STATE OF MICHIGAN
IN THE COURT OF CLAIMS

HOME BUILDERS ASSOCIATION OF MICHIGAN and MICHIGAN MANUFACTURED HOUSING ASSOCIATION,

Plaintiffs,

v

MARLON I. BROWN, DIRECTOR, MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS and MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS,

Defendants.

Case Nos. 25-000105-MZ
25-000106-MZ

HON. JAMES ROBERT REDFORD

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FIRST AMENDED STIPULATED ORDER DELAYING IMPLEMENTATION OF MICHIGAN RESIDENTIAL CODE AND MICHIGAN RESIDENTIAL ENERGY CODE CHAPTER

Under Court of Claims Local Rule 2.119(D)(1), the parties, through their respective counsel, stipulate to delay the effect, application, and implementation of pending rule sets amending the "Construction Code – Part 10. Michigan Uniform Energy Code" and the "Construction Code – Part 5. Residential Code" filed with the Office of the Great Seal on May 1, 2025, until the verified complaints for declaratory and injunctive relief filed in case nos. 25-000105 and 25-000106 are each fully resolved and not subject to further appeal. The parties agree to stay and/or otherwise toll the "effective" date of August 29, 2025 for "Construction Code – Part 10. Michigan Uniform Energy Code" and the "Construction Code – Part 5. Residential Code" as that term is defined and applied under MCL 24.247, including as it applies to Defendants' ability to withdraw "Construction Code – Part 10. Michigan Uniform Energy Code" and the "Construction Code – Part 5. Residential Code" under that section. If one case is resolved before the other, this Stipulation does not prohibit Defendants from applying and implementing amendments to the rule set that is the subject of that case upon its resolution. Specifically, the parties stipulate:

1. By way of background, on June 20, 2025, Plaintiffs filed verified complaints in this Court against Marlon I. Brown, Director, Michigan Department of Licensing and Regulatory Affairs (LARA), and LARA, along with motions for preliminary injunction seeking to enjoin the application and implementation of

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amendments to Part 5 of the Michigan residential code and Part 10 of the residential energy code chapter of the residential code promulgated under the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 to 1531, and the Administrative Procedures Act of 1969, MCL 24.201 to 24.328, with an effective date of August 29, 2025. These amendments adopted by reference, in whole or in part, the 2021 versions of the International Residential Code and the residential portions of the International Energy Conservation Code adopted and published by the International Code Council.

2. The parties conferred and agree to the Court ordering the following relief in resolution of the Plaintiffs' motions for preliminary injunction before a full and final resolution of each case is reached:

a) Defendants and all persons acting on their behalf or fulfilling statutorily mandated rule promulgation actions with respect to rule set nos. 2021-48 LR and 2022-16 LR entitled "Construction Code – Part 10. Michigan Uniform Energy Code" and "Construction Code – Part 5. Residential Code," respectively, with an effective date of August 29, 2025, are preliminarily enjoined from taking additional steps to apply or implement the rule sets. Until further order of this court, the effective date of August 29, 2025, for the rule sets is hereby stayed/tolled as is any deadline for Defendants to withdraw the rule sets under MCL 24.247.

b) Defendants will remove or direct the removal of links to obtain access to the 2021 Michigan Residential Code book incorporating the 2021 residential energy code in chapter 11 of the book from LARA's public facing website and update or direct that the portion of LARA's public facing website reflecting pending and implemented administrative rules be updated to include a reference to this Stipulation and Order within 14 days of its entry.

c) The 2015 versions of the International Residential Code and the residential provisions of the 2015 International Energy Conservation Code incorporated in the Michigan residential code and residential

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energy code chapter remain valid and in effect during the pendency of this litigation.

d) Plaintiffs will refrain from pursuing a separate legal action or actions against Defendants to enforce the provisions of MCL 125.1504(6) that require LARA's director to "simultaneously update all chapters of the Michigan residential code not less frequently than once every 6 years or more frequently than once every 3 years."

e) This Stipulation does not bar Defendants from performing other duties and responsibilities required of them by the Stille-DeRossett-Hale Single State Construction Code Act.

3. This order does not bar any party from asserting any claims or defenses, and nothing in this order shall be construed as acquiescence, waiver, forfeiture, or any similar doctrine.

4. Notice and hearing on entry of this order is waived.

IT IS SO ORDERED

Dated: August 27th, 2025

Hon. James Robert Redford
Judge, Court of Claims

STIPULATED AND APPROVED FOR ENTRY BY:

Dated: August 26, 2025

/s/Kami Trescone (w-permission)
Kami Trescone (P83048)
Michigan Dep't of Attorney General
Attorney for Defendant

Dated: August 26, 2025

/s/Melissa A. Hagen
Melissa A. Hagen (P42868)
Home Builders Association of Michigan
Co-Counsel for Plaintiff

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Dated: August 26, 2025

/s/ Zachary C. Larsen (w-permission)
Zachary C. Larsen (P72189)
Home Builders Association of Michigan
Co-Counsel for Plaintiff

Dated: August 26, 2025

/s/ Jason Hanselman (w-permission)
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Michigan Manufactured Housing Association
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