

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~~

~~1 such a city or village and extending for a radial distance of 2 1/2~~
~~2 miles beyond their boundaries in all directions. This act shall~~
~~3 also apply to any city and organized village in this state which,~~
~~4 as determined by the last regular or special federal census, has or~~
~~5 shall hereafter attain a population of 10,000 or more. This~~
6 HOWEVER, THE PROVISIONS OF THIS act relating to private dwellings
~~7 and 2-family dwellings does-DO not apply to any city, or organized~~
~~8 village, lying outside the 2 1/2 mile radius and-OR TOWNSHIP~~ having
~~9 a population of less than 100,000 unless the legislative body of~~
~~10 the city or village-LOCAL GOVERNMENTAL UNIT ADOPTS THE PROVISIONS~~
~~11 by resolution, passed by a majority vote of the-ITS members. elect~~
~~12 of the legislative body, adopt the provisions. In the case of~~
~~13 charter townships and townships the provisions of this act relating~~
~~14 to private dwellings and 2 family dwellings may be applied to those~~
~~15 areas by ordinance of the respective township board adopting the~~
~~16 provisions.~~

~~17 (3) This act applies to all dwellings within the classes~~
~~18 defined in the following sections, SECTION 2, except that in~~
~~19 sections where specific reference is made to PROVISIONS THAT~~
~~20 REFERENCE 1 or more specific classes of dwellings, those~~
~~21 provisions shall apply only to those classes to which specific~~
~~22 reference is made. All other provisions that relate to dwellings~~
~~23 shall apply to all classes of dwellings.~~

~~24 Sec. 125. (1) A-**THE ENFORCING AGENCY SHALL MAINTAIN A** registry~~
~~25 of owners and premises **REGULATED BY THIS ACT.** shall be maintained~~
~~26 by the enforcing agency.~~

~~27 (2) The owners-OWNER of a multiple dwelling or rooming house~~

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

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

16 (4) **THE ENFORCING AGENCY MAY CHARGE THE OWNER A REGISTRATION**
 17 **FEE OF NOT MORE THAN \$100.00 TO REGISTER THE PREMISES UNDER**
 18 **SUBSECTION (2). THE REGISTRATION REMAINS VALID AND THE ENFORCING**
 19 **AGENCY SHALL NOT CHARGE A NEW REGISTRATION FEE FOR THE PREMISES AS**
 20 **LONG AS THE SAME OWNER CONTINUES TO OWN THE PREMISES. UPON SALE OR**
 21 **OTHER TRANSFER OF OWNERSHIP OF THE PREMISES, THE NEW OWNER SHALL**
 22 **REREGISTER THE PREMISES IF REQUIRED UNDER SUBSECTION (2) AND, IF**
 23 **THE PREMISES ARE REREGISTERED, THE ENFORCING AGENCY MAY CHARGE A**
 24 **NEW REGISTRATION FEE.**

25 (5) **AS USED IN THIS SECTION, "REGISTRATION FEE" MEANS ANY FEE**
 26 **ASSOCIATED WITH THE REGISTRATION OF PREMISES UNDER SUBSECTION (2),**
 27 **WHETHER DESIGNATED AS A REGISTRATION, ADMINISTRATIVE, COMPLIANCE**

1 **CERTIFICATION, LICENSING, OR OTHER FEE.**

2 Sec. 126. (1) The enforcing agency shall inspect multiple
3 dwellings and rooming houses regulated by this act in accordance
4 with this act. Except as provided in subsection (2) **OR (4) (B) OR**
5 **(C)**, the period between inspections **OF MULTIPLE DWELLINGS AND**
6 **ROOMING HOUSES** shall ~~not be longer than 4~~ **BE NOT LESS THAN 6 YEARS.**
7 **THE PERIOD BETWEEN INSPECTIONS OF MULTIPLE DWELLINGS AND ROOMING**
8 **HOUSES SHALL NOT BE LONGER THAN 10** years. All other dwellings
9 regulated by this act may be inspected at reasonable intervals.
10 ~~Inspections of multiple dwellings or rooming houses conducted by~~
11 ~~the United States department of housing and urban development under~~
12 ~~the real estate assessment center inspection process or other~~
13 ~~government agencies may be accepted by a local governmental unit~~
14 ~~and an enforcing agency as a substitute for inspections required by~~
15 ~~a local enforcing agency. To the extent permitted under applicable~~
16 ~~law, a local enforcing agency or its designee is authorized to~~
17 ~~exercise inspection authority delegated by law or agreement from~~
18 ~~other agencies or authorities that perform inspections required~~
19 ~~under other state law or federal law.~~

20 (2) A local governmental unit may provide by ordinance for a
21 maximum period between inspections of a multiple dwelling or
22 rooming house that is not longer than ~~6~~ **10** years if the most recent
23 inspection of the premises found no violations of the act and the
24 multiple dwelling or rooming house has not changed ownership during
25 the ~~6 year~~ **MAXIMUM** period.

