



HOUSE BILL No. 4834

September 21, 1999, Introduced by Reps. Jellema, Byl, DeHart, Toy, Caul, Kuipers, LaSata, Garcia, Pappageorge, Richner and Birkholz and referred to the Committee on Regulatory Reform.

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending the title and sections 8, 10, 125, 127, 129, 130, 131, 133, and 141 (MCL 125.408, 125.410, 125.525, 125.527, 125.529, 125.530, 125.531, 125.533, and 125.541), the title and section 141 as amended by 1992 PA 144; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

1
2 An act to promote the health, safety and welfare of the
3 people by regulating the maintenance, alteration, health, safety,
4 and improvement of dwellings; ~~to define the classes of dwellings~~
5 ~~affected by the act, and~~ to establish administrative
6 requirements; to prescribe procedures for the maintenance,
7 improvement, or demolition of certain commercial buildings; to

1 establish remedies; TO PROVIDE FOR A MAINTENANCE CODE; to provide
2 for enforcement; to provide for the demolition of certain dwell-
3 ings; and to fix penalties for the violation of this act.

4 Sec. 8. (1) ~~Minimum requirements; law not to be modified.~~
5 The provisions of ~~the~~ THIS act ~~shall be held to be~~ ARE the
6 minimum requirements adopted for the protection of health,
7 welfare, and safety of the community. Nothing ~~herein~~ contained
8 IN THIS ACT shall ~~be deemed to~~ invalidate existing ordinances
9 or regulations of ~~any~~ A city, TOWNSHIP, or organized village
10 ~~or the board of health of any such city or village~~ imposing
11 requirements ~~higher than~~ BEYOND the minimum requirements ~~laid~~
12 ~~down in~~ IMPOSED PURSUANT TO this act relative to light, ventila-
13 tion, sanitation, fire prevention, egress, occupancy,
14 maintenance, and uses for dwellings; ~~nor be deemed to~~ DO NOT
15 prevent ~~any~~ A city, TOWNSHIP, or organized village ~~or the~~
16 ~~board of health of any such city or village~~ from enacting ~~and~~
17 ~~putting in force from time to time~~ ordinances and regulations
18 imposing requirements ~~higher than~~ BEYOND the minimum require-
19 ments ~~laid down in~~ UNDER this act TO ADDRESS LOCAL CONDITIONS
20 THAT ARE FOUND TO AFFECT THE PUBLIC HEALTH, SAFETY, AND WELFARE;
21 ~~nor shall anything herein contained be deemed to~~ AND DO NOT
22 prevent ~~such~~ cities, TOWNSHIPS, and organized villages ~~or the~~
23 ~~board of health of any such city or village~~ from prescribing for
24 the enforcement of ~~such~~ ordinances and regulations, remedies
25 and penalties similar to those prescribed ~~herein~~ IN THIS ACT.
26 ~~And every such~~ A city, TOWNSHIP, and organized village ~~or the~~
27 ~~board of health of any such city or village~~ is empowered to

1 enact such ordinances and regulations and to prescribe for their
2 enforcement. No ordinance, regulation, ruling, or decision of
3 ~~any municipal~~ A body ~~OR officer of authority of the board~~
4 ~~of health~~ of ~~any such~~ A city, TOWNSHIP, or village shall
5 repeal, amend, modify, or dispense with any of the ~~said~~ minimum
6 requirements ~~laid down in~~ IMPOSED PURSUANT TO this act ~~+~~
7 except that, in order that the provisions of this act may be rea-
8 sonably applied, public health and safety secured, and substan-
9 tial justice done in instances where practical difficulties are
10 encountered or unnecessary and unreasonable hardship result from
11 the application of the strict letter of the law, the decision of
12 a board of appeals, ~~as hereinafter provided and regulated shall~~
13 ~~be~~ IS considered as the reasonable application of the intent of
14 this act.

15 (2) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
16 ADDED THIS SUBSECTION AND UPON THE EXPIRATION OF THE TIME PERIOD
17 DESCRIBED IN SECTION 10, AN EXISTING DWELLING SHALL COMPLY WITH
18 THE APPLICABLE PORTION OF THE PROPERTY MAINTENANCE CODE AS THAT
19 TERM IS DEFINED IN THE STATE CONSTRUCTION CODE ACT OF 1972, 1972
20 PA 230, MCL 125.1501 TO 125.1531.

