

HOUSE BILL No. 5756

February 27, 2002, Introduced by Rep. Ruth Johnson 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

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

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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~~
23 ~~the board of health of any such city or village~~ from prescribing
24 for the enforcement of ~~such~~ ordinances and regulations, reme-
25 dies and penalties similar to those prescribed ~~herein~~ IN THIS
26 ACT. ~~And every such~~ A city, TOWNSHIP, and ~~organized~~ village
27 ~~or the board of health of any such city or village~~ is empowered

1 to enact such ordinances and regulations and to prescribe for
2 their enforcement. No ordinance, regulation, ruling, or decision
3 of ~~any municipal~~ A body ~~, OR officer of authority of the~~
4 ~~board 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.

19 (3) THIS ACT AND THE PROPERTY MAINTENANCE CODE APPLY
20 THROUGHOUT THE STATE, EXCEPT THAT A GOVERNMENTAL SUBDIVISION MAY
21 ELECT TO SUPPLEMENT CERTAIN PARTS OF THE PROPERTY MAINTENANCE
22 CODE BY ADOPTING AND ENFORCING STANDARDS TO ADDRESS LOCAL CONDI-
23 TIONS THAT ARE FOUND TO AFFECT THE PUBLIC HEALTH, SAFETY, AND
24 WELFARE OF CITIZENS BEYOND THE STANDARDS CONTAINED IN THE PROP-
25 ERTY MAINTENANCE CODE. A GOVERNMENTAL SUBDIVISION MAY MAKE THIS
26 ELECTION BY ENACTING AN ORDINANCE ADOPTING THOSE STANDARDS. A
27 GOVERNMENTAL SUBDIVISION ADOPTING STANDARDS BEYOND THOSE

1 CONTAINED IN THE PROPERTY MAINTENANCE CODE SHALL REVIEW AND, IF
 2 NECESSARY, UPDATE ITS ORDINANCE AT LEAST ONCE EVERY 3 YEARS TO
 3 ENSURE THAT THE STANDARDS ARE APPROPRIATE. AN AMENDMENT BECOMES
 4 EFFECTIVE 90 DAYS AFTER PASSAGE OF THE ORDINANCE. IN ADOPTING
 5 THOSE STANDARDS, A GOVERNMENTAL SUBDIVISION SHALL MAKE A FINDING
 6 THAT THE LOCAL STANDARD IS NECESSARY TO PROTECT THE PUBLIC
 7 HEALTH, SAFETY, AND WELFARE. THIS SECTION DOES NOT REQUIRE A
 8 GOVERNMENTAL SUBDIVISION TO REENACT AN ORDINANCE.

9 (4) AS USED IN THIS ACT:

10 (A) "GOVERNMENTAL SUBDIVISION" MEANS THAT TERM AS DEFINED IN
 11 SECTION 2A OF THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION
 12 CODE ACT, 1972 PA 230, MCL 125.1502A.

13 (B) "PROPERTY MAINTENANCE CODE" MEANS THAT TERM AS DEFINED
 14 IN SECTION 2A OF THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION
 15 CODE OF 1972, 1972 PA 230, MCL 125.1502A.

16 Sec. 10. ~~Time for compliance.~~ All improvements specifically
 17 cally required by this act upon dwellings erected prior to the
 18 date of its passage shall be made within 1 year ~~from said~~ AFTER
 19 THAT date ~~—~~, or at ~~such~~ AN earlier period as may be fixed by
 20 the ~~health officer or other~~ authorized enforcement official.

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

24 ~~(2) The owners of a multiple dwelling or rooming house con-~~
 25 ~~taining units which will be offered to let, or to hire, for more~~
 26 ~~than 6 months of a calendar year, shall register their names and~~
 27 ~~places of residence or usual places of business and the location~~

~~1 of the premises regulated by this act with the enforcing agency.
2 The owners shall register within 60 days following the day on
3 which any part of the premises is offered for occupancy. Owners
4 of multiple dwellings or rooming houses containing units which
5 are occupied or offered for occupancy at the time this act
6 becomes effective shall register within 90 days after the effec-
7 tive date of this article.~~

~~8 (3) If the premises are managed or operated by an agent, the
9 agent's name and place of business shall be placed with the name
10 of the owner in the registry.~~

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

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

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

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

14 (2) A violation of this act ~~shall~~ DOES not prevent the
15 issuance of a certificate ~~, but~~ EXCEPT THAT the enforcing
16 agency shall not issue a certificate ~~when~~ IF the existing
17 ~~conditions constitute~~ CONDITION CONSTITUTES a hazard to the
18 health or safety of those who may occupy the premises.

