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REVISE HOUSING INSPECTION PROCEDURES

House Bill 4291

Sponsor: Rep. Robert Gosselin

Committee: Regulatory Reform

Complete to 4-1-99

A SUMMARY OF HOUSE BILL 4291 AS INTRODUCED 2-23-99

Under current provisions of the Housing Law of Michigan (which applies to a city or organized village with a population of 10,000 or more, and to the surrounding area of a city over 100,000), local governments that adopt the law may assign a local officer or agency to enforce it. At least every two years (or three years if the previous inspection was violation free), the local enforcing agency must inspect the multiple dwellings (for example, an apartment building) and rooming houses regulated by the law. Inspections may be made on an area basis, in which all regulated premises within a geographical area are inspected simultaneously or within a short period of time; on a complaint basis, in which complaints of violations are inspected within a reasonable time; and on a recurrent violation basis, in which premises found to have a high incidence of recurrent or uncorrected violations are inspected more frequently.

House Bill 4291 would delete the requirement for an enforcing agency to make periodic inspections, and would instead permit, but would not require, the enforcing agency to inspect a multiple dwelling or rooming house after the enforcing agency received a complaint regarding the health or safety of a dwelling. A copy of the complaint would have to be mailed to the owner by registered mail with a return receipt requested. The bill would also specify that the minimum inspection standards and requirements for public housing could not be less than the local inspection standards and requirements for Class A multiple dwellings or leaseholds. The bill would define "public housing" as housing operated by a city, village, township, or other unit of local government as provided under Public Act 18 of 1933 (MCL 125.651 to 125.709c).

Currently, an inspection team must request and receive permission to enter a premise during reasonable hours except in the case of an emergency or if a warrant is presented, in which case an inspection team may enter at any hour. The bill would instead require the inspection team to request permission, in writing, to enter a dwelling. If permission were denied, the inspection team could not enter the dwelling without a warrant, except in an emergency. The bill would also delete the following provisions that were added by Public Act 200 of 1997: a requirement that a landlord request and receive permission to enter the rental property, except in an emergency; a provision that permits an enforcing agency to require a landlord to provide an inspector access to premises under certain circumstances, and to notify a tenant of the agency's request to inspect the premises; a provision that prohibits an enforcing agency or landlord from discriminating against

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an occupant who requests, permits, or refuses entry to the premises; a provision specifying that when there is more than one tenant in a rental unit, permission to enter can be granted by any one of the tenants; and a provision prohibiting an enforcing agency from discriminating against an owner who was unable to obtain the tenant's permission.

MCL 125.526 and 125.526a

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.