

Act No. 14
Public Acts of 2016
Approved by the Governor
February 16, 2016
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February 16, 2016
EFFECTIVE DATE: May 16, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senator Robertson

ENROLLED SENATE BILL No. 394

AN ACT to amend 1917 PA 167, entitled “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 establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act,” by amending sections 1, 125, and 126 (MCL 125.401, 125.525, and 125.526), sections 1 and 126 as amended by 2008 PA 408.

The People of the State of Michigan enact:

Sec. 1. (1) This act shall be known and may be cited as the “housing law of Michigan”.

(2) This act applies to each city, village, and township that, according to the last regular or special federal census, has a population of 10,000 or more. However, this act does not apply to private dwellings and 2-family dwellings in any city, village, or township having a population of less than 100,000 unless the legislative body of the local governmental unit adopts the provisions by resolution passed by a majority vote of its members.

(3) This act applies to all dwellings within the classes defined in section 2, except that a reference to 1 or more specific classes of dwellings applies only to those classes to which specific reference is made.

Sec. 125. (1) The enforcing agency may maintain a registry of owners and premises regulated by this act.

(2) If the enforcing agency maintains a registry of owners and premises, the owner of a multiple dwelling or rooming house containing units which will be offered to let, or to hire, for more than 6 months of a calendar year shall register with the enforcing agency the owner’s name, the address of the owner’s residence or usual place of business, and the location of the multiple dwelling or rooming house. The owner shall register within 60 days following the day on which any part of the premises is offered for occupancy.

(3) If the premises are managed or operated by an agent, the agent’s name and place of business shall be entered with the name of the owner in the registry under subsection (2).

Sec. 126. (1) A local governmental unit is not required to inspect a multiple dwelling or rooming house unless the local governmental unit receives a complaint from a lessee of a violation of this act.

(2) Subject to subsection (1), the enforcing agency shall inspect multiple dwellings and rooming houses regulated by this act in accordance with this act.

(3) Subject to subsection (1) and except as provided in subsection (4), the period between inspections of a multiple dwelling or rooming house shall not be longer than 4 years. All other dwellings regulated by this act may be inspected at reasonable intervals. Inspections of multiple dwellings or rooming houses conducted by the United States Department of Housing and Urban Development under the real estate assessment center inspection process or by other government

agencies may be accepted by a local governmental unit and an enforcing agency as a substitute for inspections required by a local enforcing agency. To the extent permitted under applicable law, a local enforcing agency or its designee may exercise inspection authority delegated by law or agreement from other agencies or authorities that perform inspections required under other state law or federal law.

(4) Subject to subsection (1), a local governmental unit may provide by ordinance for a maximum period between inspections of a multiple dwelling or rooming house that is not longer than 6 years if the most recent inspection of the premises found no violations of this act and the multiple dwelling or rooming house has not changed ownership during the 6-year period.

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

(a) An area basis, under which all the regulated premises in a predetermined geographical area are inspected simultaneously, or within a short period of time.

(b) A complaint basis, under which premises that are the subject of complaints of violations are inspected within a reasonable time.

(c) A recurrent violation basis, under which premises that have a high incidence of recurrent or uncorrected violations are inspected more frequently.

(d) A compliance basis, under which a premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the local governmental unit.

(e) A percentage basis, under which a local governmental unit establishes a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwelling.

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

(7) Except as provided in subsection (9) and this subsection, an inspector, or team of inspectors, shall request and receive permission to enter before entering a leasehold regulated by this act to undertake an inspection and shall enter at a reasonable hour. In the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, or upon presentment of a warrant, the inspector or team of inspectors may enter at any time.

(8) Before entering a leasehold regulated by this act, the owner of the leasehold shall request and obtain permission to enter the leasehold. However, in an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.

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

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

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

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

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

(10) A local governmental unit may adopt an ordinance to implement subsection (9).

(11) For multiple lessees in a leasehold, notifying at least 1 lessee and requesting and obtaining the permission of at least 1 lessee satisfies the notice and permission requirements of subsections (7) to (9).

(12) The enforcing agency or the owner shall not discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold.

(13) The enforcing agency shall not discriminate against an owner who has met the requirements of subsection (9) but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain that permission.

(14) The enforcing agency may establish and charge a reasonable fee for inspections conducted under this act. The fee shall not exceed the actual, reasonable cost of providing the inspection for which the fee is charged. An inspection fee is not required to be paid more than 6 months before the inspection is to take place. An owner or property manager is not liable for an inspection fee if the inspection is not performed and the enforcing agency is the direct cause of the failure to perform the inspection.

(15) If requested, an enforcing agency or a local governmental unit shall produce a report on the income and expenses of the inspection program for the preceding fiscal year. The report shall state the amount of the fees assessed by the enforcing agency, the costs incurred in performing inspections, and the number of units inspected. The report shall be provided to the requesting party within 90 days after the request is made. The enforcing agency or local governmental unit may produce the report electronically. If the enforcing agency does not have readily available access to the information required for the report, the enforcing agency may charge the requesting party a fee not greater than

the actual reasonable cost of providing the information. If an enforcing agency charges a fee under this subsection, the enforcing agency shall include in the report the costs of providing and compiling the information.

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

(17) As used in this section:

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

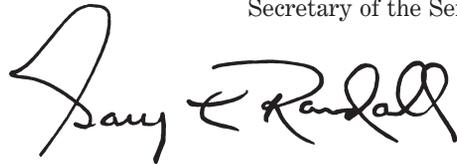
(b) "Leasehold" means a private dwelling or separately occupied apartment, suite, or group of rooms in a 2-family dwelling or in a multiple dwelling if the private dwelling or separately occupied apartment, suite, or group of rooms is leased to the occupant under an oral or written lease.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor