

HOUSE BILL NO. 5419

October 19, 2021, Introduced by Reps. Young, Sowerby, Brixie, Aiyash, Ellison, Liberati, Cynthia Johnson, Bolden, Breen, Hood, Thanedar, Clemente, Brabec, Tyrone Carter, Scott, Brenda Carter, Koleszar, Hope, Stone, O'Neal, Cherry, Sneller, Pohutsky, Kuppa, Whitsett, Hammoud, Manoogian, Lasinski, Rabhi, Sabo, Steenland and Cavanagh and referred to the Committee on Health Policy.

A bill to require the inspection before sale of residential real property for the presence of lead-based paint; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "lead-
2 based paint inspection act".

3 Sec. 2. As used in this act:

4 (a) "Lead-based paint" means that term as defined in section
5 5458 of the public health code, 1978 PA 368, MCL 333.5458.

1 (b) "Person" means an individual, partnership, corporation,
2 association, or other legal entity.

3 (c) "Purchaser" means the person to whom the real estate is to
4 be transferred.

5 (d) "Transfer" includes a transfer by sale, exchange,
6 installment land contract, lease with an option to purchase, any
7 other option to purchase, or ground lease coupled with proposed
8 improvements by the purchaser or tenant or by a transfer of stock
9 or an interest in a residential cooperative.

10 Sec. 3. (1) A person shall not transfer an interest in real
11 property on which there is a residential structure that was
12 constructed before 1978, unless the person has obtained an
13 inspection of the property as described in subsection (2) to
14 determine whether there is any presence of lead-based paint on the
15 property and provided a report of the inspection to the purchaser
16 as required under section 4.

17 (2) An inspection of property required under subsection (1)
18 must be conducted by an inspector certified as an inspector under
19 part 54A of the public health code, 1978 PA 368, MCL 333.5451 to
20 333.5477.

21 Sec. 4. (1) The transferor of real property described in
22 section 3 shall deliver a written report prepared by the inspector
23 after an inspection under section 3 to the transferor's agent, the
24 purchaser's agent, or the purchaser. A transferor's agent shall
25 provide a report received under this subsection to the purchaser's
26 agent or the purchaser, and a purchaser's agent shall provide a
27 report received under this subsection to the purchaser.

28 (2) A written report required under subsection (1) must be
29 delivered to the purchaser within the following time limits:

1 (a) For a sale of the property, before the transferor executes
2 a purchase agreement with the purchaser.

3 (b) For a transfer of the property by an installment land
4 contract where a purchase agreement has not been executed, or for a
5 lease of the property with an option to purchase or a ground lease
6 of the property coupled with improvements by the tenant, before the
7 transferor executes the contract or lease with the purchaser.

8 (3) For a transfer to which this act applies, the transferor
9 shall indicate compliance with this act on the purchase agreement,
10 land contract, or lease, on an addendum attached to the purchase
11 agreement, land contract, or lease, or on a separate document.

12 Sec. 5. (1) Subject to subsection (2), if a report required
13 under section 4 is delivered after the transferor executes a
14 purchase agreement, land contract, or lease of the property, the
15 purchaser may terminate the purchase agreement, land contract, or
16 lease by delivering written notice of termination to the transferor
17 or the transferor's agent within the following time limits:

18 (a) If the report is delivered to the purchaser in person,
19 within 72 hours after the delivery.

20 (b) If subdivision (a) does not apply, within 120 hours after
21 the delivery.

22 (2) A purchaser's right to terminate a purchase agreement,
23 land contract, or lease expires on the transfer of the property by
24 deed, land contract, or lease.