

Legislative Analysis



HOUSING LAW: OCCUPANT RESPONSIBILITIES

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House Bill 5037

Sponsor: Rep. Joseph Graves

Committee: Local Government

Complete to 10-30-13

A SUMMARY OF HOUSE BILL 5037 AS INTRODUCED 10-1-13

House Bill 5037 would amend the Housing Law of Michigan to specify that "occupants" take responsibility for the sanitary and safe conditions of their dwellings within the areas they occupy and control. A more detailed description of the bill follows.

Currently Michigan's Housing Law specifies the responsibilities of both landlords and tenants of rental housing. House Bill 5037 would shift some of those responsibilities to the occupant in the areas of a housing unit where the occupant has control, both on the interior and exterior of the building.

Occupant Responsibilities

Under current law, the landlord is responsible for keeping a dwelling clean and free from any accumulation of dirt, filth, rubbish, garbage, or other matter in or on the dwelling, or in the yards, courts, passages, areas, or alleys connected or belonging to the dwelling. In addition, the owner of every dwelling is responsible for keeping the entire building free from vermin. However, the tenants are responsible for the cleanliness of the parts of the premises that they occupy and control.

House Bill 5037 would rewrite this provision by specifying, instead, that the *occupant would be responsible for complying with these requirements as they apply to the part of the exterior or interior of the premises that the occupant occupies and controls, unless otherwise agreed to by all parties subject to the lease.*

Occupant Violations

Further, under the bill, if a housing inspector determines there had been a violation of this requirement (in italics, above), the inspector would *issue to the occupant a written notice of violation, and deliver a copy of the notice to the owner.* The notice would have to state the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the occupant could correct the violation.

Local Ordinances

The bill specifies that a municipality could adopt an ordinance making 'failure to comply with an order' by an occupant a misdemeanor or a municipal civil infraction. However, the bill prohibits an ordinance from being written in a way that would suspend a certificate of compliance, impose a lien on the premises, or impose any other sanction on an owner for an occupant's violation of an order.

Enforcement Provisions

Now under the law, if upon inspection, any part of a premises is found to be in violation of the Housing Law, the enforcing agency must record the violation in the registry of owners and premises. House Bill 5037 specifies that this provision would not apply to a violation described in the new subsection (3) of the law added by the bill; that is, the provision that makes an occupant responsible for the exterior and interior of the premises the occupant occupies and controls.

Also under existing law, the owner, and, in the enforcing agency's discretion, the occupant must be notified in writing of a violation that follows from an inspection. House Bill 5037 would retain this provision, but further specify that *if a housing inspector determines there has been a violation of the Housing Law, the inspector would be required to issue to the owner a written notice of violation and deliver a copy of the notice to the occupant.* The owner would be required to correct the violation. However, the bills says that this provision would not apply to violations where occupants had not met their responsibilities under the new subsection (3).

MCL 125.474 & 125.532

FISCAL IMPACT:

House Bill would have an indeterminate, but likely negligible, fiscal impact on local government operations. If a municipality adopts an ordinance that makes 'failure to comply' with a violation a misdemeanor or municipal civil infraction, the bill's fiscal impact would depend on the numbers of, and sentences for, people held responsible. Any increase in penal fine revenues would benefit local libraries, which are constitutionally-designated recipients of such revenues.

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■ 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.