

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~~ Sec. 125. (1) ~~A~~ **THE ENFORCING AGENCY MAY MAINTAIN A** registry
~~24 of owners and premises shall be maintained by the enforcing~~
~~25 agency.~~ **REGULATED BY THIS ACT. IF THE ENFORCING AGENCY MAINTAINS A**
~~26~~ **REGISTRY OF OWNERS AND PREMISES, THE ENFORCING AGENCY SHALL COMPLY**
~~27~~ **WITH THE REQUIREMENTS OF THIS SECTION.**

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

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

17 (4) **THE ENFORCING AGENCY MAY CHARGE THE OWNER A REGISTRATION**
18 **FEE TO REGISTER THE PREMISES UNDER SUBSECTION (1). THE REGISTRATION**
19 **REMAINS VALID AND THE ENFORCING AGENCY SHALL NOT CHARGE A NEW**
20 **REGISTRATION FEE FOR THE PREMISES AS LONG AS THE SAME OWNER**
21 **CONTINUES TO OWN THE PREMISES. HOWEVER, IF ADDITIONAL DWELLING**
22 **UNITS ARE CONSTRUCTED AFTER A REGISTRATION IS FILED, THE ENFORCING**
23 **AGENCY MAY REQUIRE THE OWNER TO REREGISTER THE PREMISES AND MAY**
24 **CHARGE A NEW REGISTRATION FEE WHEN A CERTIFICATE OF USE AND**
25 **OCCUPANCY IS ISSUED UNDER SECTION 13 OF THE STILLE-DEROSSETT-HALE**
26 **SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1513. IN**
27 **ADDITION, UPON SALE OR OTHER TRANSFER OF OWNERSHIP OF THE PREMISES,**

1 THE NEW OWNER SHALL REREGISTER THE PREMISES AND, IF THE PREMISES
2 ARE REREGISTERED, THE ENFORCING AGENCY MAY CHARGE A NEW
3 REGISTRATION FEE.

4 (5) AS USED IN THIS SECTION, "REGISTRATION FEE" MEANS ANY FEE
5 ASSOCIATED WITH THE REGISTRATION OR REREGISTRATION OF PREMISES
6 UNDER SUBSECTION (2) OR (4), RESPECTIVELY, WHETHER DESIGNATED AS A
7 REGISTRATION, ADMINISTRATIVE, COMPLIANCE CERTIFICATION, LICENSING,
8 OR OTHER FEE.

9 Sec. 126. (1) ~~The~~ A LOCAL GOVERNMENTAL UNIT IS NOT REQUIRED TO
10 INSPECT MULTIPLE DWELLINGS AND ROOMING HOUSES. IF A LOCAL
11 GOVERNMENTAL UNIT ELECTS TO INSPECT MULTIPLE DWELLINGS OR ROOMING
12 HOUSES, THE enforcing agency shall inspect multiple dwellings and
13 rooming houses regulated by this act in accordance with this act.
14 Except as provided in subsection (2), the period between
15 inspections OF A MULTIPLE DWELLING OR ROOMING HOUSE shall not be
16 longer than 4 years. All other dwellings regulated by this act may
17 be inspected at reasonable intervals. Inspections of multiple
18 dwellings or rooming houses conducted by the United States
19 department of housing and urban development under the real estate
20 assessment center inspection process or BY other government
21 agencies may be accepted by a local governmental unit and an
22 enforcing agency as a substitute for inspections required by a
23 local enforcing agency. To the extent permitted under applicable
24 law, a local enforcing agency or its designee is authorized to
25 exercise inspection authority delegated by law or agreement from
26 other agencies or authorities that perform inspections required
27 under other state law or federal law.

1 (2) A local governmental unit may provide ~~by ordinance~~ for a
2 ~~maximum~~ **MINIMUM** period between inspections of a multiple dwelling
3 or rooming house that is not longer than 6 years if the most recent
4 inspection of the premises found no violations of ~~the~~ **THIS** act and
5 the multiple dwelling or rooming house has not changed ownership
6 during the 6-year period.

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

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

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

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

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

25 (e) A percentage basis, ~~such that~~ **UNDER WHICH** a local
26 governmental unit ~~may establish~~ **ESTABLISHES** a percentage of units
27 in a multiple dwelling to be inspected in order to issue a

1 certificate of compliance for the multiple dwelling.

