

SENATE BILL No. 394

June 11, 2015, Introduced by Senator ROBERTSON and referred to the Committee on Local Government.

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending sections 1, 125, and 126 (MCL 125.401, 125.525, and 125.526), sections 1 and 126 as amended by 2008 PA 408.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known **AND MAY BE CITED** as the
2 "housing law of Michigan". ~~and shall apply~~

3 (2) **THIS ACT APPLIES** to ~~every~~ **EACH** city, ~~and organized~~
4 village, ~~in this state which, by~~ **AND TOWNSHIP THAT, ACCORDING TO**
5 the last regular or special federal census, ~~had~~ **HAS** a population of
6 ~~100,000~~ **10,000** or more. ~~, and to every city or village as its~~
7 ~~population shall reach 100,000 thereafter and also to that~~
8 ~~territory immediately adjacent and contiguous to the boundaries of~~
9 ~~such a city or village and extending for a radial distance of 2 1/2~~
10 ~~miles beyond their boundaries in all directions. This act shall~~

1 ~~also apply to any city and organized village in this state which,~~
 2 ~~as determined by the last regular or special federal census, has or~~
 3 ~~shall hereafter attain a population of 10,000 or more. This~~
 4 **HOWEVER, THIS** act relating ~~DOES NOT APPLY~~ to private dwellings and
 5 2-family dwellings ~~does not apply to~~ **IN** any city, ~~or organized~~
 6 village, ~~lying outside the 2 1/2 mile radius and~~ **OR TOWNSHIP** having
 7 a population of less than 100,000 unless the legislative body of
 8 the ~~city or village~~ **LOCAL GOVERNMENTAL UNIT ADOPTS THE PROVISIONS**
 9 by resolution, ~~passed by a majority vote of the~~ **ITS** members. elect
 10 of the legislative body, ~~adopt the provisions. In the case of~~
 11 ~~charter townships and townships the provisions of this act relating~~
 12 ~~to private dwellings and 2 family dwellings may be applied to those~~
 13 ~~areas by ordinance of the respective township board adopting the~~
 14 ~~provisions.~~

15 (3) This act applies to all dwellings within the classes
 16 defined in the ~~following sections,~~ **SECTION 2**, except that in
 17 sections where specific reference is made ~~A REFERENCE~~ to 1 or more
 18 specific classes of dwellings, ~~those provisions shall apply~~
 19 **APPLIES** only to those classes to which specific reference is made.
 20 All other provisions that relate to dwellings shall apply to all
 21 classes of dwellings.

22 Sec. 125. (1) ~~A~~ **THE ENFORCING AGENCY MAY MAINTAIN A** registry
 23 of owners and premises ~~shall be maintained by the enforcing~~
 24 ~~agency.~~ **REGULATED BY THIS ACT.**

25 (2) ~~The owners~~ **IF THE ENFORCING AGENCY MAINTAINS A REGISTRY OF**
 26 **OWNERS AND PREMISES, THE OWNER** of a multiple dwelling or rooming
 27 house containing units ~~which will be~~ **THAT ARE** offered to let, or to

1 hire, for more than 6 months of a calendar year ~~,~~ shall register
 2 ~~their names and places of~~ **WITH THE ENFORCING AGENCY THE OWNER'S**
 3 **NAME, THE ADDRESS OF THE OWNER'S** residence or usual ~~places~~ **PLACE** of
 4 business, and the location of the ~~premises regulated by this act~~
 5 ~~with the enforcing agency.~~ **MULTIPLE DWELLING OR ROOMING HOUSE.** The
 6 ~~owners~~ **OWNER** shall register within 60 days following the day on
 7 which any part of the premises is offered for occupancy. ~~Owners of~~
 8 ~~multiple dwellings or rooming houses containing units which are~~
 9 ~~occupied or offered for occupancy at the time this act becomes~~
 10 ~~effective shall register within 90 days after the effective date of~~
 11 ~~this article.~~

12 (3) If the premises are managed or operated by an agent, the
 13 agent's name and place of business shall be ~~placed~~ **ENTERED** with the
 14 name of the owner in the registry **UNDER SUBSECTION (2)** .

15 Sec. 126. (1) ~~The~~ **A LOCAL GOVERNMENTAL UNIT IS NOT REQUIRED TO**
 16 **INSPECT MULTIPLE DWELLINGS AND ROOMING HOUSES. IF A LOCAL**
 17 **GOVERNMENTAL UNIT ELECTS TO INSPECT MULTIPLE DWELLINGS OR ROOMING**
 18 **HOUSES, THE** enforcing agency shall inspect multiple dwellings and
 19 rooming houses regulated by this act in accordance with this act.
 20 Except as provided in subsection (2), the period between
 21 inspections **OF A MULTIPLE DWELLING OR ROOMING HOUSE** shall not be
 22 longer than 4 years. All other dwellings regulated by this act may
 23 be inspected at reasonable intervals. Inspections of multiple
 24 dwellings or rooming houses conducted by the United States
 25 ~~department of housing and urban development~~ **DEPARTMENT OF HOUSING**
 26 **AND URBAN DEVELOPMENT** under the real estate assessment center
 27 inspection process or **BY** other government agencies may be accepted

1 by a local governmental unit and an enforcing agency as a
2 substitute for inspections required by a local enforcing agency. To
3 the extent permitted under applicable law, a local enforcing agency
4 or its designee ~~is authorized to~~ **MAY** exercise inspection authority
5 delegated by law or agreement from other agencies or authorities
6 that perform inspections required under other state law or federal
7 law.

8 (2) A local governmental unit may provide by ordinance for a
9 maximum period between inspections of a multiple dwelling or
10 rooming house that is not longer than 6 years if the most recent
11 inspection of the premises found no violations of ~~the~~ **THIS** act and
12 the multiple dwelling or rooming house has not changed ownership
13 during the 6-year period.

14 (3) An inspection shall be conducted in the manner best
15 calculated to secure compliance with ~~the~~ **THIS** act and appropriate
16 to the needs of the community, including, but not limited to, on 1
17 or more of the following bases:

18 (a) An area basis, ~~such that~~ **UNDER WHICH** all the regulated
19 premises in a predetermined geographical area ~~will be~~ **ARE** inspected
20 simultaneously, or within a short period of time.

21 (b) A complaint basis, ~~such that~~ **UNDER WHICH PREMISES THAT ARE**
22 **THE SUBJECT OF** complaints of violations ~~will be~~ **ARE** inspected
23 within a reasonable time.

24 (c) A recurrent violation basis, ~~such that~~ **UNDER WHICH**
25 premises that ~~are found to have~~ a high incidence of recurrent or
26 uncorrected violations ~~will be~~ **ARE** inspected more frequently.

27 (d) A compliance basis, ~~such that~~ **UNDER WHICH** a premises

1 brought into compliance before the expiration of a certificate of
2 compliance or any requested repair order may be issued a
3 certificate of compliance for the maximum renewal certification
4 period authorized by the local governmental unit.

5 (e) A percentage basis, ~~such that~~ **UNDER WHICH** a local
6 governmental unit ~~may establish~~ **ESTABLISHES** a percentage of units
7 in a multiple dwelling to be inspected in order to issue a
8 certificate of compliance for the multiple dwelling.

9 (4) An inspection shall be carried out by the enforcing
10 agency, or by the enforcing agency and representatives of other
11 agencies that form a team to undertake an inspection under this and
12 other applicable acts.

13 (5) Except as provided in subsection (7) **AND THIS SUBSECTION,**
14 an inspector, or team of inspectors, shall request and receive
15 permission to enter before entering a leasehold regulated by this
16 act ~~at reasonable hours~~ to undertake an inspection **AND SHALL ENTER**
17 **AT A REASONABLE HOUR.** In the case of an emergency, ~~as defined under~~
18 ~~rules promulgated by the enforcing agency,~~ **INCLUDING, BUT NOT**
19 **LIMITED TO, FIRE, FLOOD, OR OTHER THREAT OF SERIOUS INJURY OR**
20 **DEATH,** or upon presentment of a warrant, the inspector or team of
21 inspectors may enter at any time **WITHOUT OBTAINING PERMISSION FROM**
22 **THE LESSEE.**

