

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

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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:

Subdivision of Land

5. Rule numbers or rule set range of numbers:

R 560.101 through R 560.135

6. Estimated time frame:

12 months

Name of person filling out RFR:

Amanda Johnson

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Address of person filling out RFR:

Ottawa Building

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The general purpose of the Land Division Act Rules is for the approval of plats, including forms, certificates of approval, and other required certificates, captioning of plats and numbering of lots. The proposed changes address removing sections that overreach the authority of the state, clarifying the approval path for a specific platting situation and updating language and procedure to accept new technologies.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director and Boards & Commissions.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

The authority to promulgate the proposed rules is found in section 105 of 1967 PA 288, MCL 560.105, 1972 PA 230, and Executive Reorganization Order Nos. 1973-2, 1980-1, 1996-2, 2003-1, 2008-4, and 2011-4, being MCL 299.11, 16.732, 445.2001, 445.2011, 445.2025, and 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

The Subdivision of Lands rules are mandated by authority conferred on the departments of labor and economic growth, transportation, and environmental quality by section 105 of 1967 PA 288, MCL 560.105, and Executive Reorganization Order Nos. 1973-2, 1980-1, 1996-2 and 2003-1 being MCL 299.11, 16.732, 445.2001 and 445.2011. Each part of these rules is promulgated separately by the department whose name appears in the designation of that part.

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.

There are no similar rules or regulations adopted by the state, regional, or federal level.

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 in these rules currently contained in any guideline, handbook, manual, instructional 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, this rule set is listed on 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.

There are no similar rules or regulations adopted by the state, regional, or federal level.

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 State Survey Remonumentation Act was revised in 2014. The proposed changes are required to reduce duplication and conflict with the current law. These rules were last revised in 2008.

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