

SENATE BILL No. 1168

June 6, 2012, Introduced by Senator ROBERTSON and referred to the Committee on Local Government and Elections.

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~~

~~also apply to any city and organized village in this state which, as determined by the last regular or special federal census, has or shall hereafter attain a population of 10,000 or more. This~~

HOWEVER, THE PROVISIONS OF THIS act relating to private dwellings and 2-family dwellings ~~does~~**DO** not apply to any city, ~~or organized village, lying outside the 2 1/2 mile radius and~~**OR TOWNSHIP** having a population of less than 100,000 unless the legislative body of the ~~city or village~~**LOCAL GOVERNMENTAL UNIT ADOPTS THE PROVISIONS** by resolution ~~, passed by a majority vote of the~~**ITS** members. ~~elect of the legislative body, adopt the provisions. In the case of charter townships and townships the provisions of this act relating to private dwellings and 2 family dwellings may be applied to those areas by ordinance of the respective township board adopting the provisions.~~

(3) This act applies to all dwellings within the classes defined in ~~the following sections,~~**SECTION 2,** except that ~~in sections where specific reference is made to~~**PROVISIONS THAT REFERENCE** 1 or more specific classes of dwellings ~~, those provisions shall apply only to those classes to which specific reference is made. All other provisions that relate to dwellings shall apply to all classes of dwellings.~~

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

(2) The ~~owners~~**OWNER** of a multiple dwelling or rooming house containing units ~~which will be~~**THAT ARE** offered to let, ~~or to hire,~~**FOR LEASE** for more than 6 months of a calendar year ~~, shall~~

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

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

14 (4) **THE ENFORCING AGENCY MAY CHARGE THE OWNER A REGISTRATION**
 15 **FEE OF NOT MORE THAN \$100.00 TO REGISTER THE PREMISES UNDER**
 16 **SUBSECTION (2). THE REGISTRATION REMAINS VALID AND THE ENFORCING**
 17 **AGENCY SHALL NOT CHARGE A NEW REGISTRATION FEE FOR THE PREMISES AS**
 18 **LONG AS THE SAME OWNER CONTINUES TO OWN THE PREMISES. UPON SALE OR**
 19 **OTHER TRANSFER OF OWNERSHIP OF THE PREMISES, THE NEW OWNER SHALL**
 20 **REREGISTER THE PREMISES IF REQUIRED UNDER SUBSECTION (2) AND, IF**
 21 **THE PREMISES ARE REREGISTERED, THE ENFORCING AGENCY MAY CHARGE A**
 22 **NEW REGISTRATION FEE.**

23 (5) **AS USED IN THIS SECTION, "REGISTRATION FEE" MEANS ANY FEE**
 24 **ASSOCIATED WITH THE REGISTRATION OF PREMISES UNDER SUBSECTION (2),**
 25 **WHETHER DESIGNATED AS A REGISTRATION, ADMINISTRATIVE, COMPLIANCE**
 26 **CERTIFICATION, LICENSING, OR OTHER FEE.**

27 Sec. 126. (1) The enforcing agency shall inspect multiple

1 dwellings and rooming houses regulated by this act in accordance
2 with this act. Except as provided in subsection (2) **OR (4) (B)**, the
3 period between inspections **OF MULTIPLE DWELLINGS AND ROOMING HOUSES**
4 shall ~~not be longer than 4~~ **BE NOT LESS THAN 6 YEARS OR LONGER THAN**
5 **10** years. All other dwellings regulated by this act may be
6 inspected at reasonable intervals. ~~Inspections of multiple~~
7 ~~dwellings or rooming houses conducted by the United States~~
8 ~~department of housing and urban development under the real estate~~
9 ~~assessment center inspection process or other government agencies~~
10 ~~may be accepted by a local governmental unit and an enforcing~~
11 ~~agency as a substitute for inspections required by a local~~
12 ~~enforcing agency. To the extent permitted under applicable law, a~~
13 ~~local enforcing agency or its designee is authorized to exercise~~
14 ~~inspection authority delegated by law or agreement from other~~
15 ~~agencies or authorities that perform inspections required under~~
16 ~~other state law or federal law.~~

17 (2) A local governmental unit may provide by ordinance for a
18 maximum period between inspections of a multiple dwelling or
19 rooming house that is not longer than ~~6~~ **10** years if the most recent
20 inspection of the premises found no violations of the act and the
21 multiple dwelling or rooming house has not changed ownership during
22 the ~~6-year~~ **MAXIMUM** period.

23 (3) **INSPECTIONS OF MULTIPLE DWELLINGS OR ROOMING HOUSES**
24 **CONDUCTED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN**
25 **DEVELOPMENT UNDER THE REAL ESTATE ASSESSMENT CENTER INSPECTION**
26 **PROCESS OR BY OTHER GOVERNMENT AGENCIES MAY BE ACCEPTED BY A LOCAL**
27 **GOVERNMENTAL UNIT AND A LOCAL ENFORCING AGENCY AS A SUBSTITUTE FOR**

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

6 (4) ~~(3)~~—An inspection shall be conducted in the manner best
7 calculated to secure compliance with ~~the~~ **THIS** act and appropriate
8 to the needs of the community, including, but not limited to, on 1
9 or more of the following bases:

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

13 (b) A complaint basis, ~~such that~~ **UNDER WHICH** complaints of
14 violations ~~will be~~ **ARE** 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 (C) ~~(d)~~—A compliance basis, ~~such that~~ **UNDER WHICH** a premises
19 brought into compliance before the expiration of a certificate of
20 compliance or any requested repair order may be issued a
21 certificate of compliance for the maximum renewal certification
22 period authorized by the local governmental unit.

