

SUBSTITUTE FOR
SENATE BILL NO. 635

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending sections 1 and 126 (MCL 125.401 and 125.526), section
126 as amended by 2000 PA 479.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known as the housing law of Michigan
2 and ~~all provisions thereof~~ shall apply to every city and organized
3 village in ~~the~~ **THIS** state which, by the last regular or special
4 federal census, had a population of 100,000 or more, and to every
5 city or village as its population shall reach 100,000 thereafter
6 and also to that territory immediately adjacent and contiguous to
7 the boundaries of such a city or village and extending for a radial
8 distance of 2-1/2 miles beyond their boundaries in all directions.
9 This act shall also apply to any city and organized village in this

1 state which, as determined by the last regular or special federal
 2 census, has or shall hereafter attain a population of 10,000 or
 3 more. ~~However, the provisions of this~~ **THIS** act relating to private
 4 dwellings and 2-family dwellings ~~as hereinafter defined shall~~ **DOES**
 5 not apply to any city or organized village lying outside the 2-1/2
 6 mile radius and having a population of less than 100,000 unless the
 7 legislative body of the city or village by resolution, passed by a
 8 majority vote of the members elect of the legislative body, adopt
 9 the provisions. In the case of charter townships and townships the
 10 provisions of this act relating to private dwellings and 2-family
 11 dwellings may be applied to those areas by ordinance of the
 12 respective township board adopting the provisions. This act ~~shall~~
 13 ~~apply~~ **APPLIES** to all dwellings within the classes defined in the
 14 following sections, except that in sections where specific
 15 reference is made to 1 or more specific classes of dwellings, those
 16 provisions shall apply only to those classes to which specific
 17 reference is made. All other provisions ~~which~~ **THAT** relate to
 18 dwellings shall apply to all classes of dwellings.

19 Sec. 126. (1) The enforcing agency shall inspect ~~on a~~
 20 ~~periodic basis,~~ multiple dwellings and rooming houses regulated by
 21 this act **IN ACCORDANCE WITH THIS ACT**. ~~Except as provided in~~
 22 ~~subsection (2), the period between inspections shall not be longer~~
 23 ~~than 2 years. All other dwellings regulated by this act may be~~
 24 ~~inspected at reasonable intervals.~~ **INSPECTIONS OF MULTIPLE**
 25 **DWELLINGS OR ROOMING HOUSES CONDUCTED BY THE UNITED STATES**
 26 **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OR OTHER GOVERNMENT**
 27 **AGENCIES MAY BE ACCEPTED BY A LOCAL GOVERNMENTAL UNIT AND AN**

1 ENFORCING AGENCY AS A SUBSTITUTE FOR INSPECTIONS REQUIRED BY A
2 LOCAL ENFORCING AGENCY. TO THE EXTENT PERMITTED UNDER APPLICABLE
3 LAW, A LOCAL ENFORCING AGENCY OR ITS DESIGNEE IS AUTHORIZED TO
4 EXERCISE INSPECTION AUTHORITY DELEGATED BY LAW OR AGREEMENT FROM
5 OTHER AGENCIES OR AUTHORITIES THAT PERFORM INSPECTIONS REQUIRED
6 UNDER OTHER STATE LAW OR FEDERAL LAW.

7 (2) A local governmental unit may provide by ordinance for a
8 maximum period between inspections of a multiple dwelling or
9 rooming house that is not longer than 3-6 years. ~~, if the most~~
10 ~~recent inspection of the premises found no violations of the act.~~

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

15 (a) An area basis, such that all the regulated premises in a
16 predetermined geographical area will be inspected simultaneously,
17 or within a short period of time.

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

20 (c) A recurrent violation basis, such that premises that are
21 found to have a high incidence of recurrent or uncorrected
22 violations will be inspected more frequently.

23 (D) A COMPLIANCE BASIS, SUCH THAT A PREMISES BROUGHT INTO
24 COMPLIANCE BEFORE THE EXPIRATION OF A CERTIFICATE OF COMPLIANCE OR
25 ANY REQUESTED REPAIR ORDER MAY BE ISSUED A CERTIFICATE OF
26 COMPLIANCE FOR THE MAXIMUM RENEWAL CERTIFICATION PERIOD AUTHORIZED
27 BY THE LOCAL GOVERNMENTAL UNIT.

1 (E) A PERCENTAGE BASIS, SUCH THAT A LOCAL GOVERNMENTAL UNIT
2 MAY ESTABLISH A PERCENTAGE OF UNITS IN A MULTIPLE DWELLING TO BE
3 INSPECTED IN ORDER TO ISSUE A CERTIFICATE OF COMPLIANCE FOR THE
4 MULTIPLE DWELLING.

