupational Code, 1980 PA 299, MCL 339.101 to 339.2919.

Where special conditions exist, the building official may require additional construction documents to be prepared by a registered design professional.

History: 2017 AACS.

R 408.31092a Rescinded.

History: 2017 AACS; 2024 AACS.

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.

History: 2017 AACS; 2024 AACS.

R 408.31094 Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31095 Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31096 Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31097 Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31098 Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31098a Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31098b Rescinded.

History: 2017 AACS; 2024 AACS.

R 408.31098c Lighting alterations.

Rule 1098c. 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.

History: 2017 AACS; 2024 AACS.

Editor's Note: An obvious error in R 408.31098c 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 408.31099 Rescission.

Rule 1099. R 408.31001 to R 408.31055 of the Michigan Administrative Code, appearing on pages 4149 to 4152 of the 1979 Michigan Administrative Code and pages 602 and 603 of the 1981 Annual Supplement to the Code, are rescinded.

History: 1998-2000 AACS.