

HOUSE BILL No. 4473

March 8, 2005, Introduced by Rep. Ward and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending sections 1 and 126 (MCL 125.401 and 125.526), section
126 as amended by 2000 PA 479.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known as the housing law of Michigan
2 and ~~all provisions thereof~~ shall apply to every city and
3 organized village in ~~the~~ **THIS** state which, by the last regular or
4 special federal census, had a population of 100,000 or more, and to
5 every city or village as its population shall reach 100,000
6 thereafter and also to that territory immediately adjacent and
7 contiguous to the boundaries of such a city or village and
8 extending for a radial distance of 2-1/2 miles beyond their
9 boundaries in all directions. This act shall also apply to any city

1 and organized village in this state which, as determined by the
 2 last regular or special federal census, has or shall hereafter
 3 attain a population of 10,000 or more. ~~However, the provisions of~~
 4 ~~this~~ **THIS** act relating to private dwellings and 2-family dwellings
 5 ~~as hereinafter defined shall~~ **DOES** not apply to any city or
 6 organized village lying outside the 2-1/2 mile radius and having a
 7 population of less than 100,000 unless the legislative body of the
 8 city or village by resolution, passed by a majority vote of the
 9 members elect of the legislative body, adopt the provisions. In the
 10 case of charter townships and townships the provisions of this act
 11 relating to private dwellings and 2-family dwellings may be applied
 12 to those areas by ordinance of the respective township board
 13 adopting the provisions. This act ~~shall apply~~ **APPLIES** to all
 14 dwellings within the classes defined in the following sections,
 15 except that in sections where specific reference is made to 1 or
 16 more specific classes of dwellings, those provisions shall apply
 17 only to those classes to which specific reference is made. All
 18 other provisions ~~which~~ **THAT** relate to dwellings shall apply to
 19 all classes of dwellings.

20 Sec. 126. (1) The enforcing agency shall inspect ~~—on a~~
 21 ~~periodic basis,~~ multiple dwellings and rooming houses regulated by
 22 this act **IN ACCORDANCE WITH THIS ACT**. ~~Except as provided in~~
 23 ~~subsection (2), the period between inspections shall not be longer~~
 24 ~~than 2 years. All other dwellings regulated by this act may be~~
 25 ~~inspected at reasonable intervals.~~ **MULTIPLE DWELLING AND ROOMING**
 26 **HOUSES SUBJECT TO INSPECTION BY THE UNITED STATES DEPARTMENT OF**
 27 **HOUSING AND URBAN DEVELOPMENT OR BY THE STATE HOUSING DEVELOPMENT**

1 AUTHORITY SHALL NOT BE INSPECTED BY AN ENFORCING AGENCY UNLESS THE
2 INSPECTION IS COMPLAINT-BASED UNDER SUBSECTION (3).

3 ~~———— (2) A local governmental unit may provide by ordinance for a~~
4 ~~maximum period between inspections of a multiple dwelling or~~
5 ~~rooming house that is not longer than 3 years, if the most recent~~
6 ~~inspection of the premises found no violations of the act.~~

7 ~~———— (3) An inspection shall be conducted in the manner best~~
8 ~~calculated to secure compliance with the act and appropriate to the~~
9 ~~needs of the community, including, but not limited to, on 1 or more~~
10 ~~of the following bases:~~

11 ~~———— (a) An area basis, such that all the regulated premises in a~~
12 ~~predetermined geographical area will be inspected simultaneously,~~
13 ~~or within a short period of time.~~

14 ~~———— (b) A complaint basis, such that complaints of violations will~~
15 ~~be inspected within a reasonable time.~~

16 ~~———— (c) A recurrent violation basis, such that premises that are~~
17 ~~found to have a high incidence of recurrent or uncorrected~~
18 ~~violations will be inspected more frequently.~~

19 (2) INSPECTIONS SHALL BE CONDUCTED AT LEAST 1 TIME EVERY 5
20 YEARS. INSPECTIONS SHALL NOT BE CONDUCTED MORE FREQUENTLY THAN 1
21 TIME EVERY 3 YEARS UNLESS THE INSPECTIONS ARE CONDUCTED UNDER
22 SUBSECTION (3) OR (4).

