

# SENATE BILL No. 635

July 17, 2007, Introduced by Senators GARCIA, BARCIA, PRUSI, GLEASON and JANSEN and referred to the Committee on Economic Development and Regulatory Reform.

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.~~ **MULTIPLE DWELLING AND ROOMING**  
25 **HOUSES SUBJECT TO INSPECTION BY THE UNITED STATES DEPARTMENT OF**  
26 **HOUSING AND URBAN DEVELOPMENT OR BY THE STATE HOUSING DEVELOPMENT**  
27 **AUTHORITY SHALL NOT BE INSPECTED BY AN ENFORCING AGENCY UNLESS THE**

1 INSPECTION IS COMPLAINT-BASED UNDER SUBSECTION (3).

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

6 ~~—— (3) An inspection shall be conducted in the manner best~~  
7 ~~calculated to secure compliance with the act and appropriate to the~~  
8 ~~needs of the community, including, but not limited to, on 1 or more~~  
9 ~~of the following bases:~~

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

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

15 ~~—— (c) A recurrent violation basis, such that premises that are~~  
16 ~~found to have a high incidence of recurrent or uncorrected~~  
17 ~~violations will be inspected more frequently.~~

18 (2) A LOCAL GOVERNMENTAL UNIT PERFORMING INSPECTIONS SHALL  
19 ISSUE A 5-YEAR CERTIFICATE OF OCCUPANCY TO A RENTAL UNIT WITHIN A  
20 MULTIPLE DWELLING IF THE OWNER OR AUTHORIZED MANAGER OF THE UNIT  
21 REQUESTS A COMPLIANCE INSPECTION AT LEAST 6 MONTHS PRIOR TO THE  
22 EXPIRATION OF A CURRENT CERTIFICATE OF OCCUPANCY AND THE UNIT IS  
23 BROUGHT INTO COMPLIANCE WITH THIS ACT BEFORE THE EXPIRATION OF A  
24 CURRENT CERTIFICATE OF OCCUPANCY. A RENTAL UNIT THAT SATISFIES THIS  
25 SUBSECTION SHALL NOT BE SUBJECT TO FURTHER INSPECTION DURING ITS  
26 SUBSEQUENT 5-YEAR CERTIFICATE OF OCCUPANCY UNLESS IT IS A  
27 COMPLAINT-BASED INSPECTION PERFORMED UNDER SUBSECTION (3).

1           (3) INSPECTIONS SHALL BE CONDUCTED MORE FREQUENTLY THAN 1 TIME  
2 EVERY 5 YEARS IF THE INSPECTIONS ARE MADE IN RESPONSE TO A  
3 COMPLAINT MADE TO THE ENFORCING AGENCY BY SOMEONE OTHER THAN AN  
4 EMPLOYEE OR AGENT OF THE ENFORCING AGENCY. THE ENFORCING AGENCY  
5 SHALL PROVIDE A COPY OF THE COMPLAINT ON WHICH THE INSPECTION IS  
6 BASED TO THE PROPERTY OWNER OR MANAGER WITHIN 10 DAYS OF THE  
7 PROPERTY OWNER'S OR MANAGER'S WRITTEN REQUEST TO THE ENFORCING  
8 AGENCY. IF THE ENFORCING AGENCY DETERMINES THAT A CONDITION THAT  
9 NEEDS TO BE REMEDIED REQUIRES A REINSPECTION UNDER THIS SUBSECTION,  
10 THE ENFORCING AGENCY SHALL NOT CONDUCT THE REINSPECTION LESS THAN  
11 30 DAYS AFTER THE FIRST COMPLAINT-BASED INSPECTION.

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

16           (5) Except as provided in subsection (7), an inspector, or  
17 team of inspectors, shall request and receive permission to enter  
18 before entering a leasehold regulated by this act at reasonable  
19 hours to undertake an inspection. In the case of an emergency, as  
20 defined under rules promulgated by the enforcing agency, or upon  
21 presentment of a warrant, the inspector or team of inspectors may  
22 enter at any time.

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

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

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

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

7           (c) Notify a tenant of the enforcing agency's request to  
8 inspect a leasehold, make a good faith effort to obtain permission  
9 for an inspection, and arrange for the inspection. If a tenant  
10 vacates a leasehold after the enforcing agency has requested to  
11 inspect that leasehold, an owner of the leasehold shall notify the  
12 enforcing agency of that fact within 10 days after the leasehold is  
13 vacated.

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

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

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

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

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

1           (12) The enforcing agency may establish and charge a  
2 reasonable fee for inspections conducted under this act. The fee  
3 shall not exceed the actual, reasonable cost of providing the  
4 inspection for which the fee is charged. **AN ENFORCING AGENCY SHALL**  
5 **AT LEAST ANNUALLY PUBLISH AN ITEMIZED COMPILATION OF ALL ACTUAL**  
6 **COSTS INCURRED IN PERFORMING INSPECTIONS, INCLUDING, BUT NOT**  
7 **LIMITED TO, COSTS INCURRED IN EMPLOYING THIRD-PARTY CONTRACTORS TO**  
8 **PERFORM INSPECTIONS, DURING THE PRECEDING CALENDAR YEAR AND ALL**  
9 **FEES RECEIVED FOR PERFORMING INSPECTIONS. THE REPORT MAY BE**  
10 **PUBLISHED ELECTRONICALLY.**

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

15           (14) As used in this section:

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

17           (b) "Leasehold" means a private dwelling or separately  
18 occupied apartment, suite, or group of rooms in a 2-family dwelling  
19 or in a multiple dwelling if the private dwelling or separately  
20 occupied apartment, suite, or group of rooms is leased to the  
21 occupant under the terms of either an oral or written lease.