

**SUBSTITUTE FOR
HOUSE BILL NO. 5561**

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending section 126 (MCL 125.526), as amended by 2016 PA 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 126. (1) A local governmental unit is not required to
2 inspect a multiple dwelling or rooming house unless the local
3 governmental unit receives a complaint from a lessee of a violation
4 of this act.

5 (2) Subject to subsection (1), the enforcing agency shall
6 inspect multiple dwellings and rooming houses regulated by this act
7 in accordance with this act.

8 ~~— (3) Subject to subsection (1) and except as provided in~~
9 ~~subsection (4),~~ **IF A LOCAL GOVERNMENTAL UNIT ADOPTS AN ORDINANCE**
10 **PROVIDING FOR INSPECTIONS OF MULTIPLE DWELLINGS OR ROOMING HOUSES**

1 ON A BASIS DESCRIBED IN SUBSECTION (4) (A), (C), (D), OR (E), the
 2 period between inspections of a multiple dwelling or rooming house
 3 shall not be longer than 4 years, **OR 6 YEARS IF THE MOST RECENT**
 4 **INSPECTION OF THE PREMISES FOUND NO VIOLATIONS OF THIS ACT AND THE**
 5 **MULTIPLE DWELLING OR ROOMING HOUSE HAS NOT CHANGED OWNERSHIP DURING**
 6 **THE 6-YEAR PERIOD.** All other dwellings regulated by this act may be
 7 inspected at reasonable intervals.

8 (3) Inspections of multiple dwellings or rooming houses
 9 conducted by the United States Department of Housing and Urban
 10 Development under the real estate assessment center inspection
 11 process or by other government agencies may be accepted by a local
 12 governmental unit and an enforcing agency as a substitute for
 13 inspections required by a local enforcing agency. To the extent
 14 permitted under applicable law, a local enforcing agency or its
 15 designee may exercise inspection authority delegated by law or
 16 agreement from other agencies or authorities that perform
 17 inspections required under other state law or federal law.

18 ~~—— (4) Subject to subsection (1), a local governmental unit may~~
 19 ~~provide by ordinance for a maximum period between inspections of a~~
 20 ~~multiple dwelling or rooming house that is not longer than 6 years~~
 21 ~~if the most recent inspection of the premises found no violations~~
 22 ~~of this act and the multiple dwelling or rooming house has not~~
 23 ~~changed ownership during the 6-year period.~~

24 (4) ~~(5)~~ An inspection shall be conducted in the manner best
 25 calculated to secure compliance with this act and appropriate to
 26 the needs of the community, including, but not limited to, on 1 or
 27 more of the following bases:

1 (a) An area basis, under which all the regulated premises in a
2 predetermined geographical area are inspected simultaneously, or
3 within a short period of time.

4 (b) A complaint basis, under which premises that are the
5 subject of complaints of violations are inspected within a
6 reasonable time.

7 (c) A recurrent violation basis, under which premises that
8 have a high incidence of recurrent or uncorrected violations are
9 inspected more frequently.

10 (d) A compliance basis, under which a premises brought into
11 compliance before the expiration of a certificate of compliance or
12 any requested repair order may be issued a certificate of
13 compliance for the maximum renewal certification period authorized
14 by the local governmental unit.

15 (e) A percentage basis, under which a local governmental unit
16 establishes a percentage of units in a multiple dwelling to be
17 inspected in order to issue a certificate of compliance for the
18 multiple dwelling.

19 (5) ~~(6)~~ An inspection shall be carried out by the enforcing
20 agency, or by the enforcing agency and representatives of other
21 agencies that form a team to undertake an inspection under this and
22 other applicable acts.