23 (3) INSPECTIONS SHALL BE CONDUCTED MORE FREQUENTLY THAN 1 TIME
24 EVERY 3 YEARS IF THE INSPECTIONS ARE MADE IN RESPONSE TO A
25 COMPLAINT OF A VIOLATION MADE TO THE ENFORCING AGENCY. COMPLAINT-
26 BASED INSPECTIONS SHALL BE CONDUCTED WITHIN 4 WEEKS OF THE
27 SUBMITTAL OF A COMPLAINT IN WRITING TO THE ENFORCING AGENCY. THE

1 ENFORCING AGENCY SHALL PROVIDE A COPY OF THE COMPLAINT ON WHICH THE
2 INSPECTION IS BASED TO THE PROPERTY OWNER OR MANAGER WITHIN 10 DAYS
3 OF THE PROPERTY OWNER'S OR MANAGER'S WRITTEN REQUEST TO THE
4 ENFORCING AGENCY. IF THE ENFORCING AGENCY DETERMINES THAT A
5 CONDITION THAT NEEDS TO BE REMEDIED REQUIRES A REINSPECTION UNDER
6 THIS SUBSECTION, THE ENFORCING AGENCY SHALL NOT CONDUCT THE
7 REINSPECTION LESS THAN 30 DAYS AFTER THE FIRST COMPLAINT-BASED
8 INSPECTION.

9 (4) THE ENFORCING AGENCY MAY CONDUCT INSPECTIONS MORE
10 FREQUENTLY THAN 1 TIME EVERY 3 YEARS IF PREMISES ARE FOUND TO HAVE
11 A HIGH INCIDENCE OF RECURRENT OR UNCORRECTED VIOLATIONS. A ROOMING
12 HOUSE WITH 25 OR MORE VIOLATIONS FOUND DURING 1 INSPECTION UNDER
13 SUBSECTION (2) OR (3) IS SUBJECT TO ADDITIONAL INSPECTIONS UNDER
14 THIS SUBSECTION. A MULTIPLE DWELLING WITH 12 OR MORE VIOLATIONS
15 FOUND IN AT LEAST 25% OF THE UNITS INSPECTED DURING 1 INSPECTION
16 UNDER SUBSECTION (2) OR (3) IS SUBJECT TO ADDITIONAL INSPECTIONS
17 UNDER THIS SUBSECTION.

18 (5) ~~-(4)-~~ An inspection shall be carried out by the enforcing
19 agency, or by the enforcing agency and representatives of other
20 agencies that form a team to undertake an inspection under this and
21 other applicable acts.

22 (6) ~~-(5)-~~ Except as provided in subsection ~~-(7)-~~ (8), an
23 inspector, or team of inspectors, shall request and receive
24 permission to enter before entering a leasehold regulated by this
25 act at reasonable hours to undertake an inspection. In the case of
26 an emergency, as defined under rules promulgated by the enforcing
27 agency, or upon presentment of a warrant, the inspector or team of

1 inspectors may enter at any time.

2 (7) ~~-(6)-~~ Except in an emergency, before entering a leasehold
3 regulated by this act, the owner of the leasehold shall request and
4 obtain permission to enter the leasehold. In the case of an
5 emergency, including, but not limited to, fire, flood, or other
6 threat of serious injury or death, the owner may enter at any time.

7 (8) ~~-(7)-~~ The enforcing agency may require the owner of a
8 leasehold to do 1 or more of the following:

9 (a) Provide the enforcing agency access to the leasehold if
10 the lease provides the owner a right of entry.

11 (b) Provide access to areas other than a leasehold or areas
12 open to public view, or both.

13 (c) Notify a tenant of the enforcing agency's request to
14 inspect a leasehold, make a good faith effort to obtain permission
15 for an inspection, and arrange for the inspection. If a tenant
16 vacates a leasehold after the enforcing agency has requested to
17 inspect that leasehold, an owner of the leasehold shall notify the
18 enforcing agency of that fact within 10 days after the leasehold is
19 vacated.

20 (d) Provide access to the leasehold if a tenant of that
21 leasehold has made a complaint to the enforcing agency.