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

6 (5) Except as provided in subsection (7) **AND THIS SUBSECTION**,
7 an inspector, or team of inspectors, shall request and receive
8 permission to enter before entering a leasehold regulated by this
9 act at reasonable hours to undertake an inspection. In the case of
10 an emergency, as defined under rules promulgated by the enforcing
11 agency, or upon presentment of a warrant, the inspector or team of
12 inspectors may enter at any time **WITHOUT OBTAINING PERMISSION FROM**
13 **THE LESSEE**.

14 (6) ~~Except in an emergency, before~~ **BEFORE** entering a leasehold
15 regulated by this act, the owner of the leasehold shall request and
16 obtain permission **FROM THE LESSEE** to enter the leasehold. ~~In the~~
17 ~~case of~~ **HOWEVER, IN** an emergency, including, but not limited to,
18 fire, flood, or other threat of serious injury or death, the owner
19 may enter at any time **WITHOUT OBTAINING PERMISSION FROM THE LESSEE**.

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

22 (a) Provide the enforcing agency access to the leasehold if
23 ~~the~~ **BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:**

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

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

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

1 (c) Notify a ~~tenant~~ **THE LESSEE** of the enforcing agency's
2 request to inspect a leasehold **AND THE LESSEE'S RIGHT TO REFUSE THE**
3 **INSPECTION**, make a good faith effort to obtain permission for an
4 inspection, **NOTIFY THE ENFORCING AGENCY OF THE LESSEE'S RESPONSE**,
5 and, **IF THE LESSEE GRANTS PERMISSION**, arrange for the inspection.
6 If a ~~tenant~~ **LESSEE** vacates a leasehold **NOT MORE THAN 60 DAYS** after
7 the enforcing agency has requested to inspect that leasehold, ~~an~~
8 **THE** owner of the leasehold shall notify the enforcing agency of
9 that fact within 10 days after the leasehold is vacated.

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

12 (8) A local governmental unit may adopt an ordinance to
13 implement subsection (7).

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

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

24 (11) The enforcing agency shall not discriminate against an
25 owner who has met the requirements of subsection (7) but has been
26 unable to obtain the permission of the occupant, based on the
27 owner's inability to obtain that permission.

1 (12) The enforcing agency may establish and charge a
2 reasonable fee for inspections conducted under this act. The fee
3 shall not exceed the actual, reasonable cost of providing the
4 inspection for which the fee is charged. **PAYMENT OF THE INSPECTION**
5 **FEE IS DUE UPON COMPLETION OF THE INSPECTION. HOWEVER, IF NEW**
6 **CONSTRUCTION WILL BE INSPECTED OR IF THE PREMISES HAVE BEEN**
7 **TRANSFERRED TO A NEW OWNER SINCE THE LAST INSPECTION OF ALL OR PART**
8 **OF THE PREMISES, PAYMENT OF THE INSPECTION FEE IS DUE BEFORE THE**
9 **INSPECTION IS CONDUCTED.** An owner or property manager ~~shall~~**IS** not
10 ~~be~~ liable for an inspection fee if the inspection is not performed
11 and the enforcing agency is the direct cause of the failure to
12 perform.

13 (13) ~~An~~**IF REQUESTED, AN** enforcing agency or a local
14 governmental unit shall produce a report ~~to a requesting party on~~
15 the income and expenses of the inspection program for the preceding
16 fiscal year. The report shall ~~contain~~**STATE THE AMOUNT OF** the fees
17 assessed by the enforcing agency, the costs incurred in performing
18 inspections, and the number of units inspected. The report shall be
19 provided to the requesting party within 90 days ~~of~~**AFTER** the
20 request. The enforcing agency or local governmental unit may
21 produce the report electronically. If the enforcing agency does not
22 have readily available access to the information required for the
23 report, the enforcing agency may charge the requesting party a fee
24 no greater than the actual reasonable cost of **COMPILING AND**
25 providing the information. If an enforcing agency charges a fee
26 under this subsection, the enforcing agency shall include **IN THE**
27 **REPORT** the costs of providing and compiling the information.

1 ~~contained in the report.~~

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

6 (15) As used in this section:

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

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