

HOUSE BILL No. 5206

September 12, 2007, Introduced by Reps. Sak, Dean and Steil and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 126. (1) The enforcing agency shall inspect, on a
2 periodic basis, multiple dwellings and rooming houses regulated by
3 this act. Except as provided in subsection (2), the period between
4 inspections shall not be longer than ~~2~~4 years. All other dwellings
5 regulated by this act may be inspected at reasonable intervals.

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

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

5 (a) An area basis, such that all the regulated premises in a
6 predetermined geographical area will be inspected simultaneously,
7 or within a short period of time.

8 (b) A complaint basis, such that complaints of violations will
9 be inspected within a reasonable time.

10 (c) A recurrent violation basis, such that premises that are
11 found to have a high incidence of recurrent or uncorrected
12 violations will be inspected more frequently.

13 (4) An inspection shall be carried out by the enforcing
14 agency, or by the enforcing agency and representatives of other
15 agencies that form a team to undertake an inspection under this and
16 other applicable acts.

17 (5) Except as provided in subsection (7), an inspector, or
18 team of inspectors, shall request and receive permission to enter
19 before entering a leasehold regulated by this act at reasonable
20 hours to undertake an inspection. In the case of an emergency, as
21 defined under rules promulgated by the enforcing agency, or upon
22 presentment of a warrant, the inspector or team of inspectors may
23 enter at any time.

24 (6) Except in an emergency, before entering a leasehold
25 regulated by this act, the owner of the leasehold shall request and
26 obtain permission to enter the leasehold. In the case of an
27 emergency, including, but not limited to, fire, flood, or other

1 threat of serious injury or death, the owner may enter at any time.

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

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

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

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

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

17 (8) A local governmental unit may adopt an ordinance to
18 implement subsection (7).

19 (9) For multiple lessees in a leasehold, notifying at least 1
20 lessee and requesting and obtaining the permission of at least 1
21 lessee satisfies subsections (5) and (7).

22 (10) Neither the enforcing agency nor the owner may
23 discriminate against an occupant on the basis of whether the
24 occupant requests, permits, or refuses entry to the leasehold.

25 (11) The enforcing agency shall not discriminate against an
26 owner who has met the requirements of subsection (7) but has been
27 unable to obtain the permission of the occupant, based on the

1 owner's inability to obtain that permission.

2 (12) The enforcing agency may establish and charge a
3 reasonable fee for inspections conducted under this act. The fee
4 shall not exceed the actual, reasonable cost of providing the
5 inspection for which the fee is charged.

6 (13) If a complaint identifies a dwelling or rooming house
7 regulated under this act in which a child is residing, the dwelling
8 or rooming house shall be inspected prior to inspection of any
9 nonemergency complaint.

10 (14) As used in this section:

11 (a) "Child" means an individual under 18 years of age.

12 (b) "Leasehold" means a private dwelling or separately
13 occupied apartment, suite, or group of rooms in a 2-family dwelling
14 or in a multiple dwelling if the private dwelling or separately
15 occupied apartment, suite, or group of rooms is leased to the
16 occupant under the terms of either an oral or written lease.