



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5116 (Substitute H-1 as passed by the House)
Sponsor: Representative Randy Richardville
House Committee: Health Policy
Senate Committee: Families and Human Services

Date Completed: 11-30-04

CONTENT

The bill would amend the Lead Abatement Act (Part 54A of the Public Health Code) to do the following:

- Require the Department of Community Health (DCH) to establish and maintain a "Lead Safe Housing Registry".**
- Require the owner of rental target housing, or of a child-occupied facility, to register the property with the DCH if it had been abated of or had interim controls performed to control lead-based paint hazards.**
- Allow the owner of other rental housing or a child-occupied facility to register it for a fee.**
- Require the DCH to publish the registry on its website and provide a copy upon request.**

The DCH would have to develop the registry in cooperation with the Family Independence Agency and the Michigan State Housing Development Authority, in order to provide the public with a listing of residential and multifamily dwellings and child-occupied facilities that had been abated of or had interim controls performed to control lead-based paint hazards as determined through an investigation performed by a risk assessor certified under the Act.

The owner of target housing that was offered for rent or lease as a residence, or the owner of a child-occupied facility, would have to register that property with the DCH, in a form prescribed by the DCH, free of charge, if it had been abated of or had interim controls performed to control lead-based paint hazards. The form would have to include, at a minimum, all of the following information:

- The name of the building's owner.
- The building's address.
- The date of construction.
- The date and description of any lead-based paint activity, including the name of the certified abatement worker or certified risk assessor who performed the abatement or conducted the inspection, lead-hazard screen, assessment, or clearance testing and the results of the activity.

An owner who was required to register his or her property would have to give the DCH a copy of each report, document, or other information that must be filed with the Federal government under Federal law and regulations related to lead-based paint.

The owner of any other residential or multifamily dwelling that was offered for rent or lease as a residence, or the owner of a child-occupied facility, could register that property with the DCH, which would have to include that property on the registry. A person who wished to register would have to execute and return the application with payment of the registration fee in an amount to be prescribed by the DCH.

The DCH would have to publish the registry on its website and provide a copy to a person upon request. The Department could charge a reasonable, cost-based fee for providing a copy.

(The Act defines "abatement" as a measure or set of measures designed to eliminate lead-based paint hazards permanently; the Act describes activities that abatement includes and others that it does not include. "Child occupied facility" means as a building or portion of a building constructed before 1978 that is visited regularly by a child who is six years old or younger, on at least two different days within a given week, if each day's visit is at least three hours and the combined weekly visit is at least six hours long, and the combined annual visits are at least 60 hours in length. The term includes, but is not limited to, a day-care center, a preschool, and a kindergarten classroom.

"Target housing" means housing constructed before 1978, except a) housing for the elderly or persons with disabilities, unless one or more children age six or younger reside or are expected to reside in the housing; b) a zero-bedroom dwelling; or c) an unoccupied dwelling unit pending demolition, provided the unit remains unoccupied until demolition.)

Proposed MCL 333.5474b

Legislative Analyst: Julie Koval

FISCAL IMPACT

It is likely that this bill would have no fiscal impact on the State. According to the Department of Community Health, costs associated with creating and maintaining the Lead Safe Housing Registry would be largely or completely offset by the revenue generated by fees the DCH would be authorized to impose.

Fiscal Analyst: David Fosdick

S0304\5116sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.