

Legislative Analysis



TENANT NOTIFICATION OF HOUSING LAW VIOLATION

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House Bill 4273 as reported from committee
Sponsor: Rep. Amos O'Neal
Committee: Regulatory Reform
Complete to 6-5-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4273 would amend the Housing Law of Michigan to require the enforcing agency of a municipality to notify the occupants of a multiple dwelling (e.g., an apartment building) of a violation involving the property. The bill would also update the information that is required to be included in the notice provided to the owner and occupants, as well as changing the kinds of violations the Department of Health and Human Services (DHHS) must be notified about.

In general, if any part of the premises of a multiple dwelling is found to be in violation of a provision of the Housing Law, the *enforcing agency* of the municipality in which the premises are located is required to notify the owner (and may notify the tenants) in writing of the violation. (An *enforcing agency* is the designated officer or agency charged with administering and enforcing the act.) The notice to the owner must state the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction must be completed. Units in multiple dwellings cannot be occupied unless a certificate of compliance has been issued by the enforcing agency. A violation does not prevent a certificate from being issued, but a certificate cannot be issued when the existing conditions constitute a hazard to the health or safety of the occupants.

The bill would require the enforcing agency to notify occupants of a violation (rather than, as now, allowing them to do so). The bill would require the notice to the owner and each occupant to state the specific section of the act that was violated and whether the violation constitutes a *serious and imminent hazard* to the health or safety of the occupants, in addition to providing the information described above. (*Serious and imminent hazard* would mean a dangerous condition in the premises that, if it is not immediately corrected by the owner, could reasonably be expected to cause death or serious bodily harm to the occupants of the premises.) The notice would be required to be provided in a manner reasonably calculated to give actual notice of the violation.

In addition, the Housing Law now requires the enforcing agency to notify DHHS within 48 hours if an inspector determines that a violation constitutes a hazard to the health or safety of the occupants. The bill would change this requirement to apply only to a *serious and imminent hazard* to the occupants' health and safety. In addition, such a notice is now required to include the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction must be completed. The bill would further require the notice to include the specific section of the act that was violated and whether the violation constitutes a serious and imminent hazard to the health or safety of the occupants (even though the notice is required to be provided only if the latter is true).

MCL 125.532

BRIEF DISCUSSION:

According to committee testimony, the current law allowing for discretion in providing notice to tenants has led to situations where notice was provided only hours before a building was condemned and tenants were forced to move out. The bill is intended to ensure that adequate notice is given for tenants.

FISCAL IMPACT:

House Bill 4273 could increase costs to local enforcing agencies by a likely minimal amount due to any increased administrative costs and staff resources that may be required under the bill's additional notification requirements.

POSITIONS:

The following entities indicated support for the bill:

- Michigan State Housing Development Authority (5-23-23)
- Rental Property Owners of Michigan (5-23-23)
- Michigan Poverty Law Program (5-16-23)
- Property Management Association of Michigan (5-16-23)
- Apartment Association of Michigan (5-16-23)

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