

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 487

A bill to amend 1917 PA 167, entitled  
"Housing law of Michigan,"  
by amending section 126 (MCL 125.526).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 126. (1) The enforcing agency shall inspect, on a  
2 periodic basis, multiple dwellings and rooming houses regulated  
3 by this act. ~~In no event shall~~ EXCEPT AS PROVIDED IN SUBSEC-  
4 TION (2), the period between inspections SHALL NOT be longer than  
5 2 years. All other dwellings regulated by this act may be  
6 inspected at reasonable intervals.

7       (2) A LOCAL GOVERNMENTAL UNIT MAY PROVIDE BY ORDINANCE FOR A  
8 MAXIMUM PERIOD BETWEEN INSPECTIONS OF A MULTIPLE DWELLING OR  
9 ROOMING HOUSE THAT IS NOT LONGER THAN 3 YEARS, IF THE MOST RECENT  
10 INSPECTION OF THE PREMISES FOUND NO VIOLATIONS OF THE ACT.

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1 (3) ~~(2)~~ An inspection shall be conducted in the manner  
2 best calculated to secure compliance with the act and appropriate  
3 to the needs of the community, ~~. Inspections may be~~ INCLUDING,  
4 BUT NOT LIMITED TO, on 1 OR MORE of the following bases:

5 (a) An area basis, such that all the regulated premises in a  
6 predetermined geographical area will be inspected simultaneously,  
7 or within a short period of time.

8 (b) A complaint basis, such that complaints of violations  
9 will be inspected within a reasonable time.

10 (c) A recurrent violation basis, such that those premises  
11 ~~which~~ THAT are found to have a high incidence of recurrent or  
12 uncorrected violations will be inspected more frequently.

13 (4) ~~(3)~~ An inspection shall be carried out by the enforc-  
14 ing agency, or by the enforcing agency and ~~such~~ representatives  
15 of other agencies ~~as may~~ THAT form a team to undertake an  
16 inspection under this and other applicable acts.

17 (5) ~~(4)~~ ~~An~~ EXCEPT AS PROVIDED IN SUBSECTION (7), AN  
18 inspector, or team of inspectors, ~~may~~ SHALL request AND RECEIVE  
19 permission to enter ~~all premises~~ BEFORE ENTERING A LEASEHOLD  
20 regulated by this act at reasonable hours to undertake an  
21 inspection. ~~Upon~~ IN THE CASE OF an emergency, as defined under  
22 rules promulgated by the enforcing agency, OR UPON PRESENTMENT OF  
23 A WARRANT, the inspector or team of inspectors ~~shall have the~~  
24 ~~right to~~ MAY enter at any time.

25 (6) EXCEPT IN AN EMERGENCY, BEFORE ENTERING A LEASEHOLD REG-  
26 ULATED BY THIS ACT, THE OWNER OF THE LEASEHOLD SHALL REQUEST AND  
27 OBTAIN PERMISSION TO ENTER THE LEASEHOLD. IN THE CASE OF AN

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1 EMERGENCY, INCLUDING, BUT NOT LIMITED TO, FIRE, FLOOD, OR OTHER  
2 THREAT OF SERIOUS INJURY OR DEATH, THE OWNER MAY ENTER AT ANY  
3 TIME.

4 (7) THE ENFORCING AGENCY MAY REQUIRE THE OWNER OF A LEASE-  
5 HOLD TO DO 1 OR MORE OF THE FOLLOWING:

6 (A) PROVIDE THE ENFORCING AGENCY ACCESS TO THE LEASEHOLD IF  
7 THE LEASE PROVIDES THE OWNER A RIGHT OF ENTRY.

8 (B) PROVIDE ACCESS TO AREAS OTHER THAN A LEASEHOLD OR AREAS  
9 OPEN TO PUBLIC VIEW, OR BOTH.

10 (C) NOTIFY A TENANT OF THE ENFORCING AGENCY'S REQUEST TO  
11 INSPECT A LEASEHOLD, MAKE A GOOD FAITH EFFORT TO OBTAIN PERMIS-  
12 SION FOR AN INSPECTION, AND ARRANGE FOR THE INSPECTION. IF A  
13 TENANT VACATES A LEASEHOLD AFTER THE ENFORCING AGENCY HAS  
14 REQUESTED TO INSPECT THAT LEASEHOLD, AN OWNER OF THE LEASEHOLD  
15 SHALL NOTIFY THE ENFORCING AGENCY OF THAT FACT WITHIN 10 DAYS  
16 AFTER THE LEASEHOLD IS VACATED.

17 (D) PROVIDE ACCESS TO THE LEASEHOLD IF A TENANT OF THAT  
18 LEASEHOLD HAS MADE A COMPLAINT TO THE ENFORCING AGENCY.

19 (8) A LOCAL GOVERNMENTAL UNIT MAY ADOPT AN ORDINANCE TO  
20 IMPLEMENT SUBSECTION (7).

21 (9) FOR MULTIPLE LESSEES IN A LEASEHOLD, NOTIFYING AT LEAST  
22 1 LESSEE AND REQUESTING AND OBTAINING THE PERMISSION OF AT LEAST  
23 1 LESSEE SATISFIES SUBSECTIONS (5) AND (7).

24 (10) NEITHER THE ENFORCING AGENCY NOR THE OWNER MAY DISCRIM-  
25 INATE AGAINST AN OCCUPANT ON THE BASIS OF WHETHER THE OCCUPANT  
26 REQUESTS, PERMITS, OR REFUSES ENTRY TO THE LEASEHOLD.

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1           (11) THE ENFORCING AGENCY SHALL NOT DISCRIMINATE AGAINST AN  
2 OWNER WHO HAS MET THE REQUIREMENTS OF SUBSECTION (7) BUT HAS BEEN  
3 UNABLE TO OBTAIN THE PERMISSION OF THE OCCUPANT, BASED ON THE  
4 OWNER'S INABILITY TO OBTAIN THAT PERMISSION.

5           (12) ~~—(5)—~~ The enforcing agency may establish and charge a  
6 reasonable fee for inspections conducted under this act. THE FEE  
7 SHALL NOT EXCEED THE ACTUAL, REASONABLE COST OF PROVIDING THE  
8 INSPECTION FOR WHICH THE FEE IS CHARGED.

9           (13) AS USED IN THIS SECTION, "LEASEHOLD" MEANS A PRIVATE  
10 DWELLING OR SEPARATELY OCCUPIED APARTMENT, SUITE, OR GROUP OF  
11 ROOMS IN A 2-FAMILY DWELLING OR IN A MULTIPLE DWELLING IF THE  
12 PRIVATE DWELLING OR SEPARATELY OCCUPIED APARTMENT, SUITE, OR  
13 GROUP OF ROOMS IS LEASED TO THE OCCUPANT UNDER THE TERMS OF  
14 EITHER AN ORAL OR WRITTEN LEASE.