

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 757

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 5475a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5475a. (1) A property manager, housing commission, or
2 owner of a rental unit who rents or continues to rent a
3 residential housing unit to a family with a minor child who is
4 found to be lead poisoned is subject to the penalties provided
5 under subsection (3) if all of the following apply:

6 (a) The property manager, housing commission, or owner of the
7 rental unit has prior actual knowledge that the rental unit
8 contains a lead-based paint hazard.

9 (b) At least ninety days have passed since the property
10 manager, housing commission, or owner of the rental unit had
11 actual knowledge of the lead paint hazard.

1 (c) The property manager, housing commission, or owner of the
2 rental unit has not acted in good faith to reduce the lead paint
3 hazards through interim controls or abatement or a combination of
4 interim controls and abatement.

5 (2) A property manager, housing commission, or owner is
6 presumed to have prior actual knowledge that a unit contains a
7 lead-based paint hazard only if 1 of the following applies:

8 (a) The property manager, housing commission, or owner signed
9 an acknowledgment of the hazard as a result of a risk assessment
10 under this chapter at the time the risk assessment was made.

11 (b) The property manager, housing commission, or owner was
12 served as a result of a risk assessment under this chapter with
13 notice of the hazard by first-class mail and a return receipt of
14 that service was obtained.

15 (3) A property manager, housing commission, or owner
16 convicted of violating this section is guilty of a crime as
17 follows:

18 (a) Except as provided in subdivision (b), the property
19 manager, housing commission, or owner is guilty of a misdemeanor
20 punishable by imprisonment for not more than 93 days or a fine of
21 not more than \$5,000.00, or both.

22 (b) If the property manager, housing commission, or owner was
23 previously convicted of violating this section or a local
24 ordinance substantially corresponding to this section, the
25 property manager, housing commission, or owner is guilty of a
26 misdemeanor punishable by imprisonment for not more than 93 days
27 or a fine of not more than \$10,000.00, or both.

1 (4) It is an affirmative defense in a prosecution for
2 violating this section that the property manager, housing
3 commission, or owner requested or contracted with a person having
4 responsibility for maintaining the rental unit to reduce the
5 hazard through interim controls or abatement and reasonably
6 expected that the hazard would be reduced, or can substantiate
7 that the tenant would not allow entry into or upon premises where
8 the hazard is located or otherwise interfered with correcting the
9 hazard.

10 (5) As used in this section:

11 (a) "Property manager" means a person who engages in property
12 management as defined in section 2501 of the occupational code,
13 1980 PA 299, MCL 339.2501.

14 (b) "Lead-based paint hazard" means that term as defined in
15 section 5458 of the public health code, 1978 PA 368, MCL
16 333.5458.

17 Enacting section 1. This amendatory act takes effect
18 November 1, 2004.