
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 487 (as introduced 5-6-97)
Sponsor: Senator Mat J. Dunaskiss
Committee: Local, Urban and State Affairs

Date Completed: 5-14-97

CONTENT

The bill would amend the Housing Law to permit, instead of require, an enforcing agency to inspect periodically multiple dwellings and rooming houses regulated by the Law. The bill also would do the following:

- Permit a local government to provide by ordinance that the maximum period between inspections could be from two to six years.
- Permit an enforcing agency to require an owner to provide an inspector access to one or more regulated premises under certain circumstances.
- Require an enforcing agency to give an owner of regulated premises advance notice of an inspection, with certain exceptions.
- Prohibit an enforcing agency from charging an inspection fee that exceeded actual costs.

Currently, the period between inspections may not be longer than two years. Under the bill, a local government could provide by ordinance for a maximum period between inspections of a multiple dwelling or rooming house that was longer than two years but not more than six years.

Under the Law, an inspector, or team of inspectors, may request permission to enter all regulated premises at reasonable hours to undertake an inspection. In an emergency, as defined under rules promulgated by the enforcing agency, the inspector has the right to enter at any time. The bill would delete these provisions.

Under the bill, an enforcing agency could require an owner to provide an inspector or an inspection team access to one or more regulated premises to undertake an inspection if the access were provided under one or more of the following conditions: to a common area in a two-family dwelling or in a multiple dwelling or rooming house; upon presentation of a warrant, as permitted under the Law; in an emergency; or, to a leasehold and the lease permitted the owner to provide the access. ("Leasehold" would mean a private dwelling or separately occupied apartment, suite, or group of rooms in a two-family dwelling or in a multiple dwelling if the private dwelling or separately occupied apartment, suite, or group of rooms were leased to the occupant. "Emergency" would mean an emergency, as defined under rules promulgated by the enforcing agency.)

In addition, an enforcing agency could require an owner to provide access to a leasehold if all of the following conditions were met:

- The enforcing agency informed the occupant that neither the agency nor the owner could discriminate against an occupant on the basis of whether he or she requested, permitted, or

refused entry to the leasehold. The enforcing agency could comply with this requirement by written communication, by telephone, or in person.

- The occupant subsequently granted the enforcing agency permission to enter the leasehold. The occupant could comply with this requirement in writing, by telephone, or in person.
- The enforcing agency presented the owner with written confirmation that the occupant had granted the agency permission to enter the leasehold, if requested by the owner. The bill specifies that this confirmation would bar a suit against the owner by the occupant for invasion of privacy for providing the enforcing agency access to the leasehold.

An inspection would have to take place at a reasonable hour, except that an inspection in an emergency could take place at any time. The enforcing agency would have to provide an owner of premises regulated under the Law reasonable advance notice of an inspection, except under one or more of the following circumstances: an emergency; upon presentation of a warrant; if the inspection were in response to a complaint; and, another provision of law provided that notice was not required.

Currently, the enforcing agency may establish and charge a reasonable fee for inspections conducted under the Law. Under the bill, the fee could not exceed actual costs. The bill also would require that upon request, the enforcing agency provide, pursuant to the Freedom of Information Act, a copy of a record relating to the calculation of the fee.

MCL 125.526

Legislative Analyst: L. Arasim

FISCAL IMPACT

Local units that increased the maximum period between housing inspections would reduce their collections of inspection fees. This bill would have no State fiscal impact.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.