

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 313

A bill to amend 1917 PA 167, entitled  
"Housing law of Michigan,"  
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:**

1           Sec. 1. (1) This act shall be known **AND MAY BE CITED** as the  
2 "housing law of Michigan". ~~and shall apply~~

3           (2) **THIS ACT APPLIES** to every ~~EACH~~ city, ~~and organized~~  
4 village, ~~in this state which, by~~ **AND TOWNSHIP THAT, ACCORDING TO**  
5 the last regular or special federal census, ~~had~~ **HAS** a population of  
6 ~~100,000~~ **10,000** or more. ~~, and to every city or village as its~~  
7 ~~population shall reach 100,000 thereafter and also to that~~  
8 ~~territory immediately adjacent and contiguous to the boundaries of~~  
9 ~~such a city or village and extending for a radial distance of 2 1/2~~

~~1 miles beyond their boundaries in all directions. This act shall~~  
~~2 also apply to any city and organized village in this state which,~~  
~~3 as determined by the last regular or special federal census, has or~~  
~~4 shall hereafter attain a population of 10,000 or more. This~~  
~~5~~ **HOWEVER, THIS** ~~act relating~~ **DOES NOT APPLY** to private dwellings and  
~~6 2-family dwellings does not apply to~~ **IN** any city, ~~or organized~~  
~~7 village, lying outside the 2 1/2 mile radius and~~ **OR TOWNSHIP** having  
~~8 a population of less than 100,000 unless the legislative body of~~  
~~9 the city or village~~ **LOCAL GOVERNMENTAL UNIT ADOPTS THE PROVISIONS**  
~~10 by resolution ,passed by a majority vote of the~~ **ITS** members. elect  
~~11 of the legislative body, adopt the provisions. In the case of~~  
~~12 charter townships and townships the provisions of this act relating~~  
~~13 to private dwellings and 2 family dwellings may be applied to those~~  
~~14 areas by ordinance of the respective township board adopting the~~  
~~15 provisions.~~

~~16~~ (3) This act applies to all dwellings within the classes  
~~17 defined in the following sections,~~ **SECTION 2**, except that ~~in~~  
~~18 sections where specific reference is made~~ **A REFERENCE** to 1 or more  
~~19 specific classes of dwellings , those provisions shall apply~~  
~~20~~ **APPLIES** only to those classes to which specific reference is made.  
~~21 All other provisions that relate to dwellings shall apply to all~~  
~~22 classes of dwellings.~~

~~23~~ (4) **THIS ACT DOES NOT LIMIT ANY POWER GRANTED OR DUTY IMPOSED**  
~~24~~ **UNDER THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO**  
~~25~~ **333.25211.**

~~26~~ Sec. 125. (1) ~~A~~ **THE ENFORCING AGENCY MAY MAINTAIN A** registry  
~~27~~ of owners and premises ~~shall be maintained by the enforcing~~

1 ~~agency.~~REGULATED BY THIS ACT. IF THE ENFORCING AGENCY MAINTAINS A  
2 REGISTRY OF OWNERS AND PREMISES, THE ENFORCING AGENCY SHALL COMPLY  
3 WITH THE REQUIREMENTS OF THIS SECTION.

4 (2) ~~The owners~~IF REQUIRED BY THE ENFORCING AGENCY, THE OWNER  
5 of a multiple dwelling or rooming house containing units ~~which will~~  
6 ~~be~~THAT ARE offered to let, or to hire, FOR LEASE for more than 6  
7 months of a calendar year, shall register their names and places  
8 ~~of~~WITH THE ENFORCING AGENCY THE OWNER'S NAME, THE ADDRESS OF THE  
9 OWNER'S residence or usual ~~places~~PLACE of business, and the  
10 location of the premises ~~regulated by this act with the enforcing~~  
11 ~~agency.~~TO BE LEASED. The ~~owners~~OWNER shall register within 60  
12 days following the day on which any part of the premises is offered  
13 for occupancy. ~~Owners of multiple dwellings or rooming houses~~  
14 ~~containing units which are occupied or offered for occupancy at the~~  
15 ~~time this act becomes effective shall register within 90 days after~~  
16 ~~the effective date of this article.~~LEASE.