21 (3) THIS ACT AND THE PROPERTY MAINTENANCE CODE APPLY
22 THROUGHOUT THE STATE, EXCEPT THAT A GOVERNMENTAL SUBDIVISION MAY
23 ELECT TO SUPPLEMENT CERTAIN PARTS OF THE PROPERTY MAINTENANCE
24 CODE BY ADOPTING AND ENFORCING STANDARDS THAT PROVIDE FOR THE
25 HEALTH, SAFETY, AND WELFARE OF THE CITIZENS BEYOND THOSE CON-
26 TAINED IN THE PROPERTY MAINTENANCE CODE TO ADDRESS LOCAL
27 CONDITIONS THAT ARE FOUND TO AFFECT THE PUBLIC HEALTH, SAFETY,

1 AND WELFARE. A GOVERNMENTAL SUBDIVISION MAY MAKE THIS ELECTION
2 BY ENACTING AN ORDINANCE ADOPTING THOSE STANDARDS. A GOVERNMEN-
3 TAL SUBDIVISION ADOPTING STANDARDS BEYOND THOSE CONTAINED IN THE
4 PROPERTY MAINTENANCE CODE SHALL REVIEW AND, IF NECESSARY, UPDATE
5 ITS ORDINANCE AT LEAST ONCE EVERY 3 YEARS TO ENSURE THAT THOSE
6 STANDARDS ARE APPROPRIATE. THE AMENDMENTS SHALL BECOME EFFECTIVE
7 90 DAYS AFTER PASSAGE OF THE ORDINANCE. IN ADOPTING THOSE STAN-
8 DARDS, THE GOVERNMENTAL SUBDIVISION SHALL MAKE A FINDING THAT THE
9 LOCAL STANDARD IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY,
10 AND WELFARE. THIS SECTION DOES NOT REQUIRE A GOVERNMENTAL SUBDI-
11 VISION TO REENACT AN ORDINANCE.

12 Sec. 10. ~~Time for compliance.~~ All improvements specifi-
13 cally required by this act upon dwellings erected prior to the
14 date of its passage shall be made within 1 year ~~from said~~ AFTER
15 THAT date ~~,~~ or at such earlier period as may be fixed by the
16 ~~health officer or other~~ authorized enforcement official.

17 Sec. 125. ~~(1)~~ A registry of RESIDENTIAL RENTAL PROPERTY
18 owners and premises shall be COMPILED AND maintained by the
19 enforcing agency.

20 ~~(2) The owners of a multiple dwelling or rooming house con-~~
21 ~~taining units which will be offered to let, or to hire, for more~~
22 ~~than 6 months of a calendar year, shall register their names and~~
23 ~~places of residence or usual places of business and the location~~
24 ~~of the premises regulated by this act with the enforcing agency.~~
25 ~~The owners shall register within 60 days following the day on~~
26 ~~which any part of the premises is offered for occupancy. Owners~~
27 ~~of multiple dwellings or rooming houses containing units which~~

1 ~~are occupied or offered for occupancy at the time this act~~
2 ~~becomes effective shall register within 90 days after the effec-~~
3 ~~tive date of this article.~~

4 ~~(3) If the premises are managed or operated by an agent, the~~
5 ~~agent's name and place of business shall be placed with the name~~
6 ~~of the owner in the registry.~~

7 Sec. 127. (1) In a nonemergency situation where the owner
8 or occupant demands a warrant for inspection of the premises, the
9 enforcing agency shall obtain a warrant from a court of competent
10 jurisdiction. The enforcing agency shall prepare the warrant,
11 stating the address of the building to be inspected, the nature
12 of the inspection, as defined in this or other applicable acts,
13 and the reasons for the inspection. It shall be appropriate and
14 sufficient to set forth the basis for inspection ~~(e.g.~~
15 ~~INCLUDING, BUT NOT LIMITED TO, PERIODIC, complaint, area, or~~
16 ~~recurrent violation basis,) AS established in this section, in~~
17 ~~other applicable acts, or in rules. or regulations.~~ The warrant
18 shall also state that it is issued pursuant to this section ~~,~~
19 and that it is for the purposes set forth in this and other acts
20 ~~which~~ THAT require ~~that~~ THE CONDUCT OF inspections. ~~be~~
21 ~~conducted.~~

22 (2) If the court finds that the warrant is in proper form
23 and in ~~accord~~ COMPLIANCE with this section, it shall ~~be~~
24 ~~issued~~ forthwith ISSUE THE WARRANT.

