

HOUSING INSPECTIONS FOR MULTIPLE DWELLINGS

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House Bill 5561 as introduced
Sponsor: Rep. Joseph Graves
Committee: Local Government
Complete to 9-20-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5561 would rewrite Section 126 of the Housing Law of Michigan (PA 167 of 1917) in an attempt to clarify existing law regarding the inspection of multiple dwellings and rooming houses. Among other things, the bill would provide that both the owner of the leasehold (e.g., landlord) and the lessee (e.g., tenant) must provide the enforcing agency access to the leasehold during reasonable hours if: (1) the lessee gives permission (either in the lease or by making a complaint to the enforcing authority), or (2) the enforcing agency serves an administrative warrant ordering the owner/lessee to provide access. (The owner must also provide access if the leasehold is vacant).

The act says a local governmental unit is only required to inspect a multiple dwelling or rooming house regulated by PA 167 if it receives a complaint from the lessee of a violation of the act. (This provision remains unchanged.) However, the act also currently says that "subject to subsection (1)", which provides that inspections are required after a complaint, "...the period of inspection between inspections of a multiple dwelling or rooming house shall not be longer than four years." Confusingly, the conclusion is that inspections are not required, but must take place every four years. House Bill 5561 would make the four-year inspection provision apply "if a local governmental unit adopts an ordinance providing for inspections of multiple dwellings or rooming houses" using one of several bases for inspections (an area basis, recurrent violation basis, compliance basis or percentage basis).

The bill leaves in place an exception that allows inspections every six years if the most recent inspection of premises found no violations and ownership has not changed.

The bill also leaves in place, slightly rewritten, the provision that allows an owner or enforcing agency to enter a leasehold at any time without obtaining the lessee's permission in the case of an emergency, including but not limited to fire, flood, or other threat of serious injury or death. [This provision was added by an earlier bill this legislative session, Senate Bill 394 (Public Act 14 of 2016), which also added the provision that municipalities are not required to inspect multiple dwellings or rooming houses periodically, but only need to inspect such premises if it receives a complaint from a lessee of a violation of this act.]

Other subsections of the act are reordered or rewritten for the sake of clarity.

FISCAL IMPACT:

House Bill 5561 would have an unknown fiscal impact on local units of government. To the extent that local units of government are following the provisions of the bill, there would be no fiscal impact. If the provisions of the bill increased required administrative procedures on the part of the local unit of government, there could be minimal cost increases for the local unit of government.

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