



HOUSE BILL No. 6064

October 3, 2000, Introduced by Reps. Hart, Patterson, Shulman, Ehardt, Middaugh, DeRossett, Hardman and Jansen and referred to the Committee on Family and Children Services.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending sections 126 and 132 (MCL 125.526 and 125.532),
section 126 as amended by 1997 PA 200.

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. Except as provided in subsection (2), the period
4 between inspections shall not be longer than 2 years. All other
5 dwellings regulated by this act may be inspected at reasonable
6 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.

1 (3) An inspection shall be conducted in the manner best
2 calculated to secure compliance with the act and appropriate to
3 the needs of the community, including, but not limited to, on 1
4 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 that are found to have a high incidence of recurrent or uncor-
12 rected violations will be inspected more frequently.

13 (4) An inspection shall be carried out by the enforcing
14 agency, or by the enforcing agency and representatives of other
15 agencies that form a team to undertake an inspection under this
16 and other applicable acts.

17 (5) Except as provided in subsection (7), an inspector, or
18 team of inspectors, shall request and receive permission to enter
19 before entering a leasehold regulated by this act at reasonable
20 hours to undertake an inspection. In the case of an emergency,
21 as defined under rules promulgated by the enforcing agency, or
22 upon presentment of a warrant, the inspector or team of inspec-
23 tors may enter at any time.

24 (6) Except in an emergency, before entering a leasehold reg-
25 ulated by this act, the owner of the leasehold shall request and
26 obtain permission to enter the leasehold. In the case of an
27 emergency, including, but not limited to, fire, flood, or other

1 threat of serious injury or death, the owner may enter at any
2 time.

3 (7) The enforcing agency may require the owner of a lease-
4 hold to do 1 or more of the following:

5 (a) Provide the enforcing agency access to the leasehold if
6 the lease provides the owner a right of entry.

7 (b) Provide access to areas other than a leasehold or areas
8 open to public view, or both.

9 (c) Notify a tenant of the enforcing agency's request to
10 inspect a leasehold, make a good faith effort to obtain permis-
11 sion for an inspection, and arrange for the inspection. If a
12 tenant vacates a leasehold after the enforcing agency has
13 requested to inspect that leasehold, an owner of the leasehold
14 shall notify the enforcing agency of that fact within 10 days
15 after the leasehold is vacated.

16 (d) Provide access to the leasehold if a tenant of that
17 leasehold has made a complaint to the enforcing agency.

18 (8) A local governmental unit may adopt an ordinance to
19 implement subsection (7).

20 (9) For multiple lessees in a leasehold, notifying at least
21 1 lessee and requesting and obtaining the permission of at least
22 1 lessee satisfies subsections (5) and (7).

23 (10) Neither the enforcing agency nor the owner may discrim-
24 inate against an occupant on the basis of whether the occupant
25 requests, permits, or refuses entry to the leasehold.

26 (11) The enforcing agency shall not discriminate against an
27 owner who has met the requirements of subsection (7) but has been

1 unable to obtain the permission of the occupant, based on the
2 owner's inability to obtain that permission.

3 (12) The enforcing agency may establish and charge a reason-
4 able fee for inspections conducted under this act. The fee shall
5 not exceed the actual, reasonable cost of providing the inspec-
6 tion for which the fee is charged.

7 (13) IF A COMPLAINT IDENTIFIES A DWELLING OR ROOMING HOUSE
8 REGULATED UNDER THIS ACT IN WHICH A CHILD IS RESIDING, THE DWELL-
9 ING OR ROOMING HOUSE SHALL BE INSPECTED PRIOR TO INSPECTION OF
10 ANY NONEMERGENCY COMPLAINT.

11 (14) ~~(13)~~ As used in this section: ~~-, "leasehold"~~

12 (A) "CHILD" MEANS AN INDIVIDUAL UNDER 18 YEARS OF AGE.

13 (B) "LEASEHOLD" means a private dwelling or separately occu-
14 pied apartment, suite, or group of rooms in a 2-family dwelling
15 or in a multiple dwelling if the private dwelling or separately
16 occupied apartment, suite, or group of rooms is leased to the
17 occupant under the terms of either an oral or written lease.

18 Sec. 132. (1) If, upon inspection, the premises or any part
19 ~~thereof~~ OF THE PREMISES are found to be in violation of any
20 provision of this act, the ENFORCING AGENCY SHALL RECORD THE vio-
21 lation ~~shall be recorded by the enforcing agency~~ in the regis-
22 try of owners and premises.

23 (2) The owner, and, in the ENFORCING AGENCY'S discretion,
24 ~~of the enforcing agency~~ the occupant, shall be notified in
25 writing of the ~~existence of the~~ violation. The notice shall
26 state the date of the inspection, the name of the inspector, the

1 nature of the violation, and the time within which the correction
2 shall be completed.

3 (3) ~~A violation which is determined by the inspector to~~
4 ~~constitute~~ IF AN INSPECTOR DETERMINES THAT A VIOLATION
5 CONSTITUTES a hazard to the OCCUPANT'S health or safety, ~~of the~~
6 ~~occupants,~~ under circumstances where the premises cannot be
7 vacated, ~~shall be ordered~~ THE ENFORCING AGENCY SHALL ORDER THE
8 VIOLATION corrected within the shortest reasonable time. ~~and~~
9 ~~notice of having begun compliance shall be given the enforcing~~
10 ~~agency by the~~ THE owner SHALL NOTIFY THE ENFORCING AGENCY OF
11 HAVING BEGUN COMPLIANCE within 3 days. All other violations
12 shall be corrected within a reasonable time.

13 (4) The enforcing agency shall reinspect after ~~such~~ A rea-
14 sonable time ~~for the purpose of ascertaining~~ TO ASCERTAIN
15 whether the ~~violations have~~ VIOLATION HAS been corrected.

16 (5) IF AN INSPECTOR DETERMINES THAT A VIOLATION CONSTITUTES
17 A HAZARD TO THE HEALTH OR SAFETY OF THE OCCUPANTS, THE ENFORCING
18 AGENCY SHALL CHECK THE ADDRESS OF THE PREMISES AGAINST THE LIST
19 OF FAMILY INDEPENDENCE PROGRAM RECIPIENTS PROVIDED BY THE FAMILY
20 INDEPENDENCE AGENCY. IF THE ENFORCING AGENCY DETERMINES THAT THE
21 ADDRESS IS ON THE LIST, THE ENFORCING AGENCY SHALL NOTIFY THE
22 FAMILY INDEPENDENCE AGENCY OF THE VIOLATION. THE NOTICE SHALL
23 STATE THE DATE OF THE INSPECTION, THE NAME OF THE INSPECTOR, THE
24 NATURE OF THE VIOLATION, AND THE TIME WITHIN WHICH THE CORRECTION
25 SHALL BE COMPLETED.