25 (3) In the event of an emergency, ~~no~~ A warrant ~~shall be~~
26 IS NOT required.

1 Sec. 129. (1) Units in ~~multiple~~ dwellings ~~or rooming~~
2 ~~houses~~ shall not be occupied unless a certificate of compliance
3 has been issued by the enforcing agency. The certificates shall
4 be issued only upon an inspection of the premises by the enforc-
5 ing agency, except as provided in section 131. The certificate
6 shall be issued within 15 days after written application
7 ~~therefor~~ FOR THE CERTIFICATE if the dwelling at the date of the
8 application is entitled ~~thereto~~ TO SUCH A CERTIFICATE.

9 (2) A violation of this act ~~shall~~ DOES not prevent the
10 issuance of a certificate ~~, but~~ EXCEPT THAT the enforcing
11 agency shall not issue a certificate when the existing conditions
12 constitute a hazard to the health or safety of those who may
13 occupy the premises.

14 (3) Inspections shall be made prior to first occupancy of
15 ~~multiple~~ dwellings. ~~and rooming houses, if the construction or~~
16 ~~alteration is completed and first occupancy will occur after the~~
17 ~~effective date of this article. Where first occupancy will occur~~
18 ~~before the effective date of this article, inspection shall be~~
19 ~~made within 1 year after the effective date of this article.~~
20 Upon a finding that there is no condition that would constitute a
21 hazard to the health and safety of the occupants, and that the
22 premises are otherwise fit for occupancy, the certificate shall
23 be issued. If the finding is of a condition that would consti-
24 tute a hazard to health or safety, no certificate shall be
25 issued, and an order to comply with the act shall be issued imme-
26 diately and served upon the owner. ~~in accordance with section~~

1 ~~132.~~ On reinspection and proof of compliance, the order shall be
2 rescinded and a certificate issued.

3 Sec. 130. (1) When a certificate is withheld pending com-
4 pliance, no premises which have not been occupied for dwelling
5 ~~or rooming~~ purposes shall be so occupied ~~,~~ and those premises
6 ~~which~~ THAT have been or are occupied for dwelling ~~or rooming~~
7 purposes may be ordered vacated until reinspection and proof of
8 compliance in the discretion of the enforcing agency.

9 (2) A certificate of compliance shall be issued on condition
10 that the premises remain in safe, healthful, and fit condition
11 for occupancy. If upon reinspection the enforcing agency deter-
12 mines that conditions exist ~~which~~ THAT constitute a hazard to
13 health or safety, the certificate shall be immediately suspended
14 as to affected areas ~~,~~ and the areas may be vacated as provided
15 in subsection (1).

16 (3) The duty to pay rent in accordance with the terms of
17 ~~any~~ A lease or agreement or under the provisions of ~~any~~ A
18 statute shall be suspended and the suspended rentals shall be
19 paid into an escrow account as provided in subsection (4) ~~,~~
20 during that period when the premises have not been issued a cer-
21 tificate of compliance, or when such certificate, once issued,
22 has been suspended. This subsection does not apply until the
23 owner has had a reasonable time ~~after the effective date of this~~
24 ~~article or~~ after notice of violations to ~~make application~~
25 APPLY for a temporary certificate ~~,~~ as provided in section
26 131. ~~Nor does this~~ THIS subsection DOES NOT apply ~~where~~ IF
27 the owner establishes that the conditions which constitute a

1 hazard to health or safety were caused by the occupant or
2 occupants. The rent, once suspended, shall again become due in
3 accordance with the terms of the lease or agreement or statute
4 from and after the time of reinstatement of the certificate —,
5 or where a temporary certificate has been issued, as provided in
6 section 131.