23 (D) ~~(e)~~—A percentage basis, ~~such that~~ **UNDER WHICH** a local
24 governmental unit ~~may establish~~ **ESTABLISHES** a percentage of units
25 in a multiple dwelling to be inspected in order to issue a
26 certificate of compliance for the multiple dwelling.

27 (4) An inspection shall be carried out by the enforcing

1 agency, or by the enforcing agency and representatives of other
 2 agencies that form a team to undertake an inspection under this and
 3 other applicable acts.

4 (5) Except as provided in subsection (7), an inspector, or
 5 team of inspectors, ~~shall request and receive permission to enter~~
 6 ~~before entering~~ **MAY ENTER** a leasehold regulated by this act **TO**
 7 **PERFORM AN INSPECTION ONLY** at reasonable hours ~~to undertake an~~
 8 ~~inspection.~~ **AND AFTER BOTH INFORMING A LESSEE OF THE LESSEE'S RIGHT**
 9 **TO REFUSE AN INSPECTION AND REQUESTING AND OBTAINING PERMISSION FOR**
 10 **THE INSPECTION FROM THE LESSEE.** In the case of an emergency, as
 11 defined under rules promulgated by the enforcing agency, or upon
 12 presentment of a warrant, the inspector or team of inspectors may
 13 enter at any time.

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

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

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

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

26 (c) Notify a ~~tenant~~ **LESSEE** of the enforcing agency's request
 27 to inspect a leasehold, make a good faith effort to obtain

1 permission for an inspection, and arrange for the inspection. If a
2 ~~tenant~~-**LESSEE** vacates a leasehold **NOT MORE THAN 60 DAYS** after the
3 enforcing agency has requested to inspect that leasehold, ~~an~~-**THE**
4 owner of the leasehold shall notify the enforcing agency of that
5 fact within 10 days after the leasehold is vacated.

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

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

10 (9) For multiple lessees in a leasehold, notifying at least 1
11 lessee and requesting and obtaining the permission of at least 1
12 lessee satisfies **THE NOTICE AND PERMISSION REQUIREMENTS OF**
13 subsections (5) and (7).

14 (10) ~~Neither the~~-**THE** enforcing agency ~~nor~~-**OR** the owner ~~may~~
15 **SHALL NOT** discriminate against an occupant on the basis of whether
16 the 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~~-**BE** the **LESSER OF THE FOLLOWING:**

24 (A) **THE** actual, reasonable cost of providing the inspection
25 for which the fee is charged.

26 (B) **A FEE OF NOT MORE THAN \$40.00 PER LEASEHOLD IF INDIVIDUAL**
27 **LEASEHOLDS OR INDIVIDUAL LEASEHOLDS AND INTERIOR COMMON AREAS ARE**

1 INSPECTED, OR A FEE OF NOT MORE THAN \$75.00 PER MULTIPLE DWELLING
 2 BUILDING IF ONLY INTERIOR COMMON AREAS OR EXTERIOR FEATURES, OR
 3 BOTH, ARE INSPECTED. THE ENFORCING AGENCY SHALL NOT CHARGE BOTH A
 4 PER-LEASEHOLD FEE AND A PER-MULTIPLE-DWELLING-BUILDING FEE FOR
 5 INSPECTING A GIVEN MULTIPLE DWELLING BUILDING.

6 (13) AN ENFORCING AGENCY SHALL NOT CHARGE AN ADDITIONAL FEE
 7 UNDER SUBSECTION (12) FOR A FIRST REINSPECTION. An owner or
 8 property manager ~~shall~~ **IS** not ~~be~~ liable for an inspection fee if
 9 the inspection is not performed and the enforcing agency is the
 10 direct cause of the failure to perform.

11 (14) ~~(13)~~ An enforcing agency or a local governmental unit
 12 shall produce a report ~~to~~ **FOR** a requesting party on the income and
 13 expenses of the inspection program for the preceding fiscal year.
 14 The report shall ~~contain~~ **STATE THE AMOUNT OF** the fees assessed by
 15 the enforcing agency, the costs incurred in performing inspections,
 16 and the number of units inspected. The report shall be provided to
 17 the requesting party within 90 days ~~of~~ **AFTER** the request. The
 18 enforcing agency or local governmental unit may produce the report
 19 electronically. If the enforcing agency does not have readily
 20 available access to the information required for the report, the
 21 enforcing agency may charge the requesting party a fee no greater
 22 than the actual reasonable cost of **COMPILING AND** providing the
 23 information. ~~If an enforcing agency charges a fee under this~~
 24 ~~subsection, the enforcing agency shall include the costs of~~
 25 ~~providing and compiling the information contained in the report.~~

26 (15) ~~(14)~~ If a complaint identifies a dwelling or rooming
 27 house regulated under this act in which a child is residing, the

1 dwelling or rooming house shall be inspected prior to inspection of
2 any nonemergency complaint.

3 (16) ~~(15)~~As used in this section:

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

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