23 (6) ~~(7)~~ Except as provided in ~~subsection (9) and this~~
24 ~~subsection,~~ **SUBSECTIONS (7) TO (9) AND (11)**, an inspector ~~,~~ or team
25 of inspectors ~~,~~ shall request and receive ~~permission~~ **CONSENT FROM**
26 **THE LESSEE** to enter before entering a leasehold regulated by this
27 act to undertake an inspection. ~~and shall enter at a reasonable~~

~~hour. In the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, or upon presentment of a warrant, the inspector or team of inspectors may enter at any time.~~

~~—— (8) Before entering a leasehold regulated by this act, the owner of the leasehold shall request and obtain permission to enter the leasehold. However, in an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.~~

~~—— (9) The enforcing agency may require the owner of a leasehold to do 1 or more of the following:~~

~~—— (a) Provide the enforcing agency access to the leasehold if the lease provides the owner a right of entry.~~

~~—— (b) Provide access to areas other than a leasehold or areas open to public view, or both.~~

~~—— (c) Notify the lessee of the enforcing agency's request to inspect a leasehold, make a good-faith effort to obtain permission for an inspection, and arrange for the inspection. If a lessee vacates a leasehold after the enforcing agency has requested to inspect that leasehold, the owner of the leasehold shall notify the enforcing agency of that fact within 10 days after the leasehold is vacated.~~

~~—— (d) Provide access to the leasehold if a lessee of that leasehold has made a complaint to the enforcing agency.~~

~~—— (10) A local governmental unit may adopt an ordinance to implement subsection (9).~~

(7) THE OWNER OF A LEASEHOLD SHALL NOTIFY THE LESSEE OF THE

1 ENFORCING AGENCY'S REQUEST TO INSPECT A LEASEHOLD, SHALL MAKE A
2 GOOD-FAITH EFFORT TO OBTAIN THE LESSEE'S CONSENT FOR AN INSPECTION,
3 AND, IF THE OWNER OBTAINS THE LESSEE'S CONSENT FOR AN INSPECTION,
4 SHALL ARRANGE FOR THE INSPECTION.

5 (8) THE OWNER OF A LEASEHOLD SHALL PROVIDE THE ENFORCING
6 AGENCY ACCESS TO THE LEASEHOLD FOR AN INSPECTION DURING REASONABLE
7 HOURS IF ANY OF THE FOLLOWING APPLY:

8 (A) THE LEASE AUTHORIZES AN ENFORCING AGENCY INSPECTOR TO
9 ENTER THE LEASEHOLD FOR AN INSPECTION.

10 (B) THE LESSEE HAS MADE A COMPLAINT TO THE ENFORCING AGENCY.

11 (C) THE LEASEHOLD IS VACANT.

12 (D) THE ENFORCING AGENCY SERVES AN ADMINISTRATIVE WARRANT
13 ORDERING THE OWNER TO PROVIDE ACCESS.

14 (E) THE LESSEE HAS CONSENTED TO AN INSPECTION UNDER SUBSECTION
15 (7). IF A LESSEE IS NOT PRESENT DURING THE INSPECTION, THE
16 ENFORCING AGENCY MAY RELY ON THE OWNER'S REPRESENTATION TO THE
17 ENFORCING AGENCY THAT THE LESSEE HAS CONSENTED TO THE ENFORCING
18 AGENCY'S INSPECTION.

19 (9) THE LESSEE SHALL PROVIDE THE ENFORCING AGENCY ACCESS TO
20 THE LEASEHOLD FOR AN INSPECTION DURING REASONABLE HOURS IF ANY OF
21 THE FOLLOWING APPLY:

22 (A) THE LEASE AUTHORIZES AN ENFORCING AGENCY INSPECTOR TO
23 ENTER THE LEASEHOLD FOR AN INSPECTION.

24 (B) THE LESSEE HAS MADE A COMPLAINT TO THE ENFORCING AGENCY.

25 (C) THE ENFORCING AGENCY SERVES AN ADMINISTRATIVE WARRANT
26 ORDERING THE LESSEE TO PROVIDE ACCESS.

27 (D) THE LESSEE HAS GIVEN CONSENT.

(10) IF A LESSEE WHO REFUSED AN INSPECTION BY THE ENFORCING AGENCY VACATES A LEASEHOLD BEFORE AN INSPECTION BY THE ENFORCING AGENCY, THE OWNER OF THE LEASEHOLD SHALL NOTIFY THE ENFORCING AGENCY WITHIN 10 DAYS AFTER THE LEASEHOLD IS VACATED.

(11) IN THE CASE OF AN EMERGENCY, INCLUDING, BUT NOT LIMITED TO, FIRE, FLOOD, OR OTHER THREAT OF SERIOUS INJURY OR DEATH, THE OWNER OR ENFORCING AGENCY MAY ENTER A LEASEHOLD AT ANY TIME WITHOUT OBTAINING CONSENT FROM THE LESSEE.