26 **(3) INSPECTIONS OF MULTIPLE DWELLINGS OR ROOMING HOUSES**
27 **CONDUCTED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN**

1 DEVELOPMENT UNDER THE REAL ESTATE ASSESSMENT CENTER INSPECTION
2 PROCESS OR BY OTHER GOVERNMENT AGENCIES MAY BE ACCEPTED BY A LOCAL
3 GOVERNMENTAL UNIT AND A LOCAL ENFORCING AGENCY AS A SUBSTITUTE FOR
4 INSPECTIONS REQUIRED BY THE ENFORCING AGENCY. TO THE EXTENT
5 PERMITTED UNDER APPLICABLE LAW, A LOCAL ENFORCING AGENCY OR ITS
6 DESIGNEE MAY EXERCISE INSPECTION AUTHORITY DELEGATED BY LAW OR
7 AGREEMENT FROM OTHER AGENCIES OR AUTHORITIES THAT PERFORM
8 INSPECTIONS REQUIRED UNDER OTHER STATE LAW OR FEDERAL LAW.

9 (4) ~~(3)~~—An inspection shall be conducted in the manner best
10 calculated to secure compliance with ~~the~~ **THIS** act and appropriate
11 to the needs of the community, including, but not limited to, on 1
12 or more of the following bases:

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

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

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

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

27 (e) A percentage basis, ~~such that~~ **UNDER WHICH** a local

1 governmental unit ~~may establish~~ **ESTABLISHES** a percentage of units
 2 in a multiple dwelling to be inspected in order to issue a
 3 certificate of compliance for the multiple dwelling.

4 (5) ~~(4)~~—An inspection shall be carried out by the enforcing
 5 agency, or by the enforcing agency and representatives of other
 6 agencies that form a team to undertake an inspection under this and
 7 other applicable acts.

8 (6) ~~(5)~~—Except as provided in subsection ~~(7)~~—**(8) AND THIS**
 9 **SUBSECTION**, an inspector, or team of inspectors, ~~shall request and~~
 10 ~~receive permission to enter before entering~~ **MAY ENTER** a leasehold
 11 regulated by this act **TO PERFORM AN INSPECTION ONLY** at reasonable
 12 hours ~~to undertake an inspection.~~ **AND AFTER BOTH INFORMING A LESSEE**
 13 **OF THE LESSEE'S RIGHT TO REFUSE AN INSPECTION AND REQUESTING AND**
 14 **OBTAINING PERMISSION FOR THE INSPECTION FROM THE LESSEE.** In the
 15 case of an emergency, as defined under rules promulgated by the
 16 enforcing agency, or upon presentment of a warrant, the inspector
 17 or team of inspectors may enter at any time **WITHOUT OBTAINING**
 18 **PERMISSION FROM THE LESSEE.**

19 (7) ~~(6)~~—Except in an emergency, before entering a leasehold
 20 regulated by this act, the owner of the leasehold shall request and
 21 obtain permission **FROM A LESSEE** to enter the leasehold. In the case
 22 of an emergency, including, but not limited to, fire, flood, or
 23 other threat of serious injury or death, the owner may enter at any
 24 time **WITHOUT OBTAINING PERMISSION FROM THE LESSEE.**

25 (8) ~~(7)~~—The enforcing agency may require the owner of a
 26 leasehold to do 1 or more of the following:

27 (a) Provide the enforcing agency access to the leasehold if

1 ~~the~~ **BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:**

2 (i) **THE** lease provides the owner a right of entry.

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

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

6 (c) Notify a ~~tenant~~ **LESSEE** of the enforcing agency's request
7 to inspect a leasehold, make a good faith effort to obtain
8 permission for an inspection, and arrange for the inspection. If a
9 ~~tenant~~ **LESSEE** vacates a leasehold **NOT MORE THAN 60 DAYS** after the
10 enforcing agency has requested to inspect that leasehold, ~~an~~ **THE**
11 owner of the leasehold shall notify the enforcing agency of that
12 fact within 10 days after the leasehold is vacated.