22 (9) ~~-(8)-~~ A local governmental unit may adopt an ordinance to
23 implement subsection ~~-(7)-~~ (8).

24 (10) ~~-(9)-~~ For multiple lessees in a leasehold, notifying at
25 least 1 lessee and requesting and obtaining the permission of at
26 least 1 lessee satisfies subsections ~~-(5)-~~ (6) and ~~-(7)-~~ (8).

27 (11) ~~-(10)-~~ Neither the enforcing agency nor the owner may

1 discriminate against an occupant on the basis of whether the
2 occupant requests, permits, or refuses entry to the leasehold.

3 (12) ~~-(11)-~~ The enforcing agency shall not discriminate
4 against an owner who has met the requirements of subsection ~~-(7)-~~
5 (8) but has been unable to obtain the permission of the occupant,
6 based on the owner's inability to obtain that permission.

7 (13) ~~-(12)-~~ The enforcing agency may establish and charge a
8 reasonable fee for inspections conducted under this act. The fee
9 shall not exceed the actual, reasonable cost of providing the
10 inspection for which the fee is charged. **A DETAILED DESCRIPTION OF**
11 **THE FEES CHARGED UNDER THIS SUBSECTION SHALL BE PROVIDED TO THE**
12 **OWNER OF THE ROOMING HOUSE OR MULTIPLE DWELLING IN WRITING BEFORE**
13 **THE OWNER OF THE ROOMING HOUSE OR MULTIPLE DWELLING IS LIABLE FOR**
14 **PAYMENT OF THE FEES CHARGED TO THE ENFORCING AGENCY.**

15 (14) ~~-(13)-~~ If a complaint identifies a dwelling or rooming
16 house regulated under this act in which a child is residing, the
17 dwelling or rooming house shall be inspected prior to inspection of
18 any nonemergency complaint.

19 (15) ~~-(14)-~~ As used in this section:

20 (A) **"ACTUAL, REASONABLE COST" MEANS A COST DETERMINED AS**
21 **FOLLOWS:**

22 (i) **FOR AN INSPECTION PERFORMED BY AN EMPLOYEE OF THE LOCAL**
23 **ENFORCING AGENCY, THE HOURLY RATE FOR THE ACTUAL INSPECTION TIME.**
24 **THE HOURLY RATE SHALL BE DETERMINED BY THE EMPLOYEE'S ANNUAL SALARY**
25 **DIVIDED BY THE NUMBER OF HOURS WORKED IN A CALENDAR YEAR. THE**
26 **HOURLY RATE SHALL BE MULTIPLIED BY THE ACTUAL TIME TAKEN TO PERFORM**
27 **AN INSPECTION.**

1 (ii) FOR AN INSPECTION PERFORMED BY AN INDEPENDENT CONTRACTOR
2 OF A LOCAL ENFORCING AGENCY, THE ACTUAL, REASONABLE COST SHALL BE
3 NO GREATER THAN THE FEE CHARGED BY THE INDEPENDENT CONTRACTOR TO
4 THE LOCAL ENFORCING AGENCY.

5 (B) ~~—(a)—~~ "Child" means an individual under 18 years of age.

6 (C) ~~—(b)—~~ "Leasehold" means a private dwelling or separately
7 occupied apartment, suite, or group of rooms in a 2-family dwelling
8 or in a multiple dwelling if the private dwelling or separately
9 occupied apartment, suite, or group of rooms is leased to the
10 occupant under the terms of either an oral or written lease.

11 (D) "VIOLATION" MEANS A VIOLATION OF THIS ACT OR A PROPERTY
12 MAINTENANCE CODE ADOPTED BY THE LOCAL ENFORCING AGENCY. MULTIPLE
13 VIOLATIONS OF 1 PROVISION OF THIS ACT OR MULTIPLE VIOLATIONS OF 1
14 PROVISION OF A PROPERTY MAINTENANCE CODE IDENTIFIED DURING AN
15 INSPECTION OF A ROOMING HOUSE OR AN INDIVIDUAL DWELLING WITHIN A
16 MULTIPLE DWELLING ARE CONSIDERED 1 VIOLATION.