7 (4) Rents due for the period during which rent is suspended
8 shall be paid into an escrow account established by the enforcing
9 officer or agency, to be paid thereafter to the landlord or any
10 other party authorized to make repairs —, IN ORDER to defray the
11 cost of correcting the violations. The enforcing agency shall
12 return any unexpended part of sums paid under this section —,
13 attributable to the unexpired portion of the rental period —,
14 where the occupant terminates his OR HER tenancy or right to
15 occupy prior to the undertaking to repair.

16 (5) When the certificate of compliance has been suspended
17 —, or has not been issued —, and the rents thereafter withheld
18 are not paid into the escrow account, actions for rent and for
19 possession of the premises for nonpayment of rent may be main-
20 tained —, subject to such defenses as the tenant or occupant may
21 have upon the lease or contract.

22 Sec. 131. (1) An owner shall apply for a certificate of
23 compliance. Inspection and issuance of certificates shall be in
24 accordance with the requirements of this act and with procedures
25 established by the enforcing agency. The enforcing agency may
26 authorize the issuance of temporary certificates without
27 inspection ~~for those premises in which there are no violations~~

1 of record as of the effective date of this article, and shall
2 ~~issue such temporary certificates~~ upon application in cases
3 where inspections are not conducted within a reasonable time.
4 Temporary certificates shall also be issued for premises with
5 violations of record ~~, whether existing before or after the~~
6 ~~effective date of this article,~~ when the owner can show proof of
7 having undertaken to correct ~~such~~ THOSE conditions, ~~or~~ when
8 the municipality has been authorized to make repairs, ~~or~~ when a
9 receiver has been appointed, or when an owner rehabilitation plan
10 has been accepted by the court.

11 (2) An application for a certificate shall be made when the
12 owners, or any of them, enroll in the registry of RESIDENTIAL
13 RENTAL PROPERTY owners and premises. If the owner fails to reg-
14 ister, any occupant of unregistered or uncertified premises may
15 ~~make application~~ APPLY.

16 ~~(3) A fee of \$10.00 shall be paid by the applicant at the~~
17 ~~time the certificate is issued.~~

18 Sec. 133. (1) The owner of premises regulated by this act
19 shall comply with all applicable provisions of the act AND THE
20 PROPERTY MAINTENANCE CODE ADOPTED UNDER THE STATE CONSTRUCTION
21 CODE ACT OF 1972, 1972 PA 230, MCL 125.1501 TO 125.1531.

22 (2) The occupant of premises regulated by this act shall
23 comply with provisions of the act specifically applicable to him
24 OR HER.

25 Sec. 141. (1) At a hearing prescribed by section 140, the
26 hearing officer shall take testimony of the enforcing agency, the
27 owner of the property, and any interested party. Not more than 5

1 days after completion of the hearing, the hearing officer shall
2 render a decision either closing the proceedings or ordering the
3 building or structure demolished, otherwise made safe, or prop-
4 erly maintained.

5 (2) If the hearing officer determines that the building or
6 structure should be demolished, otherwise made safe, or properly
7 maintained, the hearing officer shall so order, fixing a time in
8 the order for the owner, agent, or lessee to comply with the
9 order. If the building is a dangerous building under
10 section 139(j), the order may require the owner or agent to main-
11 tain the exterior of the building and adjoining grounds owned by
12 the owner of the building including, but not limited to, the
13 maintenance of lawns, trees, and shrubs.

14 (3) If the owner, agent, or lessee fails to appear or
15 neglects or refuses to comply with the order issued under subsec-
16 tion (2), the hearing officer shall file a report of the findings
17 and a copy of the order with the legislative body of the city,
18 village, or township not more than 5 days after noncompliance by
19 the owner and request that necessary action be taken to enforce
20 the order. ~~If the legislative body of the~~ A city, village, or
21 township THAT has established a board of appeals pursuant to sec-
22 tion ~~141c~~ 14 OF THE STATE CONSTRUCTION CODE ACT OF 1972, 1972
23 PA 230, 125.1514, SHALL PROVIDE THAT the hearing officer ~~shall~~
24 file the report of the findings and a copy of the order with the
25 board of appeals and request that necessary action be taken to
26 enforce the order. A copy of the findings and order of the

1 hearing officer shall be served on the owner, agent, or lessee in
2 the manner prescribed in section 140.