17 (3) If the premises are managed or operated by an agent, the  
18 agent's name and place of business shall be ~~placed~~ENTERED with the  
19 name of the owner in the registry UNDER SUBSECTION (2).

20 (4) SUBJECT TO SUBSECTION (5), THE ENFORCING AGENCY MAY CHARGE  
21 THE OWNER A REGISTRATION FEE TO REGISTER THE PREMISES UNDER  
22 SUBSECTION (2).

23 (5) THIS SUBSECTION APPLIES BEGINNING 1 YEAR AFTER THE  
24 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. AN  
25 EXISTING REGISTRATION REMAINS VALID AND THE ENFORCING AGENCY SHALL  
26 NOT CHARGE A NEW REGISTRATION FEE FOR THE REGISTERED PREMISES  
27 EXCEPT AS FOLLOWS:

1 (A) IF ADDITIONAL DWELLING UNITS ARE CONSTRUCTED AFTER A  
2 REGISTRATION IS FILED, THE ENFORCING AGENCY MAY REQUIRE THE OWNER  
3 TO REREGISTER THE PREMISES AND MAY CHARGE A NEW REGISTRATION FEE  
4 WHEN A CERTIFICATE OF USE AND OCCUPANCY IS ISSUED UNDER SECTION 13  
5 OF THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT,  
6 1972 PA 230, MCL 125.1513.

7 (B) IF THE OWNER'S ADDRESS OR THE PERSON IN CHARGE OF  
8 MANAGEMENT OF THE PROPERTY CHANGES, THE ENFORCING AGENCY MAY  
9 REQUIRE THE OWNER TO REREGISTER THE PREMISES AND MAY CHARGE A NEW  
10 REGISTRATION FEE.

11 (C) UPON SALE OR OTHER TRANSFER OF OWNERSHIP OF THE PREMISES,  
12 THE NEW OWNER SHALL REREGISTER THE PREMISES AND, IF THE PREMISES  
13 ARE REREGISTERED, THE ENFORCING AGENCY MAY CHARGE A NEW  
14 REGISTRATION FEE.

15 (6) AS USED IN THIS SECTION, "REGISTRATION FEE" MEANS ANY FEE  
16 ASSOCIATED WITH THE REGISTRATION OR REREGISTRATION OF PREMISES  
17 UNDER SUBSECTION (2) OR (5), RESPECTIVELY, WHETHER DESIGNATED AS A  
18 REGISTRATION, ADMINISTRATIVE, COMPLIANCE CERTIFICATION, LICENSING,  
19 OR OTHER FEE. REGISTRATION FEE DOES NOT INCLUDE A FINE.

20 Sec. 126. (1) ~~The~~ A LOCAL GOVERNMENTAL UNIT IS NOT REQUIRED TO  
21 INSPECT MULTIPLE DWELLINGS AND ROOMING HOUSES. IF A LOCAL  
22 GOVERNMENTAL UNIT ELECTS TO INSPECT MULTIPLE DWELLINGS OR ROOMING  
23 HOUSES, THE enforcing agency shall inspect multiple dwellings and  
24 rooming houses regulated by this act in accordance with this act.  
25 Except as provided in subsection (2), the period between  
26 inspections OF A MULTIPLE DWELLING OR ROOMING HOUSE shall not be  
27 longer than 4 years. All other dwellings regulated by this act may

1 be inspected at reasonable intervals. Inspections of multiple  
2 dwellings or rooming houses conducted by the United States  
3 department of housing and urban development under the real estate  
4 assessment center inspection process or **BY** other government  
5 agencies may be accepted by a local governmental unit and an  
6 enforcing agency as a substitute for inspections required by a  
7 local enforcing agency. To the extent permitted under applicable  
8 law, a local enforcing agency or its designee is authorized to  
9 exercise inspection authority delegated by law or agreement from  
10 other agencies or authorities that perform inspections required  
11 under other state law or federal law.

