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## BILL ANALYSIS



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Senate Bill 107 (as introduced 2-7-17)  
Sponsor: Senator Rick Jones  
Committee: Local Government

Date Completed: 2-21-17

**CONTENT**

**The bill would amend the Housing Law of Michigan to do the following:**

- **Revise provisions regarding the maximum period between inspections of a multiple dwelling or rooming house, depending on the basis of the inspection and whether the local unit of government adopted an ordinance providing for inspections.**
- **Specify that inspectors would have to receive permission from the lessee to enter a leasehold.**
- **Revise provisions regarding an owner's and a lessee's responsibilities in providing inspectors with access to a leasehold, and require a lessee to allow access under certain conditions.**
- **Refer to a lessee, rather than an occupant, in a provision prohibiting discrimination based on requesting, permitting, or refusing entry to a leasehold.**

The bill would take effect 90 days after its enactment.

**Period between Inspections**

Under the Housing Law, the period between inspections of a multiple dwelling or rooming house may not be longer than four years, but a local unit may provide by ordinance for a maximum period between inspections that is not longer than six years if the most recent inspection found no violations of the Law and the multiple dwelling or rooming house has not changed ownership during the six-year period.

The bill specifies instead that, if a local unit adopted an ordinance providing for inspections of multiple dwellings or rooming houses on an area basis, a recurrent violation basis, a compliance basis, or a percentage basis, the period between inspections of a multiple dwelling or rooming house could not be longer than four years, or six years if the most recent inspection of the premises found no violations of the Law and the multiple dwelling or rooming house had not changed ownership during the six-year period. (That provision would not apply to an inspection conducted on a complaint basis, under which premises that are the subject of complaints of violations are inspected within a reasonable time.)

(In an inspection conducted on an area basis, all the regulated premises in a predetermined geographical area are inspected simultaneously, or within a short period. On a recurrent violation basis, premises that have a high incidence of recurrent or uncorrected violations are inspected more frequently. On a compliance basis, premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the local

unit. On a percentage basis, a local unit establishes a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwelling.)

#### Permission to Enter for Inspection

Except as otherwise provided, the Housing Law requires an inspector or team of inspectors to request and receive permission to enter before entering a leasehold regulated by the Law to undertake an inspection. The bill specifies that the inspector or team of inspectors would have to request and receive permission to enter from the lessee.

Under the Law, the enforcing agency may require the owner of a leasehold to do one or more of the following (and a local unit may adopt an ordinance to implement this provision):

- Provide the enforcing agency with access to the leasehold if the lease gives the owner a right of entry.
- Provide access to areas other than a leasehold or areas open to public view, or both.
- Notify the lessee of the agency's request to inspect a leasehold, make a good faith effort to obtain permission for an inspection, and arrange for the inspection.
- Provide access to the leasehold if a lessee of that leasehold has made a complaint to the enforcing agency.

The bill would delete that provision, but would require the owner of a leasehold to give the enforcing agency access to areas of the dwelling that were not part of the leasehold or that were open to public view.

The bill also would require the owner of a leasehold to notify the lessee of the enforcing agency's request to inspect the leasehold, make a good-faith effort to obtain the lessee's permission for an inspection, and, if the owner obtained permission, arrange for the inspection.

In addition, the owner of a leasehold and the lessee would have to give the enforcing agency access to the leasehold for an inspection during reasonable hours if any of the following applied:

- The lease authorized an enforcing agency inspector to enter the leasehold for an inspection.
- The lessee had made a complaint to the enforcing agency.
- The leasehold was vacant.
- The enforcing agency served an administrative warrant ordering the owner to provide access.

#### Discrimination Prohibition

The Law prohibits an enforcing agency or owner from discriminating against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold. The bill instead would prohibit an enforcing agency or owner from discriminating against a lessee on the basis of whether the lessee permitted or refused entry to the leasehold for an inspection by the enforcing agency.

#### Adoption of Ordinance

Subject to the requirement that the owner of a leasehold give an enforcing agency access to the leasehold under certain conditions, the bill would allow a local governmental unit to adopt an ordinance to implement Section 126 of the Housing Law (the section the bill would amend).

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.