19 (3) Inspections shall be made prior to first occupancy of
20 ~~multiple~~ dwellings. ~~and rooming houses, if the construction or~~
21 ~~alteration is completed and first occupancy will occur after the~~
22 ~~effective date of this article. Where first occupancy will occur~~
23 ~~before the effective date of this article, inspection shall be~~
24 ~~made within 1 year after the effective date of this article.~~
25 Upon a finding that there is no condition that would constitute a
26 hazard to the health and safety of the occupants, and that the
27 premises are otherwise fit for occupancy, the certificate shall

1 be issued. If the finding is of a condition that would
2 constitute a hazard to health or safety, no certificate shall be
3 issued, and an order to comply with the act shall be issued imme-
4 diately and served upon the owner. ~~in accordance with section~~
5 ~~132.~~ On reinspection and proof of compliance, the order shall be
6 rescinded and a certificate issued.

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

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

20 (3) The duty to pay rent in accordance with the terms of
21 ~~any~~ A lease or agreement or under the provisions of ~~any~~ A
22 statute shall be suspended and the suspended rentals shall be
23 paid into an escrow account as provided in subsection (4) ~~,~~
24 during that period ~~when~~ IF the premises have not been issued a
25 certificate of compliance, or ~~when such~~ IF A certificate, once
26 issued, has been suspended. This subsection does not apply until
27 the owner has had a reasonable time ~~after the effective date of~~

1 ~~this article or~~ after notice of ~~violations to make application~~
 2 A VIOLATION TO APPLY for a temporary certificate ~~—~~ as provided
 3 in section 131. ~~Nor does this~~ THIS subsection DOES NOT apply
 4 ~~where~~ IF the owner establishes that the conditions ~~which~~
 5 ~~constitute~~ CONSTITUTING a hazard to health or safety were caused
 6 by the occupant or occupants. The rent, once suspended, ~~shall~~
 7 ~~again become due~~ BECOMES DUE AGAIN in accordance with the terms
 8 of the lease or agreement or statute from and after the time of
 9 reinstatement of the certificate ~~—~~ or ~~where~~ IF a temporary
 10 certificate has been issued, as provided in section 131.

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

20 (5) ~~When~~ IF the certificate of compliance has been sus-
 21 pended ~~—~~ or has not been issued ~~—~~ and the rents ~~thereafter~~
 22 withheld are not paid into the escrow account, actions for rent
 23 and for possession of the premises for nonpayment of rent may be
 24 maintained ~~—~~ subject to ~~such~~ THE defenses as the tenant or
 25 occupant may have upon the lease or contract.

26 Sec. 131. (1) An owner shall apply for a certificate of
 27 compliance. Inspection and issuance of certificates shall be in

1 accordance with the requirements of this act and with procedures
 2 established by the enforcing agency. The enforcing agency may
 3 authorize the issuance of temporary certificates without inspec-
 4 tion ~~for those premises in which there are no violations of~~
 5 ~~record as of the effective date of this article, and shall issue~~
 6 ~~such temporary certificates~~ upon application in cases ~~where~~ IN
 7 WHICH inspections are not conducted within a reasonable time.
 8 Temporary certificates shall also be issued for premises with
 9 violations of record ~~, whether existing before or after the~~
 10 ~~effective date of this article, when~~ IF the owner can show proof
 11 of having undertaken to correct ~~such~~ THE conditions, ~~or when~~
 12 IF the ~~municipality~~ CITY, TOWNSHIP, OR VILLAGE has been autho-
 13 rized to make repairs, ~~or when~~ IF a receiver has been appoint-
 14 ed, or ~~when~~ IF an owner rehabilitation plan has been accepted
 15 by the court.

