



Options for Michigan Tribal Nations to Enact Energy Codes

The following guide outlines enactment options for Michigan Tribes. Tribal Nations in Michigan have multiple sovereign pathways to enact Michigan energy code standards:

- Direct enactment of the Michigan State code by ordinance
- Model code enactment
- Hybrid Tribal amendments
- Program-specific requirements
- Intergovernmental cooperation
- Fully independent but equivalent Tribal codes
- Appendices, Stretch Code, Zero Code, Green Codes

There is no one-size-fits-all or best method; the best approach depends on Tribal governance, capacity, development goals, and community priorities. Since Tribes maintain inherent authority to regulate development on their lands, these systems function independently of state law.

Key Steps to Enact Tribal Codes

Regardless of the pathway, the following steps will assist in the enactment of Tribal codes:

- **Needs assessment**—housing conditions, energy costs, development plans
- **Stakeholder engagement**—housing authority, contractors, land planners
- **Code selection**—Michigan code or equivalent model code
- **Drafting ordinance**—legal enactment language
- **Establish enforcement system**—permitting, inspections, penalties
- **Training and capacity building**
- **Implementation and compliance support**

The above key steps are explained in detail in the **Step-by-Step Guide to Enacting and Implementing Codes as Tribal Law** resource.

1. Direct Enactment Ordinance of Michigan Code

Direct enactment of the State of Michigan Code by Tribal ordinance—A Tribal council passes a building code ordinance that formally enacts the Michigan code (or specific parts of it) as Tribal law.

Direct Enactment Ordinance of Michigan Code Process:

- Tribe references the Michigan code edition in its ordinance
- Code becomes enforceable under Tribal authority
- Tribe administers permitting, inspections, and enforcement

See the Tribal model ordinance resource for reference¹.

Reasons Michigan Tribes may choose to align with State codes:

Compatibility

- Ensures consistency with surrounding municipalities
- Compatibility with utilities and infrastructure

Financial

- Demonstrates high construction standards to funders
- Stronger grant competitiveness

Contracting and Inspections

- Simplifies communication and contracts with contractors
- Easier contractor participation
- Access to trained/certified inspectors and raters

Quality and Costs

- Improved building quality
- Lower long-term energy costs

Training and Technical Assistance

- Aligns with state training and materials
- DOE programs support enactment and compliance

¹The project team is working on a model ordinance for Tribes. Once completed, the resource will be posted on the resource hub [ITCMI](#).

2. Enactment of Model Codes Equivalent to or Stronger than Michigan's Code

Michigan's energy code is based on national model codes (e.g., IECC). Tribes may enact those model codes directly rather than referencing Michigan law. Tribes nationwide mirror model codes enacted by their surrounding state while retaining independent authority.

Advantages

- Same or stronger technical requirements as Michigan allows easier updates when model codes change
- Widely supported by national training and tools
- Avoids legal dependence on state rulemaking

3. Hybrid Enactment (Michigan Code and Tribal Amendments)

Tribes have broad flexibility to adapt codes to community goals, sustainability priorities, and cultural values. Amendments may include provisions for smoke, fire, traditional architecture, natural building materials (straw, adobe, hemp, timber) and aging in place. This approach maintains compatibility while preserving sovereignty.

Michigan Energy Codes

Michigan's current energy codes include several weakening amendments. Tribes can adopt the model codes without the state's amendments. Michigan's energy codes are also not the latest model codes. Tribes can adopt the latest codes.

Tribes enact the Michigan code but modify it to reflect:

- Future climate conditions
- Cultural priorities
- Housing types
- Construction practices
- Economic considerations

4. Enactment Limited to Tribal Projects or Programs (Phased Approach)

The phased approach builds capacity before full Tribal-wide or all construction enactment and enforcement.

Tribes initially apply Michigan-equivalent standards only to one or more of the project types below and later at intervals, chosen by the Tribe, to other types of construction.

