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STATE PROPERTY MAINTENANCE CODE

House Bills 5756 and 5757

Sponsor: Rep. Ruth Johnson

Committee: Regulatory Reform

Complete to 10-22-02

A SUMMARY OF HOUSE BILLS 5756 AND 5757 AS INTRODUCED 2-27-02

The bills would replace much of the state's housing law with a property maintenance code derived from the International Property Maintenance Code published by the International Code Council. The bills are tie-barred to one another.

House Bill 5757 would amend the Stille-DeRossett-Hale Single State Construction Code Act (MCL 125.1502a et al.). It would require the State Construction Code Commission to adopt, as a property maintenance code, the provisions of the 1998 International Property Maintenance Code, published by the International Code Council, as it determines appropriate. The commission would adopt the property maintenance code by promulgating rules according to the Administrative Procedures Act, and would be required to consider updating the code as cyclical changes occur to the International Property Maintenance Code or other industry-promulgated property maintenance codes.

In matters involving the property maintenance code, the director of the Department of Consumer and Industry Services would be required to appoint an advisory commission to advise the State Construction Code Commission. The advisory committee would consist of a sanitarian, a rental property owner with four or fewer units, a rental property owner with five or more units, two persons representing tenants, one housing inspector from a township, and one housing inspector from a city.

The bill specifies that the property maintenance code adopted by the construction code commission would have statewide application. A local government could not elect to enforce less stringent standards than those contained in the state code. Provisions in the act concerning the authority and duties of each local government's building board of appeals would also apply to appeals concerning the property maintenance code, and a local unit could not exempt itself from the state construction code commission's review of a local board of appeals decision.

House Bill 5756 would amend the Housing Law of Michigan (MCL 125.408 et al.) to specify that the property maintenance code, as adopted by the State Construction Code Commission under House Bill 5757, would apply throughout the state, except that a local government that has chosen to enforce the state construction code could elect to supplement certain parts of the property maintenance code by adopting and enforcing standards to address local conditions that are found to affect the public health, safety, and welfare of citizens beyond the standards contained in the property maintenance code. A local government could make this election by adopting an ordinance adoption those standards. The bill would require that a local

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government adopting additional standards review and update its ordinance at least every three years.

(Currently, Section 1 of the housing law says that the law applies in cities and villages with populations of 100,000 or more and in addition to territory adjacent to such cities for 2½ miles beyond the boundary of such a city. Further, the law applies in cities and villages with populations of 10,000 or more, but the provisions of the law applying to private dwellings and two-family dwellings do not apply in these cities and villages [if they are outside the 2½ mile area adjacent to a large city] unless they are adopted by the legislative body of the city or village. In the case of townships, the provisions dealing with private dwellings and two-family dwellings apply only if adopted by ordinance by the township board. [Note: although, as described above, the bill would state that the new property maintenance code would apply *throughout the state*, the provisions of Section 1 would not be amended under bill, and so appear to conflict with the bill's language.]

The bill would repeal many specific requirements of the Housing Law, including provisions concerning the following: sewer connections and water supply; public halls in multiple dwellings, lighting and exit lights; water closets (rest rooms); basement and cellar rooms; repairs and drainage; cleanliness of dwellings; walls of courts in multiple dwellings; walls, ceilings, wallpaper, etc. in multiple dwellings; receptacles for garbage, and a prohibition on garbage chutes; a prohibition on farm animals on premises; a prohibition on storage of combustible materials; fire prevention and safety; overcrowding; requirements that infected and uninhabitable dwellings be vacated; maintenance of fire escapes; lighting and ventilation of rooms; plumbing fixtures; and egress. (The International Property Maintenance Code, which would become the state's property maintenance code under the bills, appears to cover most or all of these subjects, and in fact contains more detailed requirements for these and other aspects of residential property maintenance.)

In addition, the bill would repeal provisions requiring an enforcing agency to keep records of all inspections, record violations of the law in the registry of owners and premises, notify owners of violations, order corrections, and notify the Family Independence Agency of violations that constitute a health or safety hazard. It would also repeal provisions that: make refusal or failure to comply with a correction order a misdemeanor, allow a local government to establish a board to hear appeals, and permit an aggrieved property owner to appeal to the circuit court.

The bill appears to require that an existing dwelling would have to comply with the property maintenance code within one year, or earlier if required by an enforcing official, after the bill's effective date. (Note: this provision references another section of the act that required existing dwellings to comply with the act within one year *after the act's passage*; a technical amendment would appear to be necessary so that the language would instead refer to one year after the enactment of the amendatory act [the bill], rather than the original 1917 act.)

Currently, the housing law requires local enforcing agencies to maintain a registry of owners and premises, and requires owners of multiple dwellings or rooming houses offered for rent to register with the appropriate enforcing agency. The bill would delete the requirement for

owners to register, and instead would require enforcing agencies to compile and maintain a registry of residential rental property.

Further, under current law, units in multiple dwellings or rooming houses are required to be inspected and receive a certificate of compliance by the enforcing agency prior to first occupancy, and to be reinspected under certain circumstances. The law requires that an applicant for a certificate pay a \$10 fee at the time a certificate is issued. The bill would delete the fee provision and expand the inspection requirements to include all dwellings (not just multiple dwellings or rooming houses).

Analyst: D. Martens

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.