(12) THE OWNER OF A LEASEHOLD SHALL PROVIDE ACCESS TO THE ENFORCING AGENCY TO AREAS OF THE DWELLING THAT ARE NOT PART OF THE LEASEHOLD OR THAT ARE OPEN TO PUBLIC VIEW.

(13) ~~(11)~~ For multiple lessees in a leasehold, notifying at least 1 lessee and requesting and obtaining the ~~permission~~ **CONSENT** of at least 1 lessee satisfies the notice and ~~permission~~ **CONSENT** requirements of subsections **(6) AND (7)**. ~~to (9)~~.

(14) ~~(12)~~ The enforcing agency or the owner shall not discriminate against ~~an occupant~~ **A LESSEE** on the basis of whether the ~~occupant requests, permits,~~ **LESSEE CONSENTS TO** or refuses entry to the leasehold **FOR AN INSPECTION BY THE ENFORCING AGENCY**.

(15) ~~(13)~~ The enforcing agency shall not discriminate against an owner who has met the requirements of subsection ~~(9)~~ **but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain that permission.** **(7) BECAUSE A LESSEE REFUSES THE ENFORCING AGENCY ENTRY TO A LEASEHOLD FOR AN INSPECTION UNDER THIS ACT.**

(16) ~~(14)~~ The enforcing agency may establish and charge a reasonable fee for inspections conducted under this act. The fee

1 shall not exceed the actual, reasonable cost of providing the
2 inspection for which the fee is charged. An inspection fee is not
3 required to be paid more than 6 months before the inspection is to
4 take place. An owner or property manager is not liable for an
5 inspection fee if the inspection is not performed and the enforcing
6 agency is the direct cause of the failure to perform the
7 inspection.

8 **(17)** ~~(15)~~ If requested, an enforcing agency or a local
9 governmental unit shall produce a report on the income and expenses
10 of the inspection program for the preceding fiscal year. The report
11 shall state the amount of the fees assessed by the enforcing
12 agency, the costs incurred in performing inspections, and the
13 number of units inspected. The report shall be provided to the
14 requesting party within 90 days after the request is made. The
15 enforcing agency or local governmental unit may produce the report
16 electronically. If the enforcing agency does not have readily
17 available access to the information required for the report, the
18 enforcing agency may charge the requesting party a fee not greater
19 than the actual reasonable cost of **COMPILING AND** providing the
20 information. If an enforcing agency charges a fee under this
21 subsection, the enforcing agency shall include in the report the
22 costs of ~~providing and compiling~~ **AND PROVIDING** the information.

23 **(18)** ~~(16)~~ If a complaint identifies a dwelling or rooming
24 house regulated under this act in which ~~a child~~ **AN INDIVIDUAL UNDER**
25 **18 YEARS OF AGE** is residing, the dwelling or rooming house shall be
26 inspected ~~prior to inspection of any~~ **BEFORE ANY INSPECTION IN**
27 **RESPONSE TO A** nonemergency complaint.

1 ~~———— (17) As used in this section:~~

2 ~~———— (a) "Child" means an individual under 18 years of age.~~

3 ~~———— (b) "Leasehold" means a private dwelling or separately~~
4 ~~occupied apartment, suite, or group of rooms in a 2-family dwelling~~
5 ~~or in a multiple dwelling if the private dwelling or separately~~
6 ~~occupied apartment, suite, or group of rooms is leased to the~~
7 ~~occupant under an oral or written lease.~~

8 **(19) SUBJECT TO SECTION 8, A LOCAL GOVERNMENTAL UNIT MAY ADOPT**
9 **AN ORDINANCE TO IMPLEMENT THIS SECTION.**

10 **(20) WHEN USED IN THIS ACT AS A NOUN, "LEASE" MEANS A WRITTEN**
11 **OR UNWRITTEN AGREEMENT OR CONTRACT THAT SETS FORTH THE TERMS AND**
12 **CONDITIONS, RIGHTS AND OBLIGATIONS OF EACH PARTY WITH RESPECT TO A**
13 **RESIDENTIAL DWELLING, DWELLING UNIT, ROOMING UNIT, BUILDING,**
14 **PREMISES, OR STRUCTURE THAT IS NOT OCCUPIED BY THE OWNER OF RECORD.**

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.