

SUBSTITUTE FOR  
SENATE BILL NO. 757

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 5475a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5475a. (1) A rental agent, landlord, or owner of a  
2 rental unit shall not rent or lease that rental unit to another  
3 person for residential purposes if either of the following  
4 applies:

5       (a) The rental agent, landlord, or owner has prior actual  
6 knowledge that the rental unit contains a lead-based paint  
7 hazard.

8       (b) The rental agent, landlord, or owner discovers or is  
9 notified of the existence of a lead-based paint hazard during the  
10 rental period and 30 days has expired after the date of discovery  
11 or of the notification and the person has not acted in good faith

1 to abate the hazard.

2 (2) A rental agent, landlord, or owner is presumed to have  
3 prior knowledge that a unit contains a lead-based paint hazard if  
4 either of the following applies:

5 (a) The rental agent, landlord, or owner signs an  
6 acknowledgement of the hazard as a result of an inspection under  
7 this chapter at the time the inspection was made.

8 (b) The rental agent, landlord, or owner is served as a  
9 result of an inspection under this chapter with notice of the  
10 hazard by first-class mail and a return receipt of that service  
11 is obtained.

12 (3) A rental agent, landlord, or owner convicted of violating  
13 this section is guilty of a crime as follows:

14 (a) Except as provided in subdivision (b), the person is  
15 guilty of a misdemeanor punishable by a fine of not more than  
16 \$5,000.00.

17 (b) If the person was previously convicted of violating this  
18 section or a local ordinance substantially corresponding to this  
19 section, the person is guilty of a misdemeanor punishable by  
20 imprisonment for not more than 90 days or a fine of not more than  
21 \$10,000.00, or both.

22 (4) It is an affirmative defense in a prosecution for  
23 violating this section that the rental agent, landlord, or owner  
24 notified a person having responsibility for maintaining the  
25 rental unit of the hazard and reasonably expected that the hazard  
26 would be abated.

27 (5) A rental agent, landlord, or owner who is convicted of

1 violating this section shall be ordered to return all rental  
2 payments made by the tenant in the time between the rental period  
3 described in subsection (1)(a) or (b) and the time the hazard is  
4 determined under this chapter to have been abated.

5 (5) As used in this section, "lead-based paint hazard" means  
6 the existence of lead-based paint in sufficient quantity that if  
7 consumed by a child 6 years of age or less would cause a level of  
8 10 micrograms of lead per deciliter of venous blood or more.

9 Enacting section 1. This amendatory act takes effect 90  
10 days after the date it is enacted.