- Tribal government buildings
- Tribal housing authority projects
- Federally funded construction
- Large developments

5. Enactment Through Federal Program Requirements

Certain funding programs encourage or require current or specific energy standards. Examples affecting Michigan Tribes:

- HUD Indian Housing Block Grant (NAHASDA) programs—Native American Housing Assistance and Self Determination Act (NAHASDA) explicitly allows Tribes to use their own building codes for funded projects, giving flexibility to enact or adapt state standards.
- DOE Tribal Energy programs
- USDA Rural Development funding

6. Intergovernmental Agreements with State or Local (municipal, county) Authorities

Some of the following methodologies can reduce Tribal administration time and costs while preserving Tribal jurisdiction.

Tribes may:

- Recognize state, county, or municipal inspections or certifications
- Coordinate enforcement on free lands owned by Tribal members
- Share training, inspection, and technical support (code or energy rating circuit rider)
- Establish reciprocal acceptance of permits. Establishing reciprocal acceptance of building permits means that two or more jurisdictions (such as neighboring towns, counties, or states) enter into an agreement to recognize and accept building approvals, certifications, or plans issued by each other.

7. Independent Tribal Code Systems Aligned or Exceeding Michigan Standards

Develop comprehensive Tribal codes that are:

- Equivalent to or stronger than Michigan standards
- Based on model codes, national rating or certification systems (ENERGY STAR, LEED, Enterprise)
- Customized these certifications and programs for Tribal governance

8. Appendices, Stretch Code, Zero Code, Green Codes, Third Party Rating Programs

Tribes may consider codes that enhance energy savings, further improve indoor air quality or moisture management, or take into consideration material resource efficiency. Tribes may also consider requiring buildings to be all-electric or to produce some or all of their own power. Going beyond the base model codes or state code minimums is within Tribal scope. Tribes can opt to enact the model codes.

Appendices

A **stretch energy code** (or reach code) is an optional, more stringent building energy code enacted by local governments to exceed the minimum energy-efficiency requirements of the state's base building code. It mandates higher energy performance in new construction and renovations—such as better envelopes, lighting, and HVAC systems—to reduce greenhouse gas emissions and lower operating costs.

A **zero energy code** is a building regulation that requires new construction to be highly energy-efficient and produce enough renewable energy—either on-site or off-site—to match or surpass its yearly energy use. These codes combine rigorous efficiency standards with renewable energy procurement to achieve net-zero carbon operations.

Optional appendices of the energy code, in the context of the International Energy Conservation Code (IECC), are voluntary, more stringent, or specialized energy-saving requirements that jurisdictions can enact to go beyond base code standards.

Green building codes are standards or regulations established by governments to ensure buildings are environmentally friendly and resource-efficient throughout their lifespans, from siting to operation. They require improvements in energy efficiency, water savings, and indoor air quality to minimize environmental impacts, often surpassing traditional building codes.

Third-party green and energy rating programs are independent, voluntary systems that verify a building's performance in sustainability, energy efficiency, and occupant health. Major programs include LEED, Living Building Challenge, ENERGY STAR, Enterprise Green Communities, and others that assess areas such as water use, energy consumption, and materials.

See [Tribal Codes Resource Hub](#) for a comprehensive list of codes and rating programs.

Sources:

[Building Safety Journal, How Tribes are Leading the Way on Building Code Adoption](#)

[Pokagon Band of Potawatomi, Health and Safety Act, Building Code Section 2.01](#)

[Tribal Green Building Code Guidance, Ordinance, Code Language and References](#)

[Saginaw Chippewa Indian Tribe of Michigan, Ordinance No. 1 Tribal Building Code](#)

[United States Department of Energy, Building Energy Codes Program, Building Energy Codes for Tribal Nations](#)

Michigan Tribal Code Initiative

Who We Are and How We Work

The Inter-Tribal Council of Michigan (ITCM) is a non-profit organization that serves as a forum and advocacy group for 12 federally recognized Native American Tribes in Michigan.

The Bay Mills Indian Community (BMIC) is a federally recognized Ojibwe Tribe located in Brimley, Michigan.

The Midwest Energy Efficiency Alliance (MEEA) is a collaborative network, promoting energy efficiency to optimize energy generation, reduce consumption, create jobs, and decrease carbon emissions in all Midwest communities.

Slipstream is a nonprofit that develops and scales energy efficiency programs with a focus on climate solutions for buildings.



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