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

15 (9) ~~(8)~~ A local governmental unit may adopt an ordinance to
16 implement subsection ~~(7)~~ **(8)**.

17 (10) ~~(9)~~ For multiple lessees in a leasehold, notifying at
18 least 1 lessee and requesting and obtaining the permission of at
19 least 1 lessee satisfies **THE NOTICE AND PERMISSION REQUIREMENTS OF**
20 subsections ~~(5)~~ **(6)** and ~~(7)~~ **(8)**.

21 (11) ~~(10)~~ Neither ~~the~~ **THE** enforcing agency ~~nor~~ **OR** the owner
22 ~~may~~ **SHALL NOT** discriminate against an occupant on the basis of
23 whether the occupant requests, permits, or refuses entry to the
24 leasehold. **THIS SUBSECTION DOES NOT APPLY IF THE OCCUPANT REFUSES**
25 **ENTRY IN THE CASE OF AN EMERGENCY OR REFUSES ENTRY UPON PRESENTMENT**
26 **OF A WARRANT, AS PROVIDED IN SUBSECTION (6) OR (7).**

27 (12) ~~(11)~~ The enforcing agency shall not discriminate against

1 an owner who has met the requirements of subsection ~~(7)~~(8) but has
 2 been unable to obtain the permission of the occupant, based on the
 3 owner's inability to obtain that permission.

4 (13) ~~(12)~~The enforcing agency may establish and charge a
 5 reasonable fee for inspections conducted under this act. The fee
 6 shall ~~not exceed~~**BE** the **LESSER OF THE FOLLOWING:**

7 (A) **THE** actual, reasonable cost of providing the inspection
 8 for which the fee is charged.

9 (B) **A FEE OF NOT MORE THAN \$40.00 PER LEASEHOLD IF INDIVIDUAL**
 10 **LEASEHOLDS OR INDIVIDUAL LEASEHOLDS AND INTERIOR COMMON AREAS ARE**
 11 **INSPECTED, OR A FEE OF NOT MORE THAN \$75.00 PER MULTIPLE DWELLING**
 12 **BUILDING IF ONLY INTERIOR COMMON AREAS OR EXTERIOR FEATURES, OR**
 13 **BOTH, ARE INSPECTED. THE ENFORCING AGENCY SHALL NOT CHARGE BOTH A**
 14 **PER-LEASEHOLD FEE AND A PER-MULTIPLE-DWELLING-BUILDING FEE FOR**
 15 **INSPECTING A GIVEN MULTIPLE DWELLING BUILDING.**

16 (14) **AN ENFORCING AGENCY SHALL NOT CHARGE AN ADDITIONAL FEE**
 17 **UNDER SUBSECTION (13) FOR A FIRST REINSPECTION.** An owner or
 18 property manager ~~shall~~**IS** not ~~be~~liable for an inspection fee if
 19 the inspection is not performed and the enforcing agency is the
 20 direct cause of the failure to perform.

21 (15) ~~(13)~~An enforcing agency or a local governmental unit
 22 shall produce a report ~~to~~**FOR** a requesting party on the income and
 23 expenses of the inspection program for the preceding fiscal year.
 24 The report shall ~~contain~~**STATE THE AMOUNT OF** the fees assessed by
 25 the enforcing agency, the costs incurred in performing inspections,
 26 and the number of units inspected. The report shall be provided to
 27 the requesting party within 90 days ~~of~~**AFTER** the request. The

1 enforcing agency or local governmental unit may produce the report
2 electronically. If the enforcing agency does not have readily
3 available access to the information required for the report, the
4 enforcing agency may charge the requesting party a fee no greater
5 than the actual reasonable cost of **COMPILING AND** providing the
6 information. ~~If an enforcing agency charges a fee under this~~
7 ~~subsection, the enforcing agency shall include the costs of~~
8 ~~providing and compiling the information contained in the report.~~

9 (16) ~~(14)~~ If a complaint identifies a dwelling or rooming
10 house regulated under this act in which a child is residing, the
11 dwelling or rooming house shall be inspected prior to inspection of
12 any nonemergency complaint.

13 (17) ~~(15)~~ As used in this section:

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

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