

**PENALTY FOR RENTING/LEASING
UNIT WITH LEAD HAZARD**

House Bill 5115
Sponsor: Rep. Artina Tinsley Hardman
Committee: Judiciary

Complete to 1-23-04

A SUMMARY OF HOUSE BILL 5115 AS INTRODUCED 10-2-03

The bill would add a new section to the Public Health Code to make it a criminal offense to rent or lease a rental unit if it were known to the rental agent, landlord, or owner that the unit contained a lead-based paint hazard. A violation would be a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000 or both.

As of January 1, 2004, a rental agent, landlord, or owner would be guilty of a violation if he or she, with personal knowledge that the unit contained one or more lead-based paint hazards at the time of rental, rented or leased a unit to another person. In addition to a possible imprisonment, fine, or both, the rental agent, landlord, or owner would have to return all rental payments that had been made for the period of exposure to the lead-based paint hazards.

A rental agent, landlord, or owner of a rental unit would be presumed to have personal knowledge of a lead-based paint hazard if he or she had received a copy of a lead inspection, a risk assessment, or a lead hazard screen from a certified inspector that indicated that the rental unit contained one or more lead-based paint hazards in sufficient quantities so as to cause an elevated blood level in a person more than six years of age (15-19 ug/dl, micrograms of lead per deciliter of whole blood, in 2 consecutive tests taken three to four months apart) or in a child six years of age or less (10 ug/dl) as described in the code.

MCL 333.5475a

House Bill 5115 (1-23-04)

Analyst: S. Stutzky

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