



HOUSE BILL No. 4668

March 28, 1995, Introduced by Reps. Profit, Griffin, Randall, Middaugh, Kukuk, Weeks and Dobb and referred to the Committee on Regulatory Affairs.

A bill to amend section 126 of Act No. 167 of the Public Acts of 1917, entitled as amended
"Housing law of Michigan,"
being section 125.526 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 126 of Act No. 167 of the Public Acts of
2 1917, being section 125.526 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 126. (1) The enforcing agency ~~shall~~ MAY inspect ~~,~~
5 ~~on a periodic basis,~~ A multiple ~~dwelling~~s and DWELLING OR
6 rooming ~~houses~~ HOUSE regulated by this act AFTER THE AGENCY HAS
7 RECEIVED A COMPLAINT REGARDING A RISK TO THE HEALTH OR SAFETY OF
8 THE TENANTS. ~~In no event shall the period between inspections be~~
9 ~~longer than 2 years. All other dwellings regulated by this act~~
10 AFTER A COMPLAINT IS RECEIVED, AN INSPECTOR MAY REQUEST

1 PERMISSION FROM THE TENANT TO ENTER THE RENTAL UNIT THAT IS THE
2 SUBJECT OF THE COMPLAINT AT REASONABLE HOURS TO PERFORM AN
3 INSPECTION. THE INSPECTOR SHALL GIVE THE OWNER OF THE DWELLING
4 ADVANCE NOTICE OF THE INSPECTION. IN THE EVENT OF A FIRE OR
5 OTHER EMERGENCY, AS DEFINED UNDER RULES PROMULGATED BY THE
6 ENFORCING AGENCY, THE INSPECTOR MAY ENTER THE UNIT IMMEDIATELY IF
7 NECESSARY.

8 (2) A LOCAL GOVERNMENT UNIT SHALL NOT ENACT OR ENFORCE AN
9 ORDINANCE OR RESOLUTION THAT WOULD GRANT BROADER AUTHORITY TO
10 INSPECT MULTIPLE DWELLINGS AND ROOMING HOUSES THAN THAT PRE-
11 SCRIBED IN SUBSECTION (1). AS USED IN THIS SUBSECTION, "LOCAL
12 GOVERNMENT UNIT" MEANS A POLITICAL SUBDIVISION OF THIS STATE
13 INCLUDING, BUT NOT LIMITED TO, A COUNTY, CITY, VILLAGE, OR TOWN-
14 SHIP, IF ITS PRIMARY PURPOSE IS TO PROVIDE LOCAL GOVERNMENT SERV-
15 ICES FOR RESIDENTS IN A GEOGRAPHICALLY LIMITED AREA OF THIS STATE
16 AND IT HAS THE POWER TO ACT PRIMARILY ON BEHALF OF THAT GEOGRAPH-
17 ICALLY LIMITED AREA.

18 (3) DWELLINGS NOT DESCRIBED IN SUBSECTION (1) may be
19 inspected at reasonable intervals. ~~(2)~~ An inspection shall be
20 conducted in the manner best calculated to secure compliance with
21 the act and appropriate to the needs of the community.

22 ~~Inspections may be on + of the following bases:~~

23 ~~(a) An area basis, such that all the regulated premises in a~~
24 ~~predetermined geographical area will be inspected simultaneously,~~
25 ~~or within a short period of time.~~

26 ~~(b) A complaint basis, such that complaints of violations~~
27 ~~will be inspected within a reasonable time.~~

1 ~~(c) A recurrent violation basis, such that those premises~~
2 ~~which are found to have a high incidence of recurrent or uncor-~~
3 ~~rected violations will be inspected more frequently.~~

4 ~~(3) An inspection shall be carried out by the enforcing~~
5 ~~agency, or by the enforcing agency and such representatives of~~
6 ~~other agencies as may form a team to undertake an inspection~~
7 ~~under this and other applicable acts.~~

8 ~~(4) An inspector, or team of inspectors, may request permis-~~
9 ~~sion to enter all premises regulated by this act at reasonable~~
10 ~~hours to undertake an inspection. Upon an emergency, as defined~~
11 ~~under rules promulgated by the enforcing agency, the inspector or~~
12 ~~team of inspectors shall have the right to enter at any time.--~~

13 (4) ~~(5)~~ The enforcing agency may establish and charge a
14 ~~reasonable~~ fee for inspections conducted under this act, WHICH
15 SHALL NOT EXCEED THE ACTUAL FIELD COSTS OF THE INSPECTIONS.