3 (4) The legislative body or the board of appeals of the
4 city, village, or township, as applicable, shall fix a date not
5 less than 30 days after the hearing prescribed in section 140 for
6 a hearing on the findings and order of the hearing officer and
7 shall give notice to the owner, agent, or lessee in the manner
8 prescribed in section 140 of the time and place of the hearing.
9 At the hearing, the owner, agent, or lessee shall be given the
10 opportunity to show cause why the order should not be enforced.
11 The legislative body or the board of appeals of the city, vil-
12 lage, or township shall either approve, disapprove, or modify the
13 order. If the legislative body or board of appeals approves or
14 modifies the order, the legislative body shall take all necessary
15 action to enforce the order. If the order is approved or modi-
16 fied, the owner, agent, or lessee shall comply with the order
17 within 60 days after the date of the hearing under this
18 subsection. In the case of an order of demolition, if the legis-
19 lative body or the board of appeals of the city, village, or
20 township determines that the building or structure has been sub-
21 stantially destroyed by fire, wind, flood, or other natural
22 disaster, and the cost of repair of the building or structure
23 will be greater than the state equalized value of the building or
24 structure, the owner, agent, or lessee shall comply with the
25 order of demolition within 21 days after the date of the hearing
26 under this subsection.

1 (5) The cost of the demolition, of making the building safe,
2 or of maintaining the exterior of the building or structure, or
3 grounds adjoining the building or structure incurred by the city,
4 village, or township to bring the property into conformance with
5 this act shall be reimbursed to the city, village, or township by
6 the owner or party in interest in whose name the property
7 appears.

8 (6) The owner or party in interest in whose name the prop-
9 erty appears upon the last local tax assessment records shall be
10 notified by the assessor of the amount of the cost of the demoli-
11 tion, of making the building safe, or of maintaining the exterior
12 of the building or structure or grounds adjoining the building or
13 structure by first class mail at the address shown on the
14 records. If the owner or party in interest fails to pay the cost
15 within 30 days after mailing by the assessor of the notice of the
16 amount of the cost, the city, village, or township shall have a
17 lien for the cost incurred by the city, village, or township to
18 bring the property into conformance with this act. The lien
19 shall not take effect until notice of the lien has been filed or
20 recorded as provided by law. A lien provided for in this subsec-
21 tion does not have priority over previously filed or recorded
22 liens and encumbrances. The lien for the cost shall be collected
23 and treated in the same manner as provided for property tax liens
24 under the general property tax act, ~~Act No. 206 of the Public~~
25 ~~Acts of 1893, being sections 211.1 to 211.157 of the Michigan~~
26 ~~Compiled Laws~~ 1893 PA 206, MCL 211.1 TO 211.157.

1 (7) In addition to other remedies under this act, the city,
2 village, or township may bring an action against the owner of the
3 building or structure for the full cost of the demolition, of
4 making the building safe, or of maintaining the exterior of the
5 building or structure or grounds adjoining the building or
6 structure. A city, village, or township shall have a lien on the
7 property for the amount of a judgment obtained pursuant to this
8 subsection. The lien provided for in this subsection shall not
9 take effect until notice of the lien is filed or recorded as pro-
10 vided by law. The lien does not have priority over prior filed
11 or recorded liens and encumbrances.

12 Enacting section 1. Sections 2, 2a, 7, 9, 65, 66, 67, 68,
13 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84,
14 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 123, 128,
15 132, 137, 141b, 141c, and 142 of the housing law of Michigan,
16 1917 PA 167, MCL 125.402, 125.402a, 125.407, 125.409, 125.465,
17 125.466, 125.467, 125.468, 125.469, 125.470, 125.471, 125.472,
18 125.473, 125.474, 125.475, 125.476, 125.477, 125.478, 125.479,
19 125.480, 125.481, 125.482, 125.483, 125.484, 125.485, 125.486,
20 125.487, 125.488, 125.489, 125.490, 125.491, 125.492, 125.493,
21 125.494, 125.495, 125.496, 125.497, 125.523, 125.528, 125.532,
22 125.537, 125.541b, 125.541c, and 125.542, are repealed.

23 Enacting section 2. This amendatory act does not take
24 effect unless Senate Bill No. _____ or House Bill No. 4835
25 (request no. 00238'99 a **) of the 90th Legislature is enacted
26 into law.