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

9 (5) Except as provided in subsection (7), an inspector, or
10 team of inspectors, shall request and receive permission to enter
11 before entering a leasehold regulated by this act at reasonable
12 hours to undertake an inspection. In the case of an emergency, as
13 defined under rules promulgated by the enforcing agency, or upon
14 presentment of a warrant, the inspector or team of inspectors may
15 enter at any time.

16 (6) Except in an emergency, before entering a leasehold
17 regulated by this act, the owner of the leasehold shall request and
18 obtain permission to enter the leasehold. In the case of an
19 emergency, including, but not limited to, fire, flood, or other
20 threat of serious injury or death, the owner may enter at any time.

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

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

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

27 (c) Notify a tenant of the enforcing agency's request to

1 inspect a leasehold, make a good faith effort to obtain permission
2 for an inspection, and arrange for the inspection. If a tenant
3 vacates a leasehold after the enforcing agency has requested to
4 inspect that leasehold, an owner of the leasehold shall notify the
5 enforcing agency of that fact within 10 days after the leasehold is
6 vacated.

7 (d) Provide access to the leasehold if a tenant of that
8 leasehold has made a complaint to the enforcing agency.

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

11 (9) For multiple lessees in a leasehold, notifying at least 1
12 lessee and requesting and obtaining the permission of at least 1
13 lessee satisfies subsections (5) and (7).

14 (10) Neither the enforcing agency nor the owner may
15 discriminate against an occupant on the basis of whether the
16 occupant requests, permits, or refuses entry to the leasehold.

17 (11) The enforcing agency shall not discriminate against an
18 owner who has met the requirements of subsection (7) but has been
19 unable to obtain the permission of the occupant, based on the
20 owner's inability to obtain that permission.

21 (12) The enforcing agency may establish and charge a
22 reasonable fee for inspections conducted under this act. The fee
23 shall not exceed the actual, reasonable cost of providing the
24 inspection for which the fee is charged. **AN OWNER OR PROPERTY**
25 **MANAGER SHALL NOT BE LIABLE FOR AN INSPECTION FEE IF THE INSPECTION**
26 **IS NOT PERFORMED AND THE ENFORCING AGENCY IS THE DIRECT CAUSE OF**
27 **THE FAILURE TO PERFORM.**

1 (13) AN ENFORCING AGENCY OR A LOCAL GOVERNMENTAL UNIT SHALL
2 PRODUCE A REPORT TO A REQUESTING PARTY ON THE INCOME AND EXPENSES
3 OF THE INSPECTION PROGRAM FOR THE PRECEDING FISCAL YEAR. THE REPORT
4 SHALL CONTAIN THE FEES ASSESSED BY THE ENFORCING AGENCY, THE COSTS
5 INCURRED IN PERFORMING INSPECTIONS, AND THE NUMBER OF UNITS
6 INSPECTED. THE REPORT SHALL BE PROVIDED TO THE REQUESTING PARTY
7 WITHIN 90 DAYS OF THE REQUEST. THE ENFORCING AGENCY OR LOCAL
8 GOVERNMENTAL UNIT MAY PRODUCE THE REPORT ELECTRONICALLY. IF THE
9 ENFORCING AGENCY DOES NOT HAVE READILY AVAILABLE ACCESS TO THE
10 INFORMATION REQUIRED FOR THE REPORT, THE ENFORCING AGENCY MAY
11 CHARGE THE REQUESTING PARTY A FEE NO GREATER THAN THE ACTUAL
12 REASONABLE COST OF PROVIDING THE INFORMATION. IF AN ENFORCING
13 AGENCY CHARGES A FEE UNDER THIS SUBSECTION, THE ENFORCING AGENCY
14 SHALL INCLUDE THE COSTS OF PROVIDING AND COMPILING THE INFORMATION
15 CONTAINED IN THE REPORT.

16 (14) ~~(13)~~—If a complaint identifies a dwelling or rooming
17 house regulated under this act in which a child is residing, the
18 dwelling or rooming house shall be inspected prior to inspection of
19 any nonemergency complaint.

20 (15) ~~(14)~~—As used in this section:

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

22 (b) "Leasehold" means a private dwelling or separately
23 occupied apartment, suite, or group of rooms in a 2-family dwelling
24 or in a multiple dwelling if the private dwelling or separately
25 occupied apartment, suite, or group of rooms is leased to the
26 occupant under the terms of either an oral or written lease.