

HOUSE BILL No. 5561

April 14, 2016, 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 section 126 (MCL 125.526), as amended by 2016 PA 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 126. (1) AN ENFORCING AGENCY SHALL INSPECT MULTIPLE
2 DWELLINGS AND ROOMING HOUSES REGULATED BY THIS ACT IN ACCORDANCE
3 WITH THIS ACT.

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

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

10 ~~—— (3) Subject to subsection (1) and except as provided in~~

~~subsection (4),~~ IF A LOCAL GOVERNMENTAL UNIT ADOPTS AN ORDINANCE PROVIDING FOR INSPECTIONS OF MULTIPLE DWELLINGS OR ROOMING HOUSES ON A BASIS DESCRIBED IN SUBSECTION (4) (A), (C), (D), OR (E), the period between inspections of a multiple dwelling or rooming house shall not be longer than 4 years, OR 6 YEARS IF THE MOST RECENT INSPECTION OF THE PREMISES FOUND NO VIOLATIONS OF THIS ACT AND THE MULTIPLE DWELLING OR ROOMING HOUSE HAS NOT CHANGED OWNERSHIP DURING THE 6-YEAR PERIOD. All other dwellings regulated by this act may be inspected at reasonable intervals.

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

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

(4) ~~(5)~~ An inspection shall be conducted in the manner best calculated to secure compliance with this act and appropriate to

1 the needs of the community, including, but not limited to, on 1 or
2 more of the following bases:

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

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

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

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

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

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

25 (6) ~~(7)~~—Except as provided in ~~subsection (9) and this~~
26 ~~subsection,~~ **SUBSECTIONS (9) AND (11)**, an inspector, ~~or team of~~
27 inspectors, ~~shall request and receive permission~~ **FROM THE LESSEE**

1 to enter before entering a leasehold regulated by this act to
2 undertake an inspection. ~~and shall enter at a reasonable hour. In~~
3 ~~the case of an emergency, including, but not limited to, fire,~~
4 ~~flood, or other threat of serious injury or death, or upon~~
5 ~~presentment of a warrant, the inspector or team of inspectors may~~
6 ~~enter at any time.~~

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

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

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

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

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

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

27 ~~—— (10) A local governmental unit may adopt an ordinance to~~

1 ~~implement subsection (9).~~

2 (7) THE OWNER OF A LEASEHOLD SHALL NOTIFY THE LESSEE OF THE
3 ENFORCING AGENCY'S REQUEST TO INSPECT A LEASEHOLD, SHALL MAKE A
4 GOOD-FAITH EFFORT TO OBTAIN THE LESSEE'S PERMISSION FOR AN
5 INSPECTION, AND, IF THE OWNER OBTAINS THE LESSEE'S PERMISSION FOR
6 AN INSPECTION, SHALL ARRANGE FOR THE INSPECTION.

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

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

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

13 (C) THE LEASEHOLD IS VACANT.

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

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

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

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

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

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

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

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

8 (13) ~~(11)~~For multiple lessees in a leasehold, notifying at
9 least 1 lessee and requesting and obtaining the permission of at
10 least 1 lessee satisfies the notice and permission requirements of
11 subsections (6) **AND** (7). ~~to (9).~~

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

16 (15) ~~(13)~~The enforcing agency shall not discriminate against
17 an owner who has met the requirements of subsection ~~(9)~~ **but has**
18 ~~been unable to obtain the permission of the occupant, based on the~~
19 ~~owner's inability to obtain that permission.~~ **(7) BECAUSE A LESSEE**
20 **REFUSES THE ENFORCING AGENCY ENTRY TO A LEASEHOLD FOR AN INSPECTION**
21 **UNDER THIS ACT.**

22 (16) ~~(14)~~The enforcing agency may establish and charge a
23 reasonable fee for inspections conducted under this act. The fee
24 shall not exceed the actual, reasonable cost of providing the
25 inspection for which the fee is charged. An inspection fee is not
26 required to be paid more than 6 months before the inspection is to
27 take place. An owner or property manager is not liable for an

1 inspection fee if the inspection is not performed and the enforcing
2 agency is the direct cause of the failure to perform the
3 inspection.

4 (17) ~~(15)~~ If requested, an enforcing agency or a local
5 governmental unit shall produce a report on the income and expenses
6 of the inspection program for the preceding fiscal year. The report
7 shall state the amount of the fees assessed by the enforcing
8 agency, the costs incurred in performing inspections, and the
9 number of units inspected. The report shall be provided to the
10 requesting party within 90 days after the request is made. The
11 enforcing agency or local governmental unit may produce the report
12 electronically. If the enforcing agency does not have readily
13 available access to the information required for the report, the
14 enforcing agency may charge the requesting party a fee not greater
15 than the actual reasonable cost of **COMPILING AND** providing the
16 information. If an enforcing agency charges a fee under this
17 subsection, the enforcing agency shall include in the report the
18 costs of ~~providing and compiling~~ **AND PROVIDING** the information.

19 (18) ~~(16)~~ If a complaint identifies a dwelling or rooming
20 house regulated under this act in which ~~a child~~ **AN INDIVIDUAL UNDER**
21 **18 YEARS OF AGE** is residing, the dwelling or rooming house shall be
22 inspected ~~prior to inspection of any~~ **BEFORE ANY INSPECTION IN**
23 **RESPONSE TO A** nonemergency complaint.

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

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

26 ~~———— (b) "Leasehold" means a private dwelling or separately~~
27 ~~occupied apartment, suite, or group of rooms in a 2-family dwelling~~

1 ~~or in a multiple dwelling if the private dwelling or separately~~
2 ~~occupied apartment, suite, or group of rooms is leased to the~~
3 ~~occupant under an oral or written lease.~~

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

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