12 (2) A local governmental unit may provide ~~by ordinance~~ for a  
13 maximum period between inspections of a multiple dwelling or  
14 rooming house that is not longer than ~~6-10~~ years if the most recent  
15 inspection of the premises found no violations of ~~the~~ **THIS** act and  
16 the multiple dwelling or rooming house has not changed ownership  
17 during the ~~6-year~~ **10-YEAR** period.

18 (3) An inspection shall be conducted in the manner best  
19 calculated to secure compliance with ~~the~~ **THIS** act and appropriate  
20 to the needs of the community, including, but not limited to, on 1  
21 or more of the following bases:

22 (a) An area basis, ~~such that~~ **UNDER WHICH** all the regulated  
23 premises in a predetermined geographical area ~~will be~~ **ARE** inspected  
24 simultaneously, or within a short period of time.

25 (b) A complaint basis, ~~such that~~ **UNDER WHICH PREMISES THAT ARE**  
26 **THE SUBJECT OF** complaints of violations ~~will be~~ **ARE** inspected  
27 within a reasonable time.

1 (c) A recurrent violation basis, ~~such that~~ **UNDER WHICH**  
2 premises that are found to have a high incidence of recurrent or  
3 uncorrected violations ~~will be~~ **ARE** inspected more frequently.

4 (d) A compliance basis, ~~such that~~ **UNDER WHICH** a premises  
5 brought into compliance before the expiration of a certificate of  
6 compliance or any requested repair order may be issued a  
7 certificate of compliance for the maximum renewal certification  
8 period authorized by the local governmental unit.

9 (e) A percentage basis, ~~such that~~ **UNDER WHICH** a local  
10 governmental unit ~~may establish~~ **ESTABLISHES** a percentage of units  
11 in a multiple dwelling to be inspected in order to issue a  
12 certificate of compliance for the multiple dwelling.

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) **AND THIS SUBSECTION,**  
18 an inspector, or team of inspectors, shall request and receive  
19 permission to enter before entering a leasehold regulated by this  
20 act at reasonable hours to undertake an inspection. In the case of  
21 an emergency, as defined under rules promulgated by the enforcing  
22 agency, or upon presentment of a warrant, the inspector or team of  
23 inspectors may enter at any time **WITHOUT OBTAINING PERMISSION FROM**  
24 **THE LESSEE.**

25 (6) ~~Except in an emergency, before~~ **BEFORE** entering a leasehold  
26 regulated by this act, the owner of the leasehold shall request and  
27 obtain permission **FROM THE LESSEE** to enter the leasehold. ~~In the~~

1 ~~ease of~~ **HOWEVER, IN** an emergency, including, but not limited to,  
 2 fire, flood, or other threat of serious injury or death, the owner  
 3 may enter at any time **WITHOUT OBTAINING PERMISSION FROM THE LESSEE.**

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

6 (a) Provide the enforcing agency access to the leasehold if  
 7 ~~the~~ **ANY OF THE FOLLOWING REQUIREMENTS ARE MET:**

8 (i) **THE** lease provides the owner **AND THE LOCAL GOVERNMENTAL**  
 9 **UNIT** a right of entry **FOR INSPECTIONS BY THE LOCAL ENFORCEMENT**  
 10 **AGENCY.**

