

HOUSE BILL No. 5037

October 1, 2013, Introduced by Rep. Graves and referred to the Committee on Local Government.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending sections 74 and 132 (MCL 125.474 and 125.532), section
132 as amended by 2000 PA 479.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 74. ~~(1) Cleanliness of dwellings. Every~~ A dwelling and
2 every part thereof shall be kept **IN A** clean, **SANITARY**, and **SAFE**
3 **CONDITION**.

4 **(2) A DWELLING** shall also be kept free from any accumulation
5 of dirt, filth, rubbish, garbage, or other matter in ~~or on the~~
6 ~~same, or in the~~ yards, courts, passages, areas, or alleys connected
7 ~~therewith or belonging to the same. The owner of every dwelling~~
8 ~~shall be responsible for keeping the entire building~~ **DWELLING**.

9 **(3) A DWELLING SHALL BE KEPT ENTIRELY** free from vermin. ~~The~~

10 **(4) EXCEPT AS PROVIDED IN SUBSECTION (5), THE** owner ~~shall also~~

1 ~~be IS~~ responsible for complying with ~~the provisions of this~~
2 ~~section. except that the tenants shall be responsible for the~~
3 ~~cleanliness of those parts of the premises that they occupy and~~
4 ~~control.~~

5 (5) THE OCCUPANT IS RESPONSIBLE FOR COMPLYING WITH SUBSECTION
6 (1) AS IT APPLIES TO THE PART OF THE EXTERIOR OR INTERIOR OF THE
7 PREMISES THAT THE OCCUPANT OCCUPIES AND CONTROLS, UNLESS OTHERWISE
8 AGREED TO BY ALL PARTIES SUBJECT TO THE LEASE.

9 Sec. 132. (1) If, upon inspection, ~~the~~ A DWELLING UNIT,
10 ROOMING UNIT, HOUSEKEEPING UNIT, OR OTHER premises or any part of
11 the premises are found to be in violation of any provision of this
12 act, the enforcing agency shall record the violation in the
13 registry of owners and premises. THIS SUBSECTION DOES NOT APPLY TO
14 A VIOLATION DESCRIBED IN SUBSECTION (3).

15 (2) The owner, and, in the enforcing agency's discretion, the
16 occupant, shall be notified in writing of the violation. IF AN
17 INSPECTOR DETERMINES THAT THERE HAS BEEN A VIOLATION OF THIS ACT,
18 THE INSPECTOR SHALL ISSUE TO THE OWNER A WRITTEN NOTICE OF
19 VIOLATION AND SHALL DELIVER A COPY OF THE NOTICE TO THE OCCUPANT.
20 The notice shall state the date of the inspection, the name of the
21 inspector, the nature of the violation, and the time within which
22 the ~~correction shall be completed.~~ OWNER SHALL CORRECT THE
23 VIOLATION. THIS SUBSECTION DOES NOT APPLY TO A VIOLATION DESCRIBED
24 IN SUBSECTION (3).

25 (3) IF AN INSPECTOR DETERMINES THAT THERE HAS BEEN A VIOLATION
26 OF SECTION 74(5), THE INSPECTOR SHALL ISSUE TO THE OCCUPANT A
27 WRITTEN NOTICE OF VIOLATION AND SHALL DELIVER A COPY OF THE NOTICE

1 TO THE OWNER. THE NOTICE SHALL STATE THE DATE OF THE INSPECTION,
2 THE NAME OF THE INSPECTOR, THE NATURE OF THE VIOLATION, AND THE
3 TIME WITHIN WHICH THE OCCUPANT SHALL CORRECT THE VIOLATION. A
4 MUNICIPALITY MAY ADOPT AN ORDINANCE THAT MAKES FAILURE TO COMPLY
5 WITH AN ORDER CONTAINED IN A NOTICE OF VIOLATION UNDER THIS
6 SUBSECTION A MISDEMEANOR OR MUNICIPAL CIVIL INFRACTION. AN
7 ORDINANCE SHALL NOT SUSPEND A CERTIFICATE OF COMPLIANCE, IMPOSE A
8 LIEN ON THE PREMISES, OR IMPOSE ANY OTHER SANCTION ON AN OWNER FOR
9 AN OCCUPANT'S VIOLATION OF AN ORDER CONTAINED IN A NOTICE ISSUED
10 UNDER THIS SUBSECTION.

11 (4) ~~(3)~~—If an inspector determines that a violation
12 constitutes a hazard to the occupant's health or safety, under
13 circumstances where the premises cannot be vacated, the enforcing
14 agency shall order the violation corrected within the shortest
15 reasonable time. The owner **OR OCCUPANT, AS APPLICABLE,** shall notify
16 the enforcing agency of having begun compliance within 3 days. All
17 other violations shall be corrected within a reasonable time.

18 (5) ~~(4)~~—The enforcing agency shall reinspect after a
19 reasonable time to ascertain whether the violation has been
20 corrected.

21 (6) ~~(5)~~—If an inspector determines that a violation **UNDER**
22 **SUBSECTION (1)** constitutes a hazard to the health or safety of the
23 occupants, the enforcing agency shall notify the ~~family~~
24 ~~independence agency~~ **DEPARTMENT OF HUMAN SERVICES** within 48 hours.
25 The notice shall state the date of the inspection, the name of the
26 inspector, the nature of the violation, and the time within which
27 the correction shall be completed. The ~~family independence agency~~

1 DEPARTMENT OF HUMAN SERVICES shall check the address of the
2 premises against the list of rent-vendored ~~family independence~~
3 DEPARTMENT OF HUMAN SERVICES program recipients.

4 (7) AS USED IN THIS SECTION:

5 (A) "DWELLING UNIT" MEANS THAT TERM AS DEFINED IN SECTION 82A.

6 (B) "HOUSEKEEPING UNIT" MEANS A ROOM OR GROUP OF ROOMS FORMING
7 A SINGLE HABITABLE SPACE EQUIPPED AND INTENDED TO BE USED FOR
8 SLEEPING, COOKING AND EATING, AND OTHER LIVING PURPOSES BUT WHICH
9 DOES NOT CONTAIN, WITHIN THE UNIT, A TOILET, LAVATORY, AND BATHTUB
10 OR SHOWER.

11 (C) "ROOMING UNIT" MEANS ANY ROOM OR GROUP OF ROOMS FORMING A
12 SINGLE HABITABLE SPACE OCCUPIED OR INTENDED TO BE OCCUPIED FOR
13 SLEEPING OR OTHER LIVING PURPOSES, BUT NOT FOR COOKING PURPOSES.