



HOUSE BILL No. 4801

May 10, 1995, Introduced by Rep. Harder and referred to the Committee on Health Policy.

A bill to amend sections 10 and 71a of Act No. 59 of the Public Acts of 1978, entitled as amended "Condominium act," section 10 as amended by Act No. 538 of the Public Acts of 1982 and section 71a as added by Act No. 113 of the Public Acts of 1983, being sections 559.110 and 559.171a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 10 and 71a of Act No. 59 of the Public
2 Acts of 1978, section 10 as amended by Act No. 538 of the Public
3 Acts of 1982 and section 71a as added by Act No. 113 of the
4 Public Acts of 1983, being sections 559.110 and 559.171a of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 10. (1) "Record" means to record pursuant to the laws
7 of this state relating to the recording of deeds. However, the

1 provisions of THE SUBDIVISION CONTROL ACT OF 1967, Act No. 288
2 of the Public Acts of 1967, ~~as amended,~~ being sections 560.101
3 to 560.293 of the Michigan Compiled Laws, ~~shall~~ DO not control
4 divisions made for any condominium project.

5 (2) "SITE CONDOMINIUM PROJECT" MEANS A CONDOMINIUM PROJECT
6 IN WHICH THE CONDOMINIUM UNITS ARE COMPRISED OF VACANT LAND OR
7 VACANT AIRSPACE.

8 (3) ~~(2)~~ "Size" means the number of cubic feet, or the
9 number of square feet of ground or floor space, within each con-
10 dominium unit as computed by reference to the condominium subdi-
11 vision plan and rounded off to a whole number. Certain spaces
12 within the condominium units including, without limitation,
13 attic, basement, and garage space may be omitted from the calcu-
14 lation or partially discounted by the use of a ratio, if the same
15 basis of calculation is employed for all condominium units in the
16 condominium project, that basis is used for each condominium unit
17 in the condominium project, and that basis is disclosed in appro-
18 priate condominium documents furnished to each co-owner.

19 (4) ~~(3)~~ "Time-share unit" means a condominium unit in
20 which a time-share estate or a time-share license exists.

21 (5) ~~(4)~~ "Time-share estate" means a right to occupy a con-
22 dominium unit or any of several units during 5 or more separated
23 time periods over a period of at least 5 years, including renewal
24 options, coupled with a freehold estate or an estate for years.

25 (6) ~~(5)~~ "Time-share license" means a right to occupy a
26 condominium unit or any of several units during 5 or more
27 separated time periods over a period of at least 5 years,

1 including renewal options, not coupled with a freehold estate or
2 an estate for years.

3 (7) ~~(6)~~ "Transitional control date" means the date on
4 which a board of directors for an association of co-owners takes
5 office pursuant to an election in which the votes which may be
6 cast by eligible co-owners unaffiliated with the developer exceed
7 the votes which may be cast by the developer.

8 Sec. 71a. (1) ~~The~~ SUBJECT TO SUBSECTION (4), THE rules of
9 the department of public health relating to suitability of soils
10 and groundwater supply for subdivisions not served by public
11 water and public sewers ~~shall~~ apply to a condominium project
12 not served by public water and public sewers.

13 (2) If public water and public sewers are not available and
14 accessible to the land proposed to be included in a project, a
15 developer shall submit 3 copies of the condominium subdivision
16 plan to the department of public health. The department of
17 public health shall transmit these copies to a local health
18 department that elects to maintain jurisdiction over the approval
19 or rejection of the plan pursuant to subsection (3).

20 (3) Not later than 30 days after receipt of the condominium
21 subdivision plan, the state department of public health or, if
22 the local health department elects to maintain jurisdiction over
23 approval or rejection of the plan, the local health department
24 shall approve the plan and note its approval on the copy to be
25 returned to the developer or reject all or such portion of the
26 plan that is not suitable. If rejected, the department rejecting
27 the plan shall notify the developer and the governing body in

1 writing of the reasons for rejection of the plan and the
2 requirements for approval.

3 (4) THIS SECTION DOES NOT APPLY TO SITE CONDOMINIUM
4 PROJECTS. THE LOCAL HEALTH DEPARTMENT SHALL MAINTAIN JURISDIC-
5 TION OVER ALL SITE CONDOMINIUM PROJECTS AND SHALL APPROVE OR
6 REJECT EACH UNIT OF THE SITE CONDOMINIUM PROJECT USING THE SAME
7 GUIDELINES AS IT USES FOR INDIVIDUAL RESIDENTIAL SITES.