11 (ii) **A LESSEE HAS GRANTED PERMISSION FOR THE INSPECTION.**

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

14 (c) Notify a ~~tenant~~ **THE LESSEE** of the enforcing agency's  
 15 request to inspect a leasehold, make a ~~good faith~~ **GOOD-FAITH** effort  
 16 to obtain permission for an inspection, **NOTIFY THE ENFORCING AGENCY**  
 17 **OF THE LESSEE'S RESPONSE,** and, **IF THE REQUIREMENTS OF SUBDIVISION**  
 18 **(A) (i) OR (ii) ARE MET,** arrange for the inspection. **NOTIFYING THE**  
 19 **LESSEE OF LEGAL RIGHTS DOES NOT VIOLATE THIS SECTION.** If a ~~tenant~~  
 20 **LESSEE** vacates a leasehold **NOT MORE THAN 60 DAYS** after the  
 21 enforcing agency has requested to inspect that leasehold, ~~an~~ **THE**  
 22 owner of the leasehold shall notify the enforcing agency of that  
 23 fact within 10 days after the leasehold is vacated.

24 (d) Provide access to the leasehold if a ~~tenant~~ **LESSEE** of that  
 25 leasehold has made a complaint to the enforcing agency.

26 (8) A local governmental unit may adopt an ordinance **OR**  
 27 **RESOLUTION** to implement subsection (7).

1 (9) For multiple lessees in a leasehold, notifying at least 1  
2 lessee and requesting and obtaining the permission of at least 1  
3 lessee satisfies **THE NOTICE AND PERMISSION REQUIREMENTS OF**  
4 subsections (5) ~~and~~ **TO** (7).

5 (10) ~~Neither the~~ **THE** enforcing agency ~~nor~~ **OR** the owner ~~may~~  
6 **SHALL NOT** discriminate against an occupant on the basis of whether  
7 the occupant requests, permits, or refuses entry to the leasehold.  
8 **THIS SUBSECTION DOES NOT APPLY IF THE OCCUPANT REFUSES ENTRY IN THE**  
9 **CASE OF AN EMERGENCY OR UPON PRESENTMENT OF A WARRANT, AS PROVIDED**  
10 **IN SUBSECTION (5) OR (6).**

11 (11) The enforcing agency shall not discriminate against an  
12 owner who has ~~met the requirements of~~ **COMPLIED WITH THE ENFORCING**  
13 **AGENCY'S REQUIREMENTS UNDER** subsection (7) but has been unable to  
14 obtain the permission of the occupant, based on the owner's  
15 inability to obtain that permission.

16 (12) The enforcing agency may establish and charge a  
17 reasonable fee for inspections conducted under this act. The fee  
18 shall not exceed the actual, reasonable cost of providing the  
19 inspection for which the fee is charged. **PAYMENT OF THE INSPECTION**  
20 **FEE IS NOT REQUIRED SOONER THAN 6 MONTHS BEFORE THE INSPECTION IS**  
21 **TO TAKE PLACE.** An owner or property manager ~~shall~~ **IS** not ~~be~~ liable  
22 for an inspection fee if the inspection is not performed and the  
23 enforcing agency is the direct cause of the failure to perform.

24 (13) ~~An~~ **IF REQUESTED, AN** enforcing agency or a local  
25 governmental unit shall produce a report ~~to a requesting party on~~  
26 the income and expenses of the inspection program for the preceding  
27 fiscal year. The report shall ~~contain~~ **STATE THE AMOUNT OF** the fees



1 assessed by the enforcing agency, the costs incurred in performing  
2 inspections, and the number of units inspected. The report shall be  
3 provided to the requesting party within 90 days ~~of~~ **AFTER** the  
4 request. The enforcing agency or local governmental unit may  
5 produce the report electronically. If the enforcing agency does not  
6 have readily available access to the information required for the  
7 report, the enforcing agency may charge the requesting party a fee  
8 no greater than the actual reasonable cost of **COMPILING AND**  
9 providing the information. If an enforcing agency charges a fee  
10 under this subsection, the enforcing agency shall include **IN THE**  
11 **REPORT** the costs of providing and compiling the information.  
12 ~~contained in the report.~~

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

17 (15) As used in this section:

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

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