16 (2) An application for a certificate shall be made ~~when~~ IF
 17 1 OR MORE OF the owners ~~, or any of them, enroll~~ ENROLLS in the
 18 registry of RESIDENTIAL RENTAL PROPERTY owners and premises. If
 19 the owner fails to register, ~~any~~ AN occupant of unregistered or
 20 uncertified premises may ~~make application~~ APPLY.

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

23 Sec. 133. (1) The owner of premises regulated by this act
 24 shall comply with all applicable provisions of the act AND THE
 25 PROPERTY MAINTENANCE CODE ADOPTED UNDER THE STILLE-DEROSSETT-HALE
 26 SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1501 TO
 27 125.1531.

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

4 Sec. 141. (1) At a hearing prescribed by section 140, the
5 hearing officer shall take testimony of the enforcing agency, the
6 owner of the property, and any interested party. Not more than 5
7 days after completion of the hearing, the hearing officer shall
8 render a decision either closing the proceedings or ordering the
9 building or structure demolished, otherwise made safe, or prop-
10 erly maintained.

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

20 (3) If the owner, agent, or lessee fails to appear or
21 neglects or refuses to comply with the order issued under subsec-
22 tion (2), the hearing officer shall file a report of the findings
23 and a copy of the order with the legislative body of the city,
24 village, or township not more than 5 days after noncompliance by
25 the owner and request that necessary action be taken to enforce
26 the order. ~~If the legislative body of the~~ A city, village, or
27 township THAT has established a board of appeals pursuant to

1 section ~~141c~~ 14 OF THE STILLE-DEROSSETT-HALE SINGLE STATE
2 CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1514, SHALL PROVIDE
3 THAT the hearing officer ~~shall~~ file the report of the findings
4 and a copy of the order with the board of appeals and request
5 that necessary action be taken to enforce the order. A copy of
6 the findings and order of the hearing officer shall be served on
7 the owner, agent, or lessee in the manner prescribed in section
8 140.

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

1 disaster, and the cost of repair of the building or structure
2 will be greater than the state equalized value of the building or
3 structure, the owner, agent, or lessee shall comply with the
4 order of demolition within 21 days after the date of the hearing
5 under this subsection.

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

13 (6) The owner or party in interest in whose name the prop-
14 erty appears upon the last local tax assessment records shall be
15 notified by the assessor of the amount of the cost of the demoli-
16 tion, of making the building safe, or of maintaining the exterior
17 of the building or structure or grounds adjoining the building or
18 structure by first class mail at the address shown on the
19 records. If the owner or party in interest fails to pay the cost
20 within 30 days after mailing by the assessor of the notice of the
21 amount of the cost, the city, village, or township shall have a
22 lien for the cost incurred by the city, village, or township to
23 bring the property into conformance with this act. The lien
24 ~~shall~~ DOES not take effect until notice of the lien has been
25 filed or recorded as provided by law. A lien provided for in
26 this subsection does not have priority over previously filed or
27 recorded liens and encumbrances. The lien for the cost shall be

1 collected and treated in the same manner as provided for property
 2 tax liens under the general property tax act, ~~Act No. 206 of the~~
 3 ~~Public Acts of 1893, being sections 211.1 to 211.157 of the~~
 4 ~~Michigan Compiled Laws~~ 1893 PA 206, MCL 211.1 TO 211.157.

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

16 Enacting section 1. Sections 2, 2a, 7, 9, 65, 66, 67, 68,
 17 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84,
 18 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 123, 128,
 19 132, 137, 141b, 141c, and 142 of the housing law of Michigan,
 20 1917 PA 167, MCL 125.402, 125.402a, 125.407, 125.409, 125.465,
 21 125.466, 125.467, 125.468, 125.469, 125.470, 125.471, 125.472,
 22 125.473, 125.474, 125.475, 125.476, 125.477, 125.478, 125.479,
 23 125.480, 125.481, 125.482, 125.483, 125.484, 125.485, 125.486,
 24 125.487, 125.488, 125.489, 125.490, 125.491, 125.492, 125.493,
 25 125.494, 125.495, 125.496, 125.497, 125.523, 125.528, 125.532,
 26 125.537, 125.541b, 125.541c, and 125.542, are repealed.

1 Enacting section 2. This amendatory act does not take
2 effect unless Senate Bill No. _____ or House Bill No. 5757
3 (request no. 04037'01 a) of the 91st Legislature is enacted into
4 law.