23 (6) ~~Except in an emergency, before~~ **BEFORE** entering a leasehold
24 regulated by this act, the owner of the leasehold shall request and
25 obtain permission **FROM THE LESSEE** to enter the leasehold. ~~In the~~
26 ~~ease of~~ **HOWEVER, IN** an emergency, including, but not limited to,
27 fire, flood, or other threat of serious injury or death, the owner

1 may enter at any time **WITHOUT OBTAINING PERMISSION FROM THE LESSEE.**

2 (7) The enforcing agency may require the owner of a leasehold
3 to do 1 or more of the following:

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

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

8 (c) Notify a ~~tenant~~ **THE LESSEE** of the enforcing agency's
9 request to inspect a leasehold, make a ~~good faith~~ **GOOD-FAITH** effort
10 to obtain permission for an inspection, and, **IF THE LESSEE GRANTS**
11 **PERMISSION**, arrange for the inspection. If a ~~tenant~~ **LESSEE** vacates
12 a leasehold after the enforcing agency has requested to inspect
13 that leasehold, ~~an~~ **THE** owner of the leasehold shall notify the
14 enforcing agency of that fact within 10 days after the leasehold is
15 vacated.

16 (d) Provide access to the leasehold if a ~~tenant~~ **LESSEE** of that
17 leasehold has made a complaint to the enforcing agency.

18 (8) A local governmental unit may adopt an ordinance to
19 implement subsection (7).

20 (9) For multiple lessees in a leasehold, notifying at least 1
21 lessee and requesting and obtaining the permission of at least 1
22 lessee satisfies **THE NOTICE AND PERMISSION REQUIREMENTS OF**
23 subsections (5) ~~and~~ **TO** (7).

24 (10) ~~Neither the~~ **THE** enforcing agency ~~nor~~ **OR** the owner ~~may~~
25 **SHALL NOT** discriminate against an occupant on the basis of whether
26 the occupant requests, permits, or refuses entry to the leasehold.

27 (11) The enforcing agency shall not discriminate against an

1 owner who has met the requirements of subsection (7) but has been
2 unable to obtain the permission of the occupant, based on the
3 owner's inability to obtain that permission.

4 (12) The enforcing agency may establish and charge a
5 reasonable fee for inspections conducted under this act. The fee
6 shall not exceed the actual, reasonable cost of providing the
7 inspection for which the fee is charged. **AN INSPECTION FEE IS NOT**
8 **REQUIRED TO BE PAID SOONER THAN 6 MONTHS BEFORE THE INSPECTION IS**
9 **TO TAKE PLACE.** An owner or property manager ~~shall~~**IS** not ~~be~~ liable
10 for an inspection fee if the inspection is not performed and the
11 enforcing agency is the direct cause of the failure to perform **THE**
12 **INSPECTION.**

13 (13) ~~An~~**IF REQUESTED, AN** enforcing agency or a local
14 governmental unit shall produce a report ~~to a requesting party on~~
15 the income and expenses of the inspection program for the preceding
16 fiscal year. The report shall ~~contain~~**STATE THE AMOUNT OF** the fees
17 assessed by the enforcing agency, the costs incurred in performing
18 inspections, and the number of units inspected. The report shall be
19 provided to the requesting party within 90 days ~~of~~**AFTER** the
20 request **IS MADE.** The enforcing agency or local governmental unit
21 may produce the report electronically. If the enforcing agency does
22 not have readily available access to the information required for
23 the report, the enforcing agency may charge the requesting party a
24 fee ~~no~~**NOT** greater than the actual reasonable cost of providing the
25 information. If an enforcing agency charges a fee under this
26 subsection, the enforcing agency shall include **IN THE REPORT** the
27 costs of providing and compiling the information. ~~contained in the~~

1 ~~report.~~

2 (14) If a complaint identifies a dwelling or rooming house
3 regulated under this act in which a child is residing, the dwelling
4 or rooming house shall be inspected prior to inspection of any
5 nonemergency complaint.

6 (15) As used in this section:

7 (a) "Child" means an individual under 18 years of age.

8 (b) "Leasehold" means a private dwelling or separately
9 occupied apartment, suite, or group of rooms in a 2-family dwelling
10 or in a multiple dwelling if the private dwelling or separately
11 occupied apartment, suite, or group of rooms is leased to the
12 occupant under ~~the terms of either an oral or written lease.~~