



# HOUSE BILL No. 4849

June 10, 1993, Introduced by Reps. Varga, Llewellyn, Brown, DeMars, Pitoniak, Kilpatrick, Johnson, Richard A. Young, Dobronski, Gagliardi, Bennane, Griffin, Wetters, Hollister, Hood, London, Bender, Jaye, Wallace, Shugars, Voorhees, Bankes and Stallworth and referred to the Committee on Consumers.

A bill to amend Act No. 368 of the Public Acts of 1978,  
entitled as amended  
"Public health code,"  
as amended, being sections 333.1101 to 333.25211 of the Michigan  
Compiled Laws, by adding part 122.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding part 122 to read as follows:

### PART 122. BOARD AND ROOM FACILITIES

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5 SEC. 12201. (1) FOR PURPOSES OF THIS PART, THE WORDS AND  
6 PHRASES IN SECTION 12202 HAVE THE MEANINGS ASCRIBED TO THEM IN  
7 THAT SECTION.

1 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND  
2 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS  
3 CODE.

4 SEC. 12202. (1) "BOARD AND ROOM FACILITY" MEANS A RESIDEN-  
5 TIAL BUILDING ARRANGED FOR PRIMARILY NONTRANSIENT SHELTER AND  
6 SLEEPING ACCOMMODATIONS FOR 3 OR MORE UNRELATED INDIVIDUALS,  
7 WITHOUT SEPARATE COOKING FACILITIES FOR INDIVIDUAL RESIDENTS.  
8 BOARD AND ROOM FACILITY DOES NOT INCLUDE THE FOLLOWING:

9 (A) A RESIDENTIAL FACILITY FOR STUDENTS OWNED OR OPERATED BY  
10 A COLLEGE OR UNIVERSITY.

11 (B) A NURSING HOME OR HOME FOR THE AGED OR AN ADULT FOSTER  
12 CARE FACILITY REGULATED UNDER THE ADULT FOSTER CARE FACILITY  
13 LICENSING ACT, ACT NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SEC-  
14 TIONS 400.701 TO 400.737.

15 (C) A BED AND BREAKFAST REGULATED UNDER SECTION 4B OF THE  
16 STATE CONSTRUCTION CODE ACT OF 1972, ACT NO. 230 OF THE PUBLIC  
17 ACTS OF 1972, BEING SECTION 125.1504B OF THE MICHIGAN COMPILED  
18 LAWS.

19 (D) A HOTEL OR MOTEL.

20 (2) "ENFORCING AGENCY" MEANS A LOCAL HEALTH DEPARTMENT OR  
21 ANOTHER GOVERNMENTAL ENTITY OR AGENCY TO WHICH THE LOCAL HEALTH  
22 DEPARTMENT DELEGATES ITS POWERS AND DUTIES UNDER THIS PART.

23 (3) "OPERATOR" MEANS A PERSON WHO HAS CHARGE, CARE, CONTROL,  
24 OR MANAGEMENT OF A BOARD AND ROOM FACILITY.

25 (4) "OWNER" MEANS A PERSON WHO HAS A LEGAL OR EQUITABLE  
26 INTEREST IN A BOARD AND ROOM FACILITY, REGARDLESS OF WHETHER THE  
27 PERSON HAS POSSESSION OF THE FACILITY. OWNER INCLUDES AN

1 EXECUTOR, ADMINISTRATOR, TRUSTEE, OR GUARDIAN OF THE ESTATE OF AN  
2 OWNER.

3 (5) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
4 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

5 SEC. 12203. (1) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE  
6 OF THE AMENDATORY ACT THAT ADDED THIS PART, A BOARD AND ROOM  
7 FACILITY SHALL MEET THE MINIMUM STANDARDS DESCRIBED IN SECTION  
8 12204.

9 (2) THIS SECTION APPLIES TO BOARD AND ROOM FACILITIES CON-  
10 STRUCTED BEFORE OR AFTER THE EFFECTIVE DATE OF THIS PART.

11 SEC. 12204. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), THE  
12 MINIMUM STANDARDS FOR THE CONDITIONS AND MAINTENANCE OF BOARD AND  
13 ROOM FACILITIES ARE THOSE SET FORTH IN THE BOCA NATIONAL PROPERTY  
14 MAINTENANCE CODE, THIRD EDITION, 1990 AS PUBLISHED BY THE BUILD-  
15 ING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, INC., WHICH  
16 IS ADOPTED BY REFERENCE AND MADE A PART OF THIS SECTION AS IF  
17 FULLY SET OUT IN THIS SECTION.

18 (2) THE DEPARTMENT MAY BY RULE DESIGNATE EXCEPTIONS, AMEND-  
19 MENTS, AND ADDITIONS TO THE STANDARDS PRESCRIBED BY THIS  
20 SECTION.

21 (3) THIS PART DOES NOT PRECLUDE LOCAL GOVERNMENTS OR LOCAL  
22 HEALTH DEPARTMENTS FROM ENFORCING STANDARDS MORE STRINGENT THAN  
23 THE STANDARDS PRESCRIBED BY THIS SECTION.

24 SEC. 12205. A PERSON WHO VIOLATES THIS PART IS GUILTY OF A  
25 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A  
26 FINE OF NOT LESS THAN \$1,000.00 OR MORE THAN \$10,000.